

House File 539 - Introduced

HOUSE FILE _____
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 83)

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

A BILL FOR

1 An Act relating to animal feeding operations, by providing for
2 the enforcement of regulatory provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1405HV 82
5 da/je/5

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1 1 Section 1. Section 455B.175, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:

1 3 If there is substantial evidence that any person has
1 4 violated or is violating any provision of this part of this
1 5 division or chapter 459, subchapter III, chapter 459A, or of
1 6 any rule or standard established or permit issued pursuant
1 7 thereto; then:

1 8 Sec. 2. Section 459.103, subsection 3, Code 2007, is
1 9 amended by striking the subsection.

1 10 Sec. 3. Section 459.601, Code 2007, is amended by adding
1 11 the following new subsection:

1 12 NEW SUBSECTION. 1A. a. The department and the attorney
1 13 general shall enforce the provisions of this chapter in the
1 14 same manner as provided in chapter 455B, division I.

1 15 b. The department and the attorney general may enforce the
1 16 provisions of subchapter III in the same manner as provided in
1 17 section 455B.175.

1 18 Sec. 4. Section 459.603, Code 2007, is amended to read as
1 19 follows:

1 20 459.603 WATER QUALITY VIOLATIONS == CIVIL PENALTY.

1 21 A person who violates subchapter III shall be subject to a
1 22 civil penalty which shall be established, assessed, and
1 23 collected in the same manner as provided in section 455B.109
1 24 or 455B.191. Any civil penalty collected shall be deposited
1 25 in the animal agriculture compliance fund created in section
1 26 459.401.

1 27 Sec. 5. Section 459A.501, Code 2007, is amended to read as
1 28 follows:

1 29 459A.501 GENERAL.

1 30 The department and the attorney general shall enforce the
1 31 provisions of this chapter in the same manner as provided in
1 32 chapter 455B, division I and section 455B.175, unless
1 33 otherwise provided in this chapter.

1 34 EXPLANATION

1 35 This bill relates to animal feeding operations regulated by
2 1 the department of natural resources, including primarily
2 2 confinement feeding operations under Code chapter 459 and open
2 3 feedlot operations under Code chapter 459A.

2 4 Code section 455B.175 authorizes the department to: (1)
2 5 issue an order (sometimes called a "stop order") against a
2 6 person to desist in a practice which violates state law or to
2 7 take corrective action which is necessary to ensure that a
2 8 violation ceases, (2) issue an order necessary to terminate an
2 9 emergency without immediate notice and hearing, or (3) request
2 10 the attorney general to institute legal proceedings in
2 11 district court. The bill provides that the same provisions
2 12 that apply to confinement feeding operations apply to open
2 13 feedlot operations. It provides coordinating amendments in
2 14 Code chapters 459 and 459A.

2 15 The bill amends Code section 459.603, which currently
2 16 provides that a person who violates subchapter III relating to
2 17 water quality regulations is to be subject to a civil penalty

2 18 under Code section 455B.191 (referring to a court-ordered
2 19 civil penalty not to exceed \$5,000 for each day of a
2 20 violation). Currently, the Code provides that the department
2 21 may enforce Code chapter 459 in the same manner as provided in
2 22 Code chapter 455B, division I. Part of that division includes
2 23 Code section 455B.109 which authorizes the department to
2 24 establish and assess a range of administrative penalties (not
2 25 to exceed \$10,000 for each day of a violation). The bill
2 26 amends Code section 459.603 by referring to Code section
2 27 455B.109.
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