

FEB 23 2006
WAYS AND MEANS

HOUSE FILE 2503
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 617)

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

A BILL FOR

1 An Act relating to confinement feeding operations by requiring
2 the submission of updated manure management plans on a
3 multiyear basis, providing for fees, and making penalties
4 applicable.

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

HF 2503

TLSB 6141HV 81
da/sh/8

1 Section 1. Section 459.312, subsections 3, 6, and 11, Code
2 2005, are amended to read as follows:

3 3. The owner of a confinement feeding operation who is
4 required to submit a manure management plan under this section
5 shall submit an updated manure management plan to the
6 department ~~on-an-annual-basis~~ once each four years. The
7 department shall provide for a date that each updated manure
8 management plan is required to be submitted to the department.
9 The department may provide for staggering the dates on which
10 updated manure management plans are due. To satisfy the
11 requirements of an updated manure management plan, an owner of
12 a confinement feeding operation may, in lieu of submitting a
13 complete plan, file a document stating that the manure
14 management plan has not changed, or state all of the changes
15 made since the original manure management plan or a previous
16 updated manure management plan was submitted and approved.

17 6. The department shall not approve an original manure
18 management plan unless the plan is accompanied by a manure
19 management plan filing fee required pursuant to section
20 459.400. The department shall not approve an updated manure
21 management plan unless the updated manure management plan is
22 accompanied by an ~~annual-compliance~~ updated manure management
23 plan filing fee required pursuant to section 459.400. If the
24 department staggers the date for the submission of a manure
25 management plan, it shall prorate the amount of the updated
26 manure management plan filing fee.

27 11. A confinement feeding operation classified as a
28 habitual violator as provided in section 459.604 shall submit
29 a manure management plan to the department on an annual basis,
30 which must be approved by the department for the following
31 year of operation. The manure management plan shall be a
32 replacement original manure management plan rather than a
33 manure management plan update. However, the habitual violator
34 required to submit a replacement original manure management
35 plan must submit an ~~annual-compliance~~ updated manure

1 management plan filing fee in the same manner as if the
2 habitual violator were submitting an updated manure management
3 plan.

4 Sec. 2. Section 459.400, subsection 1, paragraph c, Code
5 2005, is amended to read as follows:

6 c. An ~~annual-compliance~~ updated manure management plan
7 filing fee that is required to accompany an updated manure
8 management plan submitted to the department for approval as
9 provided in section 459.312. The amount of the ~~annual~~
10 ~~compliance~~ updated manure management plan filing fee shall not
11 exceed a rate of ~~fifteen-cents~~ established by the department
12 and assessed on a per animal unit based on the animal unit
13 capacity of the confinement feeding operation covered by the
14 manure management plan. For a person other than a habitual
15 violator required to submit a replacement original manure
16 management plan, the designated rate shall not exceed sixty
17 cents. For a habitual violator required to submit a
18 replacement original manure management plan, the designated
19 rate shall not exceed fifteen cents. If the person submitting
20 the manure management plan is a contract producer, as provided
21 in chapter 202, the active contractor shall be assessed the
22 ~~annual-compliance~~ updated manure management plan filing fee.

23 Sec. 3. Section 459.400, subsection 2, paragraph b, Code
24 2005, is amended to read as follows:

25 b. Moneys collected from the ~~annual-compliance~~ updated
26 manure management plan filing fee shall be deposited into the
27 compliance fund's assessment account. Moneys collected from
28 commercial manure service license fees and educational program
29 fees shall be deposited into the compliance fund's educational
30 program account.

31 Sec. 4. Section 459.400, subsection 3, paragraph a, Code
32 2005, is amended to read as follows:

33 a. If on June 30, the balance of unencumbered and
34 unobligated moneys in the assessment account is one million
35 dollars or more, the department shall adjust the rate of the

1 ~~annual-compliance~~ updated manure management plan filing fee
2 for the following fiscal year. The adjusted rate for the
3 ~~annual-compliance~~ updated manure management plan filing fee
4 shall be based on the department's estimate of the amount
5 required to ensure that at the end of the following fiscal
6 year the balance of unencumbered and unobligated moneys in the
7 assessment account is not one million dollars or more.

8 Sec. 5. Section 459.401, subsection 2, paragraph b, Code
9 Supplement 2005, is amended to read as follows:

10 b. The assessment account is composed of moneys collected
11 from the ~~annual-compliance~~ updated manure management plan
12 filing fee required pursuant to section 459.400.

13

14

EXPLANATION

15 BACKGROUND. This bill amends Code chapter 459, referred to
16 as the "Animal Agriculture Compliance Act" (see Code section
17 459.101). The Code chapter in part regulates confinement
18 feeding operations in which animals are housed in buildings
19 and fed and maintained for 45 days or more in any 12-month
20 period (see Code section 459.102).

