

# House Study Bill 617

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 TLSB 6141HC 81

7 da/sh/8

PAG LIN

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

1 3 3. The owner of a confinement feeding operation who is  
1 4 required to submit a manure management plan under this section  
1 5 shall submit an updated manure management plan to the  
1 6 department ~~on an annual basis once each four years.~~ The  
1 7 department shall provide for a date that each updated manure  
1 8 management plan is required to be submitted to the department.  
1 9 The department may provide for staggering the dates on which  
1 10 updated manure management plans are due. To satisfy the  
1 11 requirements of an updated manure management plan, an owner of  
1 12 a confinement feeding operation may, in lieu of submitting a  
1 13 complete plan, file a document stating that the manure  
1 14 management plan has not changed, or state all of the changes  
1 15 made since the original manure management plan or a previous  
1 16 updated manure management plan was submitted and approved.

1 17 6. The department shall not approve an original manure  
1 18 management plan unless the plan is accompanied by a manure  
1 19 management plan filing fee required pursuant to section  
1 20 459.400. The department shall not approve an updated manure  
1 21 management plan unless the updated manure management plan is  
1 22 accompanied by an ~~annual compliance~~ updated manure management  
1 23 plan filing fee required pursuant to section 459.400. If the  
1 24 department staggers the date for the submission of a manure  
1 25 management plan, it shall prorate the amount of the updated  
1 26 manure management plan filing fee.

1 27 11. A confinement feeding operation classified as a  
1 28 habitual violator as provided in section 459.604 shall submit  
1 29 a manure management plan to the department on an annual basis,  
1 30 which must be approved by the department for the following  
1 31 year of operation. The manure management plan shall be a  
1 32 replacement original manure management plan rather than a  
1 33 manure management plan update. However, the habitual violator  
1 34 required to submit a replacement original manure management  
1 35 plan must submit an ~~annual compliance~~ updated manure  
2 1 management plan filing fee in the same manner as if the  
2 2 habitual violator were submitting an updated manure management  
2 3 plan.

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

2 6 c. An ~~annual compliance~~ updated manure management plan  
2 7 filing fee that is required to accompany an updated manure  
2 8 management plan submitted to the department for approval as  
2 9 provided in section 459.312. The amount of the ~~annual~~  
2 10 ~~compliance~~ updated manure management plan filing fee shall not  
2 11 exceed a rate of ~~fifteen cents established by the department~~  
2 12 ~~and assessed on a per animal unit based on the animal unit~~  
2 13 ~~capacity of the confinement feeding operation covered by the~~  
2 14 ~~manure management plan. For a person other than a habitual~~  
2 15 ~~violator required to submit a replacement original manure~~  
2 16 ~~management plan, the designated rate shall not exceed sixty~~

2 17 cents. For a habitual violator required to submit a  
2 18 replacement original manure management plan, the designated  
2 19 rate shall not exceed fifteen cents. If the person submitting  
2 20 the manure management plan is a contract producer, as provided  
2 21 in chapter 202, the active contractor shall be assessed the  
2 22 ~~annual compliance updated manure management plan filing~~ fee.  
2 23 Sec. 3. Section 459.400, subsection 2, paragraph b, Code  
2 24 2005, is amended to read as follows:  
2 25 b. Moneys collected from the ~~annual compliance updated~~  
2 26 ~~manure management plan filing~~ fee shall be deposited into the  
2 27 compliance fund's assessment account. Moneys collected from  
2 28 commercial manure service license fees and educational program  
2 29 fees shall be deposited into the compliance fund's educational  
2 30 program account.  
2 31 Sec. 4. Section 459.400, subsection 3, paragraph a, Code  
2 32 2005, is amended to read as follows:  
2 33 a. If on June 30, the balance of unencumbered and  
2 34 unobligated moneys in the assessment account is one million  
2 35 dollars or more, the department shall adjust the rate of the  
3 1 ~~annual compliance updated manure management plan filing~~ fee  
3 2 for the following fiscal year. The adjusted rate for the  
3 3 ~~annual compliance updated manure management plan filing~~ fee  
3 4 shall be based on the department's estimate of the amount  
3 5 required to ensure that at the end of the following fiscal  
3 6 year the balance of unencumbered and unobligated moneys in the  
3 7 assessment account is not one million dollars or more.  
3 8 Sec. 5. Section 459.401, subsection 2, paragraph b, Code  
3 9 Supplement 2005, is amended to read as follows:  
3 10 b. The assessment account is composed of moneys collected  
3 11 from the ~~annual compliance updated manure management plan~~  
3 12 ~~filing~~ fee required pursuant to section 459.400.

