

JUDICIARY

Succeeded By  
SF/HP 2568

*Eichhorn, Chair*  
*Larson*  
*Kreimon*

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON LARSON)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to certain agricultural liens.

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

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DIVISION I

AGRICULTURAL SUPPLY DEALER'S LIEN

Section 1. Section 570A.1, subsection 3, Code 2001, is amended to read as follows:

3. "Agricultural supply dealer" or "dealer" means a person engaged in the retail sale of agricultural chemicals, seed, feed, or petroleum products used for an agricultural purpose.

Sec. 2. Section 570A.1, Code 2001, is amended by adding the following new subsection.

NEW SUBSECTION. 3A. "Agricultural supply dealer lien" or "lien" means the agricultural supply dealer lien created in section 570A.3.

Sec. 3. Section 570A.3, Code 2001, is amended to read as follows:

570A.3 LIEN CREATED.

An agricultural supply dealer lien is created. The lien is an agricultural lien as provided in section 554.9302. An agricultural supply dealer furnishing who provides an agricultural chemical, seed, feed, or a petroleum product to a farmer has shall have a lien as provided in this chapter. The agricultural supply dealer is a secured party and the farmer is a debtor for purposes of chapter 554, article 9. The amount of the lien shall be the amount owed to the agricultural supply dealer for the retail cost of the agricultural chemical, seed, feed, or petroleum product, including any labor furnished provided. The lien attaches to all crops of the following:

1. Crops which are produced upon the land to which the agricultural chemical was applied, or produced from seed furnished, or produced using the petroleum product furnished, for a period of sixteen months following the date of perfection of the lien pursuant to section 570A.4. However, the lien does shall not attach to that portion of the crops of a farmer who has paid all amounts due from the farmer for the retail cost, including labor, of the agricultural chemical,

1 seed, or petroleum product provided.

2 2. ~~An agricultural supply dealer furnishing feed to a~~  
3 ~~farmer has a lien for the unpaid amount of the retail cost of~~  
4 ~~the feed, including labor. The lien attaches to all livestock~~  
5 Livestock consuming the feed. However, the lien does not  
6 attach to that portion of the livestock of a farmer who has  
7 paid all amounts due from the farmer for the retail cost,  
8 including labor, of the feed.

9 Sec. 4. Section 570A.4, Code Supplement 2001, is amended  
10 by striking the subsection and inserting in lieu thereof the  
11 following:

12 570A.4 PERFECTING THE LIEN -- FILING REQUIREMENTS.

13 An agricultural supply dealer's lien becomes effective and  
14 may be perfected and terminated as follows:

15 1. The lien becomes effective at the time that the  
16 agricultural chemical, seed, feed, or petroleum product is  
17 purchased or delivered to the farmer.

18 2. In order to perfect the lien, the agricultural supply  
19 dealer must file a financing statement in the office of the  
20 secretary of state as provided in section 554.9308 within  
21 thirty-one days after the first date on which payment is due  
22 under the terms of payment agreed to by the dealer and the  
23 farmer. The financing statement shall meet the requirements  
24 of section 554.9502, subsection 1, and include all applicable  
25 information described in section 554.9516. Section 554.9515  
26 shall not apply to a financing statement perfecting the lien.  
27 Filing a financing statement as provided in this subsection  
28 satisfies all requirements for perfection of an agricultural  
29 lien as provided in chapter 554, article 9.

30 3. The lien may be terminated by the agricultural supply  
31 dealer by filing a termination statement as provided in  
32 chapter 554, article 9.

33 Sec. 5. Section 570A.5, Code 2001, is amended to read as  
34 follows:

35 570A.5 PRIORITY OF LIEN.

1 Except as provided in this section, an agricultural supply  
2 dealer's lien that is effective or perfected as provided in  
3 section 570A.4 shall be subject to the rules of priority as  
4 provided in section 554.9322. For an agricultural supply  
5 dealer's lien that is perfected under section 570A.4, all of  
6 the following shall apply:

7 1. A The lien perfected-under-this-chapter is superior to  
8 a lien or security interest which attaches subsequent to the  
9 time the lien-statement-is-filed-with-the-secretary-of-state,  
10 except-liens-which-arise-under-this-chapter-or agricultural  
11 supply dealer's lien is perfected. However, an agricultural  
12 supply dealer's lien shall not be superior to a landlord's  
13 lien created under chapters chapter 570 and or a thresher's  
14 and cornsheller's lien created under chapter 571 that is  
15 perfected as provided in those chapters.

16 2. A The lien perfected-under-this-chapter is equal to a  
17 lien or security interest which is of-record-or-which-is  
18 perfected prior to the time that the lien-statement-is-filed  
19 with-the-secretary-of-state-except-as-provided-in-section  
20 570A.2, subsection-3 agricultural supply dealer's lien is  
21 perfected.

22 3. A lien perfected-under-this-chapter-for-the-purposes-of  
23 applying to livestock feed will-continue continues to be  
24 perfected in the livestock and takes has priority over an  
25 earlier perfected lien or security interest to the extent of  
26 the difference between the acquisition price of the livestock  
27 and the fair market value of the livestock at the time the  
28 lien attaches or the sale price of the livestock, whichever is  
29 greater.

30 Sec. 6. Section 570A.6, Code Supplement 2001, is amended  
31 to read as follows:

32 570A.6 ENFORCEMENT OF LIEN.

33 The-holder-of-a An agricultural supply dealer may enforce  
34 an agricultural supply dealer's lien perfected-under-this  
35 chapter-may-enforce-the-lien in the manner provided for

1 agricultural liens pursuant to chapter 554, article 9, part 6,  
 2 ~~for the enforcement of security interests. For purposes of~~  
 3 ~~enforcement of the lien, the lienholder is deemed to be the~~  
 4 ~~secured party, and the farmer for whom the agricultural~~  
 5 ~~chemical, seed, feed, or petroleum product was furnished is~~  
 6 ~~deemed to be the debtor, and each has the respective rights~~  
 7 ~~and duties of a secured party and a debtor as provided in~~  
 8 ~~chapter 554, article 9, part 6. Where a right or duty under~~  
 9 ~~chapter 554, article 9, part 6, is contingent upon the~~  
 10 ~~existence of express language in a security agreement, or may~~  
 11 ~~be waived by express language in a security agreement, the~~  
 12 ~~requisite language is deemed not to exist for purposes of~~  
 13 ~~enforcement of the lien created by this chapter.~~

14 Sec. 7. Sections 570A.7 through 570A.11, Code 2001, are  
 15 repealed.

16 DIVISION II

17 THRESHER'S AND CORNSHELLER'S LIEN

18 Sec. 8. Section 571.1, Code 2001, is amended to read as  
 19 follows:

20 571.1 NATURE OF LIEN CREATED.

21 Any person, firm, corporation, or association engaged in  
 22 operating a machine for the A thresher's and cornsheller's  
 23 lien is created. The lien is an agricultural lien as provided  
 24 in section 554.9302. The amount of the lien shall be for the  
 25 reasonable value of services for threshing, baling, or  
 26 combining of any kind of grain or seed; ~~or for the~~ baling of a  
 27 farm product, including but not limited to hay, or straw, or  
 28 any other farm product regardless of whether done by  
 29 stationary or movable baler; ~~or for the~~ mechanical husking or  
 30 shelling of corn by mechanical means; or ~~for doing~~ performing  
 31 custom threshing, combining, mechanical husking, baling, or  
 32 corn shelling for hire, ~~shall have a first.~~ The lien on  
 33 attaches to the grain and or seed threshed, or any the farm  
 34 product baled, or on the corn shelled or husked, for the  
 35 reasonable value of such services. The thresher or

1 cornsheller is a secured party and the person for whom the  
2 thresher or cornsheller renders such services is a debtor for  
3 purposes of chapter 554, article 9.

4 Sec. 9. NEW SECTION. 571.1A DEFINITIONS.

5 As used in this chapter, unless the context otherwise  
6 requires:

7 1. "Thresher or cornsheller" means a person who performs a  
8 service as provided in section 571.1.

9 2. "Thresher's and cornsheller's lien" or "lien" means the  
10 thresher's and cornsheller's lien created in section 571.1.

11 Sec. 10. Section 571.3, Code 2001, is amended by striking  
12 the section and inserting in lieu thereof the following:

13 571.3 PERFECTING THE LIEN -- FILING REQUIREMENTS.

14 A thresher's and cornsheller's lien becomes effective and  
15 may be perfected and terminated as follows:

16 1. The lien becomes effective at the time that the  
17 services provided under section 571.1 are rendered.

18 2. In order to perfect the lien, the thresher or  
19 cornsheller must file a financing statement in the office of  
20 the secretary of state as provided in section 554.9308 within  
21 ten days after the last date that the services were rendered.  
22 The financing statement shall meet the requirements of section  
23 554.9502, subsection 1, and include all applicable information  
24 described in section 554.9516. Section 554.9515 shall not  
25 apply to a financing statement perfecting the lien. Filing a  
26 financing statement as provided in this subsection satisfies  
27 all requirements for perfection of an agricultural lien as  
28 provided in chapter 554, article 9.

29 3. The lien may be terminated by the thresher or  
30 cornsheller by filing a termination statement as provided in  
31 chapter 554, article 9.

32 Sec. 11. NEW SECTION. 571.3A PRIORITY OF LIEN.

33 Except as provided in this section, section 554.9322 shall  
34 govern the priority of a thresher's and cornsheller's lien  
35 that is effective or perfected as provided in section 571.3.

1 Otherwise, the perfected thresher's and cornsheller's lien is  
2 superior to and shall have priority over a conflicting  
3 security interest or landlord's lien created in chapter 570  
4 regardless of when the landlord's lien was perfected.

5 Sec. 12. Section 571.5, Code Supplement 2001, is amended  
6 to read as follows:

7 571.5 ENFORCEMENT OF LIEN.

8 A thresher or cornsheller may enforce a thresher's and  
9 cornsheller's lien as-provided-in-this-chapter-may-be-enforced  
10 in the manner provided for agricultural liens pursuant to the  
11 uniform commercial code, chapter 554, article 9, part 6.

12 Sec. 13. Sections 571.2, 571.4, and 571.6, Code 2001, are  
13 repealed.

14 DIVISION III

15 VETERINARIAN'S LIEN

16 Sec. 14. Section 581.1, Code 2001, is amended to read as  
17 follows:

18 581.1 NATURE-OF LIEN CREATED.

19 ~~Every-veterinarian, licensed and registered in accordance~~  
20 ~~with chapter 169, shall have a~~ A veterinarian's lien is  
21 created. The lien is an agricultural lien as provided in  
22 section 554.9302. The amount of the lien shall be for the  
23 actual and reasonable value of treating livestock, including  
24 the cost of any product used and for the actual and reasonable  
25 value of any professional service rendered by the veterinarian  
26 ~~in connection with livestock, providing claim for said lien is~~  
27 ~~filed as hereinafter provided.~~ The lien attaches to the  
28 livestock treated by the veterinarian. The veterinarian is a  
29 secured party and the owner of the livestock is a debtor for  
30 purposes of chapter 554, article 9.

31 Sec. 15. NEW SECTION. 581.1A DEFINITIONS.

32 As used in this chapter, unless the context otherwise  
33 requires:

34 1. "Veterinarian" means a person who practices veterinary  
35 medicine under a currently valid license or temporary permit

1 as provided in chapter 169.

2 2. "Veterinarian's lien" or "lien" means a veterinarian's  
3 lien created under section 581.1.

4 Sec. 16. Section 581.3, Code 2001, is amended by striking  
5 the section and inserting in lieu thereof the following:

6 581.3 PERFECTING THE LIEN -- FILING REQUIREMENTS.

7 A veterinarian's lien becomes effective and may be  
8 perfected and terminated as follows:

9 1. The lien becomes effective at the time that the  
10 veterinarian treats livestock.

11 2. In order to perfect the lien, the veterinarian must  
12 file a financing statement in the office of the secretary of  
13 state as provided in section 554.9308 within sixty days after  
14 the last day that the veterinarian treats the livestock. The  
15 financing statement shall meet the requirements of section  
16 554.9502, subsection 1, and include all applicable information  
17 described in section 554.9516. Section 554.9515 shall not  
18 apply to a financing statement perfecting the lien. Filing a  
19 financing statement as provided in this subsection satisfies  
20 all requirements for perfection of an agricultural lien as  
21 provided in chapter 554, article 9.

22 3. The lien may be terminated by the veterinarian by  
23 filing a termination statement as provided in chapter 554,  
24 article 9.

25 Sec. 17. NEW SECTION. 581.3A PRIORITY.

26 Except as provided in this section, section 554.9322 shall  
27 govern the priority of a veterinarian's lien that is effective  
28 or perfected as provided in section 581.3. A veterinarian's  
29 lien is perfected under section 581.3 and is superior to and  
30 shall have priority over a conflicting lien or security  
31 interest in livestock, including a lien or security interest  
32 that was perfected prior to the perfection of the  
33 veterinarian's lien.

34 Sec. 18. Section 581.4, Code 2001, is amended to read as  
35 follows:

1 581.4 ENFORCEMENT.

2 ~~The-lienholder~~ A veterinarian may enforce the  
3 veterinarian's lien by-a-suit in equity the manner provided  
4 for agricultural liens pursuant to the uniform commercial  
5 code, chapter 554, article 9, part 6.

6 Sec. 19. Section 581.2, Code 2001, is repealed.

7 DIVISION IV

8 CONFORMING CHANGES

9 Sec. 20. Section 554.9322, subsection 1, Code Supplement  
10 2001, is amended by adding the following new paragraph:

11 NEW PARAGRAPH. d. A provision relating to an agricultural  
12 lien, including an agricultural lien as created in chapters  
13 570, 570A, 571, 579A, 579B, and 581, that provides for the  
14 priority of the lien shall supersede a provision providing for  
15 the priority of an agricultural lien under this subsection.

16 Sec. 21. Section 554.9515, Code Supplement 2001, is  
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 8. This section does not apply to an  
19 agricultural lien created under chapter 570, 570A, 571, 579A,  
20 579B, or 581.

21 EXPLANATION

22 In 2000, the general assembly enacted House File 2513 (2000  
23 Iowa Acts, chapter 1149) adopting revised Article 9 of the  
24 uniform commercial code (Code chapter 554) as proposed by the  
25 American law institute and the national conference of  
26 commissioners on uniform state laws, and conforming amendments  
27 to a number of articles within the Code chapter as well as  
28 other Code chapters providing for security interests and  
29 liens.

30 With limited exceptions, new Article 9 governs the  
31 creation, priority, and enforcement of creditor's consensual  
32 liens, which are defined as security interests in personal  
33 property and fixtures. Revised Article 9, like its  
34 predecessor, provides generally for the effectiveness of  
35 security agreements and the rights and duties of creditors

1 (i.e., secured parties), including parties having possession  
2 and control of collateral. Much of revised Article 9 provides  
3 for perfecting a security interest, usually accomplished by  
4 filing a financing statement. The article provides for the  
5 contents of financing statements and the location where such  
6 financing statements must be filed (e.g., with the secretary  
7 of state). In perfecting a security interest, a debtor is  
8 generally assured rights in the collateral superior to a  
9 security interest perfected later in time. Prior to the  
10 revision of Article 9, liens created in statutes outside Code  
11 chapter 554 were not affected by the provisions of Code  
12 chapter 554. These liens include types of agricultural liens  
13 such as those created for landlords (Code chapter 570),  
14 agricultural supply dealers (Code chapter 570A), threshers and  
15 cornshellers (Code chapter 571), custom cattle feedlots (Code  
16 chapter 579A), contract producers of commodities (Code chapter  
17 579B), and veterinarians (Code chapter 581). These Code  
18 chapters provide that persons filing these liens enjoy super  
19 priority. Revised Article 9 provides filing requirements for  
20 perfecting agricultural liens, and therefore may control  
21 issues relating to priority of conflicting security interests  
22 and liens.

23 The bill amends Code chapters 570A, 571, and 581 by  
24 eliminating requirements for filing that are inconsistent with  
25 the requirements contained in revised Article 9. The bill  
26 expressly states that the liens are agricultural liens,  
27 replaces references to lien statements with financing  
28 statements, and maintains their priority status over other  
29 security interests and liens to the extent that these liens  
30 also have been perfected as agricultural liens under revised  
31 Article 9.

