

(P. 360) 2-18-93 Referred to Envir. - Energy Utilities
Return to Colander by 4:00 P.M., Feb. 23, 1993
(P. 386) 2/23/93 Do Pass

FEB 9 1993

SENATE FILE 99
BY COMMITTEE ON AGRICULTURE
Substituted for HF 285 (P. 540) 3/9/93
(SUCCESSOR TO SSB 96)

Passed Senate, Date (P. 391) 2/23/93 Passed House, Date (P. 1525) 4/21/93
Vote: Ayes 37 Nays 11 Vote: Ayes 78 Nays 19
Approved Feb. 1, 1994
*(P. 75) Passed 1-19-93
Vote 65-32*

A BILL FOR

1 An Act relating to fertilizers or soil conditioners and
2 pesticides by prohibiting regulations by local governmental
3 entities.

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

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57-14

1 Section 1. NEW SECTION. 200.22 LOCAL LEGISLATION --
2 PROHIBITION.

3 1. As used in this section:

4 a. "Local governmental entity" means any political
5 subdivision, or any state authority which is not the general
6 assembly or under the direction of a principal central
7 department as enumerated in section 7E.5, including a city as
8 defined in section 362.2, a county as provided in chapter 359,
9 or any special purpose district.

10 b. "Local legislation" means any ordinance, motion,
11 resolution, amendment, regulation, or rule adopted by a local
12 governmental entity.

13 2. The provisions of this chapter and rules adopted by the
14 department pursuant to this chapter shall preempt local
15 legislation adopted by a local governmental entity relating to
16 the use, sale, distribution, storage, transportation,
17 disposal, formulation, labeling, registration, or manufacture
18 of a fertilizer or soil conditioner. A local governmental
19 entity shall not adopt or continue in effect local legislation
20 relating to the use, sale, distribution, storage,
21 transportation, disposal, formulation, labeling, registration,
22 or manufacture of a fertilizer or soil conditioner, regardless
23 of whether a statute or rule adopted by the department applies
24 to preempt the local legislation. Local legislation in
25 violation of this section is void and unenforceable.

26 3. This section does not apply to local legislation of
27 general applicability to commercial activity.

28 Sec. 2. NEW SECTION. 206.34 LOCAL LEGISLATION --
29 PROHIBITION.

30 1. As used in this section:

31 a. "Local governmental entity" means any political
32 subdivision, or any state authority which is not the general
33 assembly or under the direction of a principal central
34 department as enumerated in section 7E.5, including a city as
35 defined in section 362.2, a county as provided in chapter 359,

1 or any special purpose district.

2 b. "Local legislation" means any ordinance, motion,
3 resolution, amendment, regulation, or rule adopted by a local
4 governmental entity.

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

18 3. This section does not apply to local legislation of
19 general applicability to commercial activity.

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EXPLANATION

21 This bill amends chapter 200, regulating fertilizers and
22 soil conditioners, and chapter 206, regulating pesticides. It
23 provides that the provisions of the chapters, and rules
24 adopted by the department of agriculture and land stewardship
25 pursuant to the chapters, preempt legislative or
26 administrative measures adopted by a local governmental
27 entity, if the legislation or regulation relates to the use,
28 sale, distribution, storage, transportation, disposal,
29 formulation, labeling, registration, or manufacture of
30 fertilizers and soil conditioners under chapter 200 or
31 pesticides under chapter 206. The local governmental entity
32 is prohibited from adopting or continuing in effect such a
33 measure, regardless of whether a statute or rule adopted by
34 the department applies to preempt it. Such a measure is void
35 and unenforceable.

1 This bill does not apply to local legislation of general
2 applicability to commercial activity.

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S-3057

1 Amend Senate File 94 as follows:

2 1. Page 1, line 26, by inserting after the figure
3 "3." the following: "a."

4 2. Page 1, by inserting after line 27 the
5 following:

6 "b. This section does not apply to local
7 legislation which is adopted in order to comply with
8 federal law or which allows a local governmental
9 entity to participate in a federal program, including,
10 but not limited to, regulations of or programs
11 administered by the United States environmental
12 protection agency."

13 3. Page 2, line 18, by inserting after the figure
14 "3." the following: "a."

15 4. Page 2, by inserting after line 19 the
16 following:

17 "b. This section does not apply to local
18 legislation which is adopted in order to comply with
19 federal law or which allows a local governmental
20 entity to participate in a federal program, including,
21 but not limited to, regulations of or programs
22 administered by the United States environmental
23 protection agency."

By RALPH ROSENBERG

S-3057 FILED FEBRUARY 23, 1993

LOST

S-3058

1 Amend Senate File 94 as follows:

2 1. Page 1, by striking lines 10 through 12 and
3 inserting the following:

4 "b. "Local legislation" means a regulation of
5 general applicability adopted by a local governmental
6 entity, including but not limited to an ordinance,
7 motion, resolution, amendment, or rule. Local
8 legislation does include regulations which apply to
9 the actions of public employees during the employees'
10 hours of employment or activities occurring on land
11 managed, owned, leased, or held in trust by the local
12 governmental entity."

13 2. Page 2, by striking lines 2 through 4 and
14 inserting the following:

15 "b. "Local legislation" means a regulation of
16 general applicability adopted by a local governmental
17 entity, including but not limited to an ordinance,
18 motion, resolution, amendment, or rule. Local
19 legislation does include regulations which apply to
20 the actions of public employees during the employees'
21 hours of employment or activities occurring on land
22 managed, owned, leased, or held in trust by the local
23 governmental entity."

By RALPH ROSENBERG

S-3058 FILED FEBRUARY 23, 1993

LOST

H-3217

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 1, line 12, by inserting after the word
4 "entity." the following: "However, "local
5 legislation" does not mean orders given to an
6 individual who is an employee of a local governmental
7 entity concerning the use, storage, transportation, or
8 disposal by the individual of a fertilizer or soil
9 conditioner in the individual's capacity as an
10 employee of such entity."

11 2. Page 1, line 26, by inserting after the figure
12 "3." the following: "a."

13 3. Page 1, by inserting after line 27 the
14 following:

15 "b. This section does not apply to local
16 legislation which is mandated pursuant to state or
17 federal law."

18 4. Page 2, line 4, by inserting after the word
19 "entity." the following: "However, "local
20 legislation" does not mean orders given to an
21 individual who is an employee of a local governmental
22 entity concerning the use, storage, transportation, or
23 disposal by the individual of a fertilizer or soil
24 conditioner in the individual's capacity as an
25 employee of such entity."

26 5. Page 2, line 18, by inserting after the figure
27 "3." the following: "a."

28 6. Page 2, by inserting after line 19 the
29 following:

30 "b. This section does not apply to local
31 legislation which is mandated pursuant to state or
32 federal law."

By HAHN of Muscatine

H-3217 FILED MARCH 10, 1993

out of order

E-3149

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 1, line 26, by inserting after the figure
4 "3." the following: "a."

5 2. Page 1, by inserting after line 27, the
6 following:

7 "b. This section does not apply to local
8 legislation to the extent that the legislation
9 regulates one of the following:

10 (1) Land which is unique and of scientifically
11 recognized ecological value.

12 (2) A location where a significant number of
13 individuals regularly congregate.

14 (3) A location that may have an impact upon water
15 withdrawal facilities or drinking water supplies.

16 (4) A location that may have an impact upon the
17 ability of a local governmental entity to comply with
18 state or federal environmental laws, including
19 statutes or rules adopted by agencies."

20 3. Page 2, line 18, by inserting after the figure
21 "3." the following: "a."

22 4. Page 2, by inserting after line 19, the
23 following:

24 "b. This section does not apply to local
25 legislation to the extent that the legislation
26 regulates one of the following:

27 (1) Land which is unique and of scientifically
28 recognized ecological value.

29 (2) A location where a significant number of
30 individuals regularly congregate.

31 (3) A location that may have an impact upon water
32 withdrawal facilities or drinking water supplies.

33 (4) A location that may have an impact upon the
34 ability of a local governmental entity to comply with
35 state or federal environmental laws, including
36 statutes or rules adopted by agencies."

37 5. By renumbering and relettering as necessary.

By OSTERBERG of Linn

E-3149 FILED MARCH 1, 1993

out of order

SENATE FILE 94

H-3234

- 1 Amend Senate File 94, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 16, by striking the word "use,".
- 4 2. Page 1, line 20, by striking the word "use,".
- 5 3. Page 2, line 8, by striking the word "use,".
- 6 4. Page 2, line 11, by striking the word "use,".

