

Senate File 2008 - Introduced

SENATE FILE 2008

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A BILL FOR

1 An Act establishing a moratorium relating to the construction,
2 including expansion, of structures that are part of
3 certain confinement feeding operations where swine are
4 kept, requesting an interim study committee, and including
5 effective date provisions.

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

1 Section 1. NEW SECTION. 459.104 Moratorium — confinement
2 feeding operations in which swine are kept.

3 1. a. The department shall not approve an application
4 for a permit for the construction, including expansion, of a
5 confinement feeding operation structure under this chapter, if
6 the structure is part of a confinement feeding operation in
7 which swine are kept.

8 b. A person shall not begin construction, including
9 expansion, of a confinement feeding operation structure under
10 this chapter, if the structure is part of a confinement feeding
11 operation in which swine are kept. However, this paragraph
12 does not apply to a confinement feeding operation which has an
13 animal unit capacity of three hundred or fewer animal units.

14 2. Nothing in this section shall prohibit a person from
15 completing construction, including expansion, of a confinement
16 feeding operation structure, if prior to the effective date
17 of this Act, the person has begun construction, including
18 expansion, of the confinement feeding operation structure as
19 otherwise allowed under this chapter.

20 Sec. 2. INTERIM STUDY COMMITTEE — CONFINEMENT FEEDING
21 OPERATION STRUCTURE PERMIT APPROVAL. The legislative council
22 is requested to establish an interim study committee to
23 consider methods to provide for greater public participation
24 in the process of approving or disapproving the construction,
25 including expansion, of confinement feeding operation
26 structures which are part of confinement feeding operations
27 where swine are kept. The interim study committee shall
28 consider methods to provide for greater decision-making by
29 county boards of supervisors and by the reformation of the
30 master matrix as provided in section 459.305. If established,
31 the interim study committee shall submit a report to the
32 general assembly by January 11, 2019, which includes findings
33 and recommendations.

34 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
35 importance, takes effect upon enactment.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

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4 MORATORIUM. This bill amends Code chapter 459 (the animal
5 agriculture compliance Act) by establishing a moratorium upon
6 the construction, including expansion, of certain confinement
7 feeding operation structures such as buildings or manure
8 storage structures associated with the confinement feeding
9 operation where swine are kept. The moratorium does not apply
10 to a confinement feeding operation having an animal unit
11 capacity of 300 or fewer animal units.

12 The bill provides that during the period of the moratorium,
13 the department of natural resources is prohibited from
14 approving an application for a construction permit, and that
15 a person is prohibited from beginning such construction. The
16 bill does not prohibit a person from completing construction
17 if, prior to the effective date of the bill, the person has
18 begun the construction.

19 LEGISLATIVE STUDY. The bill requests that the legislative
20 council establish an interim committee to study methods to
21 increase a greater public participation in the construction
22 of confinement feeding operation structures associated with
23 swine production and submit a report to the general assembly by
24 January 11, 2019.

25 BACKGROUND. A confinement feeding operation refers to any
26 area in which certain animals associated with agriculture
27 are confined and fed and maintained under a roof for 45
28 days or more in any 12-month period, and includes associated
29 structures including building and facilities used to store
30 manure. A permit to construct or expand a structure is
31 required for a confinement feeding operation of a certain size
32 based on a calculation of its proposed animal unit capacity
33 (AUC) which equals the maximum number of animal units that
34 may be maintained under roof at any one time (Code section
35 459.102). Each of various types of animals are assigned a

1 special equivalency factor. For example, a butcher or breeding
2 swine weighing more than 55 pounds has an equivalency factor
3 of 0.4 animal units (Code section 459.102). For example, a
4 confinement feeding operation proposed to include one or more
5 buildings with a capacity of 1,400 breeding swine would be
6 required to obtain a permit ($1,400 \times 0.4 = 560$ AUC). A proposed
7 confinement feeding operation having a capacity of 750 such
8 swine would be exempt from the moratorium ($750 \times 0.4 = 300$
9 AUC).

10 EFFECTIVE DATE. The bill, if enacted, would take effect upon
11 that date.