

House File 2281

S-5164

1 Amend House File 2281, as passed by the House, as follows:

2 1. Page 1, after line 8 by inserting:

3 <Sec. \_\_\_\_\_. Section 459.102, Code 2018, is amended by adding  
4 the following new subsection:

5 NEW SUBSECTION. 51A. *"Small confinement feeding operation"*  
6 means a confinement feeding operation that has an animal unit  
7 capacity of three hundred or fewer animal units.

8 Sec. \_\_\_\_\_. Section 459.202, subsection 1, paragraph a, Code  
9 2018, is amended to read as follows:

10 a. Except as provided in [subsection 3](#) and [sections 459.203,](#)  
11 [459.203A,](#) [459.205,](#) and [459.206,](#) [this subsection](#) applies to  
12 confinement feeding operation structures constructed on or  
13 after May 31, 1995, but prior to January 1, 1999; and to the  
14 expansion of structures constructed prior to January 1, 1999.

15 Sec. \_\_\_\_\_. Section 459.202, subsection 2, paragraph a, Code  
16 2018, is amended to read as follows:

17 a. Except as provided in [subsection 3](#) and [sections 459.203,](#)  
18 [459.203A,](#) [459.205,](#) and [459.206,](#) [this subsection](#) applies to  
19 confinement feeding operation structures constructed on or  
20 after January 1, 1999, but prior to March 1, 2003, and to the  
21 expansion of structures constructed on or after January 1,  
22 1999, but prior to March 1, 2003.

23 Sec. \_\_\_\_\_. Section 459.202, subsection 3, paragraph a, Code  
24 2018, is amended to read as follows:

25 a. Except as provided in [sections 459.203,](#) [459.203A,](#)  
26 [459.205,](#) and [459.206,](#) [this subsection](#) applies to confinement  
27 feeding operation structures constructed on or after May  
28 31, 1995, but prior to March 1, 2003; to the expansion of  
29 structures constructed on or after May 31, 1995, but prior to  
30 March 1, 2003; and to the expansion of structures constructed  
31 prior to May 31, 1995.

32 Sec. \_\_\_\_\_. Section 459.202, subsection 4, paragraph a, Code  
33 2018, is amended to read as follows:

34 a. Except as provided in [subsection 5](#) and [sections 459.203,](#)  
35 [459.203A,](#) [459.205,](#) and [459.206,](#) [this subsection](#) applies to

1 confinement feeding operation structures constructed on or  
2 after March 1, 2003, and to the expansion of confinement  
3 feeding operation structures constructed on or after March 1,  
4 2003.

5 Sec. \_\_\_\_\_. Section 459.202, subsection 5, paragraph a, Code  
6 2018, is amended to read as follows:

7 a. Except as provided in sections 459.203, 459.203A,  
8 459.205, and 459.206, this subsection applies to confinement  
9 feeding operation structures constructed on or after March 1,  
10 2003, and to the expansion of confinement feeding operation  
11 structures constructed on or after March 1, 2003.

12 Sec. \_\_\_\_\_. Section 459.202, subsection 6, Code 2018, is  
13 amended to read as follows:

14 6. Except as provided in ~~section~~ sections 459.203A and  
15 459.205, a confinement feeding operation structure shall not be  
16 constructed or expanded within one hundred feet from a public  
17 thoroughfare.

18 Sec. \_\_\_\_\_. Section 459.203, unnumbered paragraph 1, Code  
19 2018, is amended to read as follows:

20 A confinement feeding operation that does not qualify as a  
21 small confinement feeding operation, that was constructed or  
22 expanded prior to the date that a the applicable separation  
23 distance requirement became effective under section 459.202,  
24 and ~~which~~ that does not comply with ~~the section's~~ that  
25 separation distance requirement may continue to operate  
26 regardless of the separation distance requirement. The  
27 confinement feeding operation may be expanded only if any of  
28 the following applies:

29 Sec. \_\_\_\_\_. **NEW SECTION. 459.203A Separation distance**  
30 **requirements for confinement feeding operations qualifying as**  
31 **small animal feeding operations — expansion of prior constructed**  
32 **operations.**

33 1. A confinement feeding operation that qualifies as a small  
34 confinement feeding operation, that was constructed or expanded  
35 prior to the date that the applicable separation distance

1 requirement became effective under section 459.202, and that  
2 does not comply with that separation distance requirement  
3 on and after the effective date of this Act may continue to  
4 operate regardless of the separation distance requirement.

