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SENATE FILE

2198

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(COMPANION TO LSB  
5604HH BY FREVERT)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to confinement feeding operations, by providing  
2 that contractors are liable for civil penalties arising out of  
3 violations committed by contract producers.

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

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SF 2198  
STATE GOVERNMENT

1 Section 1. NEW SECTION. 455B.207 CONTRACTORS SUBJECT TO  
2 CIVIL PENALTIES.

3 1. As used in this section, all of the following apply:

4 a. "Contractor" means a person who owns or controls  
5 animals that are produced by a contract producer at the  
6 contract producer's contract confinement feeding operation  
7 pursuant to a production contract.

8 b. "Contract confinement feeding operation" or "operation"  
9 means a confinement feeding operation in which animals owned  
10 or controlled by a contractor are produced by a contract  
11 producer pursuant to a production contract.

12 c. "Contract producer" means a person who holds a legal  
13 interest in a contract confinement feeding operation and who  
14 produces animals owned or controlled by a contractor and kept  
15 at the contract producer's operation.

16 d. "Produce" means to provide care and feed to animals  
17 kept in a confinement feeding operation.

18 e. "Production contract" means an oral or written  
19 agreement executed by a contractor and another party who may  
20 be the contract producer, if all of the following apply:

21 (1) The agreement provides for the production of animals  
22 owned or controlled by the contractor.

23 (2) A contract producer carries out the production at the  
24 contract producer's operation according to the terms of an  
25 agreement.

26 2. For purposes of this section, all of the following  
27 apply:

28 a. A person is a contractor if all of the following  
29 applies:

30 (1) The person executes a production contract with a  
31 contract producer or another party for the production of  
32 animals owned or controlled by the person.

33 (2) A contract producer carries out the production of the  
34 animals pursuant to a production contract executed by the  
35 contract producer, regardless of whether the person is a party

1 to that production contract.

2 b. A contractor owns or controls animals if the contractor  
3 does any of the following:

4 (1) Owns a legal interest in the animals.

5 (2) Holds the right to purchase or sell the animals.

6 3. a. If a contract producer violates a provision of this  
7 part, the contractor who owns or controls animals kept in the  
8 contract producer's operation where the violation occurs shall  
9 be deemed to have violated the same provision.

10 b. The contractor shall be subject to classification as a  
11 habitual violator in the manner provided in section 455B.191.

12 c. The department or a court is not required to impose the  
13 same penalty upon a contractor as the penalty imposed upon the  
14 contract producer who commits a violation described in this  
15 section.

16 4. This section does not apply to a contractor if the  
17 total animal weight capacity of all animals owned or  
18 controlled by the contractor in this state at the time of the  
19 violation is two hundred thousand pounds or less for animals  
20 other than bovine, or four hundred thousand pounds or less for  
21 bovine.

22 EXPLANATION

23 This bill amends Code chapter 455B which in part regulates  
24 animal feeding operations, including confinement feeding  
25 operations.

26 The bill provides that a person who owns or controls  
27 animals kept in a confinement feeding operation under contract  
28 is deemed to have committed a violation of provisions  
29 regulating water quality to the same extent as a contract  
30 producer who owns the confinement feeding operation. The bill  
31 provides that a person is a contractor if the person executes  
32 a production contract with a contract producer or another  
33 party for the production of animals owned by the person and a  
34 contract producer carries out the production, regardless of  
35 whether the person is a party to a contract with the producer.

1 The contractor is subject to classification as a habitual  
2 violator as if the contractor were a contract producer. The  
3 bill provides that the department or a court is not required  
4 to impose the same penalty upon a contractor as the penalty  
5 imposed on the contract producer who commits the violation.  
6 The provision does not apply to a contractor, if the total  
7 animal weight capacity of all animals owned or controlled by  
8 the contractor is 200,000 pounds or less for animals other  
9 than bovine, or 400,000 pounds or less for bovine.

10 A person who violates the part of the chapter regulating  
11 water quality is, according to Code section 455B.191, subject  
12 to a civil penalty of not more than \$5,000. A person  
13 classified as a habitual violator under that section is  
14 subject to a civil penalty of \$25,000.

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