A BILL FOR

1 An Act relating to the regulation of confinement feeding operations, including by providing for partially roofed structures and prohibiting the construction, including expansion, of structures, making penalties applicable, and including effective date provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 459.102, subsection 14, Code 2021, is amended to read as follows:

14. "Confinement feeding operation" means an animal feeding operation in which animals are confined to areas which are totally or partially roofed.

Sec. 2. NEW SECTION. 459.104 Moratorium — confinement feeding operation structures.

1. Notwithstanding any provision of this chapter or any other provision of law to the contrary, a person shall not construct, including expand, a confinement feeding operation structure.

2. Subsection 1 does not apply to a confinement feeding operation structure that is part of a small animal feeding operation.

3. This section shall not prohibit a person from completing construction, including expansion, of a confinement feeding operation structure if, prior to the effective date of this Act, the person has begun construction, including expansion, of the confinement feeding operation structure as otherwise allowed under this chapter.

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

EXPLANATION

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

GENERAL. This bill amends Code chapter 459 (the "Animal Agriculture Compliance Act") (Code section 459.101) which regulates confinement feeding operations. The bill revises the definition of a confinement feeding operation to include an operation that is partially roofed (amended Code section 459.102(14)). The bill also prohibits the construction, including expansion, of a confinement feeding operation structure. Such a structure includes a confinement building, a manure storage structure, or an egg washwater structure. The bill provides an exception that allows construction if the new
structure is part of a small animal feeding operation. The bill does not prohibit a person from completing construction if the person had begun construction prior to the effective date of the bill.

BACKGROUND — ENFORCEMENT AND APPLICABLE CIVIL PENALTIES. Compliance with a statutory regulation under the Code chapter includes compliance with a rule adopted by the department of natural resources (Code section 459.103). A person violating air quality regulations under Code chapter 459, subchapter II, is subject to an administrative assessment of a civil penalty of up to $10,000 (Code sections 459.602 and 455B.109). A person violating a water quality regulation under Code chapter 459, subchapter III, is subject to the administrative assessment of a civil penalty or a judicially assessed civil penalty of up to $5,000 (Code sections 459.603, 455B.109, and 455B.191).

EFFECTIVE DATE. The bill takes effect upon enactment.