

2/22/96 Not Rec.
2/29/96 Do Pass
FILED FEB 21 1996
3-21-96 Referred Agriculture

SENATE FILE 2246
BY BARTZ

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

A BILL FOR

1 An Act relating to animal feeding operations by providing for
2 zoning and providing for liability of members holding an
3 interest in certain entities.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

S.F. 2246

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. "Farm animal feeding operation" means an animal feeding
17 operation other than an industrial feeding operation.

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

19 e. "Industrial feeding operation structure" means an
20 animal feeding operation structure as defined in section
21 455B.161 which is part of an industrial feeding operation.

22 f. "Partially zoned county" means an unzoned county in
23 which is established an agricultural area pursuant to section
24 352.6 or an area subject to zoning pursuant to this chapter,
25 if the county has not adopted countywide zoning pursuant to
26 chapter 335.

27 g. "Production inputs" means feed, supplies, and
28 veterinary medicine used to feed or breed livestock, but does
29 not include labor, construction materials, equipment, or
30 tools.

31 h. "Unzoned county" means a county which has not adopted
32 zoning pursuant to this chapter, if no part of the county is
33 subject to partial zoning.

34 i. "Zoned county" means a county which has adopted zoning
35 on a countywide basis as provided in this chapter.

1 2. As used in this section, "industrial feeding operation"
2 means an animal feeding operation, if the operation contains
3 six hundred twenty-five thousand or more pounds animal weight
4 capacity for all animal species other than beef cattle, or one
5 million six hundred thousand or more pounds animal weight
6 capacity for beef cattle, or fails to meet one of the
7 following criteria:

8 a. The owner of the agricultural land where an animal
9 feeding operation is located is qualified to file for a
10 homestead tax credit as provided pursuant to section 425.2 or
11 a family farm tax credit as provided in section 425A.4 in the
12 county where the agricultural land is located. However, if
13 the owner of the agricultural land is a business entity all of
14 the following apply:

15 (1) One of the following persons must be eligible to file:

16 (a) If the person is filing for a homestead tax credit,
17 one of the following persons must be eligible to file:

18 (i) If the owner is a corporation, the majority
19 shareholder of the corporation.

20 (ii) If the owner is a partnership, any partner.

21 (iii) If the owner is a limited liability company, the
22 person holding the greatest membership interest in the limited
23 liability company.

24 (iv) If the owner is a limited partnership, the person
25 contributing the most value to the limited partnership.

26 (v) If the owner is a trust, the beneficiary having the
27 greatest interest in the trust.

28 (b) If the person is filing for a family farm tax credit
29 one of the following persons must be eligible to file:

30 (i) If the owner is a corporation, the majority
31 shareholder of the corporation.

32 (ii) If the owner is a partnership, any partner.

33 b. At least forty percent of the interest in the business
34 entity must be held by persons related to each other as
35 spouse, parent, grandparent, lineal ascendants of grandparents

1 or their spouses, or lineal descendants of the grandparents or
2 their spouses, or persons acting in a fiduciary capacity to
3 persons so related.

4 c. More than fifty percent of the production inputs used
5 to maintain livestock on the agricultural land are purchased
6 within sixty miles from the borders of the agricultural land
7 where the livestock operation is located.

8 d. The operation cannot have benefited from any of the
9 following:

10 (1) The job training partnership program and other
11 programs administered under section 15.108.

12 (2) The community economic betterment program created in
13 sections 15.315 through 15.320.

14 (3) The self-employment loan program created in section
15 15.241.

16 (4) The targeted small business financial assistance
17 program created in section 15.247.

18 (5) An agreement for a supplemental new jobs tax credit as
19 provided in section 15.331.

20 (6) The industrial new jobs training program as provided
21 in chapter 260E.

22 (7) The small business new jobs training program as
23 provided in chapter 260F.

24 (8) An economic development area established pursuant to
25 chapter 403.

26 For purposes of reimbursing a county that has acquired real
27 estate containing an industrial feeding operation structure
28 following nonpayment of taxes pursuant to section 446.19, all
29 shareholders of any corporation, partners of a partnership,
30 members of a limited liability company, limited partners of
31 any limited partnership, or beneficiaries of any trust shall
32 be liable for the entire costs of remediating the site, as if
33 they owned the industrial feeding operation personally,
34 regardless of the amount of interest that is held in the
35 entity.

1 3. Except-to-the-extent-required-to-implement-section
2 335.27, no An ordinance adopted under this chapter applies
3 shall apply to land, farm including houses, farm barns, farm
4 outbuildings or other buildings or structures located on the
5 land, which are is primarily adapted, by reason of nature and
6 area, for-use for an agricultural purposes purpose, while so
7 used, only as provided in this section. However, -the
8 ordinances-may-apply-to-any The ordinance shall not apply to
9 the land, unless an industrial feeding operation is located on
10 the land. If an industrial feeding operation is located on
11 the land, the ordinance shall only apply to the site of the
12 industrial feeding operation as provided in this section and
13 not land where other farming operations occur. The following
14 shall apply to the site of a farm animal feeding operation
15 constructed on or after the effective date of this Act,
16 regardless of whether the county has adopted an ordinance
17 under this chapter:

18 a. A farm animal feeding operation may be located anywhere
19 in a county other than within the corporate limits of a city.
20 A farm animal feeding operation may be located in an unzoned,
21 partially zoned, or zoned county. An ordinance adopted under
22 this chapter shall not apply to the farm animal feeding
23 operation.

24 b. An industrial feeding operation shall not be located
25 within the corporate limits of a city. An industrial feeding
26 operation shall not be located in an unzoned county, the
27 unzoned portion of a partially zoned county, or an
28 agricultural area within a partially zoned county.

29 4. This section shall not apply to either of the
30 following:

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

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

35

EXPLANATION

1 This bill amends chapter 335, which provides for county
2 zoning. Section 335.2 currently provides that county zoning
3 does not apply to land used for agricultural purposes. The
4 bill amends section 335.2 to provide that an "agricultural
5 purpose" means any use connected or related to farming as
6 defined in Iowa's corporate farming law in chapter 9H.

7 This bill amends the section to provide that a county
8 zoning ordinance may apply to an industrial feeding operation.
9 An industrial feeding operation is an animal feeding
10 operation, if the operation contains 625,000 or more pounds of
11 animal weight capacity for animals other than bovine, and
12 1,600,000 pounds or more for bovine, or fails to meet criteria
13 set forth in the bill. The criteria includes requiring that
14 the owner of agricultural land where an animal feeding
15 operation is located to be eligible to file for homestead tax
16 credit or a family farm tax credit. The bill provides that if
17 the owner is a business entity the entity must satisfy
18 additional requirements. The person eligible for filing for
19 the tax credit must have a majority or partnership interest in
20 the business entity, at least 40 percent of the interest in
21 the business entity must be held by persons related to each
22 other, more than 50 percent of the production inputs used to
23 maintain livestock on the agricultural land must be purchased
24 within 60 miles from the borders of the agricultural land
25 where the livestock operation is located, and the operation
26 cannot have benefited from governmental assistance programs
27 primarily designed for nonfarming operations. The bill also
28 provides that for purposes of reimbursing a county that has
29 acquired real estate containing an industrial feeding
30 operation for nonpayment of taxes, all interest holders in the
31 entity are liable for the entire costs of remediating the
32 site. The bill provides that an industrial feeding operation
33 shall not be located within the corporate limits of a city.
34 An industrial feeding operation also shall not be located in
35 an unzoned county, the unzoned portion of a partially zoned

1 county, or an agricultural area within a partially zoned
2 county.

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35