

SENATE FILE 2034
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO LSB 3618XC)

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

A BILL FOR

1 An Act relating to county zoning of animal feeding operations.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. 2034

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1 Section 1. Section 335.2, Code 1995, is amended to read as
2 follows:

3 335.2 FARMS AGRICULTURAL USES EXEMPT.

4 1. As used in this section:

5 a. "Animal feeding operation" means a lot, yard, corral,
6 building, or other area in which animals are confined and fed
7 and maintained for forty-five days or more in any twelve-month
8 period, and all structures used for the storage of manure from
9 animals in the operation. Two or more animal feeding
10 operations under common ownership or management are deemed to
11 be a single animal feeding operation if they are adjacent or
12 utilize a common system for manure storage. An animal feeding
13 operation does not include a livestock market.

14 b. "Agricultural purpose" means any use connected or
15 related to farming.

16 c. "Confinement feeding operation" means an animal feeding
17 operation in which animals are confined to areas which are
18 totally roofed.

19 d. "Farming" means the same as defined in section 9H.1.

20 2. Except to-the-extent-required-to-implement-section
21 335.27, no as provided in this section, an ordinance adopted
22 under this chapter applies shall not apply to land, farm
23 including houses, farm barns, farm outbuildings or other
24 buildings or structures located on the land, which are is
25 primarily adapted, by reason of nature and area, for use-for
26 an agricultural purposes purpose, while so used. However, the
27 ordinances may apply to any

28 3. If the owner of the farming operation is engaged in a
29 confinement feeding operation, the farming operation must
30 include a sufficient number of acres to be capable of feeding
31 at least twenty percent of all animals confined in the
32 confinement feeding operation at any time, as determined by
33 the county board of supervisors in the county where the
34 farming operation is located. The feed must originate on land
35 located not more than fifty miles from the site of the

1 confinement feeding operation. In determining whether the
2 farming operation is capable of feeding the animals, the
3 county board of supervisors may provide that the confinement
4 feeding operation is not required to satisfy the requirement
5 of this subsection, if the confinement feeding operation meets
6 any one of the following criteria:

7 a. Has an animal weight capacity of two hundred thousand
8 pounds or less for animals other than bovine, or four hundred
9 thousand pounds or less for bovine. The animal weight
10 capacity shall be the product of multiplying the maximum
11 number of animals confined in the confinement feeding
12 operation at any one time by the average weight during a
13 production cycle.

14 b. Is operated for experimental purposes by Iowa state
15 university's cooperative extension service in agriculture and
16 home economics, or by a 4-H or future farmers of America
17 organization.

18 c. Is owned and operated by a person who is related as
19 spouse, parent, grandparent, lineal ascendant of a grandparent
20 or spouse, or lineal descendant of a grandparent or spouse to
21 a person engaged in farming who owns enough acres of land to
22 satisfy the requirement of this subsection.

23 4. This section shall not apply to either of the
24 following:

25 a. An ordinance required to implement an agricultural
26 preservation ordinance, as provided in section 335.27.

27 b. A structure, building, dam, obstruction, deposit or
28 excavation in or on the flood plains of any a river or stream.

29 EXPLANATION

30 This bill amends chapter 335, which provides for county
31 zoning. Section 335.2 currently provides that county zoning
32 does not apply to land used for agricultural purposes. The
33 bill amends section 335.2 to provide that an "agricultural
34 purpose" means any use connected or related to farming as
35 defined in Iowa's corporate farming law in chapter 9H. The

1 bill provides that if the owner of the farming operation is
2 engaged in a confinement feeding operation, the farming
3 operation must be located on land which includes a sufficient
4 number of acres to be capable of feeding at least 20 percent
5 of all animals confined in the confinement feeding operation
6 at any time, as determined by the county board of supervisors
7 in the county where the farming operation is located. The
8 bill provides that the county board of supervisors may provide
9 that the confinement feeding operation is not required to
10 satisfy this requirement if it has an animal weight capacity
11 of 200,000 pounds or less for animals other than bovine, or
12 400,000 pounds or less for bovine; is operated by Iowa state
13 university's cooperative extension service in agriculture and
14 home economics or by a 4-H or future farmers of America
15 organization; or is owned and operated by a person who is
16 related to a person engaged in farming, and who owns enough
17 acres of land to satisfy the requirement of amended section
18 335.2.

