

MAR 4 2003  
Agriculture

HOUSE FILE 405  
BY STEVENS, UPMEYER, FREEMAN,  
and TJEPKES

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the authority of a local governmental entity  
2 to regulate the application, use, sale, and distribution of  
3 fertilizers and soil conditioners.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 405

1 Section 1. Section 200.22, subsection 1, Code 2003, is  
2 amended by adding the following new paragraphs:

3 NEW PARAGRAPH. 0a. "Agricultural land " means the same as  
4 defined in section 6A.21.

5 NEW PARAGRAPH. 0b. "Commercial applicator" means a person  
6 who engages in the business of and charges a fee for applying  
7 fertilizer or soil conditioner on the land of another person,  
8 including an employee, agent, or subcontractor of the person.

9 NEW PARAGRAPH. c. "Major water source" means the same as  
10 defined in section 459.102.

11 NEW PARAGRAPH. d. "Residence" means a house or other  
12 building which is used as a place of habitation for humans on  
13 a permanent and frequent basis; is not readily mobile; and is  
14 connected to a permanent source of electricity, a permanent  
15 private water supply or a public water supply system, and a  
16 permanent domestic sewage disposal system including a private,  
17 semipublic, or public sewage disposal system.

18 Sec. 2. Section 200.22, subsections 2 and 3, Code 2003,  
19 are amended to read as follows:

20 2. Except as provided in subsection 3, the following shall  
21 apply:

22 a. The provisions of this chapter and rules adopted by the  
23 department pursuant to this chapter shall preempt local  
24 legislation adopted by a local governmental entity relating to  
25 the use, sale, distribution, storage, transportation,  
26 disposal, formulation, labeling, registration, or manufacture  
27 of a fertilizer or soil conditioner.

28 b. A local governmental entity shall not adopt or continue  
29 in effect local legislation relating to the use, sale,  
30 distribution, storage, transportation, disposal, formulation,  
31 labeling, registration, or manufacture of a fertilizer or soil  
32 conditioner, regardless of whether a statute or rule adopted  
33 by the department applies to preempt the local legislation.

34 PARAGRAPH DIVIDED. Local legislation in violation of this  
35 section is void and unenforceable.



S.F. \_\_\_\_\_ H.F. 405

1 apply if the land is agricultural land or to the activities of  
2 a commercial applicator.

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