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3/20/02 Rereferred To: Judiciary

FEB 27 2002  
Place On Calendar

HOUSE FILE **2568**  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 704)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to certain agricultural liens.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

*HF 2568*

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DIVISION I

AGRICULTURAL SUPPLY DEALER'S LIEN

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Section 1. Section 570A.1, subsection 3, Code 2001, is amended to read as follows:

3. "Agricultural supply dealer" or "dealer" means a person engaged in the retail sale of agricultural chemicals, seed, feed, or petroleum products used for an agricultural purpose.

Sec. 2. Section 570A.1, Code 2001, is amended by adding the following new subsection.

NEW SUBSECTION. 3A. "Agricultural supply dealer lien" or "lien" means the agricultural supply dealer lien created in section 570A.3.

Sec. 3. Section 570A.3, Code 2001, is amended to read as follows:

570A.3 LIEN CREATED.

~~+~~ An agricultural supply dealer lien is created. The lien is an agricultural lien as provided in section 554.9302. An agricultural supply dealer furnishing who provides an agricultural chemical, seed, feed, or a petroleum product to a farmer has shall have a lien as provided in this chapter. The agricultural supply dealer is a secured party and the farmer is a debtor for purposes of chapter 554, article 9. The amount of the lien shall be the amount owed to the agricultural supply dealer for the retail cost of the agricultural chemical, seed, feed, or petroleum product, including any labor furnished provided. The lien attaches to all crops of the following:

1. Crops which are produced upon the land to which the agricultural chemical was applied, or produced from seed furnished, or produced using the petroleum product furnished, for a period of sixteen months following the date of perfection of the lien pursuant to section 570A.4. However, the lien ~~does~~ shall not attach to that portion of the crops of a farmer who has paid all amounts due from the farmer for the retail cost, including labor, of the agricultural chemical,

1 Otherwise, the perfected thresher's and cornsheller's lien is  
2 superior to and shall have priority over a conflicting  
3 security interest or landlord's lien created in chapter 570  
4 regardless of when the landlord's lien was perfected.

5 Sec. 12. Section 571.5, Code Supplement 2001, is amended  
6 to read as follows:

7 571.5 ENFORCEMENT OF LIEN.

8 A thresher or cornsheller may enforce a thresher's and  
9 cornsheller's lien as provided in this chapter may be enforced  
10 in the manner provided for agricultural liens pursuant to the  
11 uniform commercial code, chapter 554, article 9, part 6.

12 Sec. 13. Sections 571.2, 571.4, and 571.6, Code 2001, are  
13 repealed.

14 DIVISION III

15 VETERINARIAN'S LIEN

16 Sec. 14. Section 581.1, Code 2001, is amended to read as  
17 follows:

18 581.1 ~~NATURE-OF~~ LIEN CREATED.

19 ~~Every veterinarian, licensed and registered in accordance~~  
20 ~~with chapter 169, shall have a~~ A veterinarian's lien is  
21 created. The lien is an agricultural lien as provided in  
22 section 554.9302. The amount of the lien shall be for the  
23 actual and reasonable value of treating livestock, including  
24 the cost of any product used and for the actual and reasonable  
25 value of any professional service rendered by the veterinarian  
26 ~~in connection with livestock, providing claim for said lien is~~  
27 ~~filed as hereinafter provided.~~ The lien attaches to the  
28 livestock treated by the veterinarian. The veterinarian is a  
29 secured party and the owner of the livestock is a debtor for  
30 purposes of chapter 554, article 9.

31 Sec. 15. NEW SECTION. 581.1A DEFINITIONS.

32 As used in this chapter, unless the context otherwise  
33 requires:

- 34 1. "Veterinarian" means a person who practices veterinary  
35 medicine under a currently valid license or temporary permit

1 as provided in chapter 169.

2 2. "Veterinarian's lien" or "lien" means a veterinarian's  
3 lien created under section 581.1.

4 Sec. 16. Section 581.3, Code 2001, is amended by striking  
5 the section and inserting in lieu thereof the following:

6 581.3 PERFECTING THE LIEN -- FILING REQUIREMENTS.

7 A veterinarian's lien becomes effective and may be  
8 perfected and terminated as follows:

9 1. The lien becomes effective at the time that the  
10 veterinarian treats livestock.

11 2. In order to perfect the lien, the veterinarian must  
12 file a financing statement in the office of the secretary of  
13 state as provided in section 554.9308 within sixty days after  
14 the last day that the veterinarian treats the livestock. The  
15 financing statement shall meet the requirements of section  
16 554.9502, subsection 1, and include all applicable information  
17 described in section 554.9516. Section 554.9515 shall not  
18 apply to a financing statement perfecting the lien. Filing a  
19 financing statement as provided in this subsection satisfies  
20 all requirements for perfection of an agricultural lien as  
21 provided in chapter 554, article 9.

22 3. The lien may be terminated by the veterinarian by  
23 filing a termination statement as provided in chapter 554,  
24 article 9.

25 Sec. 17. NEW SECTION. 581.3A PRIORITY.

26 Except as provided in this section, section 554.9322 shall  
27 govern the priority of a veterinarian's lien that is effective  
28 or perfected as provided in section 581.3. A veterinarian's  
29 lien is perfected under section 581.3 and is superior to and  
30 shall have priority over a conflicting lien or security  
31 interest in livestock, including a lien or security interest  
32 that was perfected prior to the perfection of the  
33 veterinarian's lien.

34 Sec. 18. Section 581.4, Code 2001, is amended to read as  
35 follows:

1 581.4 ENFORCEMENT.

2 ~~The-lienholder~~ A veterinarian may enforce the  
3 veterinarian's lien by-a-suit in equity the manner provided  
4 for agricultural liens pursuant to the uniform commercial  
5 code, chapter 554, article 9, part 6.

6 Sec. 19. Section 581.2, Code 2001, is repealed.

7 DIVISION IV

8 CONFORMING CHANGES

9 Sec. 20. Section 554.9322, subsection 1, Code Supplement  
10 2001, is amended by adding the following new paragraph:

11 NEW PARAGRAPH. d. A provision relating to an agricultural  
12 lien, including an agricultural lien as created in chapters  
13 570, 570A, 571, 579A, 579B, and 581, that provides for the  
14 priority of the lien shall supersede a provision providing for  
15 the priority of an agricultural lien under this subsection.

16 Sec. 21. Section 554.9515, Code Supplement 2001, is  
17 amended by adding the following new subsection:

18 NEW SUBSECTION. 8. This section does not apply to an  
19 agricultural lien created under chapter 570, 570A, 571, 579A,  
20 579B, or 581.

21 EXPLANATION

22 In 2000, the general assembly enacted House File 2513 (2000  
23 Iowa Acts, chapter 1149) adopting revised Article 9 of the  
24 uniform commercial code (Code chapter 554) as proposed by the  
25 American law institute and the national conference of  
26 commissioners on uniform state laws, and conforming amendments  
27 to a number of articles within the Code chapter as well as  
28 other Code chapters providing for security interests and  
29 liens.

30 With limited exceptions, new Article 9 governs the  
31 creation, priority, and enforcement of creditor's consensual  
32 liens, which are defined as security interests in personal  
33 property and fixtures. Revised Article 9, like its  
34 predecessor, provides generally for the effectiveness of  
35 security agreements and the rights and duties of creditors

1 (i.e., secured parties), including parties having possession  
2 and control of collateral. Much of revised Article 9 provides  
3 for perfecting a security interest, usually accomplished by  
4 filing a financing statement. The article provides for the  
5 contents of financing statements and the location where such  
6 financing statements must be filed (e.g., with the secretary  
7 of state). In perfecting a security interest, a debtor is  
8 generally assured rights in the collateral superior to a  
9 security interest perfected later in time. Prior to the  
10 revision of Article 9, liens created in statutes outside Code  
11 chapter 554 were not affected by the provisions of Code  
12 chapter 554. These liens include types of agricultural liens  
13 such as those created for landlords (Code chapter 570),  
14 agricultural supply dealers (Code chapter 570A), threshers and  
15 cornshellers (Code chapter 571), custom cattle feedlots (Code  
16 chapter 579A), contract producers of commodities (Code chapter  
17 579B), and veterinarians (Code chapter 581). These Code  
18 chapters provide that persons filing these liens enjoy super  
19 priority. Revised Article 9 provides filing requirements for  
20 perfecting agricultural liens, and therefore may control  
21 issues relating to priority of conflicting security interests  
22 and liens.

23 The bill amends Code chapters 570A, 571, and 581 by  
24 eliminating requirements for filing that are inconsistent with  
25 the requirements contained in revised Article 9. The bill  
26 expressly states that the liens are agricultural liens,  
27 replaces references to lien statements with financing  
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29 security interests and liens to the extent that these liens  
30 also have been perfected as agricultural liens under revised  
31 Article 9.

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1 seed, or petroleum product provided.

2 2. ~~An agricultural supply dealer furnishing feed to a~~  
3 ~~farmer has a lien for the unpaid amount of the retail cost of~~  
4 ~~the feed, including labor. The lien attaches to all livestock~~  
5 Livestock consuming the feed. However, the lien does not  
6 attach to that portion of the livestock of a farmer who has  
7 paid all amounts due from the farmer for the retail cost,  
8 including labor, of the feed.

9 Sec. 4. Section 570A.4, Code Supplement 2001, is amended  
10 by striking the subsection and inserting in lieu thereof the  
11 following:

12 570A.4 PERFECTING THE LIEN -- FILING REQUIREMENTS.

13 An agricultural supply dealer's lien becomes effective and  
14 may be perfected and terminated as follows:

15 1. The lien becomes effective at the time that the  
16 agricultural chemical, seed, feed, or petroleum product is  
17 purchased or delivered to the farmer.

18 2. In order to perfect the lien, the agricultural supply  
19 dealer must file a financing statement in the office of the  
20 secretary of state as provided in section 554.9308 within  
21 thirty-one days after the first date on which payment is due  
22 under the terms of payment agreed to by the dealer and the  
23 farmer. The financing statement shall meet the requirements  
24 of section 554.9502, subsection 1, and include all applicable  
25 information described in section 554.9516. Section 554.9515  
26 shall not apply to a financing statement perfecting the lien.  
27 Filing a financing statement as provided in this subsection  
28 satisfies all requirements for perfection of an agricultural  
29 lien as provided in chapter 554, article 9.

30 3. The lien may be terminated by the agricultural supply  
31 dealer by filing a termination statement as provided in  
32 chapter 554, article 9.

33 Sec. 5. Section 570A.5, Code 2001, is amended to read as  
34 follows:

35 570A.5 PRIORITY OF LIEN.

1 Except as provided in this section, an agricultural supply  
2 dealer's lien that is effective or perfected as provided in  
3 section 570A.4 shall be subject to the rules of priority as  
4 provided in section 554.9322. For an agricultural supply  
5 dealer's lien that is perfected under section 570A.4, all of  
6 the following shall apply:

7 1. A The lien perfected-under-this-chapter is superior to  
8 a lien or security interest which attaches subsequent to the  
9 time the ~~lien-statement-is-filed-with-the-secretary-of-state,~~  
10 ~~except-liens-which-arise-under-this-chapter-or~~ agricultural  
11 supply dealer's lien is perfected. However, an agricultural  
12 supply dealer's lien shall not be superior to a landlord's  
13 lien created under chapters chapter 570 and or a thresher's  
14 and cornsheller's lien created under chapter 571 that is  
15 perfected as provided in those chapters.

16 2. A The lien perfected-under-this-chapter is equal to a  
17 lien or security interest which is ~~of-record-or-which-is~~  
18 perfected prior to the time that the ~~lien-statement-is-filed~~  
19 ~~with-the-secretary-of-state-except-as-provided-in-section~~  
20 ~~570A-27-subsection-3~~ agricultural supply dealer's lien is  
21 perfected.

22 3. A lien perfected-under-this-chapter-for-the-purposes-of  
23 applying to livestock feed will-continue continues to be  
24 perfected in the livestock and takes has priority over an  
25 earlier perfected lien or security interest to the extent of  
26 the difference between the acquisition price of the livestock  
27 and the fair market value of the livestock at the time the  
28 lien attaches or the sale price of the livestock, whichever is  
29 greater.

30 Sec. 6. Section 570A.6, Code Supplement 2001, is amended  
31 to read as follows:

32 570A.6 ENFORCEMENT OF LIEN.

33 ~~The-holder-of-a~~ An agricultural supply dealer may enforce  
34 an agricultural supply dealer's lien perfected-under-this  
35 ~~chapter-may-enforce-the-lien~~ in the manner provided for

1 agricultural liens pursuant to chapter 554, article 9, part 6,  
2 ~~for the enforcement of security interests. For purposes of~~  
3 ~~enforcement of the lien, the lienholder is deemed to be the~~  
4 ~~secured party, and the farmer for whom the agricultural~~  
5 ~~chemical, seed, feed, or petroleum product was furnished is~~  
6 ~~deemed to be the debtor, and each has the respective rights~~  
7 ~~and duties of a secured party and a debtor as provided in~~  
8 ~~chapter 554, article 9, part 6. Where a right or duty under~~  
9 ~~chapter 554, article 9, part 6, is contingent upon the~~  
10 ~~existence of express language in a security agreement, or may~~  
11 ~~be waived by express language in a security agreement, the~~  
12 ~~requisite language is deemed not to exist for purposes of~~  
13 ~~enforcement of the lien created by this chapter.~~

14 Sec. 7. Sections 570A.7 through 570A.11, Code 2001, are  
15 repealed.

16 DIVISION II

17 THRESHER'S AND CORNSHELLER'S LIEN

18 Sec. 8. Section 571.1, Code 2001, is amended to read as  
19 follows:

20 571.1 NATURE OF LIEN CREATED.

21 ~~Any person, firm, corporation, or association engaged in~~  
22 ~~operating a machine for the~~ A thresher's and cornsheller's  
23 lien is created. The lien is an agricultural lien as provided  
24 in section 554.9302. The amount of the lien shall be for the  
25 reasonable value of services for threshing, baling, or  
26 combining of any kind of grain or seed; ~~or for the baling of a~~  
27 farm product, including but not limited to hay, or straw, or  
28 any other farm product regardless of whether done by  
29 stationary or movable baler; ~~or for the mechanical~~ husking or  
30 shelling of corn by mechanical means; or for doing performing  
31 custom threshing, combining, mechanical husking, baling, or  
32 corn shelling for hire, ~~shall have a first.~~ The lien on  
33 attaches to the grain and or seed threshed, or any the farm  
34 product baled, or on the corn shelled or husked, for the  
35 reasonable value of such services. The thresher or

1 cornsheller is a secured party and the person for whom the  
2 thresher or cornsheller renders such services is a debtor for  
3 purposes of chapter 554, article 9.

4 Sec. 9. NEW SECTION. 571.1A DEFINITIONS.

5 As used in this chapter, unless the context otherwise  
6 requires:

7 1. "Thresher or cornsheller" means a person who performs a  
8 service as provided in section 571.1.

9 2. "Thresher's and cornsheller's lien" or "lien" means the  
10 thresher's and cornsheller's lien created in section 571.1.

11 Sec. 10. Section 571.3, Code 2001, is amended by striking  
12 the section and inserting in lieu thereof the following:

13 571.3 PERFECTING THE LIEN -- FILING REQUIREMENTS.

14 A thresher's and cornsheller's lien becomes effective and  
15 may be perfected and terminated as follows:

16 1. The lien becomes effective at the time that the  
17 services provided under section 571.1 are rendered.

18 2. In order to perfect the lien, the thresher or  
19 cornsheller must file a financing statement in the office of  
20 the secretary of state as provided in section 554.9308 within  
21 ten days after the last date that the services were rendered.  
22 The financing statement shall meet the requirements of section  
23 554.9502, subsection 1, and include all applicable information  
24 described in section 554.9516. Section 554.9515 shall not  
25 apply to a financing statement perfecting the lien. Filing a  
26 financing statement as provided in this subsection satisfies  
27 all requirements for perfection of an agricultural lien as  
28 provided in chapter 554, article 9.

29 3. The lien may be terminated by the thresher or  
30 cornsheller by filing a termination statement as provided in  
31 chapter 554, article 9.

32 Sec. 11. NEW SECTION. 571.3A PRIORITY OF LIEN.

33 Except as provided in this section, section 554.9322 shall  
34 govern the priority of a thresher's and cornsheller's lien  
35 that is effective or perfected as provided in section 571.3.

