

FILED JAN 12 1993

SENATE FILE 2020  
BY KIBBIE

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 regulating  
2 distances that separate an animal feeding operation structure  
3 from a cemetery.

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. 2020

1 Section 1. Section 455B.161, Code 1997, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 5A. "Cemetery" means a space held for the  
4 purpose of burial, entombment, or inurnment of human remains  
5 including but not limited to a pioneer cemetery as defined in  
6 section 331.325, a cemetery owned or managed by a political  
7 subdivision or private entity, or a perpetual care cemetery  
8 regulated pursuant to chapter 523I.

9 Sec. 2. Section 455B.161, subsection 17, Code 1997, is  
10 amended to read as follows:

11 17. "Public use area" means that any of the following:

12 a. The portion of land owned by the United States, the  
13 state, or a political subdivision with facilities which  
14 attract the public to congregate and remain in the area for  
15 significant periods of time, as provided by rules which shall  
16 be adopted by the department pursuant to chapter 17A.

17 b. A cemetery.

18 Sec. 3. APPLICABILITY. Section 455B.162, subsection 1,  
19 paragraph "b", shall not require a separation distance between  
20 a cemetery and an animal feeding operation structure if any of  
21 the following applies:

22 a. The structure was constructed or expanded prior to the  
23 effective date of this Act.

24 b. The structure began construction or expansion prior to  
25 the effective date of this Act.

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

28 EXPLANATION

29 Code section 455B.162 provides that an animal feeding  
30 operation structure, such as a manure storage facility, must  
31 be separated from a public use area. The amount of the  
32 distance increases with the size of the animal feeding  
33 operation. This bill provides that a cemetery is considered a  
34 public use area. The bill does not affect distance  
35 requirements existing between cemeteries and animal feeding

1 operation structures which were constructed or expanded or are  
2 in the process of being constructed or expanded before the  
3 bill's effective date. The bill takes effect upon enactment.

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