

JAN 13 1998
Agriculture

HOUSE FILE 2027
BY GREINER

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

A BILL FOR

1 An Act relating to construction permits for animal feeding
2 operation structures issued to persons later classified as
3 habitual violators and providing applicability and effective
4 dates.

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

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1 Section 1. Section 455B.173, subsection 13, Code 1997, is
2 amended by adding the following new unnumbered paragraph:

3 UNNUMBERED PARAGRAPH. A person classified as a habitual
4 violator whose construction permit is suspended as provided in
5 section 455B.202 shall not proceed with construction until the
6 person resubmits an application for construction of the
7 structure which is approved by the department. The department
8 shall not approve the resubmitted application unless it meets
9 all requirements necessary for approval of a new application
10 and is accompanied by a consent agreement in which sixty
11 percent of the persons residing within five miles of the
12 proposed structure consent to its construction.

13 Sec. 2. Section 455B.202, subsection 2, paragraph b, Code
14 Supplement 1997, is amended to read as follows:

15 b. A person shall not construct or expand an animal
16 feeding operation structure which is part of a confinement
17 feeding operation for five years after the date of the last
18 violation committed by a person or confinement feeding
19 operation in which the person holds a controlling interest
20 during which the person or operation was classified as a
21 habitual violator under section 455B.191. Any permit for the
22 construction of an animal feeding operation structure issued
23 to a person shall be suspended on the date that the person is
24 classified as a habitual violator.

25 Sec. 3. Section 455B.202, subsection 3, paragraph a, Code
26 Supplement 1997, is amended to read as follows:

27 a. The person has an-unexpired a suspended permit for the
28 construction or expansion of the animal feeding operation
29 structure, and the department approves a resubmitted
30 application for construction of the structure as provided in
31 section 455B.173.

32 Sec. 4. APPLICABILITY. If a person was classified as a
33 habitual violator pursuant to section 455B.191 prior to the
34 effective date of this Act, any construction permit issued to
35 the person shall be suspended on the effective date of this

1 Act. The person may reapply for the permit as provided in
2 this Act.

3 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
4 immediate importance, takes effect upon enactment.

5 EXPLANATION

6 Under Code section 455B.202, a person is prohibited from
7 constructing or expanding an animal feeding operation
8 structure which is part of a confinement feeding operation for
9 five years after the date of the last violation committed by a
10 person or confinement feeding operation in which the person
11 holds a controlling interest during which the person or
12 operation was classified as a habitual violator. The section
13 provides that this provision does not prohibit a person from
14 completing the construction or expansion of an animal feeding
15 operation structure if the person has an unexpired permit for
16 the construction or expansion of the animal feeding operation
17 structure.

18 This bill provides that any permit for the construction of
19 an animal feeding operation structure issued to a person is
20 suspended on the date that the person is classified as a
21 habitual violator. A person classified as a habitual violator
22 whose construction permit is suspended is prohibited from
23 proceeding with construction until the person resubmits an
24 application for construction of the structure, which is
25 approved by the department. The department cannot approve the
26 application unless it meets all requirements necessary for
27 approval of a new application and is accompanied by a consent
28 agreement in which 60 percent of the persons residing within
29 five miles of the proposed structure consent to its
30 construction.

31 The bill provides that if a person was classified as a
32 habitual violator prior to the effective date of this bill,
33 any construction permit issued to the person is suspended on
34 the effective date of this bill. The person may reapply for
35 the permit. The bill takes effect upon enactment.