

House Study Bill 83

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

Passed Senate, Date _____ Passed House, 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 1405DP 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 Sec. 6. DIRECTIONS TO CODE EDITOR. In the 2009 edition of
1 35 the Iowa Code, the Code editor may do all of the following:
2 1 1. a. Title the heading for chapter 459, subchapter II,
2 2 as "air quality".
2 3 b. Title the heading for chapter 459, subchapter III, as
2 4 "water quality". In addition, the Code editor may divide
2 5 chapter 459, subchapter III, into lettered parts, as follows:
2 6 (1) Part "A" may include sections 459.301 and 459.302 and
2 7 be designated "general".
2 8 (2) Part "B" may include sections 459.303 through 459.310
2 9 and be designated "construction requirements". In addition,
2 10 the Code editor may divide the part into numbered subparts as
2 11 follows:
2 12 (a) Subpart 1 may include sections 459.303 through 459.305
2 13 and be designated "permits".
2 14 (b) Subpart 2 may include sections 459.306 through 459.310
2 15 and be designated "design and construction standards".
2 16 (3) Part "C" may include sections 459.311 through 459.316
2 17 and be designated "manure management". In addition, the Code
2 18 editor may divide the part into numbered subparts as follows:
2 19 (a) Subpart 1 may include sections 459.311 through 459.314

2 20 and be designated "handling".
2 21 (b) Subpart 2 may include sections 459.314A through
2 22 459.316 and be designated "licensure and certification".
2 23 (4) Part "D" may include section 459.318 and be designated
2 24 "exceptions".
2 25 2. Transfer and renumber section 459.317 as section
2 26 459.606 and correct internal references.

2 27 EXPLANATION

2 28 This bill relates to animal feeding operations regulated by
2 29 the department of natural resources, including primarily
2 30 confinement feeding operations under Code chapter 459 and open
2 31 feedlot operations under Code chapter 459A.

2 32 Code section 455B.175 authorizes the department to: (1)
2 33 issue an order (sometimes called a "stop order") against a
2 34 person to desist in a practice which violates state law or to
2 35 take corrective action which is necessary to ensure that a
3 1 violation ceases, (2) issue an order necessary to terminate an
3 2 emergency without immediate notice and hearing, or (3) request
3 3 the attorney general to institute legal proceedings in
3 4 district court. The bill provides that the same provisions
3 5 that apply to confinement feeding operations apply to open
3 6 feedlot operations. It provides coordinating amendments in
3 7 Code chapters 459 and 459A.

3 8 The bill amends Code section 459.603, which currently
3 9 provides that a person who violates subchapter III relating to
3 10 water quality regulations is to be subject to a civil penalty
3 11 under Code section 455B.191 (referring to a court-ordered
3 12 civil penalty not to exceed \$5,000 for each day of a
3 13 violation). Currently, the Code provides that the department
3 14 may enforce Code chapter 459 in the same manner as provided in
3 15 Code chapter 455B, division I. Part of that division includes
3 16 Code section 455B.109 which authorizes the department to
3 17 establish and assess a range of administrative penalties (not
3 18 to exceed \$10,000 for each day of a violation). The bill
3 19 amends Code section 459.603 by referring to Code section
3 20 455B.109.

3 21 The bill provides for heading changes or additions within
3 22 Code chapter 459 and transfers and renumbers a provision
3 23 within the chapter in order to enhance readability.

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