

# House Study Bill 527

## Bill Text

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1 1 Section 1. Section [200.5](#), subsection 1, Code 1997, is  
1 2 amended to read as follows:

1 3 1. Each brand and grade of commercial fertilizer and each  
1 4 soil conditioner shall be registered before being offered for  
1 5 sale, sold, or otherwise distributed in this state

~~;~~ except

1 6

~~that~~

~~-. However,~~ a commercial fertilizer formulated according  
1 7 to special specifications furnished by a consumer to fill the  
1 8 consumer's order shall not be required to be registered, but  
1 9 shall be labeled as provided in subsection 3 of section 200.6.  
1 10 The application for registration shall be submitted to the  
1 11 secretary on forms furnished by the secretary and shall be  
1 12 accompanied by a label setting forth the guaranteed analysis  
1 13 which shall be the same as that appearing on the registered  
1 14 product. If the brand or grade of commercial fertilizer or  
1 15 soil conditioner originated exclusively from a bulk dry animal  
1 16 nutrient product as provided in chapter 200A, the guaranteed  
1 17 analysis shall be the same as the guaranteed analysis which  
1 18 appears on the label for the bulk dry animal nutrient product  
1 19 registered pursuant to section 200A.6.

1 20 Sec. 2. NEW SECTION. 200A.1 TITLE.

1 21 This chapter shall be known and may be cited by the short  
1 22 title of "Bulk Dry Animal Nutrient Products Law".

1 23 Sec. 3. NEW SECTION. 200A.2 PURPOSE.

1 24 The purpose of this chapter is to regulate certain bulk dry  
1 25 animal manure for use as a fertilizer or soil conditioner,  
1 26 which is unmanipulated and therefore not subject to regulation  
1 27 under chapter 200.

1 28 Sec. 4. NEW SECTION. 200A.3 DEFINITIONS.

1 29 As used in this chapter, unless the context otherwise  
1 30 requires:

1 31 1. "Advertise" means to present a commercial message in  
1 32 any medium including but not limited to print, radio,  
1 33 television, sign, display, label, tag, or articulation.

1 34 2. "Bulk dry animal nutrient product" or "bulk product"  
1 35 means an animal nutrient product delivered to a purchaser in  
2 1 bulk form to which a label cannot be attached.

2 2 3. "Department" means the department of agriculture and  
2 3 land stewardship.

2 4 4. "Distribute" means to offer for sale, sell, hold out  
2 5 for sale, exchange, barter, or supply or furnish a bulk dry  
2 6 animal nutrient product on a commercial basis.

2 7 5. "Distributor" means a person who distributes a bulk dry  
2 8 animal nutrient product.

2 9 6. "Dry animal nutrient product" means any unmanipulated  
2 10 animal manure composed primarily of animal excreta, if all of  
2 11 the following apply:

2 12 a. The manure contains one or more recognized plant  
2 13 nutrients which are used for their plant nutrient content.

2 14 b. The manure promotes plant growth.

2 15 c. The manure does not flow perceptibly under pressure.

2 16 d. The manure is not capable of being transported through  
2 17 a mechanical pumping device designed to move a liquid.

2 18 e. The constituent molecules of the manure do not flow  
2 19 freely among themselves but do show the tendency to separate  
2 20 under stress.

2 21 7. "Guaranteed analysis" means the minimum percentage of  
2 22 plant nutrients claimed and reported to the department  
2 23 pursuant to section 200A.6.

2 24 8. "Official sample" means any sample of a bulk dry animal  
2 25 nutrient product taken by the department, according to  
2 26 procedures established by the department consistent with this  
2 27 chapter.

2 28 9. "Percent" or "percentage" means percentage by weight.

2 29 10. "Purchaser" means a person to whom a dry animal  
2 30 nutrient product is distributed.

2 31 11. "Ton" means a net weight of two thousand pounds  
2 32 avoirdupois.

