

FILED JAN 25 2006

SENATE FILE 2074
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 3017)

Passed Senate, Date 2-1-06

Passed House, Date 4-3-06

Vote: Ayes 48 Nays 0

Vote: Ayes 95 Nays 2

Re-passed
4-10-06 50-0

Approved _____

A BILL FOR

1 An Act relating to confinement feeding operations by providing
2 for manure management plans.

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

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St 2074

1 Section 1. Section 459.312, subsection 10, paragraph d,
2 Code 2005, is amended to read as follows:

3 d. If the location of the application is on land other
4 than land owned by the person applying for the construction
5 permit, the plan shall include a copy of each written
6 agreement executed between the person and the landowner or the
7 person renting the land for crop production where the manure
8 will be applied.

9 EXPLANATION

10 This bill amends Code chapter 459, referred to as the
11 "Animal Agriculture Compliance Act" (see Code section
12 459.101). The Code chapter in part regulates confinement
13 feeding operations in which animals are housed in buildings
14 and fed and maintained for 45 days or more in any 12-month
15 period. A confinement feeding operation structure includes
16 the building and associated structures used for the storage of
17 manure (see Code section 459.102). A number of provisions
18 regulate the location of confinement feeding operation
19 structures which are usually associated with the approval of
20 construction permits by the department of natural resources
21 (see Code section 459.303).

22 Certain persons are required to file a manure management
23 plan, including an owner of a confinement feeding operation or
24 a person who applies manure from a confinement feeding
25 operation, which is located in another state, if the manure is
26 applied on land located in this state. The manure management
27 plan must be annually updated. Generally, the manure
28 management plan must include information regarding how much
29 and where manure kept in a manure storage structure is to be
30 applied (see Code section 459.312). If the location of the
31 application is on land other than land owned by the person
32 applying for a construction permit, the plan must include a
33 copy of each written agreement executed between the person and
34 the landowner where the manure will be applied. The bill
35 allows the person to submit a copy of a written agreement

1 executed between the person and a person renting the land for
2 crop production where the manure will be applied in lieu of a
3 written agreement executed between the person and the
4 landowner where the manure will be applied.

5 Note, the provision as amended by this bill would mirror a
6 provision in Code chapter 459A, the "Animal Agriculture
7 Compliance Act for Open Feedlot Operations" (see Code section
8 459A.101), which was enacted as part of HF 805 (2005 Iowa
9 Acts, chapter 136). A provision in Code chapter 459A requires
10 the filing of a nutrient management plan which must include a
11 copy of a written agreement executed by the owner of the open
12 feedlot operation and the landowner where open feedlot
13 effluent may be applied. In that case, the person may
14 substitute a written agreement executed by the owner and the
15 person renting the land for crop production.

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SENATE FILE 2076

H-8067

1 Amend Senate File 2076, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 459.312, subsection 4, Code
6 2005, is amended to read as follows:

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

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

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

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

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

30 b. (2) The county board of supervisors in the
31 county where the manure storage structure is proposed
32 to be constructed. ~~If the person is required to be~~
33 issued a permit for the construction of the manure
34 storage structure as provided in section 459.303, the
35 manure management plan shall accompany the application
36 for the construction permit as provided in section
37 459.303.

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

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

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

50 2. By renumbering as necessary.

By DE BOEF of Keokuk

H-8067 FILED MARCH 2, 2006

SENATE FILE 2076

H-8428

1 Amend Senate File 2076, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 459.312, Code 2005, is amended
6 by adding the following new subsection:

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

16 2. By renumbering as necessary.

By DE BOEF of Keokuk

H-8428 FILED MARCH 29, 2006

HOUSE AMENDMENT TO
SENATE FILE 2076

S-5158

1 Amend Senate File 2076, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 459.312, Code 2005, is amended
6 by adding the following new subsection:

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

16 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-5158 FILED APRIL 4, 2006

Courtney co-chair
Mulder co-chair
Hancock
Fraise
Graskill
Brunkhorst

Succeeded By
(SF) HF 2016

SSB# 3017
Agriculture

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CO-CHAIRPERSONS FRAISE
and JOHNSON)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

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1 An Act relating to confinement feeding operations by providing
2 for manure management plans.

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2 Code 2005, is amended to read as follows:

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4 than land owned by the person applying for the construction
5 permit, the plan shall include a copy of each written
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EXPLANATION

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11 "Animal Agriculture Compliance Act" (see Code section
12 459.101). The Code chapter in part regulates confinement
13 feeding operations in which animals are housed in buildings
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15 period. A confinement feeding operation structure includes
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27 plan must be annually updated. Generally, the manure
28 management plan must include information regarding how much
29 and where manure kept in a manure storage structure is to be
30 applied (see Code section 459.312). If the location of the
31 application is on land other than land owned by the person
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5 Note, the provision as amended by this bill would mirror a
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8 459A.101), which was enacted as part of HF 805 (2005 Iowa
9 Acts, chapter 136). A provision in Code chapter 459A requires
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SENATE FILE 2076

AN ACT

RELATING TO CONFINEMENT FEEDING OPERATIONS BY PROVIDING FOR MANURE MANAGEMENT PLANS.

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

Section 1. Section 459.312, Code 2005, is amended by adding the following new subsection:

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

Sec. 2. Section 459.312, subsection 10, paragraph d, Code 2005, is amended to read as follows:

d. If the location of the application is on land other than land owned by the person applying for the construction permit, the plan shall include a copy of each written

JEFFREY M. LAMBERTI
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2076, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2006

THOMAS J. VILSACK
Governor