By FALLON of Polk
 OSTERBERG of Linn
 BERNAU of Story

H-3234 FILED MARCH 11, 1993

out of order

SENATE FILE 94

H-3244

- 1 Amend Senate File 94, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 26, by inserting after the figure
- 4 "3." the following: "a."
- 5 2. Page 1, by inserting after line 27, the
- 6 following:
- 7 "b. This section does not apply to local
- 8 legislation to the extent that the legislation relates
- 9 to real property and its improvements, including the
- 10 care or maintenance of real property, in which the
- 11 local governmental entity holds a legal or equitable
- 12 interest. However, this section does apply to such
- 13 property, if the property borders a street, the
- 14 property is cared for or maintained by a person who
- 15 holds a legal or equitable interest in adjacent real
- 16 property, and that person is not a governmental
- 17 entity."
- 18 3. Page 2, line 18, by inserting after the figure
- 19 "3." the following: "a."
- 20 4. Page 2, by inserting after line 19 the
- 21 following:
- 22 "b. This section does not apply to local
- 23 legislation to the extent that the legislation relates
- 24 to real property and its improvements, including the
- 25 care or maintenance of real property, in which the
- 26 local governmental entity holds a legal or equitable
- 27 interest. However, this section does apply to such
- 28 property, if the property borders a street, the
- 29 property is cared for or maintained by a person who
- 30 holds a legal or equitable interest in adjacent real
- 31 property, and that person is not a governmental
- 32 entity."

By BERNAU of Story
 CORBETT of Linn
 HANSON of Delaware

OSTERBERG of Linn
 DVORSKY of Johnson

H-3244 FILED MARCH 11, 1993

out of order

SENATE FILE 94

H-3220

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 19, the
4 following:

5 "_____. This section does not apply to local
6 legislation, to the extent that the local governmental
7 entity determines that a pesticide has not been
8 completely tested for safety and efficacy. This
9 section shall also not apply to the extent that the
10 local governmental entity determines that sufficient
11 data does not exist regarding the toxicological
12 effects of the pesticide. Notwithstanding subsection
13 2, a local governmental entity may regulate or ban the
14 use of a pesticide which the local governmental entity
15 determines poses an unacceptable risk of causing
16 cancer, birth defects, genetic mutations, chromosome
17 damage, reproductive effects, adverse effects on
18 deoxyribonucleic acid (DNA) synthesis or repair,
19 neurotoxicity, immunotoxicity, or which produces other
20 chronic or severe damage to human health."

21 2. By renumbering as necessary.

By HENDERSON of Scott

H-3220 FILED MARCH 11, 1993

Out of order

SENATE FILE 94

H-3233

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 27, the
4 following:

5 "_____. This section does not apply to local
6 legislation to the extent that the legislation relates
7 to the use of fertilizers and soil conditioners on
8 real property and its improvements, if a public or
9 nonpublic school accredited pursuant to section 256.11
10 is located on the real property."

11 2. Page 2, by inserting after line 19, the
12 following:

13 "_____. This section does not apply to local
14 legislation to the extent that the legislation relates
15 to the use of pesticides on real property and its
16 improvements, if a public or nonpublic school
17 accredited pursuant to section 256.11 is located on
18 the real property."

19 3. By renumbering as necessary.

By OLLIE of Clinton

H-3233 FILED MARCH 11, 1993

Out of order

SENATE FILE 94

H-3268

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 27, the
4 following:

5 "_____. This section does not apply to local
6 legislation to the extent that the legislation relates
7 to the use of fertilizers and soil conditioners on
8 real property and its improvements, if the real
9 property or an improvement, is unique and of
10 scientifically recognized ecological value."

11 2. Page 2, by inserting after line 19, the
12 following:

13 "_____. This section does not apply to local
14 legislation to the extent that the legislation relates
15 to the use of pesticides on real property and its
16 improvements, if the real property or an improvement,
17 is unique and of scientifically recognized ecological
18 value."

By WITT of Black Hawk OSTERBERG of Linn
HENDERSON of Scott JOCHUM of Dubuque
HARPER of Black Hawk HAMMOND of Story
BERNAU of Story MORELAND of Wapello

H-3268 FILED MARCH 12, 1993

Out of Order

SENATE FILE 94

H-3269

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 27 the
4 following:

5 "_____. This section does not apply to local
6 legislation to the extent that the legislation relates
7 to the use of fertilizers and soil conditioners on
8 real estate and its improvements, if a place that has
9 an impact upon water withdrawal facilities or drinking
10 water supplies is located on the real property."

11 2. Page 2, by inserting after line 19 the
12 following:

13 "_____. This section does not apply to local
14 legislation to the extent that the legislation relates
15 to the use of pesticides on real estate and its
16 improvements, if a place that has an impact upon water
17 withdrawal facilities or drinking water supplies is
18 located on the real property."

By HENDERSON of Scott
WITT of Black Hawk

H-3269 FILED MARCH 12, 1993

Out of Order

SENATE FILE 94

H-3267

- 1 Amend Senate File 94, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 27, the
4 following:
5 "_____. This section does not apply to local
6 legislation to the extent that the legislation relates
7 to the use of fertilizers and soil conditioners on
8 real property and its improvements, and other property
9 adjacent to the real property as determined by the
10 local government entity, if a park, preserve, or
11 recreation area is located on the real property."
12 2. Page 2, by inserting after line 19, the
13 following:
14 "_____. This section does not apply to local
15 legislation to the extent that the legislation relates
16 to the use of pesticides on real property and its
17 improvements, and other property adjacent to the real
18 property as determined by the local governmental
19 entity, if a park, preserve, or recreation area is
20 located on the real property."
21 3. By renumbering as necessary.

By DVORSKY of Johnson
BERNAU of Story
OSTERBERG of Linn

H-3267 FILED MARCH 12, 1993

out of order

SENATE FILE 94

H-3270

- 1 Amend Senate File 94, as passed by the Senate, as
2 follows:
3 1. By striking page 1, line 28 through page 2,
4 line 19.
5 2. Title page, lines 1 and 2, by striking the
6 words "and pesticides".

By HENDERSON of Scott
WITT of Black Hawk

H-3270 FILED MARCH 12, 1993

out of order

SENATE FILE 94

H-3288

- 1 Amend the amendment, H-3217, to Senate File 94, as
2 passed by the Senate, as follows:
3 1. Page 1, lines 23 and 24, by striking the words
4 "fertilizer or soil conditioner" and inserting the
5 following: "pesticide".

By HAHN of Muscatine

H-3288 FILED MARCH 15, 1993

out of order

SENATE FILE 94

-3248

Amend Senate File 94, as passed by the Senate, as follows:

1. Page 1, by inserting after line 27, the following:

"_____. This section does not apply to local legislation to the extent that the legislation relates to the use of fertilizers and soil conditioners on real property and its improvements, and other property adjacent to the real property as determined by the local governmental entity, if a child day care facility licensed pursuant to chapter 237A is located on the real property."

2. Page 2, by inserting after line 19, the following:

"_____. This section does not apply to local legislation to the extent that the legislation relates to the use of pesticides on real property and its improvements, and other property adjacent to the real property as determined by the local governmental entity, if a child day care facility licensed pursuant to chapter 237A is located on the real property."

3. By renumbering as necessary.

By BERNAU of Story
HAMMOND of Story
JOCHUM of Dubuque

3248 FILED MARCH 11, 1993

out of order

H-3345

1 Amend the amendment, H-3217, to Senate File 94, as
 2 passed by the Senate, as follows:
 3 1. Page 1, by striking lines 5 through 10, and
 4 inserting the following: "legislation" does not mean
 5 a verbal or written order or instruction presented by
 6 an official or employee of the local governmental
 7 entity to an individual who serves the local
 8 governmental entity as its employee or pursuant to a
 9 contract between the individual and the local
 10 governmental entity, if the order or instruction
 11 relates to the use, storage, transportation, or
 12 disposal of a fertilizer or soil conditioner, during
 13 the individual's working hours and is within the scope
 14 of the individual's normal employment or contractual
 15 duties."
 16 2. Page 1, by striking lines 20 through 25, and
 17 inserting the following: "legislation" does not mean
 18 a verbal or written order or instruction presented by
 19 an official or employee of the local governmental
 20 entity to an individual who serves the local
 21 governmental entity as its employee or pursuant to a
 22 contract between the individual and the local
 23 governmental entity, if the order or instruction
 24 relates to the use, storage, transportation, or
 25 disposal of a pesticide during the individual's
 26 working hours and is within the scope of the
 27 individual's normal employment or contractual
 28 duties."

By BERNAU of Story

H-3345 FILED MARCH 17, 1993

out of order

H-3334

1 Amend Senate File 94, as passed by the Senate, as
 2 follows:
 3 1. Page 1, lines 7 and 8, by striking the words
 4 "a city as defined in section 362.2,".
 5 2. Page 1, line 9, by inserting after the word
 6 "district." the following: "However, a "local
 7 governmental entity" does not include a city as
 8 defined in section 362.2."
 9 3. Page 1, lines 34 and 35, by striking the words
 10 "a city as defined in section 362.2,".
 11 4. Page 2, line 1, by inserting after the word
 12 "district." the following: "However, a "local
 13 governmental entity" does not include a city as
 14 defined in section 362.2."

