

# Senate Amendment 5167

## Amendment Text

PAG LIN

1 1 Amend [Senate File 2037](#) as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 "Section 1. Section [335.2](#), Code 1995, is amended  
1 5 to read as follows:  
1 6 335.2

~~FARMS~~

~~AGRICULTURAL PURPOSES EXEMPT.~~

1 7 1. As used in this section:  
1 8 a. "Agricultural purpose" means any use connected  
1 9 or related to farming as defined in section 9H.1.  
1 10 b. "Animal feeding operation" and "animal feeding  
1 11 operation structure" mean the same as defined in  
1 12 section 455B.161.  
1 13 c. "Manure storage structure" means a structure  
1 14 used to store manure produced by an animal feeding  
1 15 operation and includes an anaerobic lagoon, earthen  
1 16 manure storage basin, or formed manure storage  
1 17 structure, as defined in section 455B.161.  
1 18 2. Except

~~to the extent required to implement~~

~~as~~

1 19 provided in this section.

~~335.27, no~~

~~an ordinance~~

1 20 adopted under this chapter

~~applies~~

~~shall not apply to~~

1 21 land,

~~farm~~

~~including houses,~~

~~farm~~

~~barns,~~

~~farm~~

~~outbuildings.~~

~~or~~

~~and other buildings or structures.~~

1 23 which

~~are~~

~~is primarily adapted, by reason of nature~~

1 24 and area, for

~~use for~~

~~an agricultural~~

~~purposes~~

~~-~~

1 25 purpose, while so used.

~~1 26 However, the ordinances may~~

1 26

~~1 27 apply to any~~

1 27 3. Subsection 2 shall not prohibit an ordinance  
1 28 adopted pursuant to this chapter if the ordinance  
1 29 applies to either of the following:

1 30 a. A structure, building, dam, obstruction,  
1 31 deposit or excavation in or on the flood plains of any  
1 32 river or stream.

1 33 b. The implementation of an agricultural  
1 34 preservation ordinance, as provided in section 335.27.

1 35 4. a. Subsection 2 shall not prohibit an  
1 36 ordinance adopted pursuant to this subsection which  
1 37 applies to animal feeding operations, including animal  
1 38 feeding operation structures, constructed or expanded  
1 39 after the effective date of this Act.

1 40 b. The county board of supervisors shall not adopt  
1 41 the ordinance until the board conducts a county-wide  
1 42 nitrogen use analysis as provided for in this  
1 43 subsection. The methodology employed in performing  
1 44 the analysis must be approved by the department of  
1 45 natural resources according to procedures adopted by  
1 46 the department after consultation with the animal  
1 47 agriculture consulting organization as provided in  
1 48 1995 Iowa Acts, chapter 195, section 37.

1 49 c. The analysis must find that the total nitrogen  
1 50 content of manure that is expected to be applied to  
2 1 land in the county and originating from manure storage  
2 2 structures located in the county, during the course of  
2 3 the next twelve-month period, exceeds the expected  
2 4 total nitrogen use necessary to obtain optimum crop  
2 5 yields on land used for producing crops in the county.  
2 6 Deductions shall be made for nitrogen credits from  
2 7 legume production and expected commercial nitrogen  
2 8 fertilizer applications. The resulting value shall  
2 9 then be corrected for expected nitrogen loss.  
2 10 Information to complete the required calculations must  
2 11 account for the soil types used to produce crops, the  
2 12 number of acres used to produce crops, and the types  
2 13 of crops produced in the county.

2 14 d. The calculations used by the county board of  
2 15 supervisors in its analysis shall be based upon rules  
2 16 adopted by the department of natural resources in  
2 17 cooperation with Iowa state university and the  
2 18 department of agriculture and land stewardship. The  
2 19 rules shall provide that the calculations may be based  
2 20 on conclusions by sources determined credible by the  
2 21 department of natural resources, including, but not  
2 22 limited to, Iowa state university, the United States  
2 23 department of agriculture, a registered professional  
2 24 engineer, or an individual certified as a crop  
2 25 consultant by the American registry of certified  
2 26 professionals in agronomy, crops, and soils, certified  
2 27 crop consultants, or the registry of environmental and  
2 28 agricultural professionals. Upon request, the  
2 29 department of natural resources shall provide to a  
2 30 county information regarding the nitrogen content of  
2 31 manure to be applied on land in the county according  
2 32 to manure management plans filed with the department  
2 33 pursuant to section 455B.203.

2 34 e. At any time after twelve months following the  
2 35 adoption of an ordinance under this subsection, a

2 36 petition protesting the findings of the analysis may  
2 37 be submitted to the county board of supervisors. The  
2 38 petition must be signed by at least ten percent of all  
2 39 owners of animal feeding operations in the county,  
2 40 each of whom resides in the county and has received at  
2 41 least ten thousand dollars for animals sold in the  
2 42 previous twelve-month period. The ordinance shall be  
2 43 nullified unless within six months following receipt  
2 44 of the petition by the county board of supervisors,  
2 45 the board conducts a subsequent analysis as provided  
2 46 in this subsection which confirms the findings of the  
2 47 previous analysis, and the board adopts the subsequent  
2 48 analysis by resolution."

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3 1 \_\_\_\_\_

3 2 DERRYL [MCLAREN](#)

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3 6 BRAD [BANKS](#)

3 7 [SF 2037.4](#)

3 8 da/cc/26