

MAR 9 2005
Place On Calendar

HOUSE FILE 642
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HF 202)

Passed House, Date 3-14-05 Passed Senate, Date 3-29-05
Vote: Ayes 70 Nays 27 Vote: Ayes 33 Nays 16
Approved 4-6-05

A BILL FOR

1 An Act relating to the regulation of agricultural seed, by
2 providing for preemption of local legislation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 642

1 Section 1. INTENT. It is the intent of the general
2 assembly in enacting this Act to accomplish uniformity in
3 oversight and regulation of seed used in agriculture. It is
4 not intended that this Act preclude a local governmental
5 entity from pursuing governmental activities not in conflict
6 with this Act.

7 Sec. 2. Section 199.1, Code 2005, is amended by adding the
8 following new subsections:

9 NEW SUBSECTION. 11A. a. "Local governmental entity"
10 means any political subdivision, or any state authority which
11 is not any of the following:

12 (1) The general assembly.

13 (2) A principal central department as enumerated in
14 section 7E.5, or a unit of a principal central department.

15 b. "Local governmental entity" includes but is not limited
16 to a county, special district, township, or city as provided
17 in title IX of this Code.

18 NEW SUBSECTION. 11B. "Local legislation" means any
19 ordinance, motion, resolution, amendment, regulation, or rule
20 adopted by a local governmental entity.

21 Sec. 3. NEW SECTION. 199.13A LOCAL LEGISLATION --
22 PROHIBITION.

23 1. The provisions of this chapter and rules adopted by the
24 department pursuant to this chapter shall preempt local
25 legislation adopted by a local governmental entity relating to
26 the production, use, advertising, sale, distribution, storage,
27 transportation, formulation, packaging, labeling,
28 certification, or registration of an agricultural seed. A
29 local governmental entity shall not adopt or continue in
30 effect such local legislation regardless of whether a statute
31 or a rule adopted by the department specifically preempts the
32 local legislation. Local legislation in violation of this
33 section is void and unenforceable.

34 2. This section does not apply to any of the following:

35 a. Local legislation of general applicability to

1 commercial activity.

2 b. A motion or resolution that provides for any activity
3 relating to agricultural seed which is owned by the local
4 governmental entity and which is kept or used on land held by
5 the local governmental entity.

6 EXPLANATION

7 This bill amends provisions in Code chapter 199 regulating
8 the sale of agricultural seed. This includes grass, forage,
9 cereal, oil, fiber, and any other kind of crop seed. It
10 includes those seeds commonly recognized as crop seed, lawn
11 seed, or vegetable seed. Code chapter 199 is regulated by the
12 department of agriculture and land stewardship.

13 The bill preempts a local governmental entity, including a
14 county, special district, township, or city, from adopting or
15 enforcing legislation which relates to the production, use,
16 advertising, sale, distribution, storage, transportation,
17 formulation, packaging, labeling, certification, or
18 registration of agricultural seed. The local legislation is
19 void and unenforceable.

20 The bill includes a provision which allows a local
21 governmental entity to adopt legislation which regulates
22 commercial activities generally without targeting a specific
23 industry. It also provides that a local governmental entity
24 may by motion or resolution provide activities relating to
25 agricultural seed which is kept or used on the local
26 governmental entity owned land.

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HOUSE FILE 642

H-1054

1 Amend House File 642 as follows:

2 1. Page 1, by inserting after line 6 the
3 following:

4 "Sec. ____ . Section 199.1, subsection 2, Code 2005,
5 is amended to read as follows:

6 2. "Agricultural seed" means grass, forage,
7 cereal, oil, fiber, and any other kind of crop seed
8 commonly recognized within this state as agricultural
9 seed, lawn seed, vegetable seed, or seed mixtures.

10 Agricultural seed includes genetically engineered
11 agricultural seed. Agricultural seed may include any
12 additional seed the secretary designates by rules."

13 2. Page 1, by inserting after line 8 the
14 following:

15 "NEW SUBSECTION. 6A. "Genetically engineered
16 agricultural seed" means agricultural seed that has
17 been modified through the use of recombinant
18 deoxyribonucleic acid technology. "Genetically
19 engineered agricultural seed" does not include
20 agricultural seed that has been modified by
21 traditional breeding, tissue culture, chemicals,
22 irradiation, or other technique that does not modify
23 the agricultural seed's recombinant deoxyribonucleic
24 acid."

25 3. Title page, line 1, by inserting after the
26 word "by" the following: "providing for genetically
27 engineered agricultural seed, and".

28 4. By renumbering as necessary.

By KUHN of Floyd

H-1054 FILED MARCH 10, 2005

HOUSE FILE 642

H-1056

1 Amend House File 642 as follows:

2 1. Page 1, by inserting after line 6 the
3 following:

4 "Sec. _____. Section 199.1, subsection 2, Code 2005,
5 is amended to read as follows:

6 2. "Agricultural seed" means grass, forage,
7 cereal, oil, fiber, and any other kind of crop seed
8 commonly recognized within this state as agricultural
9 seed, lawn seed, vegetable seed, or seed mixtures.

10 Agricultural seed includes genetically engineered
11 agricultural seed. Agricultural seed may include any
12 additional seed the secretary designates by rules."