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S-5006

1 Amend Senate File 2034 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 335.2, Code 1995, is amended
5 to read as follows:

6 335.2 FARMS AGRICULTURAL USES EXEMPT.

7 1. As used in this section:

8 a. "Agricultural purpose" means any use connected
9 or related to farming.

10 b. "Animal feeding operation structure" means the
11 same as defined in section 455B.161.

12 c. "Confinement feeding operation" means a
13 confinement feeding operation as defined in section
14 455B.161.

15 d. "Farming" means the same as defined in section
16 9H.1.

17 e. "Farming operation" means land where the owner
18 of land is engaged in farming.

19 f. "Manure management plan" means the same as
20 provided in section 455B.203.

21 g. "Small animal feeding operation" means the same
22 as defined in section 455B.161.

23 2. ~~Except to-the-extent-required-to-implement~~
24 ~~section-335.27,-no~~ as provided in this section, an
25 ordinance adopted under this chapter ~~applies~~ shall not
26 apply to land, farm including houses, farm barns, farm
27 outbuildings or other buildings or structures located
28 on the land, which ~~are~~ is primarily adapted, by reason
29 of nature and area, for ~~use-for~~ an agricultural
30 purposes purpose, while so used. ~~However,-the~~
31 ~~ordinances-may-apply-to-any~~

32 3. Subsection 2 shall not prohibit the adoption of
33 an ordinance adopted under this chapter which applies
34 to a confinement feeding operation which produces
35 swine, including an animal feeding operation structure
36 which is part of the confinement feeding operation, as
37 provided by the board of supervisors. However, this
38 subsection shall not apply to a small animal feeding
39 operation. An ordinance adopted under this chapter
40 shall not apply to a confinement feeding operation, if
41 the board of supervisors determines that all of the
42 following apply:

43 a. The confinement feeding operation is located on
44 land which is part of a farming operation owned by the
45 owner of the confinement feeding operation.

46 b. The farming operation where the confinement
47 feeding operation is located produces an amount of
48 grain at least equal to twenty percent of the grain
49 required to finish all swine produced by the
50 confinement feeding operation during any year. The

S-5006

S-5006

Page 2

1 calculation regarding the amount of grain produced by
2 the farming operation shall be based upon the average
3 county yield for the county in which the farming
4 operation is located for last the five years as
5 compiled by the United States department of
6 agriculture statistical reporting service. The owner
7 of the farming operation must provide the county board
8 of supervisors with any available information
9 regarding land where grain is produced to feed the
10 swine.

11 c. The land where the grain is produced to feed
12 the swine is not land which is the subject of a manure
13 management plan other than the manure management plan
14 submitted for the application of manure originating
15 from the proposed confinement feeding operation.

16 d. Each year, as required by the county board of
17 supervisors, the owner of the confinement feeding
18 operation certifies to the board that the confinement
19 feeding operation complies with the requirements of
20 this subsection. If the farming operation cannot
21 produce enough grain to satisfy the requirement of
22 this subsection, the owner shall have thirty days to
23 comply with the requirement. The owner may comply
24 with the requirement by reducing the number of swine
25 confined in the confinement feeding operation.

26 If an owner of a confinement feeding operation
27 fails to provide information required by the board to
28 determine compliance with this subsection, the owner
29 shall be subject to a civil penalty imposed by the
30 district court of not more than twenty-five thousand
31 dollars. The amount shall be placed upon the tax
32 books, and collected during the next tax year as part
33 of other property taxes due and owing.

34 4. This section shall not apply to either of the
35 following:

36 a. An ordinance required to implement an
37 agricultural preservation ordinance, as provided in
38 section 335.27.

39 b. A structure, building, dam, obstruction,
40 deposit or excavation in or on the flood plains of any
41 a river or stream."

By BERL E. PRIEBE

S-5006 FILED JANUARY 23, 1996

SENATE FILE 2034

S-5007

1 Amend Senate File 2034 as follows:

2 1. Page 1 by inserting before line 1, the
3 following:

4 "Sec. _____. Section 9H.1, Code 1995, is amended by
5 adding the following new subsections:

6 NEW SUBSECTION. 2A. "Animal weight capacity"
7 means the same as defined in section 455B.161.

8 NEW SUBSECTION. 5A. "Confinement feeding
9 operation" means the same as defined in section
10 455B.161.

11 NEW SUBSECTION. 5B. "Confinement swine feeding
12 enterprise" means the same as defined in section
13 335.2.

14 Sec. _____. Section 9H.5A, subsection 3, paragraph
15 g, Code Supplement 1995, is amended to read as
16 follows:

17 g. The approximate number of livestock, including
18 cattle, sheep, swine, ostriches, rheas, emus, or
19 poultry, owned, contracted for, or kept by the
20 corporation, limited liability company, trust, or
21 limited partnership; ~~and~~; the approximate number of
22 offspring produced from the livestock; and for each
23 county the animal weight capacity of each confinement
24 feeding operation in which swine are fed.