By BERNAU of Story
HANSON of Delaware

H-3334 FILED MARCH 17, 1993

out of order

SENATE FILE 94

H-3356

- 1 Amend Senate File 94, as passed by the Senate, as
2 follows:
3 1. Page 1, by inserting after line 27 the
4 following:
5 "_____. This section does not apply to local
6 legislation to the extent that the legislation relates
7 to the use of fertilizers and soil conditioners on
8 real property and its improvements, and other property
9 adjacent to the real property as determined by the
10 local governmental entity, if a health care facility
11 licensed pursuant to chapter 135C is located on the
12 real property."
13 2. Page 2, by inserting after line 19 the
14 following:
15 "_____. This section does not apply to local
16 legislation to the extent that the legislation relates
17 to the use of pesticides on real property and its
18 improvements, and other property adjacent to the real
19 property as determined by the local governmental
20 entity, if a health care facility licensed pursuant to
21 chapter 135C is located on the real property."
22 3. By renumbering as necessary.

By BERNAU of Story
JOCHUM of Dubuque

H-3356 FILED MARCH 18, 1993

Out of order

SENATE FILE 94

H-3357

- 1 Amend Senate File 94, as passed by the Senate, as
2 follows:
3 1. Page 1, line 17, by striking the word
4 "disposal,".
5 2. Page 1, line 21, by striking the word
6 "disposal,".
7 3. Page 2, line 9, by striking the word
8 "disposal,".
9 4. Page 2, line 12, by striking the word
10 "disposal,".

By OSTERBERG of Linn
DVORSKY of Johnson

H-3357 FILED MARCH 18, 1993

Out of Order

SENATE FILE 94

H-3354

- 1 Amend Senate File 94, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 27 the
 4 following:
 5 "____. This section does not apply to local
 6 legislation to the extent that the legislation relates
 7 to the use of fertilizers and soil conditioners on
 8 real property and its improvements, and other property
 9 adjacent to the real property as determined by the
 10 local governmental entity, if a playground is located
 11 on the real property."
 12 2. Page 2, by inserting after line 19 the
 13 following:
 14 "____. This section does not apply to local
 15 legislation to the extent that the legislation relates
 16 to the use of pesticides on real property and its
 17 improvements, and other property adjacent to the real
 18 property as determined by the local governmental
 19 entity, if a playground is located on the real
 20 property."
 21 3. By renumbering as necessary.

By DVORSKY of Johnson
 HENDERSON of Scott
 BERNAU of Story

out of order
 H-3354 FILED MARCH 18, 1993

SENATE FILE 94

H-3355

- 1 Amend Senate File 94, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 19 the
 4 following:
 5 "Sec. ____ . REPEAL. Chapter 331, Code 1993, is
 6 repealed.
 7 Sec. ____ . CODE EDITOR. The Code editor shall
 8 correct all references in the Code necessary to
 9 reflect the repeal of chapter 331."
 10 2. Title page, line 3, by inserting after the
 11 word "entities" the following: ", and providing for
 12 the repeal of provisions relating to county home
 13 rule".

By BERNAU of Story
 OSTERBERG of Linn

out of order
 H-3355 FILED MARCH 18, 1993

SENATE FILE 94

H-3361

- 1 Amend Senate File 94, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 27 the
 4 following:
 5 "_____. This section does not apply to local
 6 legislation to the extent that the legislation relates
 7 to the use of fertilizers and soil conditioners on
 8 real property and its improvements, and other property
 9 adjacent to the real property as determined by the
 10 local governmental entity, if a hospital licensed
 11 pursuant to chapter 135B is located on the real
 12 property."
 13 2. Page 2, by inserting after line 19 the
 14 following:
 15 "_____. This section does not apply to local
 16 legislation to the extent that the legislation relates
 17 to the use of pesticides on real property and its
 18 improvements, and other property adjacent to the real
 19 property as determined by the local governmental
 20 entity, if a hospital licensed pursuant to chapter
 21 135B is located on the real property."
 22 3. By renumbering as necessary.

out of order
 By WITT of Black Hawk
 HENDERSON of Scott
 BERNAU of Story

H-3361 FILED MARCH 19, 1993

SENATE FILE 94

H-3505

- 1 Amend Senate File 94, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting after line 27, the
 4 following:
 5 "_____. This section does not apply to local
 6 legislation to the extent that a local governmental
 7 entity determines that the use of a fertilizer or soil
 8 conditioner presents a risk to an endangered or
 9 threatened species of fish, wildlife, or plant, or the
 10 habitat of such species, as provided in chapter 481B,
 11 or as provided by 16 U.S.C. § 1531 et seq., or 50
 12 C.F.R. ch. IV."
 13 2. Page 2, by inserting after line 19, the
 14 following:
 15 "_____. This section does not apply to local
 16 legislation to the extent that a local governmental
 17 entity determines that the use of a pesticide presents
 18 a risk to an endangered or threatened species of fish,
 19 wildlife, or plant, or the habitat of such species, as
 20 provided in chapter 481B, or as provided by 16 U.S.C.
 21 § 1531 et seq., or 50 C.F.R. ch. IV."

out of order
 By HENDERSON of Scott

H-3505 FILED MARCH 25, 1993

SENATE FILE 94

H-3358

1 Amend Senate File 94 as follows:

2 1. Page 2, by inserting after line 19, the
3 following:

4 "_____. This section shall not apply to local
5 legislation which complies with rules adopted by the
6 department of agriculture and land stewardship. The
7 department shall adopt rules relating to the use of
8 pesticides on real property and its improvements. The
9 rules shall be uniform throughout the state. The
10 rules shall only regulate pesticides which have an
11 oral lethal dose toxicity for fifty percent of a test
12 population of less than five thousand milligrams per
13 kilogram. The rules shall apply to the real property,
14 if one of the following applies:

15 a. The real property is unique and of
16 scientifically recognized ecological value.

17 b. A significant number of individuals regularly
18 congregate on the property.

19 c. The use of pesticides may have an impact upon
20 water withdrawal facilities or drinking water
21 supplies.

22 d. The use of pesticides may have an impact upon
23 the ability of a local governmental entity to comply
24 with state or federal environmental laws, including
25 statutes or rules adopted by agencies.

26 e. A playground is located on the property.

27 f. A child foster care facility licensed pursuant
28 to chapter 237 is located on the property.

29 g. A child day care facility licensed pursuant to
30 chapter 237A is located on the property.

31 h. A hospital licensed pursuant to chapter 135B is
32 located on the property.

33 i. A health care facility licensed pursuant to
34 chapter 135C is located on the property.

35 j. A birth center licensed pursuant to chapter
36 135G is located on the property.

37 k. A psychiatric medical institution for children
38 licensed pursuant to chapter 135H is located on the
39 property.

40 l. A facility for hospice programs licensed
41 pursuant to chapter 135J is located on the property.

42 m. A public or nonpublic school accredited
43 pursuant to section 256.11 is located on the property.

44 n. A capacity dedicated to educating the blind or
45 deaf, including an institution administered under
46 chapter 269 or 270, is located on the property.

47 o. A park, preserve, or recreation area is located
48 on the property."

By OSTERBERG of Linn
JOCHUM of Dubuque

H-3358 FILED MARCH 18, 1993

not a order

SENATE FILE 94

H-3368

1 Amend Senate File 94 as follows:

2 1. Page 1, line 1, by striking the word "LOCAL"
3 and inserting the following: "COUNTY".

4 2. Page 1, by striking lines 3 through 10 and
5 inserting the following:

6 " ". As used in this section, "county
7 legislation" means any ordinance, motion,".

8 3. Page 1, lines 11 and 12, by striking the words
9 "local governmental entity" and inserting the
10 following: "county".

11 4. Page 1, line 14, by striking the word "local"
12 and inserting the following: "county".

13 5. Page 1, line 15, by striking the words "local
14 governmental entity" and inserting the following:
15 "county".

16 6. Page 1, lines 18 and 19, by striking the words
17 "local governmental entity" and inserting the
18 following: "county".

19 7. Page 1, line 19, by striking the word "local"
20 and inserting the following: "county".

21 8. Page 1, line 24, by striking the word "local"
22 and inserting the following: "county".

23 9. Page 1, line 24, by striking the word "Local"
24 and inserting the following: "County".

25 10. Page 1, line 26, by striking the word "local"
26 and inserting the following: "county".

27 11. Page 1, line 28, by striking the word "LOCAL"
28 and inserting the following: "COUNTY".

29 12. By striking page 1, line 30 through page 2,
30 line 2, and inserting the following:

31 " ". As used in this section, "county
32 legislation" means any ordinance, motion,".

33 13. Page 2, lines 3 and 4, by striking the words
34 "local governmental entity" and inserting the
35 following: "county".

36 14. Page 2, line 6, by striking the word "local"
37 and inserting the following: "county".

38 15. Page 2, line 7, by striking the words "local
39 governmental entity" and inserting the following:
40 "county".

41 16. Page 2, line 10, by striking the words "local
42 governmental entity" and inserting the following:
43 "county".

44 17. Page 2, line 11, by striking the word "local"
45 and inserting the following: "county".

46 18. Page 2, line 15, by striking the word "local"
47 and inserting the following: "county".

48 19. Page 2, line 16, by striking the word "Local"
49 and inserting the following: "County".

