

1 HB303
2 108602-1
3 By Representative Jackson
4 RFD: Agriculture and Forestry
5 First Read: 14-JAN-10

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8 SYNOPSIS: Existing law does not prohibit a county or
9 municipality from adopting an ordinance, rule, or
10 resolution regulating fertilizers if the ordinance
11 or rule does not conflict with state law.

12 This bill would prohibit local governments
13 from adopting any ordinance, rule, or resolution
14 pertaining to the subject matter of fertilizers and
15 would reserve the entire subject of fertilizers to
16 the Department of Agriculture and Industries.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To prohibit a county or municipal government from
23 adopting any ordinance, rule, or resolution pertaining to the
24 subject of fertilizers; and to reserve the entire subject of
25 fertilizers to the Department of Agriculture and Industries.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) A county commission or municipal
2 governing body may not adopt or continue in effect any
3 ordinance, rule, or resolution regulating the registration,
4 packaging, labeling, sale, distribution, or application of
5 fertilizers. The entire subject matter of the foregoing shall
6 be subject to the jurisdiction of the Department of
7 Agriculture and Industries.

8 (b) For purposes of this section, the term
9 "fertilizer" means any substance containing one or more
10 recognized plant nutrients which is used for its plant
11 nutrient content and which is designed for use or claimed to
12 have value in promoting plant growth, except unmanipulated
13 animal and vegetable manures, marl, lime, limestone, wood
14 ashes, boiler ashes produced by the pulp and paper or the
15 electric utility industries, and similar other products
16 exempted by regulation by the Commissioner of Agriculture and
17 Industries.

18 (c) This section shall not affect, supersede, or
19 override any zoning ordinance or business license enacted by a
20 county or municipal government.

21 Section 2. All laws or parts of laws which conflict
22 with this act are repealed.

23 Section 3. This act shall become effective on the
24 first day of the third month following its passage and
25 approval by the Governor, or its otherwise becoming law.