

MAR 9 1995
Agriculture

HOUSE FILE 314
BY COON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to nuisance protections applicable to livestock
2 operations.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 314

1 Section 1. Section 172D.1, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9A. "Livestock operation" means a
4 location where livestock are kept, produced, or raised other
5 than a feedlot, and including areas which are used for the
6 raising of crops or other vegetation and upon which livestock
7 are allowed to graze or feed.

8 Sec. 2. Section 172D.2, Code 1995, is amended by adding
9 the following new unnumbered paragraph:

10 NEW UNNUMBERED PARAGRAPH. In any nuisance action or
11 proceeding against a livestock operation which is within one
12 mile of a feedlot, and which is brought by or on behalf of a
13 person whose date of ownership of realty is subsequent to the
14 established date of that operation, proof of compliance with
15 sections 172D.3 and 172D.4 with respect to the feedlot shall
16 be an absolute defense, provided that the conditions or
17 circumstances alleged to constitute a nuisance are subject to
18 regulatory jurisdiction in accordance with either section
19 172D.3 or 172D.4 with respect to the feedlot. However, this
20 paragraph shall not apply to a livestock operation located
21 within two miles of a city.

22 EXPLANATION

23 This bill grants a livestock operation located within one
24 mile of a feedlot and more than two miles from a city the same
25 protections against nuisance suits as feedlots pursuant to
26 section 172D.2. Section 172D.2 defines "feedlot" to mean a
27 lot, yard, corral, or other area in which livestock are
28 confined, primarily for the purposes of feeding and growth
29 prior to slaughter. The term does not include areas which are
30 used for the raising of crops or other vegetation and upon
31 which livestock are allowed to graze or feed. The bill
32 defines "livestock operation" as a location where livestock
33 are kept, produced, or raised other than a feedlot, and
34 including areas which are used for the raising of crops or
35 other vegetation and upon which livestock are allowed to graze

- 1 or feed.
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