

FEB 10 2004
Agriculture

HOUSE FILE 2198
BY MASCHER

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

A BILL FOR

1 An Act providing for the siting of certain confinement feeding
2 operations, and making penalties applicable.

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

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HF 2198

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 459.102.

6 b. "Animal unit capacity" means the same as defined in
7 section 459.102.

8 c. "Confinement feeding operation" means the same as
9 defined in section 459.102.

10 2. a. Notwithstanding sections 331.304A and 335.2, a
11 county may adopt a confinement feeding operations siting
12 ordinance pursuant to section 331.302. The purpose of the
13 ordinance shall be to allow approval of the siting of a
14 confinement feeding operation regardless of whether the county
15 has adopted an ordinance under chapter 335.

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

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 459.303, subsection 2, Code Supplement
15 2003, is amended to read as follows:

16 2. The department shall issue a construction permit upon
17 approval of an application. The department shall approve the
18 application if the application is submitted to the county
19 board of supervisors in the county where the proposed
20 confinement feeding operation structure is to be located as
21 required pursuant to section 459.304, **and** the application
22 meets the requirements of this chapter, and the construction
23 complies with a confinement feeding operations siting
24 ordinance if adopted by a county as provided in section
25 331.309. If a county submits an approved recommendation
26 pursuant to a construction evaluation resolution filed with
27 the department, the application must also achieve a
28 satisfactory rating produced by the master matrix used by the
29 board or department under section 459.304. The department
30 shall approve the application regardless of whether the
31 applicant is required to be issued a construction permit.

32 EXPLANATION

33 This bill enacts or amends several provisions relating to
34 confinement feeding operations regulated by the department of
35 natural resources. A confinement feeding operation is a type

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

11 The bill also amends Code section 459.303, which requires
12 the department to issue permits for the construction of
13 confinement feeding operation structures. These structures
14 include confinement buildings and manure storage facilities.
15 The bill provides that the department may issue a permit if
16 the construction complies with a confinement feeding
17 operations siting ordinance adopted by a county pursuant to
18 the bill.

19 The bill provides that a county's siting ordinance does not
20 apply to a confinement feeding operation having an animal unit
21 capacity of 700 or fewer animal units.

22 Pursuant to Code section 459.603, a person who constructs
23 an animal feeding operation without a permit is subject to a
24 civil penalty of \$5,000 for each day of the violation.

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