

# Senate Amendment 5223

## Amendment Text

PAG LIN

1 1 Amend [Senate File 2037](#) as follows:  
1 2 #1. Page 1, by inserting before line 29 the  
1 3 following:  
1 4 "Sec. \_\_\_\_ NEW SECTION. 331.309 CONFINEMENT  
1 5 FEEDING OPERATIONS - SITING ORDINANCE.  
1 6 1. As used in this section:  
1 7 a. "Animal feeding operation structure" means the  
1 8 same as defined in section 455B.161.  
1 9 b. "Animal weight capacity" means the same as  
1 10 defined in section 455B.161.  
1 11 c. "Confinement feeding operation" means the same  
1 12 as defined in section 455B.161.  
1 13 2. a. Notwithstanding section 335.2, a county may  
1 14 adopt a confinement feeding operations siting  
1 15 ordinance, pursuant to section 331.302. The purpose  
1 16 of the ordinance shall be to approve the siting of a  
1 17 confinement feeding operation regardless of whether  
1 18 the county has adopted an ordinance under chapter 335  
1 19 or regardless of the classification of the confinement  
1 20 feeding operation. The ordinance shall provide  
1 21 authority to a county to approve the site of the  
1 22 construction or expansion of a confinement feeding  
1 23 operation, including confinement feeding operation  
1 24 buildings and related animal feeding operation  
1 25 structures in order to preserve and protect natural  
1 26 resources, including water sources and fragile  
1 27 environmental locations; lessen congestion and  
1 28 overcrowding of confinement feeding operations,  
1 29 especially near cities; and to protect the health and  
1 30 welfare of the public.  
1 31 b. The ordinance shall provide for a method and  
1 32 procedure required to approve the site. In  
1 33 administering the ordinance, the county shall  
1 34 establish a confinement feeding operations siting  
1 35 commission which shall review each proposal for the  
1 36 construction or expansion of a confinement feeding  
1 37 operation, and recommend to the county board of  
1 38 supervisors that the board approve or disapprove the  
1 39 proposal. The board shall appoint five members of the  
1 40 commission. Four members shall not reside in a city,  
1 41 and one member shall reside in a city. At least three  
1 42 members shall be or have been actively engaged in  
1 43 animal agriculture. The commission shall make its  
1 44 recommendation to the board within forty-five days  
1 45 from the date that the board receives a complete  
1 46 proposal. The board shall approve or disapprove a  
1 47 proposal within forty-five days from the date that the  
1 48 board receives the commission's recommendation.  
1 49 c. A confinement feeding operations siting  
1 50 ordinance shall not apply to a confinement feeding  
2 1 operation, if either of the following apply:  
2 2 (1) Only bovine or poultry are confined in the  
2 3 confinement feeding operation.  
2 4 (2) The confinement feeding operation has an  
2 5 animal weight capacity of less than three hundred  
2 6 thousand pounds."  
2 7 #2. Title page, line 2, by inserting after the

2 8 word "zoning" the following: "and siting".  
2 9 #3. By renumbering as necessary.  
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2 11  
2 12 \_\_\_\_\_  
2 13 EUGENE [FRAISE](#)  
2 14  
2 15  
2 16 \_\_\_\_\_  
2 17 JOHN P. [KIBBIE](#)  
2 18 PATTY [JUDGE](#)  
2 19 ANDY [MCKEAN](#)  
2 20 MARY A. [LUNDBY](#)  
2 21 RODNEY [HALVORSON](#)  
2 22 TOM [FLYNN](#)  
2 23 ALBERT G. [SORENSEN](#)  
2 24 [SF 2037.211](#) 76  
2 25 da/jj