

FILED JAN 28 1999

SENATE FILE

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BY KIBBIE

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 for the siting of certain operations, imposing requirements
3 relating to construction permits, and making penalties
4 applicable.

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

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SF 64 AGRICULTURE

1 Section 1. NEW SECTION. 331.309 CONFINEMENT FEEDING
2 OPERATIONS -- SITING ORDINANCE.

3 1. As used in this section:

4 a. "Animal feeding operation structure" means the same as
5 defined in section 455B.161.

6 b. "Animal weight capacity" means the same as defined in
7 section 455B.161.

8 c. "Confinement feeding operation" means the same as
9 defined in section 455B.161.

10 2. a. Notwithstanding section 335.2, a county may adopt a
11 confinement feeding operations siting ordinance, pursuant to
12 section 331.302. The purpose of the ordinance shall be to
13 allow approval of the siting of a confinement feeding
14 operation regardless of whether the county has adopted an
15 ordinance under chapter 335.

16 b. The ordinance shall apply to the siting of animal
17 feeding operation structures which are part of confinement
18 feeding operations in which swine are kept. However, the
19 ordinance shall not apply to a confinement feeding operation
20 having an animal weight capacity of swine of three hundred
21 thousand pounds or less.

22 c. The ordinance shall authorize a county to approve the
23 site of the construction or expansion of a confinement feeding
24 operation, including confinement feeding operation buildings
25 and related animal feeding operation structures in order to
26 preserve and protect natural resources, including water
27 sources and fragile environmental locations; lessen congestion
28 and overcrowding of confinement feeding operations, especially
29 near cities; and to protect the health and welfare of the
30 public.

31 d. The ordinance shall provide for methods and procedures
32 required for submission of proposals, review of proposals, and
33 approval of a site. In administering the ordinance, the
34 county shall establish a confinement feeding operations siting
35 commission which shall review each proposal for the

1 construction or expansion of a confinement feeding operation,
2 and recommend to the county board of supervisors that the
3 board approve or disapprove the proposal. The board shall
4 appoint five persons as members of the commission. Four
5 members shall not reside in a city, and one member shall
6 reside in a city. At least three of the members shall be
7 persons who are or were actively engaged in animal
8 agriculture. The commission shall make its recommendation to
9 the board within forty-five days after the date that the board
10 receives a complete proposal. The board shall approve or
11 disapprove a proposal within forty-five days after the date
12 that the board receives the commission's recommendation
13 regarding approval or disapproval.

14 Sec. 2. Section 455B.200A, subsection 1, Code 1999, is
15 amended to read as follows:

16 1. The department shall issue permits for the
17 construction, including the expansion, of animal feeding
18 operation structures, including structures which are part of
19 confinement feeding operations, as provided by rules adopted
20 pursuant to section 455B.200. The department shall issue a
21 permit to an animal feeding operation if an application is
22 submitted according to procedures required by the department
23 and the application meets standards established by the
24 department, regardless of whether the animal feeding operation
25 is required to obtain such a permit. ~~The department shall not~~
26 ~~require that a~~ A person must obtain a permit for the
27 construction of an animal feeding operation structure if the
28 structure which is part of a confinement feeding operation in
29 which swine are kept. However, a person is not required to
30 obtain a permit for the construction of an animal feeding
31 operation structure which is part of a small animal feeding
32 operation. For purposes of this section, an animal feeding
33 operation structure includes a manure storage structure.

34 EXPLANATION

35 This bill enacts or amends several provisions relating to

1 confinement feeding operations regulated by the department of
2 natural resources. A confinement feeding operation is a type
3 of animal feeding operation in which animals are kept in areas
4 which are totally roofed. The bill creates new Code section
5 331.309, which provides that a county may adopt a siting
6 ordinance for confinement feeding operations in which swine
7 are kept. The bill provides that the ordinance must provide
8 for methods and procedures required for review and approval of
9 site proposals. As part of this process, the county must
10 establish a confinement feeding operations siting commission
11 to review proposals for the construction or expansion of a
12 confinement feeding operation.

13 The bill also amends section 455B.200A which requires the
14 department to issue permits for the construction of animal
15 feeding operation structures, including structures which are
16 part of confinement feeding operations. These structures
17 include confinement buildings and manure storage facilities.
18 The section provides that small animal feeding operations are
19 exempt from the permitting requirements. The section does not
20 require that any certain type of structure must be constructed
21 under a permit.

22 The bill provides that a person must obtain a construction
23 permit to construct an animal feeding operation structure
24 which is part of a confinement feeding operation in which
25 swine are kept.

26 The bill provides that a county's siting ordinance does not
27 apply to a confinement feeding operation having an animal
28 weight capacity of 300,000 pounds or less. The bill provides
29 that the department's construction permit requirements do not
30 apply to a confinement feeding operation having an animal
31 weight capacity of 200,000 pounds or less.

32 Pursuant to Code section 455B.191, a person who constructs
33 an animal feeding operation without a permit is subject to a
34 civil penalty of \$5,000 for each day of the violation.

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