2 33 Sec. 5. NEW SECTION. 200A.4 RULEMAKING.

2 34 The department shall adopt all rules necessary to  
2 35 administer this chapter, including but not limited to rules  
3 1 regulating licensure, labeling, registration, distribution,  
3 2 and storage of bulk dry animal nutrient products. A violation  
3 3 of this chapter includes a violation of any rule adopted  
3 4 pursuant to this section as provided in chapter 17A.

3 5 Sec. 6. NEW SECTION. 200A.5 LICENSE.

3 6 A person who distributes a bulk dry animal nutrient product  
3 7 in this state must first obtain a license from the department.  
3 8 A license application must be submitted to the department on a  
3 9 form furnished by the department according to procedures  
3 10 required by the department. A license shall expire on July 1  
3 11 of each year.

3 12 Sec. 7. NEW SECTION. 200A.6 REGISTRATION.

3 13 1. A person shall not distribute a bulk dry animal  
3 14 nutrient product, unless the bulk product is registered with  
3 15 the department under this section. The department shall  
3 16 register each bulk product which complies with the  
3 17 requirements of this chapter. If the department determines  
3 18 that a registration application does not comply with the  
3 19 requirements of this chapter, the department shall notify the  
3 20 applicant of the department's determination and the reasons  
3 21 why the application failed to comply with the requirements of  
3 22 this chapter. The department shall provide the applicant with  
3 23 an opportunity to make the necessary corrections before  
3 24 resubmitting the application.

3 25 2. A registration application must be submitted to the  
3 26 department on a form furnished by the department according to  
3 27 procedures required by the department. A completed  
3 28 application shall include all of the following:

3 29 a. An accompanying label setting forth the guaranteed  
3 30 analysis of the bulk product, in the following form:

3 31 Total Nitrogen (N) \_\_\_\_\_ percent

3 32 Available Phosphate (P) or \_\_\_\_\_ percent  
3 33 P[2]0[5] or both

3 34 Soluble Potassium (K) or \_\_\_\_\_ percent  
3 35 K[2]0 or both

4 1 Registration and guarantee of water soluble phosphate (P)  
4 2 or (P[2]0[5]) shall be permitted.

4 3 b. A description of how the distributor plans to obtain  
4 4 the acres necessary for proper application of the bulk product  
4 5 which is not distributed.

4 6 c. The names and addresses of any known purchasers of the  
4 7 bulk product.

4 8 d. Evidence of favorable effects and safety of the bulk  
4 9 product necessary to satisfy the department according to rules  
4 10 adopted by the department.

4 11 e. Additional data about a bulk product necessary to  
4 12 support claims made about the product, if required by the

4 13 department.

4 14 3. A distributor shall not be required to register any  
4 15 bulk product which is already registered under this chapter by  
4 16 another person.

4 17 4. Upon request of the department, the advisory committee  
4 18 created in section 206.23 may advise and assist the department  
4 19 regarding the registration of bulk dry animal nutrient  
4 20 products under the provisions of this chapter.

4 21 Sec. 8. NEW SECTION. 200A.7 DISTRIBUTION STATEMENT  
4 22 REQUIRED.

4 23 1. The distribution of a bulk dry animal nutrient product  
4 24 must be accompanied by a written or printed distribution  
4 25 statement which may be prepared on a form furnished by the  
4 26 department. The distribution statement shall include all of  
4 27 the following information:

4 28 a. The bulk product's guaranteed analysis in the same form  
4 29 as required pursuant to section 200A.6.

4 30 b. The name and address of the bulk product's purchaser.

4 31 c. A notice to the bulk product's purchaser stating the  
4 32 number of acres needed to apply the purchased bulk product  
4 33 based on the average corn yields in the county where the bulk  
4 34 product is to be applied.

4 35 d. A warning that application of a bulk product should not  
5 1 exceed the nitrogen levels necessary to obtain optimum crop  
5 2 yields for the crop being grown based on crop nitrogen usage  
5 3 rate factors.