21 Part of Code chapter 459 requires that certain persons
22 submit a manure management plan, including an owner of a
23 confinement feeding operation or a person who applies manure
24 from a confinement feeding operation which is located in
25 another state, if the manure is applied on land located in
26 this state. Generally, the manure management plan must
27 include information regarding how much and where manure kept
28 in a manure storage structure is to be applied (see Code
29 section 459.312). The department must deliver a copy of the
30 manure management plan or require the person submitting the
31 manure management plan to deliver a copy of the manure
32 management plan to the county board of supervisors in each
33 county where the confinement feeding operation is located or
34 where the manure is to be applied.

35 A manure management plan includes an update to the plan

1 that is required to be submitted to the department and
2 counties on an annual basis. However, a habitual violator of
3 the Code chapter's provisions must submit an original manure
4 management plan to the department and counties each year. A
5 manure management plan must be accompanied by a filing fee
6 which is deposited into the general account of the animal
7 agriculture compliance fund (see Code sections 459.400 and
8 459.401). An updated manure management plan, or an original
9 manure management plan submitted by a habitual violator, must
10 be accompanied by a compliance fee. The assessed rate of the
11 compliance fee cannot exceed 15 cents per animal unit based on
12 the animal unit capacity of the confinement feeding operation
13 covered by the updated manure management plan. All compliance
14 fees are deposited into an assessment account within the
15 animal agriculture compliance fund (see Code section 459.401).
16 The exact rate of the annual compliance fee must be adjusted
17 by the department at the end of each fiscal year to ensure
18 that the total balance at the end of the following fiscal year
19 is not \$1 million or more.

20 PROVISIONS OF THE BILL. The bill provides that an updated
21 manure management plan must be submitted to the department and
22 counties every four years. The bill changes the name of the
23 fee from the annual compliance fee to the updated manure
24 management plan filing fee. It increases the maximum rate of
25 the fee from 15 cents to 60 cents (15 multiplied by four
26 years). The rate required to be paid by a habitual violator
27 required to submit an annual original manure management plan
28 remains 15 cents. The bill provides that if the department
29 staggers the due date for the submission of a manure
30 management plan, it must prorate the amount of the updated
31 manure management plan filing fee. A person who fails to
32 submit a manure management plan or an update, including a
33 related fee, is subject to a civil penalty not to exceed
34 \$5,000 for each day of such violation (see Code sections
35 459.603 and 455B.191).

Dolecheck - Chair
Rayhona -
Thomas -

HSB 617
Agriculture

Succeeded By

SF 2503

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRAKE)

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

A BILL FOR

1 An Act relating to confinement feeding operations by requiring
2 the submission of updated manure management plans on a
3 multiyear basis, providing for fees, and making penalties
4 applicable.

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

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

TLSB 6141HC 81

da/sh/8

1 Section 1. Section 459.312, subsections 3, 6, and 11, Code
2 2005, are amended to read as follows:

3 3. The owner of a confinement feeding operation who is
4 required to submit a manure management plan under this section
5 shall submit an updated manure management plan to the
6 department ~~on-an-annual-basis~~ once each four years. The
7 department shall provide for a date that each updated manure
8 management plan is required to be submitted to the department.
9 The department may provide for staggering the dates on which
10 updated manure management plans are due. To satisfy the
11 requirements of an updated manure management plan, an owner of
12 a confinement feeding operation may, in lieu of submitting a
13 complete plan, file a document stating that the manure
14 management plan has not changed, or state all of the changes
15 made since the original manure management plan or a previous
16 updated manure management plan was submitted and approved.

17 6. The department shall not approve an original manure
18 management plan unless the plan is accompanied by a manure
19 management plan filing fee required pursuant to section
20 459.400. The department shall not approve an updated manure
21 management plan unless the updated manure management plan is
22 accompanied by an ~~annual-compliance~~ updated manure management
23 plan filing fee required pursuant to section 459.400. If the
24 department staggers the date for the submission of a manure
25 management plan, it shall prorate the amount of the updated
26 manure management plan filing fee.

27 11. A confinement feeding operation classified as a
28 habitual violator as provided in section 459.604 shall submit
29 a manure management plan to the department on an annual basis,
30 which must be approved by the department for the following
31 year of operation. The manure management plan shall be a
32 replacement original manure management plan rather than a
33 manure management plan update. However, the habitual violator
34 required to submit a replacement original manure management
35 plan must submit an ~~annual-compliance~~ updated manure

1 management plan filing fee in the same manner as if the
2 habitual violator were submitting an updated manure management
3 plan.

