

Senate File 2018 - Introduced

SENATE FILE 2018

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A BILL FOR

1 An Act requiring an application for a permit to construct
2 certain confinement feeding operation structures to include
3 information regarding any production contracts in which the
4 applicant is or may be a party, and including effective date
5 provisions.

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

1 Section 1. Section 459.102, Code 2018, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 17A. "*Contract livestock facility*" means
4 the same as defined in section 202.1.

5 NEW SUBSECTION. 17B. "*Contract producer*" means the same as
6 defined in section 202.1.

7 NEW SUBSECTION. 17C. "*Contractor*" means the same as defined
8 in section 202.1.

9 NEW SUBSECTION. 42A. "*Production contract*" means the same
10 as defined in section 202.1.

11 Sec. 2. Section 459.303, subsection 3, Code 2018, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. e. A statement acknowledging or denying
14 that the applicant and a contractor are parties to a production
15 contract, or are negotiating to be parties to a production
16 contract. If the statement is an acknowledgment, the
17 application shall include all of the following:

18 (1) The name and mailing address of the contractor.

19 (2) Whether the applicant is a contract producer or is
20 negotiating to become a contract producer.

21 (3) Whether the confinement feeding operation structure if
22 constructed would be part of a confinement feeding operation
23 that may become a contract livestock facility.

24 Sec. 3. Section 459.304, subsection 2, paragraph a,
25 subparagraph (2), Code 2018, is amended to read as follows:

26 (2) The notice shall include all of the following:

27 (a) The name of the person applying to receive the
28 construction permit.

29 (b) The name of the township where the confinement feeding
30 operation structure is to be constructed.

31 (c) Each type of confinement feeding operation structure
32 proposed to be constructed.

33 (d) The animal unit capacity of the confinement feeding
34 operation if ~~the construction permit~~ all confinement feeding
35 operation structures were to be ~~approved~~ constructed.

1 (e) A statement acknowledging or denying that the applicant
2 and a contractor are parties to a production contract as
3 referred to in section 459.303.

4 ~~(e)~~ (f) The time when and the place where the application
5 may be examined as provided in section 22.2.

6 ~~(f)~~ (g) Procedures for providing public comments to the
7 board as provided by the board.

8 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate
9 importance, takes effect upon enactment.

10

EXPLANATION

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

13 BILL'S SUBSTANTIVE PROVISIONS. This bill amends Code
14 chapter 459, the "Animal Agriculture Compliance Act" (Code
15 chapter 459). The bill amends provisions that require the
16 department of natural resources (DNR) to approve or disapprove
17 an application for a permit to construct a confinement feeding
18 operation structure (structure) which is part of an existing or
19 proposed confinement feeding operation; sometimes referred to
20 as a concentrated animal feeding operation (CAFO). The bill
21 provides that the application must state whether the CAFO is or
22 could become a contract livestock facility. It also provides
23 that the statement must be included in the notice of a public
24 hearing conducted by the board of supervisors (board) in the
25 county where the proposed structure is to be constructed.

26 BACKGROUND — PERMIT REQUIREMENTS. DNR's responsibility to
27 approve or disapprove a permit application and a board's right
28 to review and evaluate the application is based on several
29 factors: (1) a CAFO's capacity (1,000 or more animal units
30 or AUs) or (2) the construction of an unformed manure storage
31 structure. A special exemption applies to a CAFO owned by
32 a research college (Code section 459.303). As part of the
33 process, the permit application must be filed with DNR and the
34 board in the county where the construction is to occur. The
35 board may hold a public hearing to receive public comments

1 regarding the application and forward its comments and public
2 comments to DNR prior to the agency's decision to approve
3 or disapprove the application. The board is required to
4 publish a notice of a scheduled public hearing in a newspaper
5 having a general circulation in the county. The notice must
6 provide relevant information about the applicant, the proposed
7 construction, and the time and place of the public hearing
8 (Code section 459.304).

9 BACKGROUND — TERMS — CAFOs. Code chapter 459 includes
10 a number of defined terms (Code section 459.102). An animal
11 feeding operation refers to any area in which animals are
12 confined and fed and maintained for 45 days or more in any
13 12-month period. A CAFO is a type of animal feeding operation
14 that includes a totally roofed building where confined animals
15 are maintained (as compared to an open feedlot). An unformed
16 manure storage structure has walls and a bottom composed of
17 earth or nondurable materials as compared with a formed manure
18 storage structure often constructed of concrete. Confined
19 animals are limited to cattle, swine, horses, sheep, chickens,
20 turkeys, or fish. In calculating AUs a special equivalency
21 factor is assigned for each classification of confined animal.
22 For example, each butcher or breeding swine weighing more than
23 55 pounds has an equivalency factor of 0.4 AUs. For purposes
24 of calculating the permit threshold for a CAFO maintaining such
25 swine the AU capacity must equal a minimum of 2,500 ($1,000 \div$
26 $0.4 = 2,500$).

27 BACKGROUND — TERMS — PRODUCTION CONTRACTS. Code chapter
28 202 regulates the relationship between a contractor and a
29 contract producer of a commodity, including livestock, and
30 the Code chapter includes a number of defined terms (Code
31 section 202.1). A contractor is a person who enters into an
32 agreement with an agricultural producer to raise livestock on
33 property held by the agricultural producer (contract livestock
34 facility). The agricultural producer is referred to as a
35 contract producer. The contract is referred to as a production

1 contract. Livestock is limited to beef cattle, dairy cattle,
2 sheep, or swine, but does not include horses, chickens,
3 turkeys, or fish.

4 BILL'S EFFECTIVE DATE. The bill takes effect upon
5 enactment.