5 4 2. Before transferring possession of a bulk product, the  
5 5 distributor shall present the purchaser with an acknowledgment  
5 6 for the purchaser's signature or initials indicating that the  
5 7 purchaser has read the distribution statement and understands  
5 8 the number of acres required to apply the product according to  
5 9 the information in the distribution statement.

5 10 3. A distribution statement shall be kept as part of the  
5 11 distributor's and purchaser's business records as provided by  
5 12 the department.

5 13 Sec. 9. NEW SECTION. 200A.8 DISTRIBUTION REPORTS.

5 14 1. A person required to be licensed pursuant to section  
5 15 200A.5 shall file a distribution report with the department on  
5 16 forms furnished by the department reporting information  
5 17 regarding the person's distribution of bulk products.

5 18 2. The report shall be filed with the department not later  
5 19 than the last day of January and the last day of July  
5 20 excluding weekends and state-recognized holidays as provided  
5 21 in section 1C.2.

5 22 3. The report shall include all of the following:

5 23 a. The number of tons of bulk products distributed by the  
5 24 person in the state during the preceding six-month period.  
5 25 The report shall include the number of tons distributed to  
5 26 each county named in the report and the grade of the  
5 27 distributed bulk product.

5 28 b. The name and address of each purchaser and the number  
5 29 of tons purchased.

5 30 c. An inspection fee as provided in section 200A.9.

5 31 Sec. 10. NEW SECTION. 200A.9 FEES.

5 32 1. A person required to obtain a license as provided in  
5 33 section 200A.5 shall pay a ten-dollar fee for each place from  
5 34 which a bulk product is distributed in this state.

5 35 2. a. The first person who distributes a bulk product,  
6 1 who is required to be licensed pursuant to section 200A.5,  
6 2 shall pay an inspection fee twice each year. The inspection  
6 3 fee shall be paid at the time of filing each distribution  
6 4 report as required in section 200A.8. The amount of the fee  
6 5 shall be calculated based on the number of tons of bulk dry  
6 6 animal nutrient product distributed by the person as reported  
6 7 in the distribution report.

6 8 b. The rate for inspection fees shall be established by  
6 9 the department not more than once each year and shall be not

6 10 more than twenty cents per ton.

6 11 c. An inspection fee shall not be imposed upon a  
6 12 purchaser, regardless of whether the purchaser subsequently  
6 13 distributes the product.

6 14 3. An inspection fee is delinquent after ten days  
6 15 following the date that a distribution report and fee are due  
6 16 as provided in section 200A.8. A delinquency penalty of not  
6 17 more than ten percent of the amount due shall be assessed  
6 18 against the person who is delinquent. However, the penalty  
6 19 shall be at least fifty dollars. The amount of fees and  
6 20 delinquency penalties due shall constitute a debt and become  
6 21 the basis of a judgment against the delinquent person.

6 22 Sec. 11. NEW SECTION. 200A.10 EXAMINATIONS.

6 23 1. The department shall maintain a laboratory with the  
6 24 equipment and employees necessary to conduct examinations of  
6 25 bulk dry animal nutrient products and to effectively  
6 26 administer and enforce this chapter.

6 27 2. The department, or a person authorized as an agent by  
6 28 the department, shall examine bulk products distributed in  
6 29 this state. An examination may include taking samples,  
6 30 conducting inspections and tests, and analyzing the bulk  
6 31 product.

6 32 3. The department shall conduct the examinations to the  
6 33 extent that the department determines necessary in order to  
6 34 conclude whether a bulk product is in compliance with the  
6 35 provisions of this chapter.

7 1 a. The department may enter upon any public or private  
7 2 premises during regular business hours in a manner consistent  
7 3 with the laws of this state and the United States, including  
7 4 Article I, section 8, of the Constitution of the State of  
7 5 Iowa, and the fourth amendment to the Constitution of the  
7 6 United States, for purposes of carrying out an examination.

