

MAR 2 1 2006

WAYS & MEANS CALENDAR

HOUSE FILE 2755
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2503)

(SUCCESSOR TO HSB 617)

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

A BILL FOR

1 An Act relating to confinement feeding operations by requiring
2 the submission of updated manure management plans on a
3 multiyear basis, providing for fees, and making penalties
4 applicable.

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

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HF 2755

1 Section 1. Section 459.312, subsections 3, 6, and 11, Code
2 2005, are amended to read as follows:

3 3. The owner of a confinement feeding operation who is
4 required to submit a manure management plan under this section
5 shall submit an updated manure management plan to the
6 department ~~on-an-annual-basis~~ once each four years. The
7 department shall provide for a date that each updated manure
8 management plan is required to be submitted to the department.
9 The department may provide for staggering the dates on which
10 updated manure management plans are due. To satisfy the
11 requirements of an updated manure management plan, an owner of
12 a confinement feeding operation may, in lieu of submitting a
13 complete plan, file a document stating that the manure
14 management plan has not changed, or state all of the changes
15 made since the original manure management plan or a previous
16 updated manure management plan was submitted and approved.

17 6. The department shall not approve an original manure
18 management plan unless the plan is accompanied by a manure
19 management plan filing fee required pursuant to section
20 459.400. The department shall not approve an updated manure
21 management plan unless the updated manure management plan is
22 accompanied by an ~~annual-compliance~~ updated manure management
23 plan filing fee required pursuant to section 459.400. If the
24 department staggers the date for the submission of a manure
25 management plan, it shall prorate the amount of the updated
26 manure management plan filing fee.

27 11. A confinement feeding operation classified as a
28 habitual violator as provided in section 459.604 shall submit
29 a manure management plan to the department on an annual basis,
30 which must be approved by the department for the following
31 year of operation. The manure management plan shall be a
32 replacement original manure management plan rather than a
33 manure management plan update. However, the habitual violator
34 required to submit a replacement original manure management
35 plan must submit an ~~annual-compliance~~ updated manure

1 management plan filing fee in the same manner as if the
2 habitual violator were submitting an updated manure management
3 plan.

4 Sec. 2. Section 459.400, subsection 1, paragraph c, Code
5 2005, is amended to read as follows:

6 c. An ~~annual-compliance~~ updated manure management plan
7 filing fee that is required to accompany an updated manure
8 management plan submitted to the department for approval as
9 provided in section 459.312. The amount of the ~~annual~~
10 ~~compliance~~ updated manure management plan filing fee shall not
11 exceed a rate ~~of-fifteen-cents~~ established by the department
12 and assessed on a per animal unit based on the animal unit
13 capacity of the confinement feeding operation covered by the
14 manure management plan. For a person other than a habitual
15 violator required to submit a replacement original manure
16 management plan, the designated rate shall not exceed sixty
17 cents. For a habitual violator required to submit a
18 replacement original manure management plan, the designated
19 rate shall not exceed fifteen cents. If the person submitting
20 the manure management plan is a contract producer, as provided
21 in chapter 202, the active contractor shall be assessed the
22 ~~annual-compliance~~ updated manure management plan filing fee.

23 Sec. 3. Section 459.400, subsection 2, paragraph b, Code
24 2005, is amended to read as follows:

25 b. Moneys collected from the ~~annual-compliance~~ updated
26 manure management plan filing fee shall be deposited into the
27 compliance fund's assessment account. Moneys collected from
28 commercial manure service license fees and educational program
29 fees shall be deposited into the compliance fund's educational
30 program account.

31 Sec. 4. Section 459.400, subsection 3, paragraph a, Code
32 2005, is amended to read as follows:

33 a. If on June 30, the balance of unencumbered and
34 unobligated moneys in the assessment account is one million
35 dollars or more, the department shall adjust the rate of the

1 ~~annual-compliance~~ updated manure management plan filing fee
2 for the following fiscal year. The adjusted rate for the
3 ~~annual-compliance~~ updated manure management plan filing fee
4 shall be based on the department's estimate of the amount
5 required to ensure that at the end of the following fiscal
6 year the balance of unencumbered and unobligated moneys in the
7 assessment account is not one million dollars or more.