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1 Amend House File 2468 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "DIVISION I

5 REGULATION OF ANIMAL FEEDING OPERATIONS

6 Section 1. Section 4.1, Code 2001, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 9A. "Internet" means the  
9 federated international system that is composed of  
10 allied electronic communication networks linked by  
11 telecommunication channels, that uses standardized  
12 protocols, and that facilitates electronic  
13 communication services, including but not limited to  
14 use of the world wide web; the transmission of  
15 electronic mail or messages; the transfer of files and  
16 data or other electronic information; and the  
17 transmission of voice, image, and video.

18 Sec. 2. Section 455B.109, subsection 4, Code 2001,  
19 is amended to read as follows:

20 4. All civil penalties assessed by the department  
21 and interest on the penalties shall be deposited in  
22 the general fund of the state. However, civil  
23 penalties assessed by the department and interest on  
24 the civil penalties, arising out of violations  
25 ~~committed by involving~~ animal feeding operations under  
26 division II, part 2, shall be deposited in the ~~manure~~  
27 ~~storage indemnity~~ animal agriculture compliance fund  
28 as created in section ~~455J.2~~ 455B.127. Civil  
29 penalties assessed by the department and interest on  
30 the penalties arising out of violations committed by  
31 animal feeding operations under division III, which  
32 may be assessed pursuant to section 455B.191, shall  
33 also be deposited in the manure storage indemnity  
34 animal agriculture compliance fund as created in  
35 section 455J.2.

36 Sec. 3. Section 455B.110, subsection 3, Code 2001,  
37 is amended by striking the subsection.

38 PART 2

39 ANIMAL FEEDING OPERATIONS

40 Sec. 4. NEW SECTION. 455B.125 COUNTY ASSESSMENT  
41 OF FEES PROHIBITED.

42 A county shall not assess or collect a fee under  
43 this chapter for the regulation of animal agriculture,  
44 including but not limited to any fee related to the  
45 filing, consideration, or evaluation of an application  
46 for a construction permit pursuant to section  
47 455B.200A or the filing of a manure management plan  
48 pursuant to section 455B.203.

49 Sec. 5. NEW SECTION. 455B.126 ANIMAL AGRICULTURE  
50 COMPLIANCE FEES -- DELINQUENCIES.

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1 If a fee imposed under this chapter for deposit  
2 into the animal agriculture compliance fund is  
3 delinquent, the department may charge interest on any  
4 amount of the fee that is delinquent. The rate of  
5 interest shall not be more than the current rate  
6 published in the Iowa administrative bulletin by the  
7 department of revenue and finance pursuant to section  
8 421.7. The interest amount shall be computed from the  
9 date that the fee is delinquent, unless the department  
10 designates a later date. The interest amount shall  
11 accrue for each month in which a delinquency is  
12 calculated as provided in section 421.7, and counting  
13 each fraction of a month as an entire month. The  
14 interest amount shall become part of the amount of the  
15 fee due.

16 Sec. 6. NEW SECTION. 455B.127 ANIMAL AGRICULTURE  
17 COMPLIANCE FUND.

18 1. An animal agriculture compliance fund is  
19 created in the state treasury under the control of the  
20 department. The compliance fund is separate from the  
21 general fund of the state.

22 2. The compliance fund is composed of two  
23 accounts, the general account and the assessment  
24 account.

25 a. The general account is composed of moneys  
26 appropriated by the general assembly and moneys  
27 available to and obtained or accepted by the  
28 department from the United States government or  
29 private sources for placement in the compliance fund.  
30 Unless otherwise specifically provided in statute,  
31 moneys required to be deposited in the compliance fund  
32 shall be deposited into the general account. The  
33 general account shall include moneys deposited into  
34 the account from all of the following:

35 (1) The construction permit application fee  
36 required pursuant to section 455B.200A.

37 (2) The manure management plan filing fee required  
38 pursuant to section 455B.203.

39 (3) Fees paid by persons required to be certified  
40 as commercial manure applicators or confinement site  
41 manure applicators pursuant to section 455B.203A.

42 (4) The collection of civil penalties assessed by  
43 the department and interest on civil penalties,  
44 arising out of violations involving animal feeding  
45 operations as provided in sections 455B.167 and  
46 455B.207.

47 b. The assessment account is composed of moneys  
48 collected from the annual compliance fee required  
49 pursuant to section 455B.203C.

50 3. Moneys in the compliance fund are appropriated

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1 to the department exclusively to pay the expenses of  
2 the department in administering and enforcing the  
3 provisions of division II, part 2, and division III,  
4 part 1, subpart A, as necessary to ensure that animal  
5 feeding operations comply with all applicable  
6 requirements of those provisions, including rules  
7 adopted or orders issued by the department pursuant to  
8 those provisions. The moneys shall not be  
9 transferred, used, obligated, appropriated, or  
10 otherwise encumbered except as provided in this  
11 subsection. The department shall not transfer moneys  
12 from the compliance fund's assessment account to  
13 another fund or account, including but not limited to  
14 the fund's general account.

15 4. Moneys in the fund, which may be subject to  
16 warrants written by the director of revenue and  
17 finance, shall be drawn upon the written requisition  
18 of the director of the department of natural resources  
19 or an authorized representative of the director.

20 5. Notwithstanding section 8.33, any unexpended  
21 balance in the compliance fund at the end of the  
22 fiscal year shall be retained in the fund.  
23 Notwithstanding section 12C.7, subsection 2, interest,  
24 earnings on investments, or time deposits of the  
25 moneys in the compliance fund shall be credited to the  
26 fund.

27 Sec. 7. Section 455B.161, subsections 2, 3, 4, 5,  
28 9, 11, 16, 21, and 24, Code 2001, are amended to read  
29 as follows:

30 2. "Anaerobic lagoon" means an ~~impoundment used in~~  
31 ~~conjunction with an animal feeding operation unformed~~  
32 manure storage structure, if the primary function of  
33 the impoundment structure is to store and stabilize  
34 ~~organic wastes manure~~, the impoundment structure is  
35 designed to receive ~~wastes~~ manure on a regular basis,  
36 and the ~~impoundment's~~ structure's design waste loading  
37 rates provide that the predominant biological activity  
38 is anaerobic. An anaerobic lagoon does not include  
39 any of the following:

40 a. ~~A confinement feeding operation structure.~~

41 ~~b.~~ A runoff control basin which collects and  
42 stores only precipitation-induced runoff from an  
43 animal feeding operation in which animals are confined  
44 to areas which are unroofed or partially roofed and in  
45 which no crop, vegetation, or forage growth or residue  
46 cover is maintained during the period in which animals  
47 are confined in the operation.

48 ~~e.~~ b. An anaerobic treatment system ~~which that~~  
49 includes collection and treatment facilities for all  
50 off gases.

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1 3. "Animal" means a ~~domesticated animal belonging~~  
2 ~~to the bovine, porcine, ovine, caprine, equine, or~~  
3 avian species classified as cattle, swine, horses,  
4 sheep, chickens or turkeys.

5 4. "Animal feeding operation" means a lot, yard,  
6 corral, building, or other area in which animals are  
7 confined and fed and maintained for forty-five days or  
8 more in any twelve-month period, and all structures  
9 used for the storage of manure from animals in the  
10 operation. ~~Two or more animal feeding operations~~  
11 ~~under common ownership or management are deemed to be~~  
12 ~~a single animal feeding operation if they are adjacent~~  
13 ~~or utilize a common system for manure storage. An~~  
14 animal feeding operation does not include a livestock  
15 market.

16 5. "Animal feeding operation structure" means ~~an~~  
17 ~~anaerobic lagoon or confinement feeding operation~~  
18 structure a confinement building, manure storage  
19 structure, or egg washwater storage structure.

20 9. "Confinement feeding operation building" or  
21 "confinement building" means a building used in  
22 conjunction with a confinement feeding operation to  
23 house animals.

24 11. "Confinement feeding operation structure"  
25 means ~~a formed manure storage~~ an animal feeding  
26 operation structure, egg washwater storage structure,  
27 ~~earthen manure storage basin, or confinement building.~~  
28 ~~A confinement feeding operation structure does not~~  
29 ~~include an anaerobic lagoon that is part of a~~  
30 confinement feeding operation.

31 16. "Formed manure storage structure" means a  
32 ~~structure, either covered or uncovered,~~ impoundment  
33 used to store manure from a confinement an animal  
34 feeding operation, which has walls and a floor  
35 constructed of concrete, concrete block, wood, steel,  
36 or similar materials.

37 21. "Small animal feeding operation" means an  
38 animal feeding operation which has an ~~animal weight~~  
39 animal unit capacity of two hundred thousand pounds or  
40 ~~less for animals other than bovine, or four hundred~~  
41 ~~thousand pounds~~ five hundred or less for bovine fewer  
42 animal units.

43 24. "Unformed manure storage structure" means a  
44 covered or uncovered ~~animal feeding operation~~  
45 ~~structure in which~~ impoundment used to store manure is  
46 ~~stored,~~ other than a formed manure storage structure,  
47 which ~~is~~ includes an anaerobic lagoon, aerobic  
48 structure, or earthen manure storage basin.

49 Sec. 8. Section 455B.161, Code 2001, is amended by  
50 adding the following new subsections:

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1 NEW SUBSECTION. 6A. "Animal unit" means a unit of  
 2 measurement based upon the product of multiplying the  
 3 number of animals of each category by a special  
 4 equivalency factor as follows:

5	a. Slaughter or feeder cattle .....	1.000
6	b. Immature dairy cattle .....	1.000
7	c. Mature dairy cattle .....	1.400
8	d. Butcher or breeding swine weighing	
9	more than fifty-five pounds .....	0.400
10	e. Swine weighing fifteen pounds or more	
11	but not more than fifty-five pounds .....	0.100
12	f. Sheep or lambs .....	0.100
13	g. Horses .....	2.000
14	h. Turkeys .....	0.018
15	i. Broiler or layer chickens .....	0.010

16 NEW SUBSECTION. 6B. "Animal unit capacity" means  
 17 a measurement used to determine the maximum number of  
 18 animal units that may be maintained as part of an  
 19 animal feeding operation at any one time, including as  
 20 provided in sections 455B.161A and 455B.200B.

21 NEW SUBSECTION. 8A. "Commission" means the  
 22 environmental protection commission created pursuant  
 23 to section 455A.6.

24 NEW SUBSECTION. 18A. "Manure storage structure"  
 25 means a formed manure storage structure or an unformed  
 26 manure storage structure. A manure storage structure  
 27 does not include an egg washwater storage structure.

28 NEW SUBSECTION. 18B. "Public thoroughfare" means  
 29 a road, street, or bridge that is constructed or  
 30 maintained by the state or a political subdivision.

31 NEW SUBSECTION. 19A. "Qualified confinement  
 32 feeding operation" means a confinement feeding  
 33 operation having an animal unit capacity of any of the  
 34 following:

35 a. For a confinement feeding operation maintaining  
 36 animals other than swine as part of a farrowing and  
 37 gestating operation or farrow-to-finish operation or  
 38 cattle as part of a cattle operation, five thousand or  
 39 more animal units.

40 b. For a confinement feeding operation maintaining  
 41 swine as part of a farrowing and gestating operation,  
 42 two thousand five hundred or more animal units.

43 c. For a confinement feeding operation maintaining  
 44 swine as part of a swine farrow-to-finish operation,  
 45 five thousand four hundred or more animal units.

46 d. For a confinement feeding operation maintaining  
 47 cattle, eight thousand five hundred or more animal  
 48 units.

49 Sec. 9. Section 455B.161A, subsection 1, Code  
 50 2001, is amended by striking the subsection and

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1 inserting in lieu thereof the following:

2 1. Two or more animal feeding operations under  
3 common ownership or management are deemed to be a  
4 single animal feeding operation if they are adjacent  
5 or utilize a common system for manure storage. For  
6 purposes of determining whether two or more  
7 confinement feeding operations are adjacent, all of  
8 the following must apply:

9 a. At least one confinement feeding operation  
10 structure must be constructed on or after March 21,  
11 1996.

12 b. A confinement feeding operation structure which  
13 is part of one confinement feeding operation is  
14 separated by less than a minimum required distance  
15 from a confinement feeding operation structure which  
16 is part of the other confinement feeding operation.  
17 The minimum required distance shall be as follows:

18 (1) (a) One thousand two hundred fifty feet for a  
19 confinement feeding operation having an animal unit  
20 capacity of less than three thousand animal units for  
21 animals other than swine maintained as part of a swine  
22 farrowing and gestating operation or farrow-to-finish  
23 operation, or cattle maintained as part of a cattle  
24 operation.

25 (b) One thousand two hundred fifty feet for a  
26 confinement feeding operation having an animal unit  
27 capacity of less than one thousand two hundred fifty  
28 animal units for swine maintained as part of a  
29 farrowing and gestating operation, less than two  
30 thousand seven hundred animal units for swine  
31 maintained as part of a farrow-to-finish operation, or  
32 less than four thousand animal units for cattle  
33 maintained as part of a cattle operation.

34 (2) (a) One thousand five hundred feet for a  
35 confinement feeding operation having an animal unit  
36 capacity of three thousand or more but less than five  
37 thousand animal units for animals other than swine  
38 maintained as part of a swine farrowing and gestating  
39 operation or farrow-to-finish operation, or cattle  
40 maintained as part of a cattle operation.

41 (b) One thousand five hundred feet for a  
42 confinement feeding operation having an animal unit  
43 capacity of one thousand two hundred fifty or more but  
44 less than two thousand animal units for swine  
45 maintained as part of a swine farrowing and gestating  
46 operation, two thousand seven hundred or more but less  
47 than five thousand four hundred animal units for swine  
48 maintained as part of a farrow-to-finish operation, or  
49 four thousand or more but less than six thousand five  
50 hundred animal units for cattle maintained as part of

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1 a cattle operation.

2 (3) (a) Two thousand five hundred feet for a  
3 confinement feeding operation having an animal unit  
4 capacity of five thousand or more animal units for  
5 animals other than swine maintained as part of a swine  
6 farrowing and gestating operation or farrow-to-finish  
7 operation, or cattle maintained as part of a cattle  
8 operation.

9 (b) Two thousand five hundred feet for a  
10 confinement feeding operation having an animal unit  
11 capacity of two thousand or more animal units for  
12 swine maintained as part of a swine farrowing and  
13 gestating operation, five thousand four hundred animal  
14 units or more for swine maintained as part of a  
15 farrow-to-finish operation, or six thousand five  
16 hundred or more animal units for cattle maintained as  
17 part of a cattle operation.

18 Sec. 10. Section 455B.161A, Code 2001, is amended  
19 by adding the following new subsections:

20 NEW SUBSECTION. 3. In calculating the animal unit  
21 capacity of a confinement feeding operation, the  
22 animal unit capacity shall include the animal unit  
23 capacity of all confinement feeding operation  
24 buildings which are part of the confinement feeding  
25 operation, unless a confinement feeding operation  
26 building has been abandoned.

27 NEW SUBSECTION. 4. A confinement feeding  
28 operation structure is abandoned if the confinement  
29 feeding operation structure has been razed, removed  
30 from the site of a confinement feeding operation,  
31 filled in with earth, or converted to uses other than  
32 a confinement feeding operation structure so that it  
33 cannot be used as a confinement feeding operation  
34 structure without significant reconstruction.

35 NEW SUBSECTION. 5. All distances between  
36 locations of objects provided in this part shall be  
37 measured in feet from their closest points, as  
38 provided by rules adopted by the department. However,  
39 a distance between a public thoroughfare and a  
40 confinement feeding operation structure shall be  
41 measured from the portion of the right-of-way which is  
42 closest to the confinement feeding operation  
43 structure.

44 Sec. 11. Section 455B.162, subsection 1,  
45 unnumbered paragraphs 1 and 2, Code 2001, are amended  
46 to read as follows:

47 Except as provided in ~~subsection~~ subsections 3 and  
48 6, and sections 455B.163 and 455B.165, this subsection  
49 applies to ~~animal~~ confinement feeding operation  
50 structures constructed on or after May 31, 1995, but

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1 prior to January 1, 1999; and to the expansion of  
2 structures constructed prior to January 1, 1999.