#### 3 13 EXPLANATION

3 14 BACKGROUND. This bill amends Code chapter 459, referred to  
3 15 as the "Animal Agriculture Compliance Act" (see Code section  
3 16 459.101). The Code chapter in part regulates confinement  
3 17 feeding operations in which animals are housed in buildings  
3 18 and fed and maintained for 45 days or more in any 12-month  
3 19 period (see Code section 459.102).

3 20 Part of Code chapter 459 requires that certain persons  
3 21 submit a manure management plan, including an owner of a  
3 22 confinement feeding operation or a person who applies manure  
3 23 from a confinement feeding operation which is located in  
3 24 another state, if the manure is applied on land located in  
3 25 this state. Generally, the manure management plan must  
3 26 include information regarding how much and where manure kept  
3 27 in a manure storage structure is to be applied (see Code  
3 28 section 459.312). The department must deliver a copy of the  
3 29 manure management plan or require the person submitting the  
3 30 manure management plan to deliver a copy of the manure  
3 31 management plan to the county board of supervisors in each  
3 32 county where the confinement feeding operation is located or  
3 33 where the manure is to be applied.

3 34 A manure management plan includes an update to the plan  
4 1 that is required to be submitted to the department and  
4 2 counties on an annual basis. However, a habitual violator of  
4 3 the Code chapter's provisions must submit an original manure  
4 4 management plan to the department and counties each year. A  
4 5 manure management plan must be accompanied by a filing fee  
4 6 which is deposited into the general account of the animal  
4 7 agriculture compliance fund (see Code sections 459.400 and  
4 8 459.401). An updated manure management plan, or an original  
4 9 manure management plan submitted by a habitual violator, must  
4 10 be accompanied by a compliance fee. The assessed rate of the  
4 11 compliance fee cannot exceed 15 cents per animal unit based on  
4 12 the animal unit capacity of the confinement feeding operation  
4 13 covered by the updated manure management plan. All compliance  
4 14 fees are deposited into an assessment account within the  
4 15 animal agriculture compliance fund (see Code section 459.401).  
4 16 The exact rate of the annual compliance fee must be adjusted  
4 17 by the department at the end of each fiscal year to ensure  
4 18 that the total balance at the end of the following fiscal year  
4 19 is not \$1 million or more.

4 20 PROVISIONS OF THE BILL. The bill provides that an updated  
4 21 manure management plan must be submitted to the department and  
4 22 counties every four years. The bill changes the name of the  
4 23 fee from the annual compliance fee to the updated manure  
4 24 management plan filing fee. It increases the maximum rate of  
4 25 the fee from 15 cents to 60 cents (15 multiplied by four  
4 26 years). The rate required to be paid by a habitual violator  
4 27 required to submit an annual original manure management plan

4 28 remains 15 cents. The bill provides that if the department  
4 29 staggers the due date for the submission of a manure  
4 30 management plan, it must prorate the amount of the updated  
4 31 manure management plan filing fee. A person who fails to  
4 32 submit a manure management plan or an update, including a  
4 33 related fee, is subject to a civil penalty not to exceed  
4 34 \$5,000 for each day of such violation (see Code sections  
4 35 459.603 and 455B.191).  
5 1 LSB 6141HC 81  
5 2 da:nh/sh/8