7 7 b. The methods for examination shall be the official  
7 8 methods of the association of official agricultural chemists  
7 9 in all cases where methods have been adopted by the  
7 10 association.

7 11 c. A sworn statement by the state chemist or the state  
7 12 chemist's deputy stating the results of an analysis of an  
7 13 official sample from a lot of a bulk dry animal nutrient  
7 14 product shall constitute prima facie evidence of the  
7 15 correctness of the analysis of that lot in courts of this  
7 16 state.

7 17 d. The department, in determining for administrative  
7 18 purposes whether a bulk product is deficient in guaranteed  
7 19 active ingredients, shall rely upon the official sample  
7 20 obtained and analyzed by the state chemist or the state  
7 21 chemist's deputy.

7 22 e. The results of an official analysis of a bulk product  
7 23 which has been found to be in violation of any provision of  
7 24 this chapter shall be forwarded by the department to the  
7 25 registrant. Upon request, the department shall furnish the  
7 26 registrant a portion of any official sample.

7 27 Sec. 12. NEW SECTION. 200A.11 PROHIBITED ACTS.

7 28 1. A person shall not distribute a bulk dry animal  
7 29 nutrient product containing any substance used as filler  
7 30 material, if any of the following applies:

7 31 a. The filler injures plant growth or is deleterious to  
7 32 soil.

7 33 b. The person distributing the bulk product misrepresents  
7 34 or deceives the person receiving the bulk product regarding  
7 35 the attributes of the filler material or its effect upon plant  
8 1 growth or soil condition.

8 2 2. A person shall not advertise a bulk product by making  
8 3 false or misleading statements regarding the bulk product.

8 4 3. A person shall not misbrand a bulk product by providing  
8 5 a distribution statement to a purchaser which fails to  
8 6 identify a substance promoting plant growth according to the

8 7 bulk product's guaranteed analysis as provided in section  
8 8 200A.6.

8 9 4. The burden of proof regarding a claim made by a person  
8 10 distributing a bulk product, including but not limited to the  
8 11 positive effects of the bulk product on plant growth, shall be  
8 12 the responsibility of the distributor.

8 13 5. A distributor shall not store a bulk product in a  
8 14 manner which pollutes the waters of the state.

8 15 Sec. 13. NEW SECTION. 200A.12 ENFORCEMENT.

8 16 In enforcing this chapter the department may do any of the  
8 17 following:

8 18 1. a. Take disciplinary action concerning a registration  
8 19 of a bulk dry animal nutrient product as provided in section  
8 20 200A.6 or the license of a person distributing a bulk product  
8 21 as provided in section 200A.5. The department may do any of  
8 22 the following:

8 23 (1) Cancel the registration or deny an application for  
8 24 registration.

8 25 (2) Suspend or terminate the license or deny an  
8 26 application for a license.

8 27 b. The disciplinary action must be based upon evidence  
8 28 satisfactory to the department that the registrant, licensee,  
8 29 or applicant has used fraudulent or deceptive practices in  
8 30 violation of this chapter or has willfully disregarded the  
8 31 requirements of this chapter.

8 32 2. Issue and enforce a "stop sale, use, or removal" order  
8 33 against the owner or distributor of any lot of a bulk product.

8 34 a. The order may require that the bulk product be held at  
8 35 a designated place until released by the department.

9 1 b. The department shall release the bulk product pursuant  
9 2 to a release order upon satisfaction that legal issues  
9 3 compelling the issuance of the "stop sale, use, or removal  
9 4 order" have been resolved and all expenses incurred by the  
9 5 department in connection with the bulk product's removal have  
9 6 been paid to the department.

9 7 3. Seize and dispose of any lot of a bulk product which is  
9 8 not in compliance with the provisions of this chapter, upon  
9 9 petition to the district court in the county or adjoining  
9 10 county in which the bulk product is located.

