

# Senate Amendment 5162

## Amendment Text

PAG LIN

1 1 Amend [Senate File 2037](#) as follows:  
1 2 #1. Page 1, by striking lines 1 through 28 and  
1 3 inserting the following:  
1 4 "Sec. \_\_\_\_ Section [335.2](#), Code 1995, is amended to  
1 5 read as follows:  
1 6 335.2

~~FARMS~~

- AGRICULTURAL USES EXEMPT.

1 7 1. As used in this section:  
1 8 a. "Animal feeding operation" means a lot, yard,  
1 9 corral, building, or other area in which animals are  
1 10 confined and fed and maintained for forty-five days or  
1 11 more in any twelve-month period, and all structures  
1 12 used for the storage of manure from animals in the  
1 13 operation. Two or more animal feeding operations  
1 14 under common ownership or management are deemed to be  
1 15 a single animal feeding operation if they are adjacent  
1 16 or utilize a common system for manure storage. An  
1 17 animal feeding operation does not include a livestock  
1 18 market.  
1 19 b. "Agricultural purpose" means any use connected  
1 20 or related to farming.  
1 21 c. "Farm animal feeding operation" means an animal  
1 22 feeding operation other than an industrial feeding  
1 23 operation.  
1 24 d. "Farming" means the same as defined in section  
1 25 9H.1.  
1 26 e. "Industrial feeding operation structure" means  
1 27 an animal feeding operation structure as defined in  
1 28 section 455B.161 which is part of an industrial  
1 29 feeding operation.  
1 30 f. "Partially zoned county" means an unzoned  
1 31 county in which is established an agricultural area  
1 32 pursuant to section 352.6 or an area subject to zoning  
1 33 pursuant to this chapter, if the county has not  
1 34 adopted countywide zoning pursuant to chapter 335.  
1 35 g. "Production inputs" means feed, supplies, and  
1 36 veterinary medicine used to feed or breed livestock,  
1 37 but does not include labor, construction materials,  
1 38 equipment, or tools.  
1 39 h. "Unzoned county" means a county which has not  
1 40 adopted zoning pursuant to this chapter, if no part of  
1 41 the county is subject to partial zoning.  
1 42 i. "Zoned county" means a county which has adopted  
1 43 zoning on a countywide basis as provided in this  
1 44 chapter.  
1 45 2. As used in this section, "industrial feeding  
1 46 operation" means an animal feeding operation, if the  
1 47 operation contains six hundred twenty-five thousand or  
1 48 more pounds animal weight capacity for all animal  
1 49 species other than beef cattle, or one million six  
1 50 hundred thousand or more pounds animal weight capacity  
2 1 for beef cattle, or fails to meet one of the following  
2 2 criteria:  
2 3 a. The owner of the agricultural land where an  
2 4 animal feeding operation is located is qualified to

