

MAR 1 2005
Agriculture

HOUSE FILE 481
BY STRUYK

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to permits for the construction or operation of
2 open feedlots.

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

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HF 481

1 Section 1. NEW SECTION. 459.305A OPEN FEEDLOTS -- PERMIT
2 REQUIREMENTS.

3 If the department requires department approval or
4 disapproval of an application for the issuance of a permit to
5 construct, including to expand, or operate an open feedlot,
6 the department must approve or disapprove the application
7 within sixty days following the applicant's delivery of the
8 application to the department. However, an applicant may
9 deliver a notice to the department requesting a continuance.
10 Upon receipt of a notice, the time required for the department
11 to act upon the application shall be suspended for the period
12 provided in the notice, but for not more than thirty days
13 after the department's receipt of the notice. The applicant
14 may submit more than one notice. However, the department may
15 provide that an application is terminated if no action is
16 required by the department for one year following delivery of
17 the application to the department. The department may also
18 provide for a continuance when it considers the application.
19 The department shall provide notice to the applicant of the
20 continuance. The time required for the department to act upon
21 the application shall be suspended for the period provided in
22 the notice, but for not more than thirty days. However, the
23 department shall not provide for more than one continuance.

24 EXPLANATION

25 This bill amends provisions in Code chapter 459, the animal
26 agriculture compliance Act. The Code chapter applies to
27 animal feeding operations. An animal feeding operation
28 includes an area where livestock are confined and maintained
29 for 45 days or more in any 12-month period. The Code chapter
30 specifically provides for confinement feeding operations,
31 which are those animal feeding operations which are totally
32 roofed. The bill provides for open feedlots, which are those
33 areas which are not roofed or only partially roofed.

34 The bill provides application procedures in rules adopted
35 by the department of natural resources (DNR) which require a

1 person to obtain a permit for the construction and operation
2 of an open feedlot (567 IAC ch. 65). The bill is closely
3 modeled on provisions in Code section 459.304, which provides
4 that DNR must approve or disapprove an application for the
5 construction of a confinement feeding operation structure
6 within 60 days following the applicant's delivery of the
7 application to the department. The bill provides the same
8 deadline for the approval or disapproval of permits for the
9 construction or operation of an open feedlot. Like Code
10 section 459.304, the bill provides that an applicant may
11 deliver a notice requesting a 30-day continuance, and upon
12 receipt of a notice, the department must grant an applicant
13 the additional time. The DNR may terminate the application
14 process if it cannot take action on the application after a
15 year. Also like Code section 459.304, the bill provides that
16 DNR may also suspend the application process for one 30-day
17 period, before it must approve or disapprove the application.

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