50 20. Page 2, line 18, by striking the word "local"

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Page 2

1 and inserting the following: "county".
2 21. Title page, lines 2 and 3, by striking the
3 words "local governmental entities" and inserting the
4 following: "counties".

By OSTERBERG of Linn

H-3368 FILED MARCH 19, 1993

out of order

SENATE FILE 94

H-3401

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 1, by striking lines 13 through 25, and
4 inserting the following:

5 "_____. A local governmental entity shall not adopt
6 or continue in effect local legislation relating to
7 the use, sale, distribution, storage, transportation,
8 disposal, formulation, labeling, registration, or
9 manufacture of a fertilizer or soil conditioner,
10 unless the local legislation is first approved by the
11 department. Local legislation which is not approved
12 by the department shall be preempted by the provisions
13 of this chapter and rules adopted by the department.
14 Local legislation adopted or in effect which violates
15 this section is void and unenforceable, regardless of
16 whether a statute or rule adopted by the department
17 applies to preempt the local legislation."

18 2. Page 2, by striking lines 5 through 17, and
19 inserting the following:

20 "_____. A local governmental entity shall not adopt
21 or continue in effect local legislation relating to
22 the use, sale, distribution, storage, transportation,
23 disposal, formulation, labeling, registration, or
24 manufacture of a pesticide, unless the local
25 legislation is first approved by the department.
26 Local legislation which is not approved by the
27 department shall be preempted by the provisions of
28 this chapter and rules adopted by the department.
29 Local legislation adopted or in effect which violates
30 this section is void and unenforceable, regardless of
31 whether a statute or rule adopted by the department
32 applies to preempt the local legislation."

By BERNAU of Story

H-3401 FILED MARCH 23, 1993

out of order

SENATE FILE 94

H-4085

1 Amend Senate File 94, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 19, the
4 following:
5 "Sec. ____ . NEW SECTION. 206.34 ATRAZINE --
6 SURFACE WATER.
7 The department shall adopt rules providing for
8 restrictions upon the use of a pesticide containing
9 atrazine, in areas of this state where the department
10 determines that sources of drinking water systems
11 predominately rely upon surface water."

By OSTERBERG of Linn
WITT of Black Hawk
HENDERSON of Scott

H-4085 FILED APRIL 20, 1993

out of order

SENATE FILE 94

H-4086

1 Amend Senate File 94, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 19 the
4 following:
5 "Sec. ____ . NEW SECTION. 206.35 INERT
6 INGREDIENTS.
7 A person shall not offer for sale, sell, purchase,
8 apply, or use a pesticide having an inert ingredient
9 derived from a hazardous waste, as defined in section
10 455B.411."
11 2. Title page, by striking lines 2 and 3 and
12 inserting the following: "pesticides."
13 3. By renumbering as necessary.

By HENDERSON of Scott

H-4086 FILED APRIL 20, 1993

out of order

SENATE FILE 94

H-3817

1 Amend Senate File 94, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 19 the
 4 following:
 5 "_____. This section shall not apply to local
 6 legislation which provides for instruction to students
 7 at a public school or nonpublic school, as defined in
 8 section 280.2, including the communication or
 9 distribution of information relating to pesticide use,
 10 pesticide contamination, or the effects of pesticides
 11 on human health and the environment."
 12 2. By renumbering as necessary.

By HENDERSON of Scott

H-3817 FILED APRIL 8, 1993

out of order

SENATE FILE 94

H-3816

1 Amend Senate File 94, as passed by the Senate, as
 2 follows:
 3 1. Page 2, by inserting after line 19, the
 4 following:
 5 "_____. This section shall not apply to local
 6 legislation which requires information relating to
 7 pesticides, including pesticide contamination, to be
 8 posted at a commercial establishment selling, or
 9 offering for sale, fruits or vegetables, including but
 10 not limited to a food establishment licensed under
 11 chapter 137A."
 12 2. By renumbering as necessary.

By HENDERSON of Scott

H-3816 FILED APRIL 8, 1993

out of order

SENATE FILE 94

H-4056

1 Amend Senate File 94, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 8, by striking the figure "359"
 4 and inserting the following: "331".
 5 2. Page 1, by striking lines 26 and 27 and
 6 inserting the following:
 7 "_____. This section does not apply to local
 8 legislation which applies generally to all commercial
 9 activity and which is not directed specifically to a
 10 matter relating to fertilizers or soil conditioners,
 11 including but not limited to zoning."
 12 3. Page 1, line 35, by striking the figure "359"
 13 and inserting the following: "331".
 14 4. Page 2, by striking lines 18 and 19 and
 15 inserting the following:
 16 "_____. This section does not apply to local
 17 legislation which applies generally to all commercial
 18 activity and which is not directed specifically to a
 19 matter relating to pesticides, including but not
 20 limited to zoning."
 21 5. By renumbering as necessary.

By MEYER of Sac

H-4056 FILED APRIL 19, 1993

out of order

SENATE FILE 94

H-4095

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 19 the fol-
4 lowing:

5 "Sec. ____ . NEW SECTION. 206.35 NOTIFICATION
6 SIGNS -- URBAN PESTICIDES.

7 The notification sign required to be posted for
8 urban pesticide application for residential,
9 commercial, or public lawns or gardens, or other
10 similar areas shall consist of a sign or placard with
11 a minimum size of eight and one-half inches by eleven
12 inches. The lettering shall not be less than one-half
13 inch in size."

14 2. Title page, by striking lines 2 and 3 and
15 inserting the following: "pesticides and applying a
16 penalty."

17 3. By renumbering as necessary.

By FALLON of Polk

H-4095 FILED APRIL 20, 1993

out of order

SENATE FILE 94

H-4096

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 19 the fol-
4 lowing:

5 "Sec. ____ . NEW SECTION. 206.35 PROHIBITION OF
6 LAWN CHEMICAL USAGE BY GOVERNMENTAL ENTITIES.

7 All state agencies, counties, cities, school
8 districts, and other governmental entities shall not
9 apply pesticides or authorize a commercial or public
10 applicator to apply pesticides labeled for lawn and
11 garden use on property owned or under the control of
12 the particular governmental entity. This section does
13 not apply to applications used for research purposes.
14 A person who authorizes the application shall be
15 guilty of a serious misdemeanor."

16 2. Title page, by striking lines 2 and 3 and
17 inserting the following: "pesticides, and providing a
18 penalty."

19 3. By renumbering as necessary.

By FALLON of Polk

H-4096 FILED APRIL 20, 1993

out of order

SENATE FILE 94

H-4087

1 Amend Senate File 94, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 19 the
4 following:
5 "_____. This section does not apply to local
6 legislation which requires a commercial or public
7 applicator to provide notice of a pesticide
8 application to a resident of property which abuts or
9 is adjacent to property which is private property, a
10 playground, or an athletic field in an urban area.
11 The applicator is not required to provide notice
12 unless the resident contacts the applicator and
13 provides the name, address, and telephone number of
14 the resident. At least the day before a scheduled
15 pesticide application, a commercial or public
16 applicator shall provide notification to a person who
17 has requested notification in writing, in person, or
18 by telephone, disclosing the date and approximate time
19 of day of application.
20 If a commercial or public applicator is unable to
21 provide prior notification to the resident because of
22 the absence or inaccessibility of the person, at the
23 time of application to a customer's lawn, the
24 applicator shall leave a written notice at the
25 residence of the person requesting notification."
26 2. By renumbering as necessary.

By OSTERBERG of Linn

H-4087 FILED APRIL 20, 1993

out of order

SENATE FILE 94

H-4091

1 Amend Senate File 94, as passed by the Senate, as
2 follows:
3 1. Page 2, by inserting after line 17 the
4 following:
5 "_____. A person licensed as a commercial applicator
6 who uses a restricted use pesticide within the limits
7 of a city having a population of five thousand or more
8 persons shall report information regarding the use of
9 that pesticide to the public library located in that
10 city, as shall be required by ordinance adopted by the
11 city. The information shall include a materials
12 safety data sheet as required by rules which shall be
13 adopted by the department."
14 2. Title page, line 2, by striking the word
15 "prohibiting" and inserting the following: "providing
16 for".
17 3. By renumbering as necessary.

By WITT of Black Hawk
GRUNDBERG of Polk

H-4091 FILED APRIL 20, 1993

out of order

H-4113

Page 2

1 a. "Local government" means any political
2 subdivision of the state or any state authority which
3 is not the general assembly or under the direction of
4 a principal central department as enumerated in
5 section 7E.5, including, but not limited to, a city, a
6 county, a school district, or any special purpose
7 district.

8 b. "Local legislation" means an ordinance, motion,
9 resolution, rule, or any other enactment adopted by
10 the governing body of a local government except orders
11 given to its employees relating to their use, storage,
12 transportation, or disposal of a pesticide in their
13 capacity as public employees or the approved terms of
14 a service or sales contract between a person and the
15 local government relating to the use of a pesticide.