25 Sec. _____. Section 9H.5B, Code 1995, is amended by
26 adding the following new subsection:

27 NEW SUBSECTION. 4. For each county, the animal
28 weight capacity of each confinement feeding operation
29 in which swine are fed pursuant to a care and feeding
30 contract in which the contract feeder is a party.

31 Sec. _____. NEW SECTION. 9H.5C REPORTS BY
32 CONFINEMENT FEEDING OPERATIONS.

33 A person who owns one or more confinement feeding
34 operations having a total animal weight capacity of
35 thirty million pounds or more shall file with the
36 secretary of state on or before March 31 of each year
37 a report stating all of the following:

38 1. The name and address of the person.

39 2. The total animal weight capacity of all
40 confinement feeding operations which are owned by the
41 person.

42 3. For each county, the animal weight capacity of
43 all confinement feeding operations which are owned by
44 the person.

45 4. Whether the person is required to file a report
46 as a contract feeder pursuant to section 9H.5B.

47 Sec. _____. Section 9H.14, Code 1995, is amended to
48 read as follows:

49 9H.14 DUTIES OF SECRETARY OF STATE.

50 1. ~~The secretary of state shall notify the~~

S-5007

S-5007

Page 2

~~1 attorney-general-when-the-secretary-of-state-has~~
~~2 reason-to-believe-a-violation-of-this-chapter-has~~
~~3 occurred---It-is-the-intent-of-this-section-that~~
4 information Information compiled from reports required
5 under this section shall be made available to members
6 of the general assembly and appropriate committees of
7 the general assembly in order to determine the extent
8 of farming being carried out in this state by
9 corporations and other business entities and the
10 effect of such farming practices upon the economy of
11 this state. The secretary of state shall assist any
12 committee of the general assembly existing or
13 established for the purposes of studying the effects
14 of this chapter and the practices this chapter seeks
15 to study and regulate.

16 2. The Notwithstanding chapter 22, reports of
17 corporations, limited liability companies, limited
18 partnerships, trusts, contractors, and processors
19 required in this chapter shall be confidential reports
20 except-as-to-the. However, the reports may be made
21 available to the attorney general for review and
22 appropriate action when necessary. Information
23 regarding confinement swine feeding enterprises shall
24 not be confidential.

25 3. The secretary of state shall assist-any
26 committee-of-the-general-assembly-existing-or
27 established-for-the-purposes-of-studying-the-effects
28 of-this-chapter-and-the-practices-this-chapter-seeks
29 to-study-and-regulate each year compile information
30 regarding commercial confinement swine feeding
31 enterprises. The information shall be made available
32 upon request to a county. The information may be
33 compiled from reports required to be filed pursuant to
34 this chapter, including sections 9H.5A, 9H.5B, 9H.5C,
35 and financing statements required to be filed pursuant
36 to section 554.9401."

37 2. Page 1, by striking lines 5 through 18, and
38 inserting the following:

39 "a. "Agricultural purpose" means any use connected
40 or related to farming.

41 b. "Animal feeding operation structure" means the
42 same as defined in section 455B.161.

43 c. "Animal weight capacity" means the same as
44 defined in section 455B.161.

45 d. "Confinement feeding operation" means the same
46 as defined in section 455B.161.

47 e. "Confinement swine feeding enterprise" means a
48 person who owns or is a party to a contract for the
49 care and feeding of swine, and one of the following
50 applies to confinement feeding operations in which the

S-5007

-2-

S-5007

Page 3

1 person has an interest and to confinement feeding
2 operations feeding swine subject to a care and feeding
3 contract to which the person is a party:

4 (1) The animal weight capacity of a confinement
5 feeding operation at the location subject to an
6 ordinance adopted under this chapter is seven hundred
7 fifty thousand pounds or more.

8 (2) The total animal weight capacity of
9 confinement feeding operations located in the same
10 county where a confinement feeding operation is
11 subject to an ordinance adopted under this chapter is
12 one million five hundred thousand pounds or more.