13 2. Page 1, by inserting after line 8 the
14 following:

15 "NEW SUBSECTION. 6A. "Genetically engineered
16 agricultural seed" means agricultural seed that has
17 been modified through the use of recombinant
18 deoxyribonucleic acid technology. "Genetically
19 engineered agricultural seed" does not include
20 agricultural seed that has been modified by
21 traditional breeding, tissue culture, chemicals,
22 irradiation, or other technique that does not modify
23 the agricultural seed's recombinant deoxyribonucleic
24 acid."

25 3. Page 2, by inserting after line 5, the
26 following:

27 "_____. Local legislation that preserves the
28 identity of grain that is produced on farmland which
29 is part of an agricultural area created pursuant to
30 section 352.6 or which is subject to an agricultural
31 land preservation ordinance adopted pursuant to
32 section 335.27. This includes local legislation that
33 preserves the identity of grain that is produced from
34 an organic seed under chapter 190C, agricultural seed
35 that is not genetically engineered agricultural seed,
36 or genetically engineered agricultural seed."

37 4. Title page, line 1, by inserting after the
38 word "by" the following: "providing for genetically
39 engineered agricultural seed, and".

40 5. By renumbering as necessary.

By KUHN of Floyd

H-1056 FILED MARCH 10, 2005

S-3071

- 1 Amend House File 642, as passed by the House, as
2 follows:
- 3 1. Page 1, by inserting after line 17, the
4 following:
5 "____. This subsection is repealed on July 1,
6 2007."
- 7 2. Page 1, line 18, by inserting after the figure
8 "11B." the following: "a."
- 9 3. Page 1, by inserting after line 20, the
10 following:
11 "b. This subsection is repealed on July 1, 2007."
- 12 4. Page 2, by inserting after line 5, the
13 following:
14 "____. This section is repealed on July 1, 2007."
- 15 5. Page 2, by inserting after line 5, the
16 following:
17 "Sec. _____. STUDY COMMITTEE.
- 18 1. The legislative council shall establish a study
19 committee to investigate issues relating to the
20 production of those crops which derive from
21 genetically modified agricultural seeds and those
22 crops which derive from agricultural seeds which are
23 not genetically modified. The study committee shall
24 consider policies which preserve the interests of
25 agricultural producers who grow, harvest, store, and
26 market crops which derive from both types of
27 agricultural seeds in a manner that protects their
28 respective business decisions, enhances economic
29 opportunities, and promotes their relationships with
30 neighboring agricultural producers.
- 31 2. The study committee shall include at least four
32 members of the general assembly and representatives of
33 interested organizations as appointed by the
34 legislative council, which shall include the
35 department of agriculture and land stewardship, the
36 Iowa state association of counties, the agribusiness
37 association of Iowa, the Iowa biotechnology
38 association, the Iowa farm bureau federation, and the
39 Iowa farmers union. The study committee shall also
40 include a member of the organic advisory council as
41 established in section 190C.2, a plant scientist
42 employed by Iowa state university, and a person
43 regulated under Code chapter 199.
- 44 3. The study committee shall submit an interim
45 report to the general assembly by January 10, 2006,
46 and a final report to the general assembly, including
47 recommendations and any legislative proposals, by
48 January 10, 2007."
- 49 6. Title page, line 2, by inserting after the
50 word "legislation" the following: ", and requesting

S-3071

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Page 2

1 the establishment of a legislative study committee".

2 7. By renumbering as necessary.

By WILLIAM A. DOTZLER
DARYL BEALL
BOB BRUNKHORST

S-3071 FILED MARCH 29, 2005
WITHDRAWN

not intended that this Act preclude a local governmental entity from pursuing governmental activities not in conflict with this Act.

Sec. 2. Section 199.1, Code 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 11A. a. "Local governmental entity" means any political subdivision, or any state authority which is not any of the following:

- (1) The general assembly.
 - (2) A principal central department as enumerated in section 7E.5, or a unit of a principal central department.
- b. "Local governmental entity" includes but is not limited to a county, special district, township, or city as provided in title IX of this Code.

NEW SUBSECTION. 11B. "Local legislation" means any ordinance, motion, resolution, amendment, regulation, or rule adopted by a local governmental entity.

Sec. 3. NEW SECTION. 199.13A LOCAL LEGISLATION -- PROHIBITION.

1. The provisions of this chapter and rules adopted by the department pursuant to this chapter shall preempt local legislation adopted by a local governmental entity relating to the production, use, advertising, sale, distribution, storage, transportation, formulation, packaging, labeling, certification, or registration of an agricultural seed. A local governmental entity shall not adopt or continue in effect such local legislation regardless of whether a statute or a rule adopted by the department specifically preempts the local legislation. Local legislation in violation of this section is void and unenforceable.

2. This section does not apply to any of the following:

- a. Local legislation of general applicability to commercial activity.
- b. A motion or resolution that provides for any activity relating to agricultural seed which is owned by the local

HOUSE FILE 642

AN ACT
RELATING TO THE REGULATION OF AGRICULTURAL SEED, BY PROVIDING
FOR PREEMPTION OF LOCAL LEGISLATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. INTENT. It is the intent of the general assembly in enacting this Act to accomplish uniformity in oversight and regulation of seed used in agriculture. It is

governmental entity and which is kept or used on land held by the local governmental entity.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 642, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/6, 2005

THOMAS J. VILSACK
Governor