16 2. The provisions of this chapter and rules
17 adopted by the department pursuant to this chapter
18 shall preempt all local legislation relating to the
19 use, sale, distribution, storage, transportation,
20 disposal, formulation, labeling, registration, or
21 manufacture of a pesticide. A local government shall
22 not adopt or continue in effect local legislation
23 relating to the use, sale, distribution, storage,
24 transportation, disposal, formulation, labeling,
25 registration, or manufacture of a pesticide,
26 regardless of whether a statute or rule adopted by the
27 department applies to preempt the local legislation.
28 Local legislation in violation of this section is void
29 and unenforceable.

30 3. This section does not apply to local
31 legislation which applies generally to all commercial
32 activity and which is not directed specifically to a
33 matter relating to pesticides, including but not
34 limited to zoning.

35 4. This section does not apply to local
36 legislation which is required to be adopted by a local
37 government in order to comply with a federal or state
38 statute, regulation or rule.

39 5. This section does not apply to local
40 legislation which is required to comply with rules
41 adopted by the department. The department shall adopt
42 rules relating to the use of pesticides on real
43 property and its improvements when one of the
44 following applies:

45 a. The property is unique and of scientifically
46 recognized ecological value and publicly owned.

47 b. The property is the habitat of an endangered or
48 threatened species of fish, wildlife, or plant.

49 c. The use of pesticides may have an impact upon
50 the ability of a local government to comply with state

H-4113

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Page 3

- 1 or federal environmental laws, including statutes or
- 2 rules adopted by agencies.
- 3 d. A playground open to the general public is
- 4 located on the property.
- 5 e. A child day care facility licensed pursuant to
- 6 chapter 237A is located on the property.
- 7 f. A facility licensed pursuant to chapter 135B,
- 8 135C, or 135J is located on the property.
- 9 g. A public or nonpublic school accredited
- 10 pursuant to section 256.11 is located on the property.
- 11 h. A capacity dedicated to educating the blind or
- 12 deaf, including an institution administered under
- 13 chapter 269 or 270, is located on the property.
- 14 i. A public park, preserve, or recreation area is
- 15 located on the property."

By WITT of Black Hawk
MARTIN of Scott
GRUNDBERG of Polk

H-4113 FILED APRIL 21, 1993
OUT OF ORDER

SENATE FILE 94

H-4117

- 1 Amend the amendment, H-3233, to Senate File 94, as
- 2 passed by the Senate, as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "property" the following: ", or if a preschool is
- 5 located on the real property".
- 6 2. Page 1, line 18, by inserting after the word
- 7 "property" the following: ", or if a preschool is
- 8 located on the real property".

By BERNAU of Story

H-4117 FILED APRIL 21, 1993
OUT OF ORDER

SENATE FILE 94

H-4122

- 1 Amend the amendment, H-4113, to Senate File 94, as
- 2 passed by the Senate, as follows:
- 3 1. By striking page 2, line 39 through page 3,
- 4 line 15.

By LUNDBY of Linn
McCOY of Polk

H-4122 FILED APRIL 21, 1993
OUT OF ORDER

H-4108

Page 2

1 provide written notice to the parent or guardian of
2 each child attending the facility or school. Prior to
3 the application of a pesticide, within the
4 jurisdiction of a local governmental entity, on the
5 grounds of a public or private postsecondary
6 educational facility, including a university, college,
7 community college, trade school, or vocational school,
8 the person applying the pesticide shall provide
9 written notice to all persons attending the
10 educational facility.

11 b. The notice required pursuant to this subsection
12 shall be provided not less than seven days prior to
13 the application. The provisions of the notice shall
14 be printed in at least twelve-point type. The notice
15 shall include all of the following:

16 (1) The location on the grounds where the
17 pesticide is to be applied.

18 (2) The number of applications to be carried out
19 on the grounds.

20 (3) A list including the brand name and generic
21 name of each pesticide to be applied on the grounds.

22 (4) All warnings required to appear on the label
23 or material safety data sheet of each pesticide
24 applied, to the extent that the warnings are pertinent
25 to the protection of humans, animals, or the natural
26 environment.

27 (5) The name, address, telephone number, and
28 federal registration number of the organization which
29 is responsible for applying a pesticide to the
30 grounds."

31 3. Title page, by striking lines 2 and 3 and
32 inserting the following: "pesticides, and making
33 penalties applicable."

34 4. By renumbering as necessary.

By DVORSKY of Johnson
OSTERBERG of Linn

H-4108 FILED APRIL 21, 1993
OUT OF ORDER

SENATE FILE 94

H-4113

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 200.22 PREEMPTION OF
6 LOCAL GOVERNMENT LEGISLATION.

7 1. As used in this section:

8 a. "Local government" means any political
9 subdivision of the state or any state authority which
10 is not the general assembly or under the direction of
11 a principal central department as enumerated in
12 section 7E.5, including, but not limited to, a city, a
13 county, a school district, or any special purpose
14 district.

15 b. "Local legislation" means an ordinance, motion,
16 resolution, rule, or any other enactment adopted by
17 the governing body of a local government except orders
18 given to its employees relating to their use, storage,
19 transportation, or disposal of a fertilizer or soil
20 conditioner in their capacity as public employees or
21 the approved terms of a service or sales contract
22 between a person and the local government relating to
23 the use of a fertilizer or soil conditioner.

24 2. The provisions of this chapter and rules
25 adopted by the department pursuant to this chapter
26 shall preempt all local legislation relating to the
27 use, sale, distribution, storage, transportation,
28 disposal, formulation, labeling, registration, or
29 manufacture of a fertilizer or soil conditioner. A
30 local government shall not adopt or continue in effect
31 local legislation relating to the use, sale,
32 distribution, storage, transportation, disposal,
33 formulation, labeling, registration, or manufacture of
34 a fertilizer or soil conditioner, regardless of
35 whether a statute or rule adopted by the department
36 applies to preempt the local legislation. Local
37 legislation in violation of this section is void and
38 unenforceable.

39 3. This section does not apply to local
40 legislation which applies generally to all commercial
41 activity and which is not directed specifically to a
42 matter relating to fertilizers or soil conditioners,
43 including but not limited to zoning.

44 4. This section does not apply to local
45 legislation which is required to be adopted by a local
46 government in order to comply with a federal or state
47 statute, regulation, or rule.

48 Sec. 2. NEW SECTION. 206.34 PREEMPTION OF LOCAL
49 GOVERNMENT LEGISLATION.

50 1. As used in this section:

H-4113

SENATE FILE 94

H-4104

1 Amend Senate File 94, as passed by the Senate, as
2 follows:
3 1. Page 1, by striking lines 10 through 12 and
4 inserting the following:
5 "_____. "Local legislation" means an ordinance,
6 motion, resolution, rule, or any other enactment
7 adopted by the governing body of a local governmental
8 entity except orders given to its employees relating
9 to their use, storage, transportation, or disposal of
10 a fertilizer or soil conditioner in their capacity as
11 public employees or the approved terms of a service or
12 sales contract between a person and the local
13 governmental entity relating to the use of a
14 fertilizer or soil conditioner."
15 2. Page 2, by striking lines 2 through 4 and
16 inserting the following:
17 "_____. "Local legislation" means an ordinance,
18 motion, resolution, rule, or any other enactment
19 adopted by the governing body of a local governmental
20 entity except orders given to its employees relating
21 to their use, storage, transportation, or disposal of
22 a pesticide in their capacity as public employees or
23 the approved terms of a service or sales contract
24 between a person and the local governmental entity
25 relating to the use of a pesticide."

By HAHN of Muscatine

H-4104 FILED APRIL 21, 1993
OUT OF ORDER

SENATE FILE 94

H-4106

1 Amend Senate File 94, as passed by the Senate, as
2 follows:
3 1. By striking everything after the enacting
4 clause and inserting the following:
5 "Section 1. PREEMPTION STUDY. The legislative
6 council is requested to establish an interim study
7 committee to examine ordinances adopted by local
8 governmental entities which regulate the use, sale,
9 distribution, storage, transportation, disposal,
10 formulation, labeling, registration, and manufacture
11 of fertilizers or soil conditioners or of pesticides.
12 The study committee shall examine the need to adopt
13 legislation which preempts or restricts local
14 governmental entities from adopting such ordinances.
15 The study committee shall report its findings and
16 recommendations to the Seventy-fifth General Assembly
17 by a date established by the legislative council."
18 2. Title page, by striking lines 2 and 3, and
19 inserting the following: "pesticides."

By BERNAU of Story

H-4106 FILED APRIL 21, 1993
OUT OF ORDER

SENATE FILE 94

H-4107

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 27 the
4 following:

5 " . a. Prior to the commercial application of a
6 fertilizer or soil conditioner, within the
7 jurisdiction of a local governmental entity, the
8 person applying the fertilizer or soil conditioner on
9 a commercial basis shall execute a contract with the
10 owner of the property subject to the application. The
11 contract must be in writing. The provisions of the
12 contract shall be printed in at least twelve-point
13 type, and shall include all of the following:

14 (1) The location of the application.

15 (2) The date or dates of the application or the
16 approximate date or dates of the application.

17 (3) The total cost for providing the application
18 service.

19 (4) The number of applications to be carried out
20 at the locations.

