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SENATE FILE 51
BY KIBBIE

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

A BILL FOR

1 An Act requiring that a person who owns or controls animals under
2 a production contract is liable for civil penalties arising
3 out of violations of the terms and conditions of a manure
4 management plan submitted by the owner of a confinement
5 feeding operation in which the animals are fed.

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

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SF 51
AGRICULTURE

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

3 NEW SUBSECTION. 8A. "Confinement feeding operation
4 contractor" means a person who owns or controls animals as
5 provided in section 455B.200B, if all of the following apply:

6 a. The person executes a production contract with a
7 contract producer or another party for the feeding of the
8 animals owned or controlled by the person as provided in
9 section 455B.200B.

10 b. A contract producer provides for the feeding of the
11 animals pursuant to a production contract executed by the
12 contract producer, regardless of whether the person is a party
13 to that contract.

14 c. The person owns or controls a total of two hundred
15 thousand pounds or less of animals other than bovine animals
16 or four hundred thousand pounds or less of bovine animals.

17 NEW SUBSECTION. 9A. "Contract confinement feeding
18 operation" means a confinement feeding operation in which
19 animals owned or controlled by a contractor as provided in
20 section 455B.200B are confined and fed by a contract producer
21 pursuant to a production contract.

22 NEW SUBSECTION. 9B. "Contract producer" means a person
23 who holds a legal interest in a contract confinement feeding
24 operation and who confines and feeds animals owned or
25 controlled by a confinement feeding operation contractor as
26 provided in section 455B.200B.

27 NEW SUBSECTION. 29A. "Production contract" means an oral
28 or written agreement executed by a confinement feeding
29 operation contractor and another party who may be a contract
30 producer, if all of the following apply:

31 a. The agreement provides for the feeding of animals owned
32 or controlled by the confinement feeding operation contractor
33 as provided in section 455B.200B.

34 b. The contract producer carries out the feeding at the
35 contract producer's contract confinement feeding operation

1 according to the terms of that agreement or another agreement.

2 Sec. 2. Section 455B.191, subsection 8, Code 2001, is
3 amended to read as follows:

4 8. The following shall apply to violations involving
5 animal feeding operations:

6 a. The department or a court is not required to impose the
7 same penalty upon a confinement feeding operation contractor
8 as upon the owner of a confinement feeding operation who is a
9 contract producer for a violation of section 455B.203.

10 b. Moneys assessed and collected in civil penalties and
11 interest earned on civil penalties, arising out of a violation
12 involving an animal feeding operation, shall be deposited in
13 the manure storage indemnity fund as created in section
14 455J.2.

15 Sec. 3. Section 455B.200B, Code 2001, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 3. A person "owns or controls animals" if
18 the person does any of the following:

19 a. Owns a legal interest in the animals.

20 b. Holds the right to purchase or sell the animals.

21 Sec. 4. Section 455B.203, subsection 2, Code 2001, is
22 amended to read as follows:

23 2. a. A person shall not remove manure from a manure
24 storage structure which is part of a confinement feeding
25 operation for which a manure management plan is required under
26 this section, unless the department approves a manure
27 management plan submitted by the owner of the confinement
28 feeding operation as provided by the department on forms
29 prescribed by the department. The department may adopt rules
30 allowing a person to remove manure from a manure storage
31 structure until the manure management plan is approved or
32 disapproved by the department according to terms and
33 conditions required by rules adopted by the department.

34 b. The department shall not approve a manure management
35 plan unless it is signed by the person required to submit the

1 plan. If the manure management plan is required to be
2 submitted by the owner of a contract confinement feeding
3 operation who is a contract producer, the manure management
4 plan must be jointly signed by the owner and the confinement
5 feeding operation contractor who owns or controls the animals
6 pursuant to a production contract.

7 c. The department shall approve or disapprove a manure
8 management plan within sixty days of the date that the
9 department receives a completed plan. The department shall
10 not issue a permit for the construction of a confinement
11 feeding operation or a related animal feeding operation
12 structure unless the applicant submits a manure management
13 plan together with an application as provided in section
14 455B.200A.

15 Sec. 5. Section 455B.203, subsection 7, Code 2001, is
16 amended to read as follows:

17 7. A person submitting required to sign a manure
18 management plan for approval by the department who is found in
19 violation of the terms and conditions of the plan shall not be
20 subject to an enforcement action other than assessment of a
21 civil penalty pursuant to section 455B.191.

22 EXPLANATION

23 This bill amends Code chapter 455B which in part regulates
24 animal feeding operations, including confinement feeding
25 operations, by the department of natural resources. Code
26 section 455B.203 provides requirements for submitting manure
27 management plans by persons who are owners of confinement
28 feeding operations; who may also be the person who owns or
29 controls confined animals. That Code section also prohibits a
30 person from removing manure from a manure storage structure
31 which is part of a confinement feeding operation, unless the
32 department approves a manure management plan.

33 The bill prohibits the department from approving a manure
34 management plan, unless it is signed by the person required to
35 submit the plan. The bill provides that if the manure

1 management plan is required to be submitted by the owner of a
2 contract confinement feeding operation who is a contract
3 producer, the manure management plan must be jointly signed by
4 the owner and the confinement feeding operation contractor who
5 owns or controls the animals pursuant to a production
6 contract. The bill defines a confinement feeding operation
7 contractor as a person who executes a production contract in
8 which the animals owned or controlled by the person are fed by
9 the contract producer.

10 The bill provides that a person required to sign a manure
11 management plan found in violation of the terms and conditions
12 of the plan is subject to a civil penalty pursuant to Code
13 section 455B.191. That Code section provides that the
14 violator is subject to a civil penalty of not more than
15 \$5,000. A person classified as a habitual violator under that
16 Code section is subject to a civil penalty of up to \$25,000.

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