3 The following table represents the minimum  
4 separation distance in feet required between ~~an animal~~  
5 a confinement feeding operation structure and a  
6 residence not owned by the owner of the ~~animal~~  
7 confinement feeding operation, or a commercial  
8 enterprise, bona fide religious institution, or an  
9 educational institution:

10 Sec. 12. Section 455B.162, subsection 2,  
11 unnumbered paragraph 1, Code 2001, is amended to read  
12 as follows:

13 Except as provided in ~~subsection~~ subsections 3 and  
14 6, and sections 455B.163 and 455B.165, this subsection  
15 applies to ~~animal~~ confinement feeding operation  
16 structures constructed on or after January 1, 1999,  
17 but prior to March 1, 2003, and to the expansion of  
18 structures constructed on or after January 1, 1999,  
19 but prior to March 1, 2003.

20 PARAGRAPH DIVIDED. The following table represents  
21 the minimum separation distance in feet required  
22 between ~~an animal~~ a confinement feeding operation  
23 structure and a residence not owned by the owner of  
24 the ~~animal~~ confinement feeding operation, or a  
25 commercial enterprise, bona fide religious  
26 institution, or an educational institution:

27 Sec. 13. Section 455B.162, subsection 3,  
28 unnumbered paragraph 1, Code 2001, is amended to read  
29 as follows:

30 Except as provided in subsection 6, and sections  
31 455B.163 and 455B.165, this subsection applies to  
32 ~~animal~~ confinement feeding operation structures  
33 constructed on or after May 31, 1995, but prior to  
34 March 1, 2003; to the expansion of structures  
35 constructed on or after May 31, 1995, but prior to  
36 March 1, 2003; and to the expansion of structures  
37 constructed prior to May 31, 1995.

38 PARAGRAPH DIVIDED. The following table represents  
39 the minimum separation distance in feet required  
40 between ~~animal~~ a confinement feeding operation  
41 ~~structures~~ structure and a public use area; or between  
42 a confinement feeding operation structure and a  
43 residence not owned by the owner of the ~~animal~~  
44 confinement feeding operation, a commercial  
45 enterprise, a bona fide religious institution, or an  
46 educational institution, if the residence, commercial  
47 enterprise, religious institution, or educational  
48 institution is located within the corporate limits of  
49 a city:

50 Sec. 14. Section 455B.162, Code 2001, is amended

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1 by adding the following new subsections:

2 NEW SUBSECTION. 3A. Except as provided in  
3 subsections 3B and 6, and sections 455B.163 and  
4 455B.165, this subsection applies to confinement  
5 feeding operation structures constructed on or after  
6 March 1, 2003, and to the expansion of confinement  
7 feeding operation structures constructed on or after  
8 March 1, 2003.

9 The following table represents the minimum  
10 separation distance in feet required between a  
11 confinement feeding operation structure and a  
12 residence not owned by the owner of the confinement  
13 feeding operation, a commercial enterprise, a bona  
14 fide religious institution, or an educational  
15 institution:

16	17	18	19	20	21	22	23	24	25
26	27	28	29	30	31	32	33	34	35
Type of structure	For a	For a	For a	confinement	confinement	confinement	confinement	confinement	confinement
	confinement	confinement	confinement	feeding	feeding	feeding	feeding	feeding	feeding
	feeding	feeding	feeding	operation	operation	operation	operation	operation	operation
	operation	operation	operation	having an					
	having an	having an	having an	animal unit					
	animal unit	animal unit	animal unit	capacity of					
	capacity of	capacity of	capacity of	1,000 or more					
	less than	less than	less than	but less than	but less than	but less than	but less than	but less than	but less than
	1,000 animal	1,000 animal	1,000 animal	3,000 animal	3,000 animal	3,000 animal	3,000 animal	3,000 animal	3,000 animal
	units	units	units	units	units	units	units	units	units
27	Anaerobic lagoon	1,875	2,500	3,000					
28	Uncovered earthen								
29	manure storage								
30	basin	1,875	2,500	3,000					
31	Uncovered formed								
32	manure storage								
33	structure	1,500	2,000	2,500					
34	Covered earthen								
35	manure storage								
36	basin	1,250	1,875	2,375					
37	Covered formed								
38	manure storage								
39	structure	1,250	1,875	2,375					
40	Confinement								
41	building	1,250	1,875	2,375					
42	Egg washwater								
43	storage								
44	structure	1,000	1,500	2,000					

45 NEW SUBSECTION. 3B. Except as provided in  
46 subsection 6, and sections 455B.163 and 455B.165, this  
47 subsection applies to confinement feeding operation  
48 structures constructed on or after March 1, 2003, and  
49 to the expansion of confinement feeding operation  
50 structures constructed on or after March 1, 2003.

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1 The following table represents the minimum  
 2 separation distance in feet required between a  
 3 confinement feeding operation structure and a public  
 4 use area; or between a confinement feeding operation  
 5 structure and a residence not owned by the owner of  
 6 the confinement feeding operation, a commercial  
 7 enterprise, a bona fide religious institution, or an  
 8 educational institution, if the residence, commercial  
 9 enterprise, religious institution, or educational  
 10 institution is located within the corporate limits of  
 11 a city:

12	13	14	15	16	17	18	19	20	21	22
	For a	For a	confinement	For a	confinement	feeding	operation	having an	animal unit	capacity of
	confinement	confinement	feeding	confinement	feeding	operation	having an	animal unit	capacity of	1,000 or more
	feeding	feeding	operation	feeding	operation	having an	animal unit	capacity of	1,000 or more	but less than
	operation	operation	having an	operation	having an	animal unit	capacity of	1,000 or more	but less than	3,000 or
	having an	having an	animal unit	having an	animal unit	capacity of	1,000 or more	but less than	3,000 or	more animal
	animal unit	animal unit	capacity of	animal unit	capacity of	1,000 or more	but less than	3,000 or	more animal	units
	capacity of	capacity of	1,000 or more	capacity of	1,000 or more	but less than	3,000 or	more animal	units	
	less than	less than	3,000 animal	less than	3,000 animal	units				
	1,000 animal	1,000 animal	units	3,000 animal	3,000 animal	units				
	units	units		units	units					
23	Type of structure									
24	Confinement feeding									
25	operation									
26	structure									
27		1,875		2,500					3,000	

26 Sec. 15. Section 455B.162, subsection 4, Code  
 27 2001, is amended to read as follows:

28 4. Except as provided in section 455B.165, ~~on and~~  
 29 ~~after January 1, 1999, an animal a confinement~~ feeding  
 30 operation structure shall not be constructed or  
 31 expanded within one hundred feet from a public  
 32 thoroughfare, ~~including a road, street, or bridge~~  
 33 ~~which is constructed or maintained by the state or a~~  
 34 ~~political subdivision.~~

35 Sec. 16. Section 455B.162, subsection 6,  
 36 paragraphs a and c, Code 2001, are amended by striking  
 37 the paragraphs.

38 Sec. 17. Section 455B.162, subsection 6, paragraph  
 39 b, Code 2001, is amended to read as follows:

40 ~~b-~~ a. Except as provided in paragraph "b", a  
 41 qualified confinement feeding operation storing manure  
 42 in a manure storage structure shall only use an animal  
 43 feeding operation a manure storage structure which  
 44 that employs bacterial action which is maintained by  
 45 the utilization of air or oxygen, and which shall  
 46 include aeration equipment. The type and degree of  
 47 treatment technology required to be installed shall be  
 48 based on the size of the confinement feeding  
 49 operation, according to rules adopted by the  
 50 department. The equipment shall be installed,

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1 operated, and maintained in accordance with the  
2 manufacturer's instructions and requirements of rules  
3 adopted pursuant to this subsection.

4 b. The requirements of paragraph "a" do not apply  
5 to any of the following:

6 (1) A qualified confinement feeding operation  
7 which includes a confinement feeding operation  
8 structure constructed prior to May 31, 1995.

9 (2) A qualified confinement feeding operation that  
10 stores manure on a dry matter basis.

11 Sec. 18. Section 455B.163, subsections 1 and 2,  
12 Code 2001, are amended to read as follows:

13 1. a. ~~An animal~~ A confinement feeding operation  
14 structure as constructed or expanded prior to January  
15 1, 1999, complies with the distance requirements  
16 applying to that structure as provided in section  
17 455B.162, subsections 1 and 3.

18 b. ~~An animal~~ A confinement feeding operation  
19 structure as constructed or expanded on or after  
20 January 1, 1999, but prior to March 1, 2003, complies  
21 with the distance requirements applying to that  
22 structure as provided in section 455B.162, subsections  
23 2 and 3.

24 c. A confinement feeding operation structure as  
25 constructed or expanded on or after March 1, 2003,  
26 complies with the distance requirements applying to  
27 that structure as provided in section 455B.162,  
28 subsections 3A and 3B.

29 2. All of the following apply to the expansion of  
30 the ~~animal~~ confinement feeding operation:

31 a. No portion of the ~~animal~~ confinement feeding  
32 operation after expansion is closer than before  
33 expansion to a location or object for which separation  
34 is required under section 455B.162.

35 b. ~~The~~ For a confinement feeding operation that  
36 includes a confinement feeding operation structure  
37 constructed prior to March 1, 2003, the animal weight  
38 capacity of the ~~animal~~ confinement feeding operation  
39 as expanded is not more than the lesser of the  
40 following:

41 (1) Double its animal weight capacity on the  
42 following dates:

43 (a) May 31, 1995, for ~~an animal~~ a confinement  
44 feeding operation that includes a confinement feeding  
45 operation structure constructed prior to January 1,  
46 1999, or on.

47 (b) January 1, 1999, for ~~an animal~~ a confinement  
48 feeding operation that only includes a confinement  
49 feeding operation structure constructed on or after  
50 January 1, 1999, but does include a confinement

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1 feeding operation structure constructed prior to March  
2 31, 2003.

3 (2) Either of the following:

4 (a) Six hundred twenty-five thousand pounds animal  
5 weight capacity for animals other than ~~bovine~~ cattle.

6 (b) One million six hundred thousand pounds animal  
7 weight capacity for ~~bovine~~ cattle.

8 c. For a confinement feeding operation that does  
9 not include a confinement feeding operation structure  
10 constructed prior to March 1, 2003, the animal unit  
11 capacity of the confinement feeding operation as  
12 expanded is not more than the lesser of the following:

13 (1) Double its animal unit capacity on March 1,  
14 2003.

15 (2) One thousand animal units.

16 Sec. 19. Section 455B.163, subsection 3,  
17 unnumbered paragraph 1, Code 2001, is amended to read  
18 as follows:

19 The ~~animal~~ confinement feeding operation ~~was~~  
20 includes a confinement feeding operation structure  
21 that is constructed prior to ~~January 1, 1999~~ March 1,  
22 2003, and is expanded by replacing one or more  
23 unformed manure storage structures with one or more  
24 formed manure storage structures, if all of the  
25 following apply:

26 Sec. 20. Section 455B.163, subsection 3, paragraph  
27 a, Code 2001, is amended to read as follows:

28 a. The animal weight capacity or animal unit  
29 capacity, whichever is applicable, is not increased  
30 for that portion of the ~~animal~~ confinement feeding  
31 operation that utilizes all replacement formed manure  
32 storage structures.

33 Sec. 21. Section 455B.165, subsections 1, 4, and  
34 5, Code 2001, are amended by striking the subsections.

35 Sec. 22. Section 455B.165, subsection 3, paragraph  
36 a, Code 2001, is amended to read as follows:

37 a. ~~An animal~~ A confinement feeding operation  
38 structure which is constructed or expanded, if the  
39 titleholder of the land benefiting from the distance  
40 separation requirement executes a written waiver with  
41 the titleholder of the land where the structure is  
42 located. If ~~an animal~~ a confinement feeding operation  
43 structure is constructed or expanded within the  
44 separation distance required between ~~an animal~~ a  
45 confinement feeding operation structure and a public  
46 thoroughfare as required pursuant to section 455B.162,  
47 the state or a political subdivision constructing or  
48 maintaining the public thoroughfare benefiting from  
49 the distance separation requirement may execute a  
50 written waiver with the titleholder of the land where

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1 the structure is located. The ~~animal~~ confinement  
2 feeding operation structure shall be constructed or  
3 expanded under such terms and conditions that the  
4 parties negotiate.

5 Sec. 23. NEW SECTION. 455B.166 DEPARTMENT OF  
6 NATURAL RESOURCES -- DEVELOPMENT OF COMPREHENSIVE  
7 PLANS AND PROGRAMS FOR AIR QUALITY.

8 1. As used in this section, unless the context  
9 otherwise requires:

10 a. "Airborne pollutant" means hydrogen sulfide,  
11 ammonia, or odor.

12 b. "Separated location" means a location or object  
13 from which a separation distance is required under  
14 section 455B.162, other than a public thoroughfare.

15 2. The department shall conduct a comprehensive  
16 field study to monitor the level of airborne  
17 pollutants emitted from animal feeding operations in  
18 this state, including but not limited to each type of  
19 confinement feeding operation structure.

20 3. a. After the completion of the field study,  
21 the department may develop comprehensive plans and  
22 programs for the abatement, control, and prevention of  
23 airborne pollutants originating from animal feeding  
24 operations in accordance with this section. The  
25 comprehensive plans and programs may be developed if  
26 the baseline data from the field study demonstrates to  
27 a reasonable degree of scientific certainty that  
28 airborne pollutants emitted by a confinement feeding  
29 operation are present at a separated location at  
30 levels commonly known to cause a material and  
31 verifiable adverse health effect. The department may  
32 adopt any comprehensive plans or programs in  
33 accordance with chapter 17A prior to implementation or  
34 enforcement of an air quality standard but in no event  
35 shall the plans and programs provide for the  
36 enforcement of an air quality standard or emission  
37 limitation prior to December 1, 2004.

38 b. Any air quality standard established by the  
39 department for animal feeding operations under the  
40 comprehensive plans and programs shall be based on  
41 distances measured from a confinement feeding  
42 operation structure to a separated location. In  
43 providing for the enforcement of the standards, the  
44 department shall take all initial measurements at the  
45 separated location. If the department determines that  
46 a violation of the standards exists, the department  
47 may conduct an investigation to trace the source of  
48 the airborne pollutant, including by taking  
49 measurements at the property line of the separated  
50 location. This section does not prohibit the

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1 department from entering the premises of an animal  
2 feeding operation in compliance with section 455B.103.  
3 The department shall comply with standard biosecurity  
4 requirements customarily required by the animal  
5 feeding operation which are necessary in order to  
6 control the spread of disease among an animal  
7 population.

8 c. The department shall establish recommended best  
9 management practices, mechanisms, processes, or  
10 infrastructure under the comprehensive plans and  
11 programs in order to reduce the airborne pollutants  
12 emitted from an animal feeding operation.

13 d. The department shall provide a procedure for  
14 the approval and monitoring of alternative or  
15 experimental practices, mechanisms, processes, or  
16 infrastructure to reduce the airborne pollutants  
17 emitted from an animal feeding operation, which may be  
18 incorporated as part of the comprehensive plans and  
19 programs developed under this section.

20 Sec. 24. NEW SECTION. 455B.167 CIVIL PENALTY.

21 A person who violates this part shall be subject to  
22 a civil penalty which shall be established, assessed,  
23 and collected in the same manner as provided in  
24 section 455B.109. Any civil penalty collected shall  
25 be deposited in the animal agriculture compliance fund  
26 created in section 455B.127.

27 Sec. 25. Section 455B.171, subsections 2, 3, 4, 5,  
28 6, 8, 20, 43, and 47, Code 2001, are amended by  
29 striking the subsections.

30 Sec. 26. Section 455B.191, subsection 8, Code  
31 2001, is amended to read as follows:

32 8. Moneys assessed and collected in civil  
33 penalties and interest earned on civil penalties,  
34 arising out of a violation involving an animal feeding  
35 operation, shall be deposited in the ~~manure storage~~  
36 ~~indemnity~~ animal agriculture compliance fund as  
37 created in section ~~455B.2~~ 455B.127.

38 SUBPART B

39 ANIMAL FEEDING OPERATIONS

40 Sec. 27. Section 455B.200, Code 2001, is amended  
41 to read as follows:

42 455B.200 GENERAL.

43 1. The commission shall establish by rule adopted  
44 pursuant to chapter 17A, requirements relating to the  
45 construction, including expansion, or operation of  
46 animal feeding operations, including related animal  
47 feeding operation structures. The requirements shall  
48 include but are not limited to minimum manure control,  
49 the issuance of permits, and departmental  
50 investigations, inspections, and testing.

