FILED FEB 12 '0:

SENATE FILE 157

BY KIBBIE

Passed Senate, Date _____   Passed House, Date _____

Vote: Ayes _____ Nays _____   Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the authority of a city to regulate the
2   application of fertilizers and soil conditioners on
3   residential property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1   Section 1. Section 200.22, subsection 3, Code 2001, is
2 amended to read as follows:
3   3. This section does not apply to ~~local~~ any of the
4 following:
5   a. Local legislation of general applicability to
6 commercial activity.
7   b. Local legislation adopted by a city that provides for
8 the application of a fertilizer or soil conditioner on land
9 where there is located a residence within the city's limits.
10 However, this paragraph does not apply to local legislation
11 providing for the application of a fertilizer or soil
12 conditioner on agricultural land as defined in section 6A.21.
13   EXPLANATION
14   This bill amends Code chapter 200, regulating fertilizers
15 and soil conditioners. Code section 200.22 provides that the
16 provisions of the chapter and rules adopted by the department
17 of agriculture and land stewardship preempt legislative
18 measures adopted by a local governmental entity such as a
19 county or city, if the legislation or regulations relates to
20 the use, sale, distribution, storage, transportation,
21 disposal, formulation, labeling, registration, or manufacture
22 of fertilizers and soil conditioners. There is an exception
23 for local legislation of general applicability to commercial
24 activity. This bill adds another exception to the section by
25 providing that state preemption does not apply to local
26 legislation adopted by a city that provides for the
27 application of a fertilizer or soil conditioner on land where
28 there is a residence. The bill provides that the exception
29 does not apply if the land is agricultural land.
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