

AGRICULTURE
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SENATE FILE 2044
BY BOLKCOM, FINK, and DVORSKY

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

A BILL FOR

1 An Act restricting the application of pesticides and fertilizers
2 in cities and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2044
AGRICULTURE

1 Section 1. Section 200.18, subsection 2, Code Supplement
2 1999, is amended to read as follows:

3 2. A person violating this chapter or rules adopted by the
4 secretary pursuant to this chapter other than section 200.23,
5 shall be guilty of a simple misdemeanor. However, a person
6 who tampers with, possesses, or transports anhydrous ammonia
7 or anhydrous ammonia equipment commits a serious misdemeanor
8 under section 124.401F.

9 Sec. 2. NEW SECTION. 200.23 URBAN FERTILIZER
10 APPLICATION.

11 1. As used in this section, unless the context otherwise
12 requires:

13 a. "City" means a municipal corporation but not including
14 a county, township, or any special purpose district or
15 authority.

16 b. "Water of the state" means any stream, lake, pond,
17 marsh, watercourse, waterway, well, spring, reservoir,
18 aquifer, irrigation system, drainage system, and any other
19 body or accumulation of water, surface or underground, natural
20 or artificial, public or private, which is contained within,
21 flows through, or borders upon the state or any portion of the
22 state.

23 2. A person shall not apply a fertilizer to property which
24 meets all of the following criteria:

25 a. The property is located in a city.

26 b. The property is within twenty-five feet of any water of
27 the state.

28 3. A person who violates a provision of this section is
29 subject to a civil penalty of five hundred dollars for each
30 violation.

31 4. This section shall not apply to the application of a
32 fertilizer to property which is agricultural land that is
33 principally used for farming as those terms are defined in
34 section 9H.1.

35 Sec. 3. Section 206.22, subsection 2, Code 1999, is

1 amended to read as follows:

2 2. Any person violating any provision of this chapter
3 other than section 206.11, subsection 1, paragraph "a", or
4 section 206.26, shall be guilty of a serious misdemeanor;
5 provided, that any offense committed more than five years
6 after a previous conviction shall be considered a first
7 offense; and provided, further, that in any case where a
8 registrant was issued a warning by the secretary pursuant to
9 the provisions of this chapter, such registrant shall upon
10 conviction of a violation of any provision of this chapter
11 other than section 206.11, subsection 1, paragraph "a", or
12 section 206.26, be guilty of a serious misdemeanor; and the
13 registration of the article with reference to which the
14 violation occurred shall terminate automatically. An article,
15 the registration of which has been terminated, may not again
16 be registered unless the article, its labeling, and other
17 material required to be submitted appear to the secretary to
18 comply with all the requirements of this chapter.

19 Sec. 4. NEW SECTION. 206.26 URBAN PESTICIDE APPLICATION.

20 1. As used in this section, unless the context otherwise
21 requires:

22 a. "City" means a municipal corporation but not including
23 a county, township, or any special purpose district or
24 authority.

25 b. "Water of the state" means any stream, lake, pond,
26 marsh, watercourse, waterway, well, spring, reservoir,
27 aquifer, irrigation system, drainage system, and any other
28 body or accumulation of water, surface or underground, natural
29 or artificial, public or private, which is contained within,
30 flows through, or borders upon the state or any portion of the
31 state.

32 2. A person shall not apply a pesticide to property which
33 meets all of the following criteria:

34 a. The property is located in a city.

35 b. The property is within twenty-five feet of any water of

1 the state.

2 3. A person who violates a provision of this section is
3 subject to a civil penalty of five hundred dollars for each
4 violation.

5 4. This section shall not apply to the application of a
6 pesticide to property which is agricultural land that is
7 principally used for farming as those terms are defined in
8 section 9H.1.

9 EXPLANATION

10 This bill prohibits the application of a pesticide or
11 fertilizer to property which is located in a city and which is
12 within 25 feet of a water of the state. The bill provides
13 that a person who violates this prohibition is subject to a
14 civil penalty of \$500 for each violation.

15 The bill does not apply to the application of a pesticide
16 or fertilizer to property which is agricultural land that is
17 principally used for farming.

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