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1 2. Any provision referring generally to compliance  
2 with the requirements of this chapter as applied to  
3 animal feeding operations also includes compliance  
4 with requirements in rules adopted by the commission  
5 pursuant to this section, orders issued by the  
6 department as authorized under this chapter, and the  
7 terms and conditions applicable to permits or manure  
8 management plans required under this subpart.  
9 However, for purposes of approving or disapproving an  
10 application for a construction permit as provided in  
11 section 455B.200E, conditions for the approval of an  
12 application based on results produced by a master  
13 matrix are not requirements of this chapter until the  
14 department approves or disapproves an application  
15 based on those results.

16 3. The department and the attorney general shall  
17 enforce the provisions of this chapter in the same  
18 manner as provided in division I, unless otherwise  
19 provided in this section.

20 Sec. 28. Section 455B.200A, subsections 1 through  
21 4, Code 2001, are amended to read as follows:

22 1. The department shall ~~issue~~ approve or  
23 disapprove applications for permits for the  
24 construction, including the expansion, of animal  
25 feeding operation structures, including structures  
26 which are part of confinement feeding operations  
27 operation structures, as provided by rules adopted  
28 pursuant to section 455B.200 in this chapter. The A  
29 person shall not begin construction of a confinement  
30 feeding operation structure requiring a permit under  
31 this section, unless the department shall issue a  
32 first approves the person's application and issues to  
33 the person a construction permit to an animal feeding  
34 operation if an application is submitted according to  
35 procedures required by the department and. The  
36 department shall provide conditions for requiring when  
37 a person must obtain a construction permit.

38 a. Except as provided in paragraph "b", a person  
39 must obtain a permit to construct any of the  
40 following:

41 (1) A confinement feeding operation structure if  
42 after construction its confinement feeding operation  
43 would have an animal unit capacity of at least one  
44 thousand animal units.

45 (2) The confinement feeding operation structure is  
46 an unformed manure storage structure.

47 b. A person is not required to obtain a permit to  
48 construct a confinement feeding operation structure,  
49 if any of the following apply:

50 (1) The confinement feeding operation structure,

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1 if constructed, would be part of a small animal  
2 feeding operation.

3 (2) The confinement feeding operation structure is  
4 part of a confinement feeding operation which is owned  
5 by a research college conducting research activities  
6 as provided in section 455B.206.

7 2. The department shall issue a construction  
8 permit upon approval of an application. The  
9 department shall approve the application ~~meets~~  
10 standards established by the department, if the  
11 application is submitted to the county board of  
12 supervisors in the county where the proposed  
13 confinement feeding operation is to be located as  
14 required pursuant to section 455B.200E, and the  
15 application meets the requirements of this chapter.  
16 If a county submits an approved recommendation  
17 pursuant to a construction evaluation resolution filed  
18 with the department, the application must also achieve  
19 a satisfactory rating produced by the master matrix  
20 used by the board or department under section  
21 455B.200E. The department shall approve the  
22 application regardless of whether the animal feeding  
23 operation applicant is required to ~~obtain such to be~~  
24 issued a construction permit. ~~The department shall~~  
25 not require that a person obtain a permit for the  
26 construction of an animal feeding operation structure  
27 if the structure is part of a small animal feeding  
28 operation. For purposes of this section, an animal  
29 feeding operation structure includes a manure storage  
30 structure.

31 ~~2- 3.~~ The department shall not ~~issue~~ approve an  
32 application for a construction permit ~~for the~~  
33 ~~construction of an animal feeding operation structure~~  
34 ~~which is part of a confinement feeding operation~~  
35 unless the ~~person~~ applicant submits all of the  
36 following:

37 a. An indemnity fee as provided in section 455J.3  
38 ~~which that~~ the department shall deposit into the  
39 manure storage indemnity fund created in section  
40 455J.2.

41 b. A manure management plan as provided in section  
42 455B.203 and manure management plan filing fee as  
43 provided in section 455B.203C.

44 c. A construction permit application fee as  
45 provided in section 455B.203C.

46 3A. The applicant may submit a master matrix as  
47 completed by the applicant.

48 ~~3- 4.~~ a. A confinement feeding operation meets  
49 threshold requirements under this paragraph if the  
50 confinement feeding operation after construction of a

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1 proposed confinement feeding operation would have a  
2 minimum animal unit capacity of the following:

3 (1) Three thousand animal units for animals other  
4 than swine maintained as part of a swine farrowing and  
5 gestating operation or farrow-to-finish operation or  
6 cattle maintained as part of a cattle operation.

7 (2) One thousand two hundred fifty animal units  
8 for swine maintained as part of a swine farrowing and  
9 gestating operation.

10 (3) Two thousand seven hundred fifty animal units  
11 for swine maintained as part of a farrow-to-finish  
12 operation.

13 (4) Four thousand animal units for cattle  
14 maintained as part of a cattle operation.

15 b. The department shall not issue approve an  
16 application for a construction permit for the  
17 construction of unless the following apply:

18 (1) If the application is for a permit to  
19 construct an unformed manure storage structure, the  
20 application must include a statement approved by a  
21 professional engineer certifying that the construction  
22 of the unformed manure storage structure complies with  
23 the construction design standards required in this  
24 subpart.

25 (2) If the application is for a permit to  
26 construct three or more animal confinement feeding  
27 operation structures unless the applicant files, the  
28 application must include a statement approved by a  
29 professional engineer registered pursuant to chapter  
30 542B certifying providing that the construction of the  
31 animal confinement feeding operation structures will  
32 not impede the drainage through established drainage  
33 tile lines which cross property boundary lines unless  
34 measures are taken to reestablish the drainage prior  
35 to completion of construction. For a confinement  
36 feeding operation that meets threshold requirements,  
37 the statement must be approved by a professional  
38 engineer. Otherwise, if the application is for a  
39 permit to construct a formed manure storage structure,  
40 the statement must be part of the construction design  
41 statement as provided in section 455B.200C.

42 (3) If the application is for a permit to  
43 construct a formed manure storage structure, other  
44 than for a confinement feeding operation meeting  
45 threshold requirements, the applicant must include a  
46 construction design statement as provided in section  
47 455B.200C. An application for a permit to construct a  
48 formed manure storage structure as part of a  
49 confinement feeding operation that meets threshold  
50 requirements must include a statement approved by a

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1 professional engineer certifying that the construction  
2 of the formed manure storage structure complies with  
3 the requirements of this subpart.

4 (4) The department may only require that an  
5 application for a permit to construct a formed manure  
6 storage structure or egg washwater storage structure  
7 that is part of a confinement feeding operation  
8 meeting threshold requirements include an engineering  
9 report, construction plans, or specifications prepared  
10 by a licensed professional engineer or the natural  
11 resources conservation service of the United States  
12 department of agriculture.

13 ~~4.~~ 5. Prior As a condition to issuing a permit to  
14 a person approving an application for the construction  
15 of an animal feeding operation a construction permit,  
16 the department may require any of the following:

17 a. The installation of a related pollution control  
18 device or practice, including but not limited to the  
19 installation and operation of a hydrological water  
20 pollution monitoring system for an exclusively earthen  
21 unformed manure storage structure according to rules  
22 which shall be adopted by the department.

23 b. The department's approval of the installation  
24 of any proposed system to permanently lower the  
25 groundwater table at a site as part of the  
26 construction of an unformed manure storage structure,  
27 as is necessary to ensure that the unformed manure  
28 storage structure does not pollute groundwater  
29 sources, including providing for standards as provided  
30 in section 455B.205.

31 Sec. 29. Section 455B.200A, subsections 5 through  
32 8, Code 2001, are amended by striking the subsections.

33 Sec. 30. Section 455B.200B, unnumbered paragraph  
34 1, Code 2001, is amended to read as follows:

35 For purposes of this ~~part~~ subpart, all of the  
36 following shall apply:

37 Sec. 31. Section 455B.200B, subsection 1, Code  
38 2001, is amended by striking the subsection and  
39 inserting in lieu thereof the following:

40 1. Two or more animal feeding operations under  
41 common ownership or management are deemed to be a  
42 single animal feeding operation if they are adjacent  
43 or utilize a common area or system for manure  
44 disposal. In addition, for purposes of determining  
45 whether two or more confinement feeding operations are  
46 adjacent, all of the following must apply:

47 a. At least one confinement feeding operation  
48 structure must be constructed on and after May 21,  
49 1998.

50 b. A confinement feeding operation structure which

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1 is part of one confinement feeding operation is  
2 separated by less than a minimum required distance  
3 from a confinement feeding operation structure which  
4 is part of the other confinement feeding operation.

5 The minimum required distance shall be as follows:

6 (1) One thousand two hundred fifty feet for  
7 confinement feeding operations having a combined  
8 animal unit capacity of less than one thousand animal  
9 units.

10 (2) Two thousand five hundred feet for confinement  
11 feeding operations having a combined animal unit  
12 capacity of one thousand animal units or more.

13 Sec. 32. Section 455B.200B, Code 2001, is amended  
14 by adding the following new subsections:

15 NEW SUBSECTION. 3. In calculating the animal unit  
16 capacity of a confinement feeding operation, the  
17 animal unit capacity shall include the animal unit  
18 capacity of all confinement feeding operation  
19 buildings which are part of the confinement feeding  
20 operation, unless a confinement feeding operation  
21 building has been abandoned as provided in section  
22 455B.161A.

23 NEW SUBSECTION. 4. All distances between  
24 locations or objects provided in this subpart shall be  
25 measured in feet from their closest points.

26 NEW SUBSECTION. 5. a. The department shall  
27 designate by rule each one hundred year floodplain in  
28 this state according to the location of the one  
29 hundred year floodplain. A person shall not be  
30 prohibited from constructing a confinement feeding  
31 operation on a one hundred year floodplain unless the  
32 one hundred year floodplain is designated by rule in  
33 accordance with this subsection.

34 b. (1) Until the effective date of rules adopted  
35 by the department to designate the location of each  
36 one hundred year floodplain in this state, a person  
37 shall not construct a confinement feeding operation  
38 structure on land that contains a soil type classified  
39 as alluvial unless the one of the following applies:

40 (a) If the person does not apply for a  
41 construction permit as provided in section 455B.200A,  
42 the person must petition the department for a  
43 declaratory order pursuant to section 17A.9 to  
44 determine whether the location of the proposed  
45 confinement feeding operation structure is located on  
46 a one hundred year floodplain. The department shall  
47 issue a declaratory order in response to the petition,  
48 notwithstanding any other provision provided in  
49 section 17A.9 to the contrary, within thirty days from  
50 the date that the petition is filed with the

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1 department.

2 (b) If the person does apply for a construction  
3 permit as provided in section 455B.200A, the person  
4 must identify that the land contains a soil type  
5 classified as alluvial. The department shall  
6 determine whether the land is located on a one hundred  
7 year floodplain.

8 (2) The department shall provide in its  
9 declaratory order or its approval or disapproval of a  
10 construction permit application a determination  
11 regarding whether the confinement feeding operation is  
12 to be located on a one hundred year floodplain,  
13 whether the confinement feeding operation may be  
14 constructed at the location, and any conditions for  
15 the construction.

16 (3) This paragraph "b" is repealed on the  
17 effective date that rules are adopted by the  
18 department pursuant to paragraph "a". The department  
19 shall provide a caption on the adopted rule as  
20 published in the Iowa administrative bulletin as  
21 provided in section 17A.4, stating that this paragraph  
22 is repealed as provided in this subparagraph  
23 subdivision. The director of the department shall  
24 deliver a copy of the adopted rule to the Iowa Code  
25 editor.

26 NEW SUBSECTION. 6. As used in this subpart,  
27 unless the context otherwise requires:

28 a. "Critical public area" means land as designated  
29 by the department pursuant to rules adopted pursuant  
30 to chapter 17A, if all of the following apply:

31 (1) The land is part of a public park, preserve,  
32 or recreation area that is owned or managed by the  
33 federal government; by the department, including under  
34 chapter 461A or 465C; or by a political subdivision.

35 (2) The land has a unique scenic, cultural,  
36 archaeological, scientific, or historic significance  
37 or contains a rare or valuable ecological system.

38 b. "Designated wetland" means land designated as a  
39 protected wetland by the United States department of  
40 the interior or the department of natural resources,  
41 including but not limited to a protected wetland as  
42 defined in section 456B.1, if the land is owned and  
43 managed by the federal government or the department of  
44 natural resources. However, a designated wetland does  
45 not include land where an agricultural drainage well  
46 has been plugged causing a temporary wetland or land  
47 within a drainage district or levee district.

48 c. "Document" means any form required to be  
49 processed by the department under this subpart  
50 regulating animal feeding operations, including but

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1 not limited to applications or related materials for  
2 permits as provided in section 455B.200A, manure  
3 management plans as provided in section 455B.203,  
4 comment or evaluation by a county board of supervisors  
5 considering an application for a construction permit,  
6 the department's analysis of the application including  
7 using and responding to a master matrix pursuant to  
8 section 455B.200E, and notices required under those  
9 sections.

10 d. "High-quality water resource" means that part  
11 of a water source or wetland that the department has  
12 designated as any of the following:

13 (1) A high-quality water (Class "HQ") or a high-  
14 quality resource water (Class "HQR") according to 567  
15 IAC ch. 61, in effect on January 1, 2001.

16 (2) A protected water area system, according to a  
17 state plan adopted by the department in effect on  
18 January 1, 2001.

19 e. "Karst terrain" means land having karst  
20 formations that exhibit surface and subterranean  
21 features of a type produced by the dissolution of  
22 limestone, dolomite, or other soluble rock and  
23 characterized by closed depressions, sinkholes, or  
24 caves.

25 f. "Major water source" means a water source that  
26 is a lake, reservoir, river, or stream located within  
27 the territorial limits of the state, or any marginal  
28 river area adjacent to the state, if the water source  
29 is capable of supporting a floating vessel capable of  
30 carrying one or more persons during a total of a six-  
31 month period in one out of ten years, excluding  
32 periods of flooding which has been identified by rules  
33 adopted by the commission.

34 g. "One hundred year floodplain" means the land  
35 adjacent to a major water source, if there is at least  
36 a one percent chance that the land will be inundated  
37 in any one year, according to calculations adopted by  
38 rules adopted pursuant to section 455B.200. In making  
39 the calculations, the department shall consider  
40 available maps or data compiled by the federal  
41 emergency management agency.

42 h. "Professional engineer" means a person engaged  
43 in the practice of engineering as defined in section  
44 542B.2 who is issued a certificate of licensure as a  
45 professional engineer pursuant to section 542B.17.

46 i. "Water of the state" means the same as defined  
47 in section 455B.171.

48 j. "Water source" means a lake, river, reservoir,  
49 creek, stream, ditch, or other body of water or  
50 channel having definite banks and a bed with water

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1 flow, except lakes or ponds without outlet to which  
2 only one landowner is riparian.

3 Sec. 33. NEW SECTION. 455B.200C CONSTRUCTION  
4 DESIGN STATEMENT -- FORMED MANURE STORAGE STRUCTURES.

5 1. a. Except as provided in paragraph "b", a  
6 person shall not construct a formed manure storage  
7 structure, unless the person submits a construction  
8 design statement for filing with the department.

9 b. The following persons are not required to  
10 submit a construction design statement with the  
11 department:

12 (1) A person who constructs a formed manure  
13 storage structure as part of a small animal feeding  
14 operation.

15 (2) A person who submits a statement approved by a  
16 professional engineer certifying that the construction  
17 of the formed manure storage structure complies with  
18 the construction design standards required in this  
19 subpart, including a person required to submit such a  
20 statement as part of an application for a construction  
21 permit pursuant to section 455B.200A.

22 2. The construction design statement must include  
23 all of the following:

24 a. A summary description of the type of formed  
25 manure storage structure proposed to be constructed,  
26 including whether such formed manure storage structure  
27 is to be constructed of concrete.

28 b. (1) If the formed manure storage structure is  
29 to be constructed of concrete, a statement by the  
30 person responsible for constructing the formed manure  
31 storage structure certifying that such person will  
32 construct the formed manure storage structure in  
33 accordance with the construction design standards  
34 required in this subpart.

35 (2) If the formed manure storage structure is not  
36 to be constructed of concrete, a statement by the  
37 person responsible for constructing the formed manure  
38 storage structure certifying that such person will  
39 construct the formed manure storage structure in  
40 accordance with the construction design standards  
41 required in this subpart.