21 (5) A list including the brand name and generic
22 name of each fertilizer or soil conditioner to be
23 applied on the property.

24 (6) All warnings required to appear on the label
25 or material safety data sheet of each fertilizer or
26 soil conditioner to be applied, to the extent that the
27 warnings are pertinent to the protection of humans,
28 animals, or the natural environment.

29 (7) The name, address, telephone number, and
30 federal registration number of any organization which
31 is responsible for applying a fertilizer or soil
32 conditioner to the property.

33 b. A copy of the contract shall be made available
34 to the owner of the property, and to all residents,
35 tenants, or occupants of the property.

36 c. If a date or dates specified in the contract is
37 changed, the person applying the fertilizer or soil
38 conditioner shall provide the owner of the property
39 and all residents, tenants, and other occupants of the
40 property, oral or written notice of the proposed
41 alternative date or dates before the application of
42 the fertilizer or soil conditioner.

43 d. The applicator required to execute a contract
44 under this subsection shall retain a copy of the
45 executed contract for a period of thirty-six months
46 following the date that the contract is executed. The
47 applicator shall furnish a copy of the contract to the
48 department upon request."

49 2. Page 2, by inserting after line 19 the
50 following:

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Page 2

1 " . a. Prior to the commercial application of a
2 pesticide, within the jurisdiction of a local
3 governmental entity, the person applying the pesticide
4 on a commercial basis shall execute a contract with
5 the owner of the property subject to the application.
6 The contract must be in writing. The provisions of
7 the contract shall be printed in at least twelve-point
8 type, and shall include all of the following:

- 9 (1) The location of the application.
- 10 (2) The date or dates of the application or the
- 11 approximate date or dates of the application.
- 12 (3) The total cost for providing the application
- 13 service.
- 14 (4) The number of applications to be carried out
- 15 at the locations.
- 16 (5) A list including the brand name and generic
- 17 name of each pesticide to be applied on the property.
- 18 (6) All warnings required to appear on the label
- 19 or material safety data sheet of each pesticide
- 20 applied, to the extent that the warnings are pertinent
- 21 to the protection of humans, animals, or the natural
- 22 environment.
- 23 (7) The name, address, telephone number, and
- 24 federal registration number of any organization which
- 25 is responsible for applying a pesticide to the
- 26 property.

27 b. A copy of the contract shall be made available
28 to the owner of the property, and to all residents,
29 tenants, or occupants of the property.

30 c. If a date or dates specified in the contract is
31 changed, the person applying the pesticide shall
32 provide the owner of the property and all residents,
33 tenants, and other occupants of the property, oral or
34 written notice of the proposed alternative date or
35 dates before the application of the pesticide.

36 d. The applicator required to execute a contract
37 under this subsection shall retain a copy of the
38 executed contract for a period of thirty-six months
39 following the date that the contract is executed. The
40 applicator shall furnish a copy of the contract to the
41 department upon request."

42 3. Title page, by striking lines 2 and 3 and
43 inserting the following: "pesticides, and making
44 penalties applicable."

By HENDERSON of Scott

H-4107 FILED APRIL 21, 1993
OUT OF ORDER

SENATE FILE 94

H-4108

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 27 the
4 following:

5 " . a. Prior to the application of a fertilizer
6 or soil conditioner, within the jurisdiction of a
7 local governmental entity, which is on the grounds of
8 a day care facility, a public or private preschool, or
9 a public or nonpublic school accredited pursuant to
10 section 256.11, the person applying the fertilizer or
11 soil conditioner shall provide written notice to the
12 parent or guardian of each child attending the
13 facility or school. Prior to the application of a
14 fertilizer or soil conditioner, within the
15 jurisdiction of a local governmental entity, on the
16 grounds of a public or private postsecondary
17 educational facility, including a university, college,
18 community college, trade school, or vocational school,
19 the person applying the fertilizer or soil conditioner
20 shall provide written notice to all persons attending
21 the educational facility.

22 b. The notice required pursuant to this subsection
23 shall be provided not less than seven days prior to
24 the application. The provisions of the notice shall
25 be printed in at least twelve-point type. The notice
26 shall include all of the following:

27 (1) The location on the grounds where the
28 fertilizer or soil conditioner is to be applied.

29 (2) The number of applications to be carried out
30 on the grounds.

31 (3) A list including the brand name and generic
32 name of each fertilizer or soil conditioner to be
33 applied on the grounds.

34 (4) All warnings required to appear on the label
35 or material safety data sheet of each fertilizer or
36 soil conditioner applied, to the extent that the
37 warnings are pertinent to the protection of humans,
38 animals, or the natural environment.

39 (5) The name, address, telephone number, and
40 federal registration number of the organization which
41 is responsible for applying a fertilizer or soil
42 conditioner to the grounds."

43 2. Page 2, by inserting after line 19 the
44 following:

45 " . a. Prior to the application of a pesticide,
46 within the jurisdiction of a local governmental
47 entity, which is on the grounds of a day care
48 facility, a public or private preschool, or a public
49 or nonpublic school accredited pursuant to section
50 256.11, the person applying the pesticide shall

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SENATE FILE 94

H-4128

- 1 Amend the amendment, H-4113, to Senate File 94, as
 - 2 passed by the Senate, as follows:
 - 3 1. Page 3, line 11, by striking the word
 - 4 "capacity" and inserting the following: "facility".
- By BERNAU of Story

H-4128 FILED APRIL 21, 1993
OUT OF ORDER

SENATE FILE 94

H-4129

- 1 Amend the amendment, H-3233, to Senate File 94, as
 - 2 passed by the Senate, as follows:
 - 3 1. Page 1, line 10, by inserting after the word
 - 4 "property" the following: ", or if a building where
 - 5 competent private instruction is provided pursuant to
 - 6 chapter 299A is located on the real property".
 - 7 2. Page 1, line 18, by inserting after the word
 - 8 "property" the following: ", or if a building where
 - 9 competent private instruction is provided pursuant to
 - 10 chapter 299A is located on the real property".
- By BERNAU of Story

H-4129 FILED APRIL 21, 1993
OUT OF ORDER

SENATE FILE 94

H-4135

- 1 Amend Senate File 94, as passed by the Senate, as
- 2 follows:
- 3 1. Page 2, by inserting after line 19 the
- 4 following:
- 5 "_____. This section does not apply to local
- 6 legislation adopted by a city which is based upon a
- 7 model ordinance or amendments to the model ordinance
- 8 prepared by the league of Iowa municipalities. The
- 9 league shall develop the model ordinance after
- 10 reviewing ordinances adopted in cities located
- 11 throughout the nation. The model ordinance shall
- 12 contain provisions which are capable of practicable
- 13 administration and enforcement by a city."
- 14 2. By renumbering as necessary.

By OSTERBERG of Linn

H-4135 FILED APRIL 21, 1993
OUT OF ORDER

SENATE FILE 94

H-4137

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 200.22 PREEMPTION OF
6 COUNTY LEGISLATION.

7 1. As used in this section, "legislation" means an
8 ordinance, motion, resolution, rule, or any other
9 enactment adopted by a county board of supervisors
10 except orders given to its employees relating to their
11 use, storage, transportation, or disposal of a
12 fertilizer or soil conditioner in their capacity as
13 public employees or the approved terms of a service or
14 sales contract between a person and the county
15 relating to the use of a fertilizer or soil
16 conditioner.

17 2. The provisions of this chapter and rules
18 adopted by the department pursuant to this chapter
19 shall preempt all legislation adopted by a county
20 relating to the use, sale, distribution, storage,
21 transportation, disposal, formulation, labeling,
22 registration, or manufacture of a fertilizer or soil
23 conditioner. A county shall not adopt or continue in
24 effect legislation relating to the use, sale,
25 distribution, storage, transportation, disposal,
26 formulation, labeling, registration, or manufacture of
27 a fertilizer or soil conditioner, regardless of
28 whether a statute or rule adopted by the department
29 applies to preempt the legislation. Legislation in
30 violation of this section is void and unenforceable.

31 3. This section does not apply to legislation
32 which applies generally to all commercial activity and
33 which is not directed specifically to a matter
34 relating to fertilizers or soil conditioners,
35 including but not limited to zoning.

36 4. This section does not apply to legislation
37 which is required to be adopted by a county in order
38 to comply with a federal or state statute, regulation,
39 or rule.

40 Sec. 2. NEW SECTION. 206.34 PREEMPTION OF COUNTY
41 LEGISLATION.

42 1. As used in this section, "legislation" means an
43 ordinance, motion, resolution, rule, or any other
44 enactment adopted by a county board of supervisors
45 except orders given to its employees relating to their
46 use, storage, transportation, or disposal of a
47 pesticide in their capacity as public employees or the
48 approved terms of a service or sales contract between
49 a person and the county relating to the use of a
50 pesticide.