9 11 a. If the court finds that the bulk product is in  
9 12 violation of this chapter, the court may order the  
9 13 condemnation of the bulk product. However, the court shall  
9 14 not order the seizure and disposition of a bulk product  
9 15 without first providing the owner of the bulk product with an  
9 16 opportunity to apply to the court for release of the bulk  
9 17 product, consent to reprocess the bulk product, or consent to  
9 18 amend a legal record to accurately describe the composition of  
9 19 the bulk product, including a distribution statement as  
9 20 provided in section 200A.7.

9 21 b. The department shall, as provided in the court order,  
9 22 dispose of the bulk product in a manner consistent with the  
9 23 quality of the bulk product and the laws of this state.

9 24 4. Apply to the district court in the county where a  
9 25 violation of this chapter occurs for a temporary or permanent  
9 26 injunction restraining a person from violating or continuing  
9 27 to violate this chapter, notwithstanding the existence of  
9 28 other remedies at law. The injunction shall be issued without  
9 29 a bond.

9 30 5. This section does not require the department to  
9 31 institute a proceeding for a minor violation if the department  
9 32 concludes that the public interest will be best served by a  
9 33 suitable written warning.

9 34 Sec. 14. NEW SECTION. 200A.13 VIOLATIONS.

9 35 1. A person violating a provision of this chapter is  
10 1 guilty of a simple misdemeanor.

10 2 2. a. If, after a departmental investigation, it appears  
10 3 that a person is in violation of this chapter, the department

10 4 shall notify the person of the violation and provide the  
10 5 person with an opportunity to be heard under rules adopted by  
10 6 the department consistent with chapter 17A contested case  
10 7 proceedings.

10 8 b. If, after a hearing, the department determines that a  
10 9 violation has occurred, the department may report the  
10 10 violation to the appropriate county attorney for prosecution.  
10 11 The report shall include a certified copy of evidence  
10 12 presented during the hearing. This section does not require  
10 13 the department to report a minor violation for prosecution if  
10 14 the department concludes that the public interest will be best  
10 15 served by a suitable written warning.

10 16 c. A county attorney who receives a report of a violation  
10 17 from the department shall institute and prosecute the case in  
10 18 district court without delay.

10 19 Sec. 15. NEW SECTION. 200A.14 EXCHANGE BETWEEN  
10 20 PRODUCERS.

10 21 Nothing in this chapter shall be construed to restrict or  
10 22 prohibit any of the following:

10 23 1. The distribution of a bulk product to importers,  
10 24 manufacturers, or manipulators who mix bulk dry animal  
10 25 nutrient products for distribution.

10 26 2. The shipment of a bulk product to a person licensed as  
10 27 a distributor pursuant to section 200A.5 who has registered  
10 28 the bulk product as provided in section 200A.6.

10 29 Sec. 16. NEW SECTION. 200A.15 COMPLIANCE DEFENSE TO  
10 30 CERTAIN NUISANCE ACTIONS.

10 31 In a nuisance action or proceeding involving a site used  
10 32 for the storage, manufacture, distribution, or use of a bulk  
10 33 product by or on behalf of a person whose established date of  
10 34 ownership is subsequent to the established date of operation  
10 35 of the site, proof of compliance with the applicable  
11 1 provisions of this chapter, including rules pursuant to  
11 2 section 200A.4, shall be an affirmative defense to a nuisance  
11 3 action or proceeding.

11 4 Sec. 17. NEW SECTION. 200A.16 LOCAL LEGISLATION  
11 5 PROHIBITION.

11 6 1. As used in this section:

11 7 a. "Local governmental entity" means any political  
11 8 subdivision of this state or any state authority which is not  
11 9 the general assembly or under the direction of a principal  
11 10 central department as enumerated in section 7E.5, including a  
11 11 city as defined in section 362.2, a county as provided in  
11 12 chapter 331, or any special purpose district.