8 Sec. 5. Section 459.401, subsection 2, paragraph b, Code
9 Supplement 2005, is amended to read as follows:

10 b. The assessment account is composed of moneys collected
11 from the ~~annual-compliance~~ updated manure management plan
12 filing fee required pursuant to section 459.400.

13

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EXPLANATION

15 BACKGROUND. This bill amends Code chapter 459, referred to
16 as the "Animal Agriculture Compliance Act" (see Code section
17 459.101). The Code chapter in part regulates confinement
18 feeding operations in which animals are housed in buildings
19 and fed and maintained for 45 days or more in any 12-month
20 period (see Code section 459.102).

21 Part of Code chapter 459 requires that certain persons
22 submit a manure management plan, including an owner of a
23 confinement feeding operation or a person who applies manure
24 from a confinement feeding operation which is located in
25 another state, if the manure is applied on land located in
26 this state. Generally, the manure management plan must
27 include information regarding how much and where manure kept
28 in a manure storage structure is to be applied (see Code
29 section 459.312). The department must deliver a copy of the
30 manure management plan or require the person submitting the
31 manure management plan to deliver a copy of the manure
32 management plan to the county board of supervisors in each
33 county where the confinement feeding operation is located or
34 where the manure is to be applied.

35 A manure management plan includes an update to the plan

1 that is required to be submitted to the department and
2 counties on an annual basis. However, a habitual violator of
3 the Code chapter's provisions must submit an original manure
4 management plan to the department and counties each year. A
5 manure management plan must be accompanied by a filing fee
6 which is deposited into the general account of the animal
7 agriculture compliance fund (see Code sections 459.400 and
8 459.401). An updated manure management plan, or an original
9 manure management plan submitted by a habitual violator, must
10 be accompanied by a compliance fee. The assessed rate of the
11 compliance fee cannot exceed 15 cents per animal unit based on
12 the animal unit capacity of the confinement feeding operation
13 covered by the updated manure management plan. All compliance
14 fees are deposited into an assessment account within the
15 animal agriculture compliance fund (see Code section 459.401).
16 The exact rate of the annual compliance fee must be adjusted
17 by the department at the end of each fiscal year to ensure
18 that the total balance at the end of the following fiscal year
19 is not \$1 million or more.

20 PROVISIONS OF THE BILL. The bill provides that an updated
21 manure management plan must be submitted to the department and
22 counties every four years. The bill changes the name of the
23 fee from the annual compliance fee to the updated manure
24 management plan filing fee. It increases the maximum rate of
25 the fee from 15 cents to 60 cents (15 multiplied by four
26 years). The rate required to be paid by a habitual violator
27 required to submit an annual original manure management plan
28 remains 15 cents. The bill provides that if the department
29 staggers the due date for the submission of a manure
30 management plan, it must prorate the amount of the updated
31 manure management plan filing fee. A person who fails to
32 submit a manure management plan or an update, including a
33 related fee, is subject to a civil penalty not to exceed
34 \$5,000 for each day of such violation (see Code sections
35 459.603 and 455B.191).

H-8397

1 Amend House File 2755 as follows:

2 1. Page 1, line 1, by inserting after the figure
3 "3," the following: "4,".

4 2. Page 1, by inserting after line 16, the
5 following:

6 "4. a. The department shall deliver a copy of all
7 of the following to a designated county board of
8 supervisors:

9 (1) An original manure management plan ~~or require~~
10 the person submitting the manure management plan to
11 deliver a copy of the. If a person is required to be
12 issued a permit for the construction of the manure
13 storage structure as provided in section 459.303, the
14 original manure management plan shall accompany the
15 application for the construction permit as provided in
16 section 459.303.

17 (2) Any updated manure management plan ~~to~~. If the
18 owner of a confinement feeding operation files a
19 document in lieu of submitting a complete plan as
20 provided in this section, the department shall deliver
21 a copy of that document to each designated county
22 board of supervisors.

23 b. For purposes of this subsection, a "designated
24 county board of supervisors" includes all of the
25 following:

26 a- (1) The county board of supervisors in the
27 county where the manure storage structure owned by the
28 person is located.