H-4137

H-4137

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1 2. The provisions of this chapter and rules
2 adopted by the department pursuant to this chapter
3 shall preempt all legislation adopted by a county
4 relating to the use, sale, distribution, storage,
5 transportation, disposal, formulation, labeling,
6 registration, or manufacture of a pesticide. A county
7 shall not adopt or continue in effect legislation
8 relating to the use, sale, distribution, storage,
9 transportation, disposal, formulation, labeling,
10 registration, or manufacture of a pesticide,
11 regardless of whether a statute or rule adopted by the
12 department applies to preempt the legislation.
13 Legislation in violation of this section is void and
14 unenforceable.

15 3. This section does not apply to legislation
16 which applies generally to all commercial activity and
17 which is not directed specifically to a matter
18 relating to pesticides, including but not limited to
19 zoning.

20 4. This section does not apply to legislation
21 which is required to be adopted by a county in order
22 to comply with a federal or state statute, regulation,
23 or rule.

24 Sec. 3. MORATORIUM -- LEGISLATION BY LOCAL
25 GOVERNMENT ENTITIES.

26 The provisions of sections 200.22 and 206.34
27 enacted in this Act, shall also apply to other
28 political subdivisions of this state or any other
29 state authority which is not the general assembly or
30 under the direction of a principal central department
31 as enumerated in section 7E.5, including a city or any
32 special purpose district, until July 1, 1994.

33 Sec. 4. PREEMPTION STUDY. The legislative council
34 shall establish an interim study committee to examine
35 ordinances adopted by local governmental entities
36 other than counties which regulate the use, sale,
37 distribution, storage, transportation, disposal,
38 formulation, labeling, registration, and manufacture
39 of fertilizers or soil conditioners or of pesticides.
40 The study committee shall examine the need to adopt
41 legislation which preempts local governmental entities
42 from adopting such ordinances. The study committee
43 shall report its findings and recommendations to the
44 Seventy-fifth General Assembly by a date established
45 by the legislative council."

46 2. Title page, by striking lines 2 and 3, and
47 inserting the following: "pesticides."

By EDDIE of Buena Vista
MEYER of Sac
BERNAU of Story
LUNDBY of Linn

WITT of Black Hawk
HENDERSON of Scott
FALLON of Polk

H-4137 FILED APRIL 21, 1993

PTED

H-4097

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 19 the
4 following:

5 "Sec. ____ . NEW SECTION. 206.35 PRIOR
6 NOTIFICATION OF PESTICIDE APPLICATION -- LAWN AND
7 GARDEN PESTICIDES.

8 1. A person who applies pesticides labeled for
9 lawn and garden usage shall provide notice, at least
10 forty-eight hours in advance of the application, to
11 each affected property owner or occupant within two
12 hundred feet of the site of the application. The
13 notice shall be a written notice which shall include a
14 statement of the intended time of application and a
15 statement disclosing the chemical content of the
16 pesticide which will be applied to the property and
17 shall be delivered to the affected property. Notice
18 shall be required for all applications made on or
19 after July 1, 1995.

20 2. A person offering for sale or selling
21 pesticides labeled for lawn and garden usage at retail
22 in the state shall post written notice that as of July
23 1, 1995, application of lawn and garden pesticides
24 will require prior notification to the surrounding
25 areas."

26 2. Title page, by striking lines 2 and 3 and
27 inserting the following: "pesticides, and applying a
28 penalty."

29 3. By renumbering as necessary.

By FALLON of Polk

H-4097 FILED APRIL 20, 1993

out of order 4/21/93

SENATE FILE 94

H-4084

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. Page 2, by inserting after line 19, the
4 following:

5 "Sec. ____ . NEW SECTION. 206.34 ATRAZINE --
6 RATHBUN LAKE.

7 The department shall designate an area within the
8 watershed of Rathbun lake as a pesticide management
9 area. A person shall not apply a pesticide containing
10 atrazine within the area at a rate which exceeds one
11 and one-half pounds of the actual active ingredient
12 atrazine per acre during any year."

13 2. By renumbering as necessary.

By OSTERBERG of Linn
WITT of Black Hawk
RENDERSON of Scott

H-4084 FILED APRIL 20, 1993

out of order

HOUSE AMENDMENT TO
SENATE FILE 94

S-3591

1 Amend Senate File 94, as passed by the Senate, as
2 follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. NEW SECTION. 200.22 PREEMPTION OF
6 COUNTY LEGISLATION.

7 1. As used in this section, "legislation" means an
8 ordinance, motion, resolution, rule, or any other
9 enactment adopted by a county board of supervisors
10 except orders given to its employees relating to their
11 use, storage, transportation, or disposal of a
12 fertilizer or soil conditioner in their capacity as
13 public employees or the approved terms of a service or
14 sales contract between a person and the county
15 relating to the use of a fertilizer or soil
16 conditioner.

17 2. The provisions of this chapter and rules
18 adopted by the department pursuant to this chapter
19 shall preempt all legislation adopted by a county
20 relating to the use, sale, distribution, storage,
21 transportation, disposal, formulation, labeling,
22 registration, or manufacture of a fertilizer or soil
23 conditioner. A county shall not adopt or continue in
24 effect legislation relating to the use, sale,
25 distribution, storage, transportation, disposal,
26 formulation, labeling, registration, or manufacture of
27 a fertilizer or soil conditioner, regardless of
28 whether a statute or rule adopted by the department
29 applies to preempt the legislation. Legislation in
30 violation of this section is void and unenforceable.

31 3. This section does not apply to legislation
32 which applies generally to all commercial activity and
33 which is not directed specifically to a matter
34 relating to fertilizers or soil conditioners,
35 including but not limited to zoning.

36 4. This section does not apply to legislation
37 which is required to be adopted by a county in order
38 to comply with a federal or state statute, regulation,
39 or rule.

40 Sec. 2. NEW SECTION. 206.34 PREEMPTION OF COUNTY
41 LEGISLATION.

42 1. As used in this section, "legislation" means an
43 ordinance, motion, resolution, rule, or any other
44 enactment adopted by a county board of supervisors
45 except orders given to its employees relating to their
46 use, storage, transportation, or disposal of a
47 pesticide in their capacity as public employees or the
48 approved terms of a service or sales contract between
49 a person and the county relating to the use of a
50 pesticide.

S-3591

S-3591

Page 2

1 2. The provisions of this chapter and rules
 2 adopted by the department pursuant to this chapter
 3 shall preempt all legislation adopted by a county
 4 relating to the use, sale, distribution, storage,
 5 transportation, disposal, formulation, labeling,
 6 registration, or manufacture of a pesticide. A county
 7 shall not adopt or continue in effect legislation
 8 relating to the use, sale, distribution, storage,
 9 transportation, disposal, formulation, labeling,
 10 registration, or manufacture of a pesticide,
 11 regardless of whether a statute or rule adopted by the
 12 department applies to preempt the legislation.
 13 Legislation in violation of this section is void and
 14 unenforceable.

15 3. This section does not apply to legislation
 16 which applies generally to all commercial activity and
 17 which is not directed specifically to a matter
 18 relating to pesticides, including but not limited to
 19 zoning.

20 4. This section does not apply to legislation
 21 which is required to be adopted by a county in order
 22 to comply with a federal or state statute, regulation,
 23 or rule.

24 Sec. 3. MORATORIUM -- LEGISLATION BY LOCAL
 25 GOVERNMENT ENTITIES.

26 The provisions of sections 200.22 and 206.34
 27 enacted in this Act, shall also apply to other
 28 political subdivisions of this state or any other
 29 state authority which is not the general assembly or
 30 under the direction of a principal central department
 31 as enumerated in section 7E.5, including a city or any
 32 special purpose district, until July 1, 1994.

33 Sec. 4. PREEMPTION STUDY. The legislative council
 34 shall establish an interim study committee to examine
 35 ordinances adopted by local governmental entities
 36 other than counties which regulate the use, sale,
 37 distribution, storage, transportation, disposal,
 38 formulation, labeling, registration, and manufacture
 39 of fertilizers or soil conditioners or of pesticides.
 40 The study committee shall examine the need to adopt
 41 legislation which preempts local governmental entities
 42 from adopting such ordinances. The study committee
 43 shall report its findings and recommendations to the
 44 Seventy-fifth General Assembly by a date established
 45 by the legislative council."

46 2. Title page, by striking lines 2 and 3, and
 47 inserting the following: "pesticides."

RECEIVED FROM THE HOUSE

S-3591 FILED APRIL 22, 1993

Senate Refused
4/23/93
(P. 1326)

(P. 75) 1-19-94
House Refused

SENATE FILE 94

S-3617

1 Amend the House amendment, S-3591, to Senate File
2 94, as passed by the Senate, as follows:

3 1. By striking page 1, line 5 through page 2,
4 line 47, and inserting the following:

5 "Section 1. NEW SECTION. 200.22 PREEMPTION OF
6 LOCAL GOVERNMENT LEGISLATION.

7 1. As used in this section:

8 a. "Local government" means any political
9 subdivision of the state or any state authority which
10 is not the general assembly or under the direction of
11 a principal central department as enumerated in
12 section 7E.5, including, but not limited to, a city, a
13 county, a school district, or any special purpose
14 district.

