

FEB 12 2003
Agriculture

HOUSE FILE 186
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing a moratorium upon the construction of
2 confinement feeding operation structures, providing penalties,
3 and providing an effective date.

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

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HF 186

1 Section 1. NEW SECTION. 459.606 MORATORIUM --
2 CONSTRUCTION OF CONFINEMENT FEEDING OPERATION STRUCTURES.

3 1. As used in this section, "construction" of a
4 confinement feeding operation structure means the same as
5 defined in section 459.201 and includes the expansion of a
6 confinement feeding operation structure.

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

9 a. A person shall not construct a confinement feeding
10 operation structure.

11 b. The department shall not issue a permit as otherwise
12 provided in section 459.303 for the construction of a
13 confinement feeding operation structure.

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

15 a. Construction of a confinement feeding operation
16 structure, if after construction the confinement feeding
17 operation is a small animal feeding operation.

18 b. Construction of a confinement feeding operation
19 structure that does not increase the maximum animal unit
20 capacity of the confinement feeding operation.

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

24 d. Construction of a confinement feeding operation
25 structure that begins prior to the effective date of this Act.

26 4. A person who violates this section shall be subject to
27 a civil penalty which shall be established, assessed, and
28 collected in the same manner as provided in section 455B.109.

29 5. This section is repealed on July 1, 2004.

30 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
31 immediate importance, takes effect upon enactment.

32 EXPLANATION

33 This bill amends Code chapter 459 regulating animal feeding
34 operations including confinement feeding operations. A
35 confinement feeding operation is an agricultural facility

1 containing buildings in which animals are confined and fed and
2 maintained for 45 days or more in any 12-month period.

3 The bill prohibits a person from constructing, including
4 expanding, a confinement feeding operation structure, defined
5 to mean a confinement building or associated manure storage
6 structure or egg washwater storage structure. The bill also
7 prohibits the department of natural resources from issuing a
8 permit for the construction of such a structure.

9 The bill provides exceptions to the prohibition. The
10 prohibition does not apply to: (1) a small animal feeding
11 operation; (2) construction that does not increase the maximum
12 animal unit capacity of the confinement feeding operation; (3)
13 construction that is ordered by the department of natural
14 resources to remedy a public emergency; and (4) construction
15 that begins prior to the effective date of the bill.

16 According to the bill, construction first occurs on the
17 earliest of the following dates: site excavation,
18 installation of concrete forms, or installation of piping for
19 manure control. Construction also includes the expansion of
20 existing structures.

21 A person who violates a provision of the bill is subject to
22 a civil penalty of up to \$10,000.

23 The prohibition ends on July 1, 2004, by repeal of new Code
24 section 459.606.

25 The bill takes effect upon enactment.

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