11 13 b. "Local legislation" means any ordinance, motion,  
11 14 resolution, amendment, regulation, or rule adopted by a local  
11 15 governmental entity.

11 16 2. The provisions of this chapter and rules adopted by the  
11 17 department pursuant to this chapter shall preempt local  
11 18 legislation adopted by a local governmental entity relating to  
11 19 the use, sale, distribution, storage, transportation,  
11 20 disposal, formulation, labeling, registration, or manufacture  
11 21 of a bulk dry animal nutrient product. A local governmental  
11 22 entity shall not adopt or continue in effect local legislation  
11 23 relating to the use, sale, distribution, storage,  
11 24 transportation, disposal, formulation, labeling, registration,  
11 25 or manufacture of a bulk dry animal nutrient product,  
11 26 regardless of whether a statute or rule adopted by the  
11 27 department applies to preempt the local legislation. Local  
11 28 legislation in violation of this section is void and  
11 29 unenforceable.

11 30 3. This section does not apply to local legislation of  
11 31 general applicability to commercial activity.

11 32 Sec. 18. NEW SECTION. 200A.17 USE OF FEES.

11 33 Fees and delinquency penalties collected by the department  
11 34 pursuant to this chapter, including section 200A.9, shall be  
11 35 deposited in the general fund of the state. An amount of

12 1 money equal to the amount collected in fees and delinquency  
12 2 penalties shall be credited to and used only by the department  
12 3 for the administration or enforcement of this chapter in the  
12 4 same manner as moneys provided to departments under section  
12 5 8.60. However, the department may allocate moneys to the Iowa  
12 6 agricultural experiment station for research, work projects,  
12 7 and investigations as needed for the specific purpose of  
12 8 improving the regulatory functions to improve the enforcement  
12 9 of this chapter.

12 10 EXPLANATION

12 11 This bill creates a new chapter 200A referred to as the  
12 12 "Bulk Dry Animal Nutrient Products Law". The bill regulates  
12 13 certain bulk dry animal manure for use as a fertilizer or soil  
12 14 conditioner and especially the distribution of the manure,  
12 15 which is unmanipulated and therefore not subject to regulation  
12 16 under chapter 200 (regulating processed fertilizers and soil  
12 17 conditioners).

12 18 According to the bill, a bulk dry animal nutrient product  
12 19 (or bulk product) is limited to unmanipulated animal manure  
12 20 composed primarily of animal excreta which contains one or  
12 21 more recognized plant nutrients which are used for their plant  
12 22 nutrient content; promotes plant growth; does not flow  
12 23 perceptibly under pressure; is not capable of being  
12 24 transported through a mechanical pumping device designed to  
12 25 move a liquid; and has constituent molecules that do not flow  
12 26 freely among themselves but do show the tendency to separate  
12 27 under stress. The bill regulates this material in bulk form  
12 28 to which a label cannot be attached.

12 29 The bill authorizes the department of agriculture and land  
12 30 stewardship to adopt rules necessary to administer the  
12 31 regulations, including but not limited to rules regulating  
12 32 licensing, labeling, registration, distribution, and storage  
12 33 of the bulk dry animal manure.

12 34 The bill provides that a person who distributes a bulk dry  
12 35 animal nutrient product in this state must first obtain a  
13 1 license from the department. The person is required to pay a  
13 2 \$10 license fee for each place from which a bulk product is  
13 3 distributed in this state. The bill also provides that a  
13 4 person cannot distribute the bulk product unless the bulk  
13 5 product is registered with the department. A registration  
13 6 application must include an accompanying label setting forth  
13 7 the bulk product's guaranteed analysis, a description of how  
13 8 the distributor plans to obtain the acres necessary for proper  
13 9 application of the bulk product which is not distributed, the  
13 10 name and address of any known purchaser of the bulk product,  
13 11 evidence regarding the effects and safety of the bulk product,  
13 12 and any additional data as required by the department.