15 b. "Local legislation" means an ordinance, motion,
16 resolution, rule, or any other enactment adopted by
17 the governing body of a local government except orders
18 given to its employees relating to their use, storage,
19 transportation, or disposal of a fertilizer or soil
20 conditioner in their capacity as public employees or
21 the approved terms of a service or sales contract
22 between a person and the local government relating to
23 the use of a fertilizer or soil conditioner.

24 2. The provisions of this chapter and rules
25 adopted by the department pursuant to this chapter
26 shall preempt all local legislation relating to the
27 use, sale, distribution, storage, transportation,
28 disposal, formulation, labeling, registration, or
29 manufacture of a fertilizer or soil conditioner. A
30 local government shall not adopt or continue in effect
31 local legislation relating to the use, sale,
32 distribution, storage, transportation, disposal,
33 formulation, labeling, registration, or manufacture of
34 a fertilizer or soil conditioner, regardless of
35 whether a statute or rule adopted by the department
36 applies to preempt the local legislation. Local
37 legislation in violation of this section is void and
38 unenforceable.

39 3. This section does not apply to local
40 legislation which applies generally to all commercial
41 activity and which is not directed specifically to a
42 matter relating to fertilizers or soil conditioners,
43 including but not limited to zoning.

44 4. This section does not apply to local
45 legislation which is required to be adopted by a local
46 government in order to comply with a federal or state
47 statute, regulation, or rule.

48 Sec. 2. NEW SECTION. 206.34 PREEMPTION OF LOCAL
49 GOVERNMENT LEGISLATION.

50 1. As used in this section:

S-3617

S-3617

Page 2

1 a. "Local government" means any political
2 subdivision of the state or any state authority which
3 is not the general assembly or under the direction of
4 a principal central department as enumerated in
5 section 7E.5, including, but not limited to, a city, a
6 county, a school district, or any special purpose
7 district.

8 b. "Local legislation" means an ordinance, motion,
9 resolution, rule, or any other enactment adopted by
10 the governing body of a local government except orders
11 given to its employees relating to their use, storage,
12 transportation, or disposal of a pesticide in their
13 capacity as public employees or the approved terms of
14 a service or sales contract between a person and the
15 local government relating to the use of a pesticide.

16 2. The provisions of this chapter and rules
17 adopted by the department pursuant to this chapter
18 shall preempt all local legislation relating to the
19 use, sale, distribution, storage, transportation,
20 disposal, formulation, labeling, registration, or
21 manufacture of a pesticide. A local government shall
22 not adopt or continue in effect local legislation
23 relating to the use, sale, distribution, storage,
24 transportation, disposal, formulation, labeling,
25 registration, or manufacture of a pesticide,
26 regardless of whether a statute or rule adopted by the
27 department applies to preempt the local legislation.
28 Local legislation in violation of this section is void
29 and unenforceable.

30 3. This section does not apply to local
31 legislation which applies generally to all commercial
32 activity and which is not directed specifically to a
33 matter relating to pesticides, including but not
34 limited to zoning.

35 4. This section does not apply to local
36 legislation which is required to be adopted by a local
37 government in order to comply with a federal or state
38 statute, regulation or rule."

By BRAD BANKS
BERL E. PRIEBE

S-3617 FILED APRIL 23, 1993
WITHDRAWN

SENATE FILE 94

S-3616

1 Amend the House amendment, S-3591, to Senate File
2 94, as passed by the Senate, as follows:

3 1. Page 1, line 31, by inserting after the figure
4 "3." the following: "a."

5 2. Page 1, line 36, by striking the figure "4."
6 and inserting the following: "b."

7 3. Page 1, by inserting after line 39 the
8 following:

9 "c. This section does not apply to legislation
10 which regulates the use, application, sale,
11 distribution, storage, transportation, disposal,
12 formulation, or manufacture of wet or dry sludge, if
13 the sludge derives from waste in a private septic
14 system or a publicly owned treatment works."

By BILL FINK

S-3616 FILED APRIL 23, 1993

ADOPTED

PRIEBE, CH.
HUSAK
JUDGE
BARTZ
BANKS

SSB 96
AGRICULTURE
Now

SENATE FILE 94
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY CHAIR-
PERSON PRIEBE)

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

A BILL FOR

1 An Act prohibiting the regulation of pesticides by local
2 governmental entities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 206.34 LOCAL LEGISLATION
2 PROHIBITED.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Local governmental entity" means a city as defined in
6 section 362.2, county as provided in chapter 331, township as
7 provided in chapter 359, or any special purpose district or
8 authority which is not under the authority of a principal
9 central department.

10 b. "Local legislation" means a regulation adopted by a
11 local governmental entity, including but not limited to a
12 motion, rule, resolution, amendment, or ordinance.

13 c. "Principal central department" means a principal
14 central department of the state as enumerated in section 7E.

15 2. A local governmental entity shall not adopt or enforce
16 legislation adopted by the local governmental entity relating
17 to pesticide regulation to the extent that matters contained
18 in the local legislation are subject of a statute or a rule
19 adopted by a principal central department of state, or which
20 relate to any of the following:

21 a. The inspection or confiscation of a pesticide or
22 device.

23 b. The registration of a pesticide.

24 c. The reporting of information regarding the ingredients
25 in, or the sale or distribution of, a pesticide.

26 d. The training, examination, licensing, or certification
27 of a pesticide applicator.

28 e. The storage or disposal of a pesticide container.

29 f. The sale of or distribution of a pesticide or device.

30 g. The use of a pesticide or device, including the
31 prohibition of the use of a pesticide brand.

32 3. This section shall not apply to a local governmental
33 entity to the extent that either of the following applies:

34 a. The specific type of regulation is allowed according to
35 rules adopted by the department of agriculture and land

1 stewardship.

2 b. The regulation relates to a general restriction upon
3 commercial activity, including restrictions upon the time,
4 manner, and place of manufacture, sale, or distribution of
5 commercial products.

6 EXPLANATION

7 This bill prohibits a local governmental entity (city,
8 county, township, school district, or special purpose
9 district) from adopting regulations or enforcing adopted
10 regulations relating to pesticides to the extent that the
11 regulation is the subject of a statute or a rule adopted by a
12 principal central department of state, or which relates to a
13 specific activity. The bill includes a list of specific
14 activities, which include the inspection or confiscation of a
15 pesticide or device; the registration of a pesticide; the
16 reporting of information regarding the ingredients in, or the
17 sale or distribution of, a pesticide; the training,
18 examination, licensing, or certification of a pesticide
19 applicator; the storage or disposal of a pesticide container;
20 the sale of or distribution of a pesticide or device; or the
21 use of a pesticide or device, including the prohibition of the
22 use of a pesticide brand.

23 The bill provides that the prohibition does not apply to
24 the extent that the specific type of regulation is allowed
25 according to rules adopted by the department of agriculture
26 and land stewardship or the regulation relates to a general
27 restriction upon commercial activity.

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SENATE FILE 94

AN ACT

RELATING TO FERTILIZERS OR SOIL CONDITIONERS AND PESTICIDES BY
PROHIBITING REGULATIONS BY LOCAL GOVERNMENTAL ENTITIES.

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

Section 1. NEW SECTION. 200.22 LOCAL LEGISLATION --
PROHIBITION.

1. As used in this section:

a. "Local governmental entity" means any political subdivision, or any state authority which is not the general assembly or under the direction of a principal central department as enumerated in section 7E.5, including a city as defined in section 362.2, a county as provided in chapter 359, or any special purpose district.

b. "Local legislation" means any ordinance, motion, resolution, amendment, regulation, or rule adopted by a local governmental entity.

2. The provisions of this chapter and rules adopted by the department pursuant to this chapter shall preempt local legislation adopted by a local governmental entity relating to the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, or manufacture

of a fertilizer or soil conditioner. A local governmental entity shall not adopt or continue in effect local legislation relating to the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, or manufacture of a fertilizer or soil conditioner, regardless of whether a statute or rule adopted by the department applies to preempt the local legislation. Local legislation in violation of this section is void and unenforceable.

3. This section does not apply to local legislation of general applicability to commercial activity.

Sec. 2. NEW SECTION. 206.34 LOCAL LEGISLATION --
PROHIBITION.

1. As used in this section:

a. "Local governmental entity" means any political subdivision, or any state authority which is not the general assembly or under the direction of a principal central department as enumerated in section 7E.5, including a city as defined in section 362.2, a county as provided in chapter 359, or any special purpose district.

b. "Local legislation" means any ordinance, motion, resolution, amendment, regulation, or rule adopted by a local governmental entity.

2. The provisions of this chapter and rules adopted by the department pursuant to this chapter shall preempt local legislation adopted by a local governmental entity relating to the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, or manufacture of a pesticide. A local governmental entity shall not adopt or continue in effect local legislation relating to the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, or manufacture of a pesticide, regardless of whether a statute or rule adopted by the department applies to preempt the local legislation. Local legislation in violation of this section is void and unenforceable.

3. This section does not apply to local legislation of general applicability to commercial activity.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 94, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved Sept 1, 1994

TERRY E. BRANSTAD
Governor