29 b- (2) The county board of supervisors in the
30 county where the manure storage structure is proposed
31 to be constructed. ~~If the person is required to be~~
32 issued a permit for the construction of the manure
33 storage structure as provided in section 459.303, the
34 manure management plan shall accompany the application
35 for the construction permit as provided in section
36 459.303.

37 e- (3) The county board of supervisors in the
38 county where the manure is to be applied.

39 ~~The manure management plan shall be filed with the~~
40 ~~county board of supervisors.~~

41 c. The department shall deliver the manure
42 management plan and related documents by electronic
43 transmission, unless the department and a designated
44 county board of supervisors agrees to another delivery
45 method. The county auditor or other county officer
46 designated by the county board of supervisors may
47 accept the manure management plan and related
48 documents on behalf of the board."

49 3. Title page, lines 2 and 3, by striking the
50 words "updated manure management plans on a multiyear

H-8397

H-8397

Page 2

- 1 basis," and inserting the following: "manure
- 2 management plans, including updated manure management
- 3 plans and related documents,".
- 4 4. By renumbering as necessary.

By DOLECHECK of Ringgold

H-8397 FILED MARCH 27, 2006

HOUSE FILE 2755

H-8410

- 1 Amend the amendment, H-8397, to House File 2755 as
- 2 follows:
- 3 1.. By striking page 1, line 2, through page 2,
- 4 line 3, and inserting the following:
- 5 "____. Page 2, by inserting after line 3 the
- 6 following:
- 7 "Sec. ____ Section 459.312, Code 2005, is amended
- 8 by adding the following new subsection:
- 9 NEW SUBSECTION. 4A. The department shall provide
- 10 for the receipt and processing of manure management
- 11 plans, including updates to manure management plans,
- 12 in an electronic format pursuant to section 459.302,
- 13 not later than July 1, 2008. After that time, a
- 14 person required to submit a manure management plan
- 15 under this section may submit the manure management
- 16 plan to the department and to the county board of
- 17 supervisors in an electronic format."
- 18 ____ Title page, line 1, by inserting after the
- 19 word "by" the following: "providing for the receipt
- 20 and processing of manure management plans and"."
- 21 2. By renumbering as necessary.

By RAYHONS of Hancock

H-8410 FILED MARCH 28, 2006

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 2755 - Manure Management Plans (LSB 6141 HZ)
 Analyst: Debra Kozel (Phone: [515] 281-6767) (deb.kozel@legis.state.ia.us)
 Fiscal Note Version – New
 Requested by Representative Marcella Frevert

Description

House File 2755 changes the requirement for the submission of a manure management plan. Current law requires an annual submission plan and the proposed law requires submission of a plan every four years. The filing fee is changed from \$0.15 per animal unit to \$0.60 per animal unit as the fee is paid every four years rather than annually. The Bill also specifies a habitual violator is required to submit an annual plan and pay a \$0.15 per animal unit fee.

Assumptions

7. The revenue from the manure management plan filing fee remains neutral except the revenue will be collected every four years rather than annually.
8. Currently there are no habitual violators in Iowa and no additional revenue would be collected from them.
9. The Department's manure management plan database was developed by an outside contractor. The Department of Natural Resources (DNR) estimates the cost to update the database would be approximately \$91,000 using the rate per hour published by the Iowa Technology Enterprise in the Department of Administrative Services. This rate of \$126.91 per hour is for a Technical Expert. The following table includes the cost to use a Specialized Staff employee or a Senior Staff employee.

Iowa Technology Enterprise Employee Costs Per Hour
Department of Administrative Services

Database Procedure	Hours	Technical Expert Cost Per Hour \$126.91	Specialized Staff Support Cost Per Hour \$98.67	Senior Staff Support Cost Per Hour \$84.59
Familiarize with system	240	\$ 30,458	\$ 23,681	\$ 20,302
Work with users and plan changes	160	20,306	15,787	13,534
Rewrite program, test and implement	320	40,611	31,574	27,069
Estimated Total Hours	<u>720</u>	<u>\$ 91,375</u>	<u>\$ 71,042</u>	<u>\$ 60,905</u>

10. The cost could be less if the DNR received bids for the contract.

Fiscal Impact

The estimated fiscal impact of House File 2755 is an increase in one-time expenditures between \$61,000 and \$91,000 for the upgrade of the DNR database.