13 13 The bill requires that the distribution of a bulk dry  
13 14 animal nutrient product be accompanied by a distribution  
13 15 statement which includes information about the product's  
13 16 guaranteed analysis, the name and address of the bulk  
13 17 product's purchaser, and a notice to the bulk product's  
13 18 purchaser stating the number of acres needed to apply the bulk  
13 19 product based on the average corn yields in the county where  
13 20 the bulk product is to be applied. It must also include a  
13 21 warning that application of the bulk product should not exceed  
13 22 the nitrogen levels necessary to obtain optimum crop yields  
13 23 for the crop being grown.

13 24 The bill requires that a person required to be licensed  
13 25 under the bill must file a distribution report with the  
13 26 department twice each year. The report must include  
13 27 information regarding the number of tons of bulk dry animal  
13 28 nutrient product distributed in the state during the preceding  
13 29 six-month period, the name and address of each purchaser, and  
13 30 an inspection fee. The amount of the inspection fee is  
13 31 established by the department based on the number of tons of  
13 32 manure distributed. The rate cannot be not more than 20 cents

13 33 per ton. The bill also imposes a delinquency penalty upon  
13 34 persons who are late filing the distribution report and fee.

13 35 The bill provides for the examination of samples to ensure  
14 1 compliance with the provisions of the bill, procedures for  
14 2 collecting and examining samples, and the use of samples in  
14 3 legal proceedings.

14 4 The bill prohibits distributing a bulk dry animal nutrient  
14 5 product if the bulk product contains a filler material that  
14 6 may harm plants or the soil. It also prohibits distributors  
14 7 from making false claims regarding a bulk product, including  
14 8 misbranding a bulk product in a distribution statement. The  
14 9 bill prohibits a distributor from storing the bulk product in  
14 10 a manner which pollutes the waters of the state.

14 11 The bill includes a number of enforcement mechanisms which  
14 12 allow the department to take disciplinary action concerning a  
14 13 registration of a bulk dry animal nutrient product or the  
14 14 license of a person distributing the bulk product. According  
14 15 to the bill, the department may cancel the registration or  
14 16 deny an application for registration; suspend or terminate a  
14 17 license or deny an application for a license; issue and  
14 18 enforce a "stop sale, use, or removal" order; seize and  
14 19 dispose of any lot of a bulk product upon court order; and  
14 20 apply for injunctive relief.

14 21 The bill provides that a person in violation of the  
14 22 chapter's provisions is subject to prosecution by a county  
14 23 attorney. The department may file a report with the county  
14 24 attorney certifying evidence against the alleged violator.

14 25 The bill provides that its provisions do not affect the  
14 26 distribution of bulk dry animal nutrient products distributed  
14 27 to importers, manufacturers, or manipulators who mix the bulk  
14 28 product for distribution or the shipment of the bulk product  
14 29 to a licensee who has registered the bulk product.

14 30 The bill protects a site used for the storage, manufacture,  
14 31 distribution, or use of bulk dry animal nutrient products from  
14 32 a nuisance suit if the site was established prior to the time  
14 33 of the person bringing the legal action.

14 34 The bill provides that the provisions of the chapter and  
14 35 rules adopted by the department preempt local legislation  
15 1 adopted by a local governmental entity relating to the use,  
15 2 sale, distribution, storage, transportation, disposal,  
15 3 formulation, labeling, registration, or manufacture of a bulk  
15 4 dry animal nutrient product.

15 5 The bill provides that fees and delinquency penalties  
15 6 collected by the department pursuant to this chapter are  
15 7 deposited in the general fund of the state. The bill also  
15 8 provides that an amount of money equal to the amount collected  
15 9 in fees and delinquency penalties is credited to and shall be  
15 10 used by the department in the same manner as moneys provided  
15 11 to departments under old trust funds for purposes necessary  
15 12 for the administration or enforcement of this bill.

15 13 LSB 3411HC 77

15 14 da/jl/8