42 c. If a construction permit is required pursuant  
43 to section 455B.200A for the construction of three or  
44 more confinement feeding operation structures that  
45 include a formed manure storage structure, the  
46 contractor must provide that the construction of the  
47 formed manure storage structure will not impede  
48 drainage through established drainage tile lines which  
49 cross property boundary lines unless measures are  
50 taken to reestablish the drainage prior to completion

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1 of construction.

2 d. A manure management plan as required in section  
3 455B.203 which may be submitted as part of an  
4 application for a construction permit as provided in  
5 section 455B.200A.

6 3. Unless the construction design statement is  
7 part of a construction permit application as provided  
8 in section 455B.200A, the department shall file the  
9 construction design statement. Otherwise, the  
10 department shall approve or disapprove the  
11 construction design statement as part of the  
12 construction permit application. The construction  
13 design statement shall be considered filed on the date  
14 that it is first received by the department. The  
15 department may request information from the person  
16 submitting the construction design statement if the  
17 department determines that it is incorrect or  
18 incomplete. Within thirty days after filing the  
19 construction design statement, the department shall  
20 notify the person that the construction design  
21 statement is filed and request any additional  
22 information.

23 Sec. 34. NEW SECTION. 455B.200D DOCUMENT  
24 PROCESSING REQUIREMENTS.

25 1. The department shall adopt and promulgate forms  
26 required to be completed in order to comply with this  
27 subpart including forms for documents that the  
28 department shall make available on the internet.

29 2. a. The department shall provide for procedures  
30 for the receipt, filing, processing, and return of  
31 documents in an electronic format, including but not  
32 limited to the transmission of documents by the  
33 internet. The department shall provide for  
34 authentication of the documents that may include  
35 electronic signatures as provided in chapter 554D.

36 b. The department shall to every extent feasible  
37 provide for the processing of permits and manure  
38 management plans required under this subpart using  
39 electronic systems, including programming, necessary  
40 to ensure the completeness and accuracy of the  
41 documents in accordance with the requirements of this  
42 subpart.

43 Sec. 35. NEW SECTION. 455B.200E CONSTRUCTION  
44 PERMIT APPLICATION PROCEDURE -- COMMENTS -- MASTER  
45 MATRIX.

46 1. a. The department shall deliver a copy or  
47 require the applicant to deliver a copy of the  
48 application for a permit to construct, including  
49 expanding, a confinement feeding operation structure  
50 pursuant to section 455B.200A, including supporting

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1 documents, to the county board of supervisors in the  
2 county where the confinement feeding operation  
3 structure subject to the permit is proposed to be  
4 constructed.

5 b. The county auditor or other county officer  
6 designated by the county board of supervisors may  
7 accept the application on behalf of the board. If the  
8 department requires the applicant to deliver a copy of  
9 the application to the county board of supervisors,  
10 the board shall notify the department that the board  
11 has received the application according to procedures  
12 required by the department.

13 2. Regardless of whether the county board of  
14 supervisors has adopted a construction evaluation  
15 resolution, the county may provide comment to the  
16 department on a construction permit application for a  
17 confinement feeding operation structure.

18 a. The board shall provide for comment as follows:

19 (1) The board shall publish a notice that the  
20 board has received the application in a newspaper  
21 having a general circulation in the county.

22 (2) The notice shall include all of the following:

23 (a) The name of the person applying to receive the  
24 construction permit.

25 (b) The name of the township where the confinement  
26 feeding operation structure is to be constructed.

27 (c) Each type of confinement feeding operation  
28 structure proposed to be constructed.

29 (d) The animal unit capacity of the confinement  
30 feeding operation if the construction permit were to  
31 be approved.

32 (e) The time when and the place where the  
33 application may be examined as provided in section  
34 22.2.

35 (f) Procedures for providing public comments to  
36 the board as provided by the board.

37 b. The board may hold a public hearing to receive  
38 public comments regarding the application. The county  
39 board of supervisors may submit comments by the board  
40 and the public to the department as provided in this  
41 section, including but not limited to all of the  
42 following:

43 (1) The existence of an object or location not  
44 included in the application that benefits from a  
45 separation distance requirement as provided in section  
46 455B.162 or 455B.204.

47 (2) The suitability of soils and the hydrology of  
48 the site where construction of a confinement feeding  
49 operation structure is proposed.

50 (3) The availability of land for the application

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1 of manure originating from the confinement feeding  
2 operation.

3 (4) Whether the construction of a proposed  
4 confinement feeding operation structure will impede  
5 drainage through established tile lines, laterals, or  
6 other improvements which are constructed to facilitate  
7 the drainage of land not owned by the person applying  
8 for the construction permit.

9 3. A county board of supervisors may adopt a  
10 construction evaluation resolution relating to the  
11 construction of a confinement feeding operation  
12 structure. The board must submit such resolution to  
13 the department for filing. If the board has submitted  
14 such resolution to the department, the board may  
15 evaluate the construction permit application and  
16 submit an adopted recommendation to the department to  
17 approve or disapprove a construction application  
18 permit as provided in this subsection. The board must  
19 make its decision to recommend approval or disapproval  
20 of the permit application as provided in this  
21 subsection.

22 a. For the expansion of a confinement feeding  
23 operation that includes a confinement feeding  
24 operation structure constructed prior to April 1,  
25 2002, the board shall not evaluate a construction  
26 permit application for the construction or expansion  
27 of a confinement feeding operation structure if after  
28 the expansion of the confinement feeding operation,  
29 its animal unit capacity is one thousand six hundred  
30 sixty-six animal units or less.

31 b. The board must conduct an evaluation of the  
32 application using the master matrix as provided in  
33 section 455B.200F. The board's recommendation may be  
34 based on the master matrix as provided or may be based  
35 on comments under this section regardless of the  
36 results of the master matrix.

37 c. In completing the master matrix, the board  
38 shall not score criteria on a selective basis. The  
39 board must score all criteria which is part of the  
40 master matrix according to the terms and conditions  
41 relating to construction as specified in the  
42 application or commitments for manure management that  
43 are to be incorporated into a manure management plan  
44 as provided in section 455B.203.

45 d. The board's adopted recommendation to the  
46 department shall include the specific reasons and any  
47 supporting documentation for the decision to recommend  
48 approval or disapproval of the application.

49 4. The department must receive the county board of  
50 supervisor's comments or evaluation for approval or

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1 disapproval of an application for a construction  
2 permit not later than thirty days following the  
3 applicant's delivery of the application to the  
4 department. Regardless of whether the department  
5 receives comments or an evaluation by a county board  
6 of supervisors, the department must approve or  
7 disapprove an application for a construction permit  
8 within sixty days following the applicant's delivery  
9 of the application to the department. However, the  
10 applicant may deliver a notice requesting a  
11 continuance. Upon receipt of a notice, the time  
12 required for the county or department to act upon the  
13 application shall be suspended for the period provided  
14 in the notice, but for not more than thirty days after  
15 the department's receipt of the notice. The applicant  
16 may submit more than one notice. However, the  
17 department may provide that an application is  
18 terminated if no action is required by the department  
19 for one year following delivery of the application to  
20 the board. The department may also provide for a  
21 continuance when it considers the application. The  
22 department shall provide notice to the applicant and  
23 the board of the continuance. The time required for  
24 the department to act upon the application shall be  
25 suspended for the period provided in the notice, but  
26 for not more than thirty days. However, the  
27 department shall not provide for more than one  
28 continuance.

29 5. a. The department shall approve an application  
30 for a construction permit if the board of supervisors  
31 which has filed a county construction evaluation  
32 resolution submits an adopted recommendation to  
33 approve the construction permit application which may  
34 be based on a satisfactory rating produced by the  
35 master matrix to the department and the department  
36 determines that the application meets the requirements  
37 of this chapter. The department shall disapprove an  
38 application that does not satisfy the requirements of  
39 this chapter regardless of the adopted recommendation  
40 of the board. The department shall consider any  
41 timely filed comments made by the board as provided in  
42 this section to determine if an application meets the  
43 requirements of this chapter.

44 b. If the board submits to the department an  
45 adopted recommendation to disapprove an application  
46 for a construction permit that is based on a rating  
47 produced by the master matrix, the department shall  
48 first determine if the application meets the  
49 requirements of this chapter as provided in section  
50 455B.200. The department shall disapprove an

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1 application that does not satisfy the requirements of  
2 this chapter regardless of any result produced by  
3 using the master matrix. If the application meets the  
4 requirements of this chapter, the department shall  
5 conduct an independent evaluation of the application  
6 using the master matrix. The department shall approve  
7 the application if it achieves a satisfactory rating  
8 according to the department's evaluation. The  
9 department shall disapprove the application if it  
10 produces an unsatisfactory rating regardless of  
11 whether the application satisfies the requirements of  
12 this chapter. The department shall consider any  
13 timely filed comments made by the board as provided in  
14 this section to determine if an application meets the  
15 requirements of this chapter.

16 c. If the county board of supervisors does not  
17 submit a construction evaluation resolution to the  
18 department, fails to submit an adopted recommendation,  
19 submits only comments, or fails to submit comments,  
20 the department shall approve the application if the  
21 application meets the requirements of this chapter as  
22 provided in section 455B.200.

23 6. The department may conduct an inspection of the  
24 site on which the construction is proposed after  
25 providing at a minimum twenty-four hours notice or  
26 upon receiving consent from the construction permit  
27 applicant. The county board of supervisors that has  
28 adopted a construction evaluation resolution may  
29 designate a county employee to accompany a  
30 departmental official during the site inspection. The  
31 county employee shall have the same right to access to  
32 the site's real estate as the departmental official  
33 conducting the inspection during the period that the  
34 county employee accompanies the departmental official.  
35 The departmental official and the county employee  
36 shall comply with standard biosecurity requirements  
37 customarily required by the confinement feeding  
38 operation that are necessary in order to control the  
39 spread of disease among an animal population.

40 7. Upon written request by a county resident, the  
41 county board of supervisors shall forward to the  
42 county resident a copy of the board's adopted  
43 recommendation, any county comments to the department  
44 on the permit application, and the department's  
45 responses, as provided in chapter 22.

46 8. a. The department shall deliver a notice to  
47 the applicant within three days of the department's  
48 decision to approve or disapprove an application for a  
49 construction permit. If the board of supervisors has  
50 submitted an adopted recommendation to the department

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1 for the approval or disapproval of a construction  
2 permit application as provided in this section, the  
3 department shall notify the board of the department's  
4 decision to approve or disapprove the application at  
5 the same time.

6 b. (1) The applicant may contest the department's  
7 decision by requesting a hearing and may elect to have  
8 the hearing conducted before an administrative law  
9 judge pursuant to chapter 17A or before the  
10 commission. If the applicant and a board of  
11 supervisors are both contesting the department's  
12 decision, the applicant may request that the  
13 commission conduct the hearing on a consolidated  
14 basis. The commission shall hear the case according  
15 to procedures established by rules adopted by the  
16 department. The commission may hear the case as a  
17 contested case proceeding under chapter 17A. The  
18 department, upon petition by the applicant, shall  
19 deliver to the administrative law judge or the  
20 commission a copy of the board of supervisors'  
21 recommendation together with the results produced by  
22 its master matrix and any supporting data or documents  
23 submitted with the results, comments submitted by the  
24 board to the department, and the department's  
25 evaluation of the application including the results  
26 produced by its matrix and any supporting data or  
27 documents. If the commission hears the case, its  
28 decision shall be the department's final agency  
29 action. The commission shall render a decision within  
30 thirty-five days from the date that the applicant or  
31 board files a demand for a hearing.

32 (2) A county board of supervisors that has  
33 submitted an adopted recommendation to the department  
34 may contest the department's decision by requesting a  
35 hearing before the commission. The commission shall  
36 hear the case according to procedures established by  
37 rules adopted by the department. The commission may  
38 hear the case as a contested case proceeding under  
39 chapter 17A. The board may request that the  
40 department submit a copy of the department's  
41 evaluation of the application including the results  
42 produced by its matrix and any supporting data or  
43 documents. The decision by the commission shall be  
44 the department's final agency action. The commission  
45 shall render a decision within thirty-five days from  
46 the date that the board initiates the proceeding.

47 c. Judicial review of the decision of either the  
48 department or the commission may be sought in  
49 accordance with the terms of chapter 17A.

50 9. An applicant for a construction permit may

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1 withdraw the permit application from consideration by  
2 the department at any time by filing a written request  
3 with the department. The filing of the request shall  
4 not prejudice the right of the applicant to resubmit  
5 the application.

6 Sec. 36. NEW SECTION. 455B.200F MASTER MATRIX.

7 1. The department shall adopt rules for the  
8 development and use of a master matrix. The purpose  
9 of the master matrix is to provide a comprehensive  
10 assessment mechanism in order to produce a  
11 statistically verifiable basis for determining whether  
12 to approve or disapprove an application for the  
13 construction, including expansion, of a confinement  
14 feeding operation structure requiring a permit  
15 pursuant to section 455B.200A.

16 a. The master matrix shall be used to establish  
17 conditions for the construction of a confinement  
18 feeding operation structure and for the implementation  
19 of manure management practices, which conditions shall  
20 be included in the approval of the construction permit  
21 or the original manure management plan as applicable.  
22 The master matrix shall be used to determine all of  
23 the following:

24 (1) The appropriate location to construct a  
25 confinement feeding operation structure, including the  
26 proximity and orientation of a proposed confinement  
27 feeding operation structure to objects or locations  
28 for which separation distances are required pursuant  
29 to sections 455B.162 and 455B.204.

30 (2) The appropriate type of a confinement feeding  
31 operation structure required to be constructed,  
32 including the type and size of the manure storage  
33 structure, or the installation of a related pollution-  
34 control device.

35 b. The master matrix shall be designed to produce  
36 quantifiable results based on the scoring of objective  
37 criteria according to an established value scale.  
38 Each criterion shall be assigned points corresponding  
39 to the value scale. The master matrix shall consider  
40 risks and factors mitigating risks if the confinement  
41 feeding operation structure were constructed according  
42 to the application.

43 c. The master matrix may be a computer model.  
44 However, the master matrix must be a practical tool  
45 for use by persons when completing applications and by  
46 persons when scoring applications. To every extent  
47 feasible, the master matrix shall include criteria  
48 presented in the form of questions that may be readily  
49 scored according to ascertainable data and upon which  
50 reasonable persons familiar with the location of a

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1 proposed construction site would not ordinarily  
2 disagree.

3 2. The master matrix shall include criteria  
4 valuing environmental and community impacts, for use  
5 by county boards of supervisors and the department.  
6 The master matrix shall include definite point  
7 selections for all criteria provided in the master  
8 matrix. The master matrix shall provide only for  
9 scoring of positive points and shall not provide for  
10 deduction of points. The master matrix shall provide  
11 for a minimum threshold score required to receive a  
12 satisfactory rating. The master matrix shall be  
13 structured to ensure that it feasibly provides for a  
14 satisfactory rating. Criteria valuing environmental  
15 impacts shall account for animal agriculture's  
16 relationship to quality of the environment and the  
17 conservation of natural resources, and may include  
18 factors that refer to all of the following:

19 (a) Topography.  
20 (b) Surface water drainage characteristics.  
21 (c) The suitability of the soils and the hydrology  
22 or hydrogeology of the site.  
23 (d) The proximity to public use areas and critical  
24 public areas.

25 (e) The proximity to water sources, including  
26 high-quality water resources.

27 Sec. 37. Section 455B.201, Code 2001, is amended  
28 by adding the following new subsection:

29 NEW SUBSECTION. 2A. The department may require  
30 that the owner of a confinement feeding operation  
31 install and operate a water pollution monitoring  
32 system as part of an unformed manure storage  
33 structure.

34 Sec. 38. Section 455B.203, subsections 1 and 2,  
35 Code 2001, are amended to read as follows:

36 1. The following persons shall submit a manure  
37 management plan, including an original manure  
38 management plan and an updated manure management plan,  
39 as required in this section to the department:

40 a. The owner of a confinement feeding operation,  
41 other than a small animal feeding operation, if ~~the~~  
42 ~~animal~~ any of the following apply:

43 (1) The confinement feeding operation was  
44 constructed after May 31, 1985, regardless of whether  
45 the confinement feeding operation structure was  
46 required to be constructed pursuant to a construction  
47 permit approved by rules adopted by the department.