Sources

Department of Administrative Services
Department of Natural Resources

/s/ Holly M. Lyons

March 21, 2006

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

HOUSE FILE 2755

H-8431

1 Amend the amendment, H-8397, to House File 2755 as
2 follows:

3 1. By striking page 1, line 2, through page 2,
4 line 3, and inserting the following:

5 "____. Page 1, line 23, by inserting before the
6 words "If the" the following: "However, a person may
7 elect to submit the updated manure management plan
8 filing fee each year on a prorated basis, and the
9 department shall provide for the four-year approval of
10 the updated manure management plan submitted by a
11 person who makes that election."

12 _____. Page 2, by inserting after line 3 the
13 following:

14 "Sec. _____. Section 459.312, Code 2005, is amended
15 by adding the following new subsection:

16 NEW SUBSECTION. 4A. The department shall provide
17 for the receipt and processing of manure management
18 plans, including updates to manure management plans,
19 in an electronic format pursuant to section 459.302,
20 not later than July 1, 2008. After that time, a
21 person required to submit a manure management plan
22 under this section may submit the manure management
23 plan to the department and to the county board of
24 supervisors in an electronic format."

25 _____. Page 2, by striking line 7 and inserting the
26 following: "filing fee that is required to accompany
27 for an updated manure".

28 _____. Page 2, by striking lines 14 through 18 and
29 inserting the following: "manure management plan.
30 For a person not electing to submit an updated manure
31 management plan filing fee each year on a prorated
32 basis, or a habitual violator required to submit a
33 replacement original manure management plan, the
34 designated rate shall not exceed sixty cents. For a
35 person making the election or a habitual violator, the
36 designated".

37 _____. Title page, line 1, by inserting after the
38 word "by" the following: "providing for the receipt
39 and processing of manure management plans and"."

40 2. By renumbering as necessary.

By ALONS of Sioux
RAYHONS of Hancock
DOLECHECK of Ringgold

H-8431 FILED MARCH 29, 2006

ADOPTED

HOUSE FILE 2755
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2503)

(SUCCESSOR TO HSB 617)

(As Amended and Passed by the House March 29, 2006)

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

A BILL FOR

1 An Act relating to confinement feeding operations by providing
2 for the receipt and processing of manure management plans and
3 requiring the submission of updated manure management plans on
4 a multiyear basis, providing for fees, and making penalties
5 applicable.

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

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House Amendments _____

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HF 2755

da/es/25

1 Section 1. Section 459.312, subsections 3, 6, and 11, Code
2 2005, are amended to read as follows:

3 3. The owner of a confinement feeding operation who is
4 required to submit a manure management plan under this section
5 shall submit an updated manure management plan to the
6 department ~~on-an-annual-basis~~ once each four years. The
7 department shall provide for a date that each updated manure
8 management plan is required to be submitted to the department.
9 The department may provide for staggering the dates on which
10 updated manure management plans are due. To satisfy the
11 requirements of an updated manure management plan, an owner of
12 a confinement feeding operation may, in lieu of submitting a
13 complete plan, file a document stating that the manure
14 management plan has not changed, or state all of the changes
15 made since the original manure management plan or a previous
16 updated manure management plan was submitted and approved.

17 6. The department shall not approve an original manure
18 management plan unless the plan is accompanied by a manure
19 management plan filing fee required pursuant to section
20 459.400. The department shall not approve an updated manure
21 management plan unless the updated manure management plan is
22 accompanied by an ~~annual-compliance~~ updated manure management
23 plan filing fee required pursuant to section 459.400.

24 However, a person may elect to submit the updated manure
25 management plan filing fee each year on a prorated basis, and
26 the department shall provide for the four-year approval of the
27 updated manure management plan submitted by a person who makes
28 that election. If the department staggers the date for the
29 submission of a manure management plan, it shall prorate the
30 amount of the updated manure management plan filing fee.

