

FILED JAN 28 2002

SENATE FILE
BY SOUKUP

2059

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 establishing a
2 moratorium upon the construction of swine confinement feeding
3 operation structures, making penalties applicable, and
4 providing an effective date.

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

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SF 2059
AGRICULTURE

1 Section 1. Section 455B.171, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 15A. "Formed manure storage structure"
4 means the same as defined in section 455B.161.

5 Sec. 2. Section 455B.171, subsection 20, Code 2001, is
6 amended to read as follows:

7 20. "Manure storage structure" means an animal feeding
8 operation structure used to store manure as part of a
9 confinement feeding operation, including but not limited to a
10 formed manure storage structure or unformed manure storage
11 structure as defined in section 455B.161.

12 Sec. 3. NEW SECTION. 455B.207 MORATORIUM -- CONSTRUCTION
13 OF SWINE CONFINEMENT FEEDING OPERATION STRUCTURES.

14 1. As used in this section, "swine confinement feeding
15 operation structure" means a confinement building or manure
16 storage structure that is part of a confinement feeding
17 operation in which swine are confined.

18 2. Except as provided in subsection 3, all of the
19 following shall apply:

20 a. A person shall not construct, including expand, a swine
21 confinement feeding operation structure.

22 b. The department shall not issue a permit as otherwise
23 provided in section 455B.200A for the construction, including
24 expansion, of a swine confinement feeding operation structure.

25 3. Subsection 2 does not apply to any of the following:

26 a. Construction of an animal feeding operation structure,
27 if after construction the confinement feeding operation is a
28 small animal feeding operation.

29 b. Construction of an animal feeding operation structure
30 that does not increase the maximum animal weight capacity of
31 the confinement feeding operation.

32 c. Construction that is ordered by the department in order
33 to remedy a clear, present, and impending danger to the public
34 health or the environment.

35 d. Construction of an animal feeding operation structure

1 that begins prior to the effective date of this Act.

2 4. This section is repealed on July 1, 2003.

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

5 EXPLANATION

6 This bill amends provisions in Code chapter 455B regulating
7 animal feeding operations including confinement feeding
8 operations, originally enacted in 1995 by House File 519 (1995
9 Iowa Acts, ch. 195), and amended in 1998 by House File 2494
10 (1998 Iowa Acts, ch. 1209).

11 The bill prohibits a person from constructing, including
12 expanding, a "swine confinement feeding operation structure"
13 defined to mean a confinement building or associated manure
14 storage structure that is part of a confinement feeding
15 operation (an agricultural facility containing buildings in
16 which swine are confined and fed and maintained for 45 days or
17 more in any 12-month period). The bill also prohibits the
18 department of natural resources from issuing a permit for the
19 construction of such a structure.

20 The bill also provides exceptions to the prohibition. The
21 prohibition does not apply to: (1) a small animal feeding
22 operation (having an animal weight capacity of 200,000 pounds
23 or less); (2) construction that does not increase the maximum
24 animal weight capacity of the confinement feeding operation;
25 (3) construction that is ordered by the department of natural
26 resources to remedy a public emergency; and (4) construction
27 that begins prior to the effective date of the bill.

28 According to Code sections 455B.161A and 455B.200B,
29 construction first occurs on the earliest of the following
30 dates: site excavation, installation of concrete forms, or
31 installation of piping for manure control.

32 According to Code section 455B.191, a person who violates a
33 provision of the bill is subject to a civil penalty not to
34 exceed \$5,000 for each day of such violation.

35 The prohibition ends on July 1, 2003, by repeal of new Code

1 section 455B.207.

2 The bill takes effect upon enactment.

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