48 ~~b. (2) The owner of a confinement feeding~~  
49 ~~operation, if the confinement feeding operation is~~  
50 ~~required to be constructed pursuant to a permit issued~~

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1 ~~by the department~~ The owner constructs a manure  
2 storage structure, regardless of whether the person is  
3 required to be issued a permit for the construction  
4 pursuant to section 455B.200A or whether the person  
5 has submitted a prior manure management plan.

6 ~~e.~~ b. A person who applies manure from a  
7 confinement feeding operation, other than a small  
8 animal feeding operation, which is located in another  
9 state, if the manure is applied on land located in  
10 this state.

11 1A. Not more than one confinement feeding  
12 operation shall be covered by a single manure  
13 management plan.

14 1B. The owner of a confinement feeding operation  
15 who is required to submit a manure management plan  
16 under this section shall submit an updated manure  
17 management plan to the department on an annual basis.  
18 The department shall provide for a date that each  
19 updated manure management plan is required to be  
20 submitted to the department. The department may  
21 provide for staggering the dates on which updated  
22 manure management plans are due. To satisfy the  
23 requirements of an updated manure management plan, an  
24 owner of a confinement feeding operation may, in lieu  
25 of a submitting a complete plan, file a document  
26 stating that the manure management plan has not  
27 changed, or state all of the changes made since the  
28 original manure management plan or a previous updated  
29 manure management plan was submitted and approved.

30 1C. The department shall deliver a copy of the  
31 manure management plan or require the person  
32 submitting the manure management plan to deliver a  
33 copy of the manure management plan to all of the  
34 following:

35 a. The county board of supervisors in the county  
36 where the manure storage structure owned by the person  
37 is located.

38 b. The county board of supervisors in the county  
39 where the manure storage structure is proposed to be  
40 constructed. If the person is required to be issued a  
41 permit for the construction of the manure storage  
42 structure as provided in section 455B.200A, the manure  
43 management plan shall accompany the application for  
44 the construction permit as provided in section  
45 455B.200A.

46 c. The county board of supervisors in the county  
47 where the manure is to be applied.

48 The manure management plan shall be filed with the  
49 county board of supervisors. The county auditor or  
50 other county officer may accept the manure management

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1 plan on behalf of the board.

2 2. A person shall not remove manure from a manure  
3 storage structure which is part of a confinement  
4 feeding operation for which a manure management plan  
5 is required under this section, unless the department  
6 approves a manure management plan, including an  
7 original manure management plan and an updated manure  
8 management plan, as required in this section. The  
9 manure management plan shall be submitted by the owner  
10 of the confinement feeding operation as provided by  
11 the department ~~on forms prescribed by the department~~  
12 in accordance with section 455B.200D. The owner of a  
13 confinement feeding operation required to submit a  
14 manure management plan for the construction of a  
15 manure storage structure may remove manure from  
16 another manure storage structure that is constructed,  
17 if the department has approved a manure management  
18 plan covering that manure storage structure. The  
19 department may adopt rules allowing a person to remove  
20 manure from a manure storage structure until the  
21 manure management plan is approved or disapproved by  
22 the department according to terms and conditions  
23 required by rules adopted by the department. The  
24 department ~~shall approve or disapprove a manure~~  
25 ~~management plan within sixty days of the date that the~~  
26 ~~department receives a completed plan.~~

27 2A. The department shall not approve an original  
28 manure management plan unless the plan is accompanied  
29 by a manure management plan filing fee required  
30 pursuant to section 455B.203C. The department shall  
31 not approve an updated manure management plan unless  
32 the updated manure management plan is accompanied by  
33 an annual compliance fee required pursuant to section  
34 455B.203C.

35 2B. a. The department shall not ~~issue~~ approve an  
36 application for a permit ~~for the construction of to~~  
37 construct a confinement feeding operation ~~or a related~~  
38 animal feeding operation structure unless the  
39 applicant owner of the confinement feeding operation  
40 applying for approval submits ~~a~~ an original manure  
41 management plan together with ~~an~~ the application for  
42 the construction permit as provided in section  
43 455B.200A.

44 b. The department shall not file a construction  
45 design statement as provided in section 455B.200C,  
46 unless the owner of the confinement feeding operation  
47 structure submits an original manure management plan  
48 together with the construction design statement. The  
49 construction design statement and manure management  
50 plan may be submitted as part of a construction permit

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1 as provided in section 455B.200A.

2 2C. A manure management plan must be authenticated  
3 by the person required to submit the manure management  
4 plan as required by the department in accordance with  
5 section 455B.200D.

6 2D. The department shall approve or disapprove a  
7 manure management plan according to procedures  
8 established by the department:

9 a. For an original manure management plan  
10 submitted due to the construction of a confinement  
11 feeding operation structure, the department shall  
12 approve or disapprove the manure management plan as  
13 follows:

14 (1) If the confinement feeding operation structure  
15 is constructed pursuant to a construction permit  
16 issued pursuant to section 455B.200A, the manure  
17 management plan shall be approved or disapproved as  
18 part of the construction permit application.

19 (2) If the confinement feeding operation structure  
20 is not constructed pursuant to a construction permit  
21 issued pursuant to section 455B.200A, the manure  
22 management plan shall be approved or disapproved  
23 within sixty days from the date that the department  
24 receives the manure management plan.

25 b. For an original manure management plan  
26 submitted for a reason other than the construction of  
27 a confinement feeding operation structure, the manure  
28 management plan shall be approved within sixty days  
29 from the date that the department receives the manure  
30 management plan.

31 c. For an updated manure management plan, the  
32 manure management plan shall be approved within thirty  
33 days from the date that the department receives the  
34 updated manure management plan.

35 Sec. 39. Section 455B.203, subsection 3, paragraph  
36 a, Code 2001, is amended to read as follows:

37 a. Restrictions on the application of manure based  
38 on all of the following:

39 (1) Calculations necessary to determine the land  
40 area required for the application of manure from a  
41 confinement feeding operation based on nitrogen use  
42 levels in order to obtain optimum crop yields  
43 according to a crop schedule specified in the manure  
44 management plan, and according to requirements adopted  
45 by the department ~~after receiving recommendations from~~  
46 ~~the animal agriculture consulting organization~~  
47 ~~provided for in 1995 Iowa Acts, chapter 195, section~~  
48 ~~37.~~

49 (2) (a) A phosphorus index. The department shall  
50 establish a phosphorus index by rule in order to

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1 determine the manner and timing of the application to  
2 a land area of manure originating from a confinement  
3 feeding operation. The phosphorus index shall provide  
4 for the application of manure on a field basis. The  
5 phosphorus index shall be used to determine  
6 application rates, based on the number of pounds of  
7 phosphorus that may be applied per acre and  
8 application practices. The phosphorus index shall be  
9 based on the field office technical guide for Iowa as  
10 published by the United States department of  
11 agriculture, natural resources conservation service,  
12 which sets forth nutrient management standards.

13 (b) The department shall develop a state  
14 comprehensive nutrient management strategy. Prior to  
15 developing the state comprehensive nutrient management  
16 strategy, the department shall complete all of the  
17 following:

18 (i) The development of a comprehensive state  
19 nutrient budget for the maximum volume, frequency, and  
20 concentration of nutrients for each watershed that  
21 addresses all significant sources of nutrients in a  
22 water of this state on a watershed basis.

23 (ii) The assessment of the available nutrient  
24 control technologies required to identify and assess  
25 their effectiveness.

26 (iii) The development and adoption of  
27 administrative rules pursuant to chapter 17A required  
28 to establish a numeric water quality standard for  
29 phosphorus.

30 (c) Regardless of the development of the state  
31 comprehensive nutrient management strategy as provided  
32 in subparagraph subdivision (b), the department shall  
33 adopt rules required to establish a phosphorus index.  
34 The department shall cooperate with the United States  
35 department of agriculture natural resource  
36 conservation service technical committee for Iowa to  
37 refine and calibrate the phosphorus index in adopting  
38 the rules. However, in no instance shall the  
39 phosphorus index require an application rate that is  
40 less than the phosphorus use levels necessary to  
41 obtain optimum crop yields according to a crop  
42 schedule specified in the manure management plan.  
43 Rules adopted by the department pursuant to this  
44 subparagraph shall become effective on July 1, 2003.

45 (d) The department shall conduct a study that  
46 considers the effects on waters of this state from  
47 phosphorus originating from municipal and industrial  
48 sources and from farm and lawn and garden use. The  
49 department shall report the results of its study to  
50 the general assembly by January 1, 2004.

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1 (e) A person submitting a manure management plan  
2 shall include a phosphorus index as part of the manure  
3 management plan as follows:

4 (i) A person who has submitted an original manure  
5 management plan prior to April 1, 2002, shall not be  
6 required to submit a manure management plan update  
7 which includes a phosphorus index, until on and after  
8 the four-year anniversary date that the department's  
9 rules adopted to implement the phosphorus index become  
10 effective.

11 (ii) A person required to submit an original  
12 manure management plan on and after April 1, 2002, but  
13 prior to the date that is sixty days after the  
14 department's rules adopted to implement the phosphorus  
15 index become effective, shall not be required to  
16 submit a manure management plan update that includes a  
17 phosphorus index until on and after the two-year  
18 anniversary date that the department's rules adopted  
19 to implement the phosphorus index become effective.

20 (iii) A person required to submit an original  
21 manure management plan on and after the date that is  
22 sixty days after the department's rules adopted to  
23 implement the phosphorus index become effective shall  
24 include the phosphorus index as part of the original  
25 manure management plan and updated manure management  
26 plans.

27 Subparagraph subdivisions (b) through (e) and this  
28 paragraph are repealed on the date that any person who  
29 has submitted an original manure management plan prior  
30 to April 1, 2002, is required to submit a manure  
31 management plan update which includes a phosphorus  
32 index as provided in subparagraph subdivision (c),  
33 subparagraph subdivision part (i). The department  
34 shall publish a notice in the Iowa administrative  
35 bulletin published immediately prior to that date, and  
36 the director of the department shall deliver a copy of  
37 the notice to the Iowa Code editor.

38 Sec. 40. Section 455B.203, subsection 4, Code  
39 2001, is amended to read as follows:

40 4. A ~~person~~ confinement feeding operation  
41 classified as a habitual violator ~~or a confinement~~  
42 ~~feeding operation in which a habitual violator owns a~~  
43 ~~controlling interest,~~ as provided in section 455B.191-  
44 shall submit a manure management plan to the  
45 department on an annual basis, which must be approved  
46 by the department for the following year of operation.  
47 The manure management plan shall be a replacement  
48 original manure management plan rather than a manure  
49 management plan update. However, the habitual  
50 violator required to submit a replacement original

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1 manure management plan must submit an annual  
2 compliance fee in the same manner as if the habitual  
3 violator were submitting an updated manure management  
4 plan.

5 Sec. 41. Section 455B.203, subsection 7, Code  
6 2001, is amended to read as follows:

7 7. A person submitting required to authenticate a  
8 manure management plan submitted to the department who  
9 is found in violation of the terms and conditions of  
10 the plan shall not be subject to an enforcement action  
11 other than the assessment of a civil penalty pursuant  
12 to section ~~455B.191~~ 455B.207.

13 Sec. 42. Section 455B.203A, subsection 6,  
14 paragraph b, Code 2001, is amended by striking the  
15 paragraph.

16 Sec. 43. NEW SECTION. 455B.203C COMPLIANCE FEES.

17 1. The department shall establish, assess, and  
18 collect all of the following compliance fees:

19 a. A construction permit application fee that is  
20 required to accompany an application submitted to the  
21 department for approval to construct a confinement  
22 feeding operation structure as provided in section  
23 455B.200A. The amount of the construction permit  
24 application fee shall not exceed two hundred fifty  
25 dollars.

26 b. A manure management plan filing fee that is  
27 required to accompany an original manure management  
28 plan submitted to the department for approval as  
29 provided in section 455B.203. However, the manure  
30 management plan required to be filed as part of an  
31 application for a construction permit shall be paid  
32 together with the construction permit application fee.  
33 The amount of the manure management plan filing fee  
34 shall not exceed two hundred fifty dollars.

35 c. An annual compliance fee that is required to  
36 accompany an updated manure management plan submitted  
37 to the department for approval as provided in section  
38 455B.203. The amount of the annual compliance fee  
39 shall not exceed a rate of fifteen cents per animal  
40 unit based on the animal unit capacity of the  
41 confinement feeding operation covered by the manure  
42 management plan. If the person filing the manure  
43 management plan is a contract producer, as provided in  
44 chapter 202, the contractor shall be assessed the  
45 annual compliance fee.

46 d. Fees paid by persons required by the department  
47 to be certified as commercial manure applicators or  
48 confinement site manure applicators pursuant to  
49 section 455B.203A.

50 2. a. Except as provided in paragraph "b", fees

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1 collected by the department shall be deposited into  
2 the animal agriculture compliance fund created in  
3 section 455B.127. Moneys collected from all fees  
4 other than the annual compliance fee shall be  
5 deposited into the compliance fund's general account.  
6 Moneys collected from the annual compliance fee shall  
7 be deposited into the compliance fund's assessment  
8 account.

9 b. Receipts that are required to be received by  
10 the department from persons required to be certified  
11 pursuant to section 455B.203A may be used to  
12 compensate a person who teaches continuing  
13 instructional courses in lieu of deposit into the  
14 compliance fund.

15 3. At the end of each fiscal year the department  
16 shall determine the balance of unencumbered and  
17 unobligated moneys in the assessment account of the  
18 animal agriculture compliance fund created pursuant to  
19 section 455B.127. If on that date the balance of  
20 unencumbered and unobligated moneys in the account is  
21 one million dollars or more, the department shall  
22 adjust the rate of the annual compliance fee for the  
23 following fiscal year. The adjusted rate for the  
24 annual compliance fee shall be based on the  
25 department's estimate of the amount required to ensure  
26 that at the end of the following fiscal year the  
27 balance of unencumbered and unobligated moneys in the  
28 assessment account is not one million dollars or more.

29 Sec. 44. Section 455B.204, subsection 1, Code  
30 2001, is amended by striking the subsection.

31 Sec. 45. Section 455B.204, subsections 2 through  
32 4, Code 2001, are amended to read as follows:

33 2. Except as provided in subsection ~~3~~ 4, the  
34 following shall apply:

35 a. ~~An animal~~ A confinement feeding operation  
36 structure shall not be constructed closer than five  
37 hundred feet away from a the surface intake, of an  
38 agricultural drainage well. A confinement feeding  
39 operation structure shall not be constructed closer  
40 than one thousand feet from a wellhead, or cistern of  
41 an agricultural drainage well, or known sinkhole.  
42 However, the department may adopt rules requiring an  
43 increased separation distance under this paragraph in  
44 order to protect the integrity of a water of this  
45 state. The increased separation distance shall not be  
46 more than two thousand feet. If the department  
47 exercises its discretion to increase the separation  
48 distance requirement, the department shall not approve  
49 an application for the construction of a confinement  
50 feeding operation structure within that separation

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1 distance as provided in section 455B.200A.

2 ~~b. An animal~~ A confinement feeding operation  
3 structure shall not be constructed if the animal  
4 confinement feeding operation structure as constructed  
5 is closer than any of the following:

6 (1) ~~Two~~ Five hundred feet away from a ~~waterecourse~~  
7 water source other than a major water source.

8 (2) ~~Five hundred~~ One thousand feet away from a  
9 major water source.

10 (3) Two thousand five hundred feet away from a  
11 designated wetland.

12 c. (1) A ~~waterecourse~~ water source, other than a  
13 major water source, shall not be constructed,  
14 expanded, or diverted, if the ~~waterecourse~~ water source  
15 as constructed, expanded, or diverted is closer than  
16 ~~two five~~ hundred feet away from ~~an animal~~ a  
17 confinement feeding operation structure.

18 ~~d.~~ (2) A major water source shall not be  
19 constructed, expanded, or diverted, if the major water  
20 source as constructed, expanded, or diverted is closer  
21 than ~~five hundred~~ one thousand feet from ~~an animal~~  
22 feeding a confinement operation structure.

23 (3) A designated wetland shall not be established,  
24 if the designated wetland is closer than two thousand  
25 five hundred feet away from a confinement feeding  
26 operation structure.

27 3. A confinement feeding operation structure shall  
28 not be constructed on land that is part of a one  
29 hundred year floodplain as designated by rules adopted  
30 by the department pursuant to section 455B.200B.

