

FILED MAR 11 '03

SENATE FILE 337

BY JOHNSON

(COMPANION TO HF 405)

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 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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SF 337
AGRICULTURE

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.

1 3. ~~This-section~~ Subsection 2 does not apply to local any
2 of the following:

3 a. Local legislation of general applicability to
4 commercial activity.

5 b. Local legislation adopted by a local governmental
6 entity that regulates the application, use, sale, or
7 distribution of a fertilizer or soil conditioner for use on
8 land where there is located a residence in the watershed of a
9 major water source. The land must be located within the local
10 governmental entity's jurisdictional limits, which includes a
11 city's incorporated area and the unincorporated area in which
12 a city has extended its zoning ordinance pursuant to section
13 414.23. However, this paragraph does not apply to local
14 legislation that regulates the application, use, sale, or
15 distribution of a fertilizer or soil conditioner for any of
16 the following:

17 (1) Use on agricultural land.

18 (2) The activities of a commercial applicator.

19 EXPLANATION

20 This bill amends Code chapter 200, regulating fertilizers
21 and soil conditioners. Code section 200.22 provides that the
22 provisions of the chapter and rules adopted by the department
23 of agriculture and land stewardship preempt legislative
24 measures adopted by a local governmental entity such as a
25 county or city, if the local legislation or regulations relate
26 to the use, sale, distribution, storage, transportation,
27 disposal, formulation, labeling, registration, or manufacture
28 of fertilizers and soil conditioners. There is an exception
29 for local legislation of general applicability to commercial
30 activity. The bill adds another exception to the section by
31 providing that state preemption does not apply to local
32 legislation that regulates the application, use, sale, or
33 distribution of a fertilizer or soil conditioner for use on
34 land within the watershed of a lake where there is a
35 residence. The bill provides that the exception does not

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

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