

# House Amendment 8383

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1 1 Amend House File 2744, as follows:  
1 2 #1. Page 6, by inserting after line 4 the  
1 3 following:  
1 4 <Sec. \_\_\_\_\_. NEW SECTION. 459.203A SWINE FARROWING  
1 5 AND GESTATING OPERATIONS == SPECIAL BIOSECURITY  
1 6 SEPARATION DISTANCES.  
1 7 1. A county board of supervisors may adopt a swine  
1 8 biosecurity ordinance requiring a separation distance  
1 9 in feet between an animal feeding operation  
1 10 maintaining swine and a structure which houses more  
1 11 than twenty-five animal units and is part of a swine  
1 12 farrowing and gestating operation located in the  
1 13 county. If the animal feeding operation or the  
1 14 structure is located in a different county, the joint  
1 15 boards of supervisors of the different counties may  
1 16 adopt the biosecurity ordinance. On the effective  
1 17 date of the ordinance requiring a separation distance,  
1 18 except as provided in subsection 2 and section  
1 19 459.205, the animal feeding operation shall not be  
1 20 established or expanded within that separation  
1 21 distance.  
1 22 2. a. An animal feeding operation established or  
1 23 expanded prior to the date that a separation distance  
1 24 became effective as provided in a biosecurity  
1 25 ordinance and which does not comply with the  
1 26 separation distance may continue to operate regardless  
1 27 of the separation distance requirement.  
1 28 b. An animal feeding operation may be expanded  
1 29 within a separation distance required in a biosecurity  
1 30 ordinance if the expansion is in accordance with the  
1 31 terms and conditions of a variance granted by the  
1 32 county board of supervisors which adopted the  
1 33 biosecurity ordinance.  
1 34 Sec. \_\_\_\_\_. Section 459.205, subsection 3, Code  
1 35 2005, is amended to read as follows:  
1 36 3. a. A confinement feeding operation structure  
1 37 which is constructed or expanded within any distance  
1 38 from ~~a~~ any of the following:  
1 39 (1) A residence, educational institution,  
1 40 commercial enterprise, or bona fide religious  
1 41 institution, city, or public use area, if the  
1 42 residence, educational institution, commercial  
1 43 enterprise, or bona fide religious institution was  
1 44 constructed or expanded, or the boundaries of the city  
~~1 45 or public use area were expanded, after the date that~~  
1 46 the confinement feeding operation was established.  
1 47 (2) A city or public use area, if the boundaries  
1 48 of the city or public use area were expanded after the  
~~1 49 date that the confinement feeding operation was~~  
1 50 established.  
2 1 (3) A swine farrowing and gestating operation, if  
2 2 the swine farrowing and gestating operation was  
2 3 constructed or expanded after the date that the  
2 4 confinement feeding operation was established.  
2 5 b. The date the confinement feeding operation was  
2 6 established is the date on which the confinement  
2 7 feeding operation commenced operating. A change in  
2 8 ownership or expansion of the confinement feeding  
2 9 operation shall not change the established date of  
2 10 operation.  
2 11 Sec. \_\_\_\_\_. Section 459.303, subsection 1,  
2 12 unnumbered paragraph 1, Code 2005, is amended to read  
2 13 as follows:  
2 14 The department shall approve or disapprove  
2 15 applications for permits for the construction,  
2 16 including the expansion, of confinement feeding  
2 17 operation structures, as provided by rules adopted  
2 18 pursuant to this chapter. ~~The department's decision~~  
~~2 19 to department shall~~ approve or disapprove a permit for  
2 20 the construction of a confinement feeding operation  
2 21 structure ~~shall be~~ based on whether the application is  
2 22 submitted according to procedures required by the  
2 23 department and the application meets the requirements  
2 24 of this chapter, including standards established by

2 25 the department and separation distance requirements  
2 26 for the construction and expansion of confinement  
2 27 feeding operation structures. A person shall not  
2 28 begin construction of a confinement feeding operation  
2 29 structure requiring a permit under this section,  
2 30 unless the department first approves the person's  
2 31 application and issues to the person a construction  
2 32 permit. The department shall provide conditions for  
2 33 requiring when a person must obtain a construction  
2 34 permit.  
2 35 Sec. \_\_\_\_ EFFECTIVE DATE. The sections of this  
2 36 Act enacting section 459.203A and amending section  
2 37 459.205, subsection 3, and section 459.303, subsection  
2 38 1, unnumbered paragraph 1, being deemed of immediate  
2 39 importance, takes effect upon enactment.>  
2 40 #2. Title page, line 1, by inserting after the  
2 41 word <Act> the following: <relating to environmental  
2 42 protection by>.  
2 43 #3. Title page, line 3, by inserting after the  
2 44 word <reliance> the following: <, providing for swine  
2 45 operations, and providing an effective date>.  
2 46 #4. By renumbering as necessary.  
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2 50 WHITAKER of Van Buren  
3 1 HF 2744.201 81  
3 2 da/sh/4481