31 ~~3.~~ 4. A separation distance required in subsection  
32 2 shall not apply to any of the following:

33 a. A location or object and a farm pond or  
34 privately owned lake, as defined in section 462A.2.

35 b. A confinement feeding operation building, an  
36 egg washwater storage structure, or a manure storage  
37 structure constructed with a secondary containment  
38 barrier. The department shall adopt rules providing  
39 for the construction and use of a secondary  
40 containment barrier, including construction design  
41 standards.

42 ~~4. All distances between locations or objects~~  
43 ~~shall be measured from their closest points, as~~  
44 ~~provided by rules adopted by the department.~~

45 Sec. 46. Section 455B.204A, Code 2001, is amended  
46 to read as follows:

47 455B.204A DISPOSAL APPLICATION OF MANURE WITHIN  
48 DESIGNATED AREAS -- ADOPTION OF RULES.

49 1. The department shall adopt rules relating to  
50 the ~~disposal~~ application of manure in close proximity

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1 to a designated area.

2 2. Except as otherwise provided in this  
3 subsection, a person shall not ~~dispose of~~ apply manure  
4 on ~~cropland~~ land located within two hundred feet from  
5 a designated area, unless one of the following  
6 applies:

7 ~~1. a.~~ The manure is land applied by injection or  
8 incorporation ~~within twenty-four hours following the~~  
9 ~~application~~ on the same date as the manure was land  
10 applied.

11 ~~2. b.~~ An area of permanent vegetation cover,  
12 including filter strips and riparian forest buffers,  
13 exists for fifty feet surrounding the designated area  
14 other than an unplugged agricultural drainage well or  
15 surface intake to an unplugged agricultural drainage  
16 well, and ~~that~~ the area of permanent vegetation cover  
17 is not subject to manure application.

18 c. The department adopts rules requiring an  
19 increased separation distance for the application of  
20 manure located in proximity to a high quality water  
21 resource in order to protect the integrity of the high  
22 quality water resource. However, the department shall  
23 not provide for an increased separation distance  
24 requirement that is more than four times the  
25 separation distance requirement otherwise applicable  
26 under this section.

27 As used in this section, "designated area" means a  
28 known sinkhole, or a cistern, abandoned well,  
29 unplugged agricultural drainage well, agricultural  
30 drainage well surface inlet, drinking water well,  
31 designated wetland, or lake, or a farm pond or  
32 privately owned lake as defined in section 462A.2  
33 water source. However, a "designated area" does not  
34 include a terrace tile inlet.

35 Sec. 47. Section 455B.205, subsection 1, Code  
36 2001, is amended to read as follows:

37 1. The department shall ~~establish by rule~~  
38 engineering adopt rules requiring construction design  
39 standards for the construction of unformed manure  
40 storage structures required to be constructed pursuant  
41 to a construction permit issued ~~under~~ pursuant to  
42 section 455B.200A.

43 Sec. 48. Section 455B.205, subsection 2,  
44 unnumbered paragraph 1, Code 2001, is amended to read  
45 as follows:

46 The construction design standards for unformed  
47 manure storage structures established by the  
48 department shall account for special design  
49 characteristics of ~~animal~~ confinement feeding  
50 operations, including all of the following:

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1 Sec. 49. Section 455B.205, Code 2001, is amended  
2 by adding the following new subsection:  
3 NEW SUBSECTION. 2A. A person shall not construct  
4 an unformed manure storage structure on karst terrain  
5 or on an area that drains into a known sinkhole.

6 Sec. 50. NEW SECTION. 455B.205A CONSTRUCTION  
7 DESIGN STANDARDS -- FORMED MANURE STORAGE STRUCTURES.

8 The department shall adopt rules establishing  
9 construction design standards for formed manure  
10 storage structures that are part of confinement  
11 feeding operations other than small animal feeding  
12 operations.

13 1. The department may provide for different  
14 standards based on criteria developed by the  
15 department, which may include any of the following:

16 a. The animal unit capacity of the manure storage  
17 structure's confinement feeding operation or the  
18 manure storage structure's manure volume capacity.

19 b. Whether the manure storage structure stores  
20 manure in an exclusively dry form.

21 c. Whether the manure storage structure is part of  
22 a confinement feeding operation building.

23 d. The use of concrete, including its use for the  
24 structure's footings, walls, or floor.

25 2. The construction design standards shall be  
26 based, to every extent possible, on uniform standards  
27 such as available standards promulgated by the  
28 American society for testing and materials. The  
29 department may require that all or any part of a  
30 formed manure storage structure be constructed of  
31 concrete.

32 3. The construction design standards for concrete  
33 shall provide for all of the following:

34 a. The concrete's minimum compressive strength  
35 calculated on a pounds-per-square-inch basis.

36 b. The use of reinforcement, including but not  
37 limited to the grade, amount, and location of steel  
38 rebar or fiberglass, wire mesh or fabric, or similar  
39 materials set in the concrete, or the use of exterior  
40 braces to support joints.

41 c. The depth of footings.

42 d. The thickness of the footings, the floor and  
43 walls.

44 4. A person shall only construct a formed manure  
45 storage structure on karst terrain or an area which  
46 drains into a known sinkhole pursuant to upgraded  
47 construction design standards necessary to ensure that  
48 the structure does not pollute groundwater sources.

49 Sec. 51. NEW SECTION. 455B.207 CIVIL PENALTY.

50 A person who violates this subpart shall be subject

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1 to a civil penalty which shall be established,  
2 assessed, and collected in the same manner as provided  
3 in section 455B.191. Any civil penalty collected  
4 shall be deposited in the animal agriculture  
5 compliance fund created in section 455B.127.

6 Sec. 52. Section 455I.1, unnumbered paragraph 1,  
7 Code 2001, is amended by striking the unnumbered  
8 paragraph.

9 Sec. 53. Section 455J.1, subsections 1 through 5  
10 and subsections 7 and 8, Code 2001, are amended by  
11 striking the subsections.

12 Sec. 54. Section 455J.3, subsection 1, unnumbered  
13 paragraph 1, Code 2001, is amended to read as follows:

14 If the confinement feeding operation has an animal  
15 weight unit capacity of less than ~~six hundred twenty-~~  
16 ~~five thousand pounds~~ one thousand animal units, the  
17 following shall apply:

18 Sec. 55. Section 455J.3, subsection 2, unnumbered  
19 paragraph 1, Code 2001, is amended to read as follows:

20 If the confinement feeding operation has an animal  
21 weight unit capacity of ~~six hundred twenty-five~~  
22 ~~thousand one thousand~~ or more pounds animal units but  
23 less than ~~one million two hundred fifty thousand~~  
24 ~~pounds~~ three thousand animal units, the following  
25 shall apply:

26 Sec. 56. Section 455J.3, subsection 3, unnumbered  
27 paragraph 1, Code 2001, is amended to read as follows:

28 If the confinement feeding operation has an animal  
29 weight unit capacity of ~~one million two hundred fifty~~  
30 ~~thousand~~ three thousand or more pounds animal units,  
31 the following shall apply:

32 Sec. 57. Section 455J.4, Code 2001, is amended to  
33 read as follows:

34 455J.4 MANURE MANAGEMENT PLAN -- INDEMNITY FEE  
35 REQUIRED.

36 An indemnity fee shall be assessed upon persons  
37 required to submit a an original manure management  
38 plan as provided in section 455B.203, but not required  
39 to obtain a construction permit pursuant to section  
40 455B.200A. A person required to submit a replacement  
41 original manure management plan shall not be assessed  
42 an indemnity fee. The amount of the ~~fees~~ fee shall be  
43 ten cents per animal unit of capacity for the  
44 confinement feeding ~~operations~~ operation covered by  
45 the manure management plan.

46 Sec. 58. NEW SECTION. 481A.151 RESTITUTION FOR  
47 POLLUTION CAUSING INJURY TO WILD ANIMALS.

48 1. A person who is liable for polluting a water of  
49 this state in violation of state law, including this  
50 chapter, shall also be liable to pay restitution to

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1 the department for injury caused to a wild animal by  
2 the pollution. The amount of the restitution shall  
3 also include the department's administrative costs for  
4 investigating the incident. The administration of  
5 this section shall not result in a duplication of  
6 damages collected by the department under section  
7 455B.392, subsection 1, paragraph "c".

8 2. The commission shall adopt rules providing for  
9 procedures for investigations and the administrative  
10 assessment of restitution amounts. The rules shall  
11 establish an opportunity to appeal a departmental  
12 action including by a contested case proceeding under  
13 chapter 17A. A final administrative decision  
14 assessing an amount of restitution may be enforced by  
15 the attorney general at the request of the director.

16 3. Rules adopted by the commission shall provide  
17 for methods used to determine the extent of an injury  
18 and the monetary values for the loss of injured wild  
19 animals based on species.

20 a. The rules shall provide for methods used to  
21 count dead fish and to calculate restitution values.  
22 The rules may incorporate methods and values published  
23 by the American fisheries society. To every extent  
24 practicable, the values shall be based on the  
25 estimates of lost recreational angler opportunities  
26 where applicable. As an alternative method of  
27 valuation, the rules may provide that for fish species  
28 that are protected by catch limits, possession limits,  
29 size limits, or closed seasons applicable to anglers,  
30 liquidated damages apply. The amount of the  
31 liquidated damages shall not exceed fifteen dollars  
32 per fish. For fish species that are classified by the  
33 commission as endangered or threatened, the rules may  
34 establish liquidated damages not to exceed one  
35 thousand dollars per fish.

36 b. The rules shall provide guidelines for  
37 estimating the extent of loss of a species that is  
38 affected by a pollution incident but which would not  
39 be practical to count in sample areas. The rules may  
40 establish liquidated damage amounts for species whose  
41 replacement cost is difficult to determine.

42 4. Moneys collected by the department in  
43 restitution shall be deposited into the state fish and  
44 game protection fund. The moneys shall be used  
45 exclusively to support restoration or improvement of  
46 fisheries, including but not limited to aquatic  
47 habitat improvement projects as provided in rules  
48 adopted by the commission. However, moneys collected  
49 from restitution paid for investigative costs shall be  
50 used as determined by the director.

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1 Sec. 59. FORMED MANURE STORAGE STRUCTURES --  
2 CONSTRUCTION DESIGN STANDARDS. Until the effective  
3 date of rules adopted by the department providing  
4 construction design standards for formed manure  
5 storage structures as provided in section 455B.205A,  
6 as enacted in this Act, the department's rules  
7 providing construction design standards used in the  
8 construction of formed manure storage structures shall  
9 apply to formed manure storage structures as provided  
10 in section 455B.205A, regardless of whether a formed  
11 manure storage structure must be constructed pursuant  
12 to a permit issued under section 455B.200A, as amended  
13 by this Act. However, this section does not apply to  
14 a manure storage structure that stores manure  
15 exclusively on a dry-matter basis.

16 Sec. 60. INTERIM APPROVAL OF CONSTRUCTION PERMITS  
17 FOR CONFINEMENT FEEDING OPERATION STRUCTURES -- COUNTY  
18 PARTICIPATION AND RIGHTS OF APPLICANTS AND COUNTY  
19 BOARDS OF SUPERVISORS. This section applies to an  
20 applicant for a construction permit pursuant to  
21 section 455B.200A, as amended by this Act, and to a  
22 county board of supervisors that submits comments  
23 regarding a permit for the construction of a  
24 confinement feeding operation structure pursuant to  
25 section 455B.200A, as amended by this Act.  
26 Notwithstanding section 455B.200E, as enacted in this  
27 Act, all of the following shall apply:

28 1. The department shall not approve the  
29 application until thirty days following delivery of  
30 the application to the county board of supervisors.

31 2. The department shall consider and respond to  
32 comments submitted by the county board of supervisors  
33 regarding compliance by the applicant with the legal  
34 requirements for approving the construction permit in  
35 the same manner as provided pursuant to section  
36 455B.200A, Code of Iowa 2001.

37 3. The department shall notify the county board of  
38 supervisors prior to conducting an inspection of the  
39 site on which the construction is proposed in the  
40 permit application, and the county may accompany a  
41 departmental official during the site inspection, in  
42 the same manner as provided in section 455B.200A, Code  
43 of Iowa 2001.

44 4. Upon written request by a county resident, the  
45 county board of supervisors shall forward a copy of  
46 the board's comments and the department's responses to  
47 the county resident as provided in chapter 22.

48 5. The department shall notify the applicant and  
49 county board of supervisors of the county in which a  
50 confinement feeding operation structure subject to a

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1 construction permit is proposed to be constructed.  
2 The notice shall state the department's decision to  
3 approve or disapprove an application for the  
4 construction permit which shall be delivered to the  
5 applicant and board in the same manner as provided for  
6 counties in section 455B.200A, Code of Iowa 2001. The  
7 applicant may contest the department's decision by  
8 filing a demand for a hearing before an administrative  
9 law judge or the environmental protection commission.  
10 The board may contest the department's decision by  
11 filing a demand for a hearing before the commission.  
12 The applicant shall contest the decision and the  
13 commission shall conduct the proceeding and render a  
14 decision in the same manner as provided in section  
15 455B.200E, as enacted by this Act.

16 Sec. 61. ESTABLISHMENT OF A MASTER MATRIX --  
17 TECHNICAL ADVISORY COMMITTEE.

18 1. The department of natural resources shall adopt  
19 rules establishing a master matrix as required  
20 pursuant to section 455B.200F according to  
21 recommendations made to the department by a technical  
22 advisory committee established pursuant to this  
23 section. The technical advisory committee shall be  
24 composed of all of the following:

- 25 a. A designee of the secretary of agriculture.
- 26 b. A designee of the director of the department of  
27 natural resources.
- 28 c. A designee of the president of the university  
29 of Iowa.
- 30 d. A designee of the president of Iowa state  
31 university.
- 32 e. A representative of the Iowa environmental  
33 council.
- 34 f. A representative of the Iowa state association  
35 of counties.
- 36 g. A representative of the Iowa farm bureau  
37 federation.
- 38 h. A representative of the Iowa's farmers union.
- 39 i. Two representatives of organizations  
40 representing livestock producers who shall be jointly  
41 designated to the department of natural resources by  
42 the Iowa pork producers association, the Iowa  
43 cattlemens' association, the Iowa dairy products  
44 association, the Iowa poultry association, and the  
45 Iowa turkey federation.

46 The department of natural resources shall provide  
47 administrative support to the committee. The attorney  
48 general shall appoint an assistant attorney general to  
49 provide the committee with legal counsel and  
50 assistance.

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1 2. In establishing the scoring system for the  
2 master matrix, only positive points shall be used.  
3 The master matrix shall be designed as a menu of items  
4 with positive points assigned to each item within the  
5 selection list. The matrix shall not include any  
6 deduction of points.

7 3. The department shall adopt rules pursuant to  
8 chapter 17A in order to carry out the requirements of  
9 this section. Based on the committee's  
10 recommendations to establish a master matrix, the  
11 department shall provide a draft of a notice of  
12 intended action to the environmental protection  
13 commission not later than during its September 2002  
14 meeting. The department's notice of intended action  
15 shall not be published later than in the November 27,  
16 2002, issue of the Iowa administrative bulletin. The  
17 notice of intended action required under this section  
18 shall include a statement of the terms or substance of  
19 the intended action in the manner provided for in  
20 section 17A.4. The rules shall take effect on March  
21 1, 2003.

22 Sec. 62. DEPARTMENT OF NATURAL RESOURCES --  
23 APPROVAL OF APPLICATIONS FOR CONSTRUCTION PERMITS --  
24 USING INTERIM MATRIX.

25 1. Notwithstanding sections 455B.200A and  
26 455B.200F, the department shall approve or disapprove  
27 an application for a permit to construct a confinement  
28 feeding operation structure pursuant to section  
29 455B.200A, if an application is submitted according to  
30 procedures required by the department, the application  
31 meets standards established under chapter 455B, as  
32 amended by this Act, and the application complies with  
33 the requirements of this section. This section does  
34 not apply to the expansion of a confinement feeding  
35 operation that includes a confinement feeding  
36 operation structure constructed prior to April 1,  
37 2002, due to the construction or expansion of a  
38 confinement feeding operation structure if after the  
39 expansion of the confinement feeding operation, its  
40 animal unit capacity is one thousand six hundred  
41 sixty-six animal units or less.

42 2. This section applies on and after the date that  
43 the department publishes a notice in the Iowa  
44 administrative bulletin commencing its evaluation of  
45 applications under this section.

46