

House File 141 - Introduced

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A BILL FOR

1 An Act establishing an advisory committee to evaluate the use
2 and value of the master matrix when approving a permit to
3 construct a confinement feeding operation structure, and
4 including effective date provisions.

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

1 Section 1. MASTER MATRIX EVALUATION ADVISORY COMMITTEE.

2 1. A master matrix advisory committee is established to
3 evaluate the use and value of the master matrix adopted by the
4 department of natural resources pursuant to section 459.305 and
5 the extent to which the process of evaluating and approving
6 or disapproving the construction of a confinement feeding
7 operation structure by the department of natural resources may
8 be improved.

9 2. The advisory committee shall be composed of seventeen
10 voting members, including all of the following:

11 a. The director of the department of natural resources or a
12 designee of the director.

13 b. The secretary of agriculture or a designee of the
14 secretary.

15 c. The director of the Iowa department of public health, or
16 the director's designee.

17 d. A representative of the Iowa environmental council.

18 e. A representative of the Iowa natural heritage
19 foundation.

20 f. A representative of the Iowa state association of
21 counties.

22 g. A representative of the Iowa league of cities.

23 h. A representative of the Iowa public health association.

24 i. A representative of the Iowa association of municipal
25 utilities.

26 j. A representative of the Iowa citizens for community
27 improvement.

28 k. A representative of the Iowa farmers union.

29 l. A representative of the Iowa pork producers association.

30 m. A representative of the Iowa cattlemen's association.

31 n. A representative of the Iowa poultry association.

32 o. A representative of the Iowa corn growers association.

33 p. A representative of the Iowa soybean association.

34 q. A representative of the Iowa farm bureau federation.

35 3. The advisory committee shall also include four members

1 of the general assembly appointed to serve in an ex officio,
2 nonvoting capacity. The legislative members shall be selected,
3 one member each, by the majority leader of the senate, the
4 minority leader of the senate, the speaker of the house of
5 representatives, and the minority leader of the house of
6 representatives.

7 4. The department of natural resources shall provide
8 administrative support to the committee. The attorney general
9 shall appoint an assistant attorney general to provide the
10 advisory committee with legal counsel and assistance. The
11 president of Iowa state university of science and technology
12 shall appoint a person to provide the advisory committee with
13 technical advice and assistance.

14 5. The director of the department of natural resources
15 or the director's designee shall serve as the advisory
16 committee's chairperson. The advisory committee may elect a
17 vice-chairperson. A majority of the voting members of the
18 advisory committee constitutes a quorum. Any substantive
19 action taken by the advisory committee must be adopted by the
20 affirmative vote of a majority of its voting membership. A
21 lesser number of voting members may adjourn a meeting.

22 6. Voting members of the advisory committee, other than
23 state employees, are entitled to be reimbursed for actual
24 expenses necessarily incurred in the discharge of their
25 duties as members of the advisory committee. The expenses
26 shall be paid to the advisory committee members from moneys
27 appropriated to the department of natural resources. Voting
28 members of the advisory committee, other than state employees,
29 are eligible to receive compensation as provided in section
30 7E.6. A legislative member is eligible to receive a per diem
31 and expenses as provided in section 2.10.

32 7. The advisory committee shall consider all of the
33 following in evaluating the use of the master matrix:

34 a. The extent to which the master matrix is designed for
35 use by county boards of supervisors in making decisions for the

1 public interest.

2 b. The use and value of different subcategories of criteria
3 in the master matrix used to score an application, including
4 the impact of a proposed construction on water quality, air
5 quality, and community, as well as public health, secondary
6 road systems, and public utilities. The advisory committee
7 shall evaluate the necessity of retaining existing criteria or
8 adding new criteria.

9 c. The manner in which criteria is scored, including the use
10 of a positive and negative point system, and the calculation of
11 a minimum threshold score to receive a satisfactory rating.

12 8. The advisory committee shall determine the extent
13 to which the process of approving applications for the
14 construction of confinement feeding operation structures,
15 including the siting of such structures and the use of manure
16 management practices, may be improved. The advisory committee
17 shall consider the functions of cities and counties in this
18 process and the limitations imposed on county boards of
19 supervisors to make decisions regulating the construction and
20 management of confinement feeding operations under section
21 331.304A.

22 9. The advisory committee may conduct hearings throughout
23 the state to receive public comments. The committee shall
24 conduct surveys of county boards of supervisors throughout the
25 state. All hearings and meetings of the advisory committee
26 shall be open to the public.

27 10. The advisory committee shall prepare and submit a
28 report to the governor and general assembly not later than
29 December 13, 2019. The report shall include the findings
30 and recommendations of the advisory committee, including
31 proposed legislation for consideration by the eighty-eighth
32 general assembly and a proposed notice of intended action for
33 the adoption of rules for consideration by the environmental
34 protection commission. The committee shall discontinue its
35 functions on that date.

1 limitations imposed upon counties to regulate confinement
2 feeding operations. The advisory committee may conduct
3 hearings throughout the state and conduct surveys of county
4 boards of supervisors. The advisory committee must prepare and
5 submit a report to the governor and general assembly not later
6 than December 13, 2019. The report must include the advisory
7 committee's findings and recommendations, including proposed
8 legislation and rulemaking documents. The bill takes effect
9 upon enactment.

10 BACKGROUND — TERMS. A confinement feeding operation
11 structure is a type of animal feeding operation that includes
12 a building to house agricultural animals and a structure used
13 to store manure or in the case of layer operations a structure
14 used to store washwater. A confinement feeding operation
15 refers to a place where agricultural animals are confined and
16 fed in totally roofed buildings for 45 days or more in any
17 12-month period.

18 BACKGROUND — MASTER MATRIX. The master matrix refers
19 to a form completed by a person applying for a construction
20 permit. The applicant is awarded points based on an agreement
21 to construct the confinement feeding operation structure or
22 use manure management practices in a manner that exceeds
23 specific state law requirements. The master matrix includes
24 three subcategories which value impacts on air, water, and
25 community. An applicant must obtain a minimum overall score
26 of 440 out of 880 points and a score of 25 percent of available
27 points in each of the three subcategories. A county board of
28 supervisors which adopts a construction evaluation resolution
29 may evaluate the application and matrix and submit comments to
30 the department of natural resources (Code section 459.304),
31 which decides whether to approve or disapprove the application
32 (Code section 459.303). A county is statutorily preempted
33 from approving, denying, or imposing conditions upon the
34 construction of a confinement feeding operation structure or
35 the management of manure originating from the operation (Code

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1 section 331.304A).