2 5 file for a homestead tax credit as provided pursuant  
2 6 to section 425.2 or a family farm tax credit as  
2 7 provided in section 425A.4 in the county where the  
2 8 agricultural land is located. However, if the owner  
2 9 of the agricultural land is a business entity all of  
2 10 the following apply:  
2 11 (1) One of the following persons must be eligible  
2 12 to file:  
2 13 (a) If the person is filing for a homestead tax  
2 14 credit, one of the following persons must be eligible  
2 15 to file:  
2 16 (i) If the owner is a corporation, the majority  
2 17 shareholder of the corporation.  
2 18 (ii) If the owner is a partnership, any partner.  
2 19 (iii) If the owner is a limited liability company,  
2 20 the person holding the greatest membership interest in  
2 21 the limited liability company.  
2 22 (iv) If the owner is a limited partnership, the  
2 23 person contributing the most value to the limited  
2 24 partnership.  
2 25 (v) If the owner is a trust, the beneficiary  
2 26 having the greatest interest in the trust.  
2 27 (b) If the person is filing for a family farm tax  
2 28 credit one of the following persons must be eligible  
2 29 to file:  
2 30 (i) If the owner is a corporation, the majority  
2 31 shareholder of the corporation.  
2 32 (ii) If the owner is a partnership, any partner.  
2 33 b. At least forty percent of the interest in the  
2 34 business entity must be held by persons related to  
2 35 each other as spouse, parent, grandparent, lineal  
2 36 ascendants of grandparents or their spouses, or lineal  
2 37 descendants of the grandparents or their spouses, or  
2 38 persons acting in a fiduciary capacity to persons so  
2 39 related.  
2 40 c. More than fifty percent of the production  
2 41 inputs used to maintain livestock on the agricultural  
2 42 land are purchased within sixty miles from the borders  
2 43 of the agricultural land where the livestock operation  
2 44 is located.  
2 45 d. The operation cannot have benefited from any of  
2 46 the following:  
2 47 (1) The job training partnership program and other  
2 48 programs administered under section 15.108.  
2 49 (2) The community economic betterment program  
2 50 created in sections 15.315 through 15.320.  
3 1 (3) The self-employment loan program created in  
3 2 section 15.241.  
3 3 (4) The targeted small business financial  
3 4 assistance program created in section 15.247.  
3 5 (5) An agreement for a supplemental new jobs tax  
3 6 credit as provided in section 15.331.  
3 7 (6) The industrial new jobs training program as  
3 8 provided in chapter 260E.  
3 9 (7) The small business new jobs training program  
3 10 as provided in chapter 260F.  
3 11 (8) An economic development area established  
3 12 pursuant to chapter 403.  
3 13 For purposes of reimbursing a county that has  
3 14 acquired real estate containing an industrial feeding  
3 15 operation structure following nonpayment of taxes  
3 16 pursuant to section 446.19, all shareholders of any  
3 17 corporation, partners of a partnership, members of a  
3 18 limited liability company, limited partners of any  
3 19 limited partnership, or beneficiaries of any trust  
3 20 shall be liable for the entire costs of remediating  
3 21 the site, as if they owned the industrial feeding

3 22 operation personally, regardless of the amount of  
3 23 interest that is held in the entity.  
3 24 3.

~~Except to the extent required to implement~~

3 25

~~section 335.27, no~~

- An ordinance adopted under this  
3 26 chapter

~~applies~~

- shall apply to land,

~~farm~~

- including

3 27 houses,

~~farm~~

- barns,

~~farm~~

- outbuildings or other

3 28 buildings or structures located on the land, which

~~are~~

3 29 is primarily adapted, by reason of nature and area,

3 30

~~for use~~

- for an agricultural

~~purposes~~

- purpose, while so

3 31 used, only as provided in this section.

~~However, the~~

3 32

~~ordinances may apply to any~~

- The ordinance shall not

3 33 apply to the land, unless an industrial feeding

3 34 operation is located on the land. If an industrial

3 35 feeding operation is located on the land, the

3 36 ordinance shall only apply to the site of the

3 37 industrial feeding operation as provided in this

3 38 section and not land where other farming operations

3 39 occur. The following shall apply to the site of a

3 40 farm animal feeding operation constructed on or after

3 41 the effective date of this Act, regardless of whether

3 42 the county has adopted an ordinance under this

3 43 chapter:

3 44 a. A farm animal feeding operation may be located

3 45 anywhere in a county other than within the corporate

3 46 limits of a city. A farm animal feeding operation may

3 47 be located in an unzoned, partially zoned, or zoned

3 48 county. An ordinance adopted under this chapter shall

3 49 not apply to the farm animal feeding operation.

3 50 b. An industrial feeding operation shall not be

4 1 located within the corporate limits of a city. An

4 2 industrial feeding operation shall not be located in

4 3 an unzoned county, the unzoned portion of a partially

4 4 zoned county, or an agricultural area within a

4 5 partially zoned county.

4 6 4. This section shall not apply to either of the  
4 7 following:  
4 8 a. An ordinance required to implement an  
4 9 agricultural land preservation ordinance, as provided  
4 10 in section 335.27.  
4 11 b. A structure, building, dam, obstruction,  
4 12 deposit or excavation in or on the flood plains of

~~any~~

4 13 a river or stream."

4 14

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4 16 \_\_\_\_\_

4 17 MERLIN E. BARTZ

4 18 SF 2037.701 76

4 19 da/sc