31 11. A confinement feeding operation classified as a
32 habitual violator as provided in section 459.604 shall submit
33 a manure management plan to the department on an annual basis,
34 which must be approved by the department for the following
35 year of operation. The manure management plan shall be a

1 replacement original manure management plan rather than a
2 manure management plan update. However, the habitual violator
3 required to submit a replacement original manure management
4 plan must submit an ~~annual-compliance~~ updated manure
5 management plan filing fee in the same manner as if the
6 habitual violator were submitting an updated manure management
7 plan.

8 Sec. 2. Section 459.312, Code 2005, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 4A. The department shall provide for the
11 receipt and processing of manure management plans, including
12 updates to manure management plans, in an electronic format
13 pursuant to section 459.302, not later than July 1, 2008.
14 After that time, a person required to submit a manure
15 management plan under this section may submit the manure
16 management plan to the department and to the county board of
17 supervisors in an electronic format.

18 Sec. 3. Section 459.400, subsection 1, paragraph c, Code
19 2005, is amended to read as follows:

20 c. An ~~annual-compliance~~ updated manure management plan
21 filing fee that-is-required-to-accompany for an updated manure
22 management plan submitted to the department for approval as
23 provided in section 459.312. The amount of the ~~annual~~
24 ~~compliance~~ updated manure management plan filing fee shall not
25 exceed a rate of-fifteen-cents established by the department
26 and assessed on a per animal unit based on the animal unit
27 capacity of the confinement feeding operation covered by the
28 manure management plan. For a person not electing to submit
29 an updated manure management plan filing fee each year on a
30 prorated basis, or a habitual violator required to submit a
31 replacement original manure management plan, the designated
32 rate shall not exceed sixty cents. For a person making the
33 election or a habitual violator, the designated rate shall not
34 exceed fifteen cents. If the person submitting the manure
35 management plan is a contract producer, as provided in chapter

1 202, the active contractor shall be assessed the ~~annual~~
2 compliance updated manure management plan filing fee.

3 Sec. 4. Section 459.400, subsection 2, paragraph b, Code
4 2005, is amended to read as follows:

5 b. Moneys collected from the ~~annual-compliance updated~~
6 manure management plan filing fee shall be deposited into the
7 compliance fund's assessment account. Moneys collected from
8 commercial manure service license fees and educational program
9 fees shall be deposited into the compliance fund's educational
10 program account.

11 Sec. 5. Section 459.400, subsection 3, paragraph a, Code
12 2005, is amended to read as follows:

13 a. If on June 30, the balance of unencumbered and
14 unobligated moneys in the assessment account is one million
15 dollars or more, the department shall adjust the rate of the
16 ~~annual-compliance updated manure management plan filing fee~~
17 for the following fiscal year. The adjusted rate for the
18 ~~annual-compliance updated manure management plan filing fee~~
19 shall be based on the department's estimate of the amount
20 required to ensure that at the end of the following fiscal
21 year the balance of unencumbered and unobligated moneys in the
22 assessment account is not one million dollars or more.

23 Sec. 6. Section 459.401, subsection 2, paragraph b, Code
24 Supplement 2005, is amended to read as follows:

25 b. The assessment account is composed of moneys collected
26 from the ~~annual-compliance updated manure management plan~~
27 filing fee required pursuant to section 459.400.

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Dolecheck - Chair
Rayhona -
Thomas -

HSB 617
Agriculture

Sub. Numbered R.
SF 02755

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRAKE)

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

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17 by the department at the end of each fiscal year to ensure
18 that the total balance at the end of the following fiscal year
19 is not \$1 million or more.

20 PROVISIONS OF THE BILL. The bill provides that an updated
21 manure management plan must be submitted to the department and
22 counties every four years. The bill changes the name of the
23 fee from the annual compliance fee to the updated manure
24 management plan filing fee. It increases the maximum rate of
25 the fee from 15 cents to 60 cents (15 multiplied by four
26 years). The rate required to be paid by a habitual violator
27 required to submit an annual original manure management plan
28 remains 15 cents. The bill provides that if the department
29 staggers the due date for the submission of a manure
30 management plan, it must prorate the amount of the updated
31 manure management plan filing fee. A person who fails to
32 submit a manure management plan or an update, including a
33 related fee, is subject to a civil penalty not to exceed
34 \$5,000 for each day of such violation (see Code sections
35 459.603 and 455B.191).