5 2. A confinement feeding operation described in subsection  
6 1 may be expanded only if all of the following apply:

7 a. The confinement feeding operation is not expanded by  
8 the construction or expansion of an unformed manure storage  
9 structure. However, the confinement feeding operation may  
10 be expanded by replacing one or more unformed manure storage  
11 structures with one or more formed manure storage structures,  
12 subject to all of the following:

13 (1) The animal weight capacity or animal unit capacity,  
14 whichever is applicable, is not increased for that portion of  
15 the confinement feeding operation that utilizes all replacement  
16 formed manure storage structures.

17 (2) The use of each replaced unformed manure storage  
18 structure is discontinued within one year after the  
19 construction of the replacement formed manure storage  
20 structure.

21 (3) The capacity of all replacement formed manure storage  
22 structures does not exceed the amount required to store manure  
23 produced by that portion of the confinement feeding operation  
24 utilizing the formed manure storage structures during any  
25 fourteen-month period.

26 (4) No portion of the replacement formed manure storage  
27 structure is closer to an object or location for which a  
28 separation distance is required under section 459.202 than any  
29 other confinement feeding operation structure which is part of  
30 the operation.

31 b. (1) For a confinement feeding operation constructed  
32 prior to January 1, 1999, any construction or expansion of  
33 a confinement feeding operation structure complies with the  
34 separation distance requirements applying to that structure as  
35 provided in section 459.202, subsections 1 and 3.

1 (2) For a confinement feeding operation constructed on  
2 or after January 1, 1999, but prior to March 1, 2003, any  
3 construction or expansion of a confinement feeding operation  
4 structure complies with the separation distance requirements  
5 applying to that structure as provided in section 459.202,  
6 subsections 2 and 3.

7 (3) For a confinement feeding operation constructed on  
8 or after March 1, 2003, any construction or expansion of a  
9 confinement feeding operation structure complies with the  
10 separation distance requirements applying to that structure as  
11 provided in section 459.202, subsections 4 and 5.

12 Sec. \_\_\_\_\_. Section 459.205, subsection 1, Code 2018, is  
13 amended to read as follows:

14 1. A confinement feeding operation structure, if the  
15 structure is part of a confinement feeding operation ~~which~~ that  
16 qualifies as a small ~~animal~~ confinement feeding operation.  
17 However, this subsection shall not apply if the confinement  
18 feeding operation structure is an unformed manure storage  
19 structure.

20 Sec. \_\_\_\_\_. Section 459.205, subsection 4, paragraph c, Code  
21 2018, is amended to read as follows:

22 c. The liquid manure originates from a small ~~animal~~  
23 confinement feeding operation.

24 Sec. \_\_\_\_\_. Section 459.205, subsection 5, Code 2018, is  
25 amended to read as follows:

26 5. The stockpiling of dry manure within a separation  
27 distance required between a stockpile and an object or location  
28 for which a separation distance is required under section  
29 459.204B if any of the following apply:

30 a. The titleholder of the land benefiting from the  
31 separation distance requirement executes a written waiver with  
32 the titleholder of the land where the stockpile is located.

33 b. The stockpile consists of dry manure originating from a  
34 small animal feeding operation other than a confinement feeding  
35 operation.

1     c. The stockpile consists of dry manure originating from a  
2 small confinement feeding operation.

3     d. The stockpile consists of dry manure originating from  
4 a confinement feeding operation that was constructed before  
5 January 1, 2006, unless the confinement feeding operation is  
6 expanded after that date.>

7     2. Title page, lines 1 and 2, by striking <operations  
8 maintaining fishes,> and inserting <operations, including>

9     3. By renumbering as necessary.

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