13 (3) The total animal weight capacity of
14 confinement feeding operations located in the state is
15 thirty million pounds or more."

16 3. Page 1, line 21, by striking the words "this
17 section" and inserting the following: "subsection 3".

18 4. By striking page 1, line 28, through page 2,
19 line 24, and inserting the following:

20 "3. Subsection 2 shall not apply to any of the
21 following:

22 a. Land where there is located a confinement
23 feeding operation, including a related animal feeding
24 operation structure, if the confinement feeding
25 operation is part of a confinement swine feeding
26 enterprise."

27 5. Page 2, line 25, by striking the letter "a"
28 and inserting the following: "b".

29 6. Page 2, line 27, by striking the letter "b"
30 and inserting the following: "c".

31 7. Page 2, by inserting after line 28, the
32 following:

33 "Sec. ____ . Section 554.9402, subsection 1, Code
34 1995, is amended to read as follows:

35 1. A financing statement is sufficient if it gives
36 the names of the debtor and the secured party, is
37 signed by the debtor, gives an address of the secured
38 party from which information concerning the security
39 interest may be obtained, gives a mailing address of
40 the debtor and contains a statement indicating the
41 types, or describing the items, of collateral. A
42 financing statement may be filed before a security
43 agreement is made or a security interest otherwise
44 attaches. When the financing statement covers crops
45 growing or to be grown, the statement must also
46 contain a description of the real estate concerned.
47 When a financing statement covers swine fed in a
48 confinement feeding operation as defined in section
49 455B.161, the financing statement shall state the
50 animal weight capacity of the confinement feeding

S-5007

-3-

S-5007

Page 4

1 operation as verified by the debtor. When the
2 financing statement covers timber to be cut or covers
3 minerals or the like (including oil and gas) or
4 accounts subject to section 554.9103, subsection 5, or
5 when the financing statement is filed as a fixture
6 filing (section 554.9313) and the collateral is goods
7 which are or are to become fixtures, the statement
8 must also comply with subsection 5. A copy of the
9 security agreement is sufficient as a financing
10 statement if it contains the above information and is
11 signed by the debtor. A copy of a jobs training
12 agreement entered into under chapter 260E or 260F
13 between an employer and a community college is
14 sufficient as a financing statement if it contains the
15 information required by this section and is signed by
16 the employer. A carbon, photographic or other
17 reproduction of a security agreement or a financing
18 statement is sufficient as a financing statement if
19 the security agreement so provides or if the original
20 has been filed in this state. The secretary of state
21 must accept for filing a copy of a signature required
22 by this section. The secretary of state may adopt
23 rules for the electronic filing of a financing
24 statement.

25 Sec. _____. Section 554.9402, subsection 3, Code
26 1995, is amended to read as follows:

27 3. A form substantially as follows is sufficient
28 to comply with subsection 1:

29 Name of debtor (or assignor)
30 Address
31 Name of secured party (or assignee).....
32 Address

33 (1) This financing statement covers the following
34 types (or items) of property:

35 (Describe)

36 (2) (If collateral is crops) The above described
37 crops are growing or are to be grown on:

38 (Describe Real Estate)

39 (3) (If collateral is swine fed in a confinement
40 feeding operation) The above described swine are fed
41 in a confinement feeding operation that has an animal
42 weight capacity of:

43 (State animal weight capacity)

44 {3} (4) (If applicable) The above goods are to
45 become fixtures on

46 Where appropriate either add or substitute "The
47 above timber is standing on" or "The above
48 minerals or the like (including oil and gas) are
49 located on" or "The above accounts will be
50 financed at the wellhead or minehead of the well or

S-5007

-4-

S-5007

Page 5

- 1 mine located on " or any or all of these
- 2 (Describe Real Estate).....
- 3 and this financing statement is to be filed for record
- 4 in the real estate records. (If the debtor does not
- 5 have an interest of record) The name of a record owner
- 6 is
- 7 ~~(4)~~ (5) (If products of collateral are claimed)
- 8 Products of the collateral are also covered.
- 9 (use whichever is applicable).....
- 10 Signature of Debtor (or Assignor).....
- 11 Signature of Secured Party (or Assignee)
- 12"
- 13 8. By renumbering and relettering as necessary.

By TOM FLYNN

S-5007 FILED JANUARY 23, 1996