4 Sec. 2. Section 459.400, subsection 1, paragraph c, Code
5 2005, is amended to read as follows:

6 c. An ~~annual-compliance~~ updated manure management plan
7 filing fee that is required to accompany an updated manure
8 management plan submitted to the department for approval as
9 provided in section 459.312. The amount of the ~~annual~~
10 compliance updated manure management plan filing fee shall not
11 exceed a rate ~~of-fifteen-cents~~ established by the department
12 and assessed on a per animal unit based on the animal unit
13 capacity of the confinement feeding operation covered by the
14 manure management plan. For a person other than a habitual
15 violator required to submit a replacement original manure
16 management plan, the designated rate shall not exceed sixty
17 cents. For a habitual violator required to submit a
18 replacement original manure management plan, the designated
19 rate shall not exceed fifteen cents. If the person submitting
20 the manure management plan is a contract producer, as provided
21 in chapter 202, the active contractor shall be assessed the
22 ~~annual-compliance~~ updated manure management plan filing fee.

23 Sec. 3. Section 459.400, subsection 2, paragraph b, Code
24 2005, is amended to read as follows:

25 b. Moneys collected from the ~~annual-compliance~~ updated
26 manure management plan filing fee shall be deposited into the
27 compliance fund's assessment account. Moneys collected from
28 commercial manure service license fees and educational program
29 fees shall be deposited into the compliance fund's educational
30 program account.

31 Sec. 4. Section 459.400, subsection 3, paragraph a, Code
32 2005, is amended to read as follows:

33 a. If on June 30, the balance of unencumbered and
34 unobligated moneys in the assessment account is one million
35 dollars or more, the department shall adjust the rate of the

1 ~~annual-compliance~~ updated manure management plan filing fee
2 for the following fiscal year. The adjusted rate for the
3 ~~annual-compliance~~ updated manure management plan filing fee
4 shall be based on the department's estimate of the amount
5 required to ensure that at the end of the following fiscal
6 year the balance of unencumbered and unobligated moneys in the
7 assessment account is not one million dollars or more.

8 Sec. 5. Section 459.401, subsection 2, paragraph b, Code
9 Supplement 2005, is amended to read as follows:

10 b. The assessment account is composed of moneys collected
11 from the ~~annual-compliance~~ updated manure management plan
12 filing fee required pursuant to section 459.400.

13

14

EXPLANATION

15 BACKGROUND. This bill amends Code chapter 459, referred to
16 as the "Animal Agriculture Compliance Act" (see Code section
17 459.101). The Code chapter in part regulates confinement
18 feeding operations in which animals are housed in buildings
19 and fed and maintained for 45 days or more in any 12-month
20 period (see Code section 459.102).

21 Part of Code chapter 459 requires that certain persons
22 submit a manure management plan, including an owner of a
23 confinement feeding operation or a person who applies manure
24 from a confinement feeding operation which is located in
25 another state, if the manure is applied on land located in
26 this state. Generally, the manure management plan must
27 include information regarding how much and where manure kept
28 in a manure storage structure is to be applied (see Code
29 section 459.312). The department must deliver a copy of the
30 manure management plan or require the person submitting the
31 manure management plan to deliver a copy of the manure
32 management plan to the county board of supervisors in each
33 county where the confinement feeding operation is located or
34 where the manure is to be applied.

35 A manure management plan includes an update to the plan

1 that is required to be submitted to the department and
2 counties on an annual basis. However, a habitual violator of
3 the Code chapter's provisions must submit an original manure
4 management plan to the department and counties each year. A
5 manure management plan must be accompanied by a filing fee
6 which is deposited into the general account of the animal
7 agriculture compliance fund (see Code sections 459.400 and
8 459.401). An updated manure management plan, or an original
9 manure management plan submitted by a habitual violator, must
10 be accompanied by a compliance fee. The assessed rate of the
11 compliance fee cannot exceed 15 cents per animal unit based on
12 the animal unit capacity of the confinement feeding operation
13 covered by the updated manure management plan. All compliance
14 fees are deposited into an assessment account within the
15 animal agriculture compliance fund (see Code section 459.401).
16 The exact rate of the annual compliance fee must be adjusted
17 by the department at the end of each fiscal year to ensure
18 that the total balance at the end of the following fiscal year
19 is not \$1 million or more.

20 PROVISIONS OF THE BILL. The bill provides that an updated
21 manure management plan must be submitted to the department and
22 counties every four years. The bill changes the name of the
23 fee from the annual compliance fee to the updated manure
24 management plan filing fee. It increases the maximum rate of
25 the fee from 15 cents to 60 cents (15 multiplied by four
26 years). The rate required to be paid by a habitual violator
27 required to submit an annual original manure management plan
28 remains 15 cents. The bill provides that if the department
29 staggers the due date for the submission of a manure
30 management plan, it must prorate the amount of the updated
31 manure management plan filing fee. A person who fails to
32 submit a manure management plan or an update, including a
33 related fee, is subject to a civil penalty not to exceed
34 \$5,000 for each day of such violation (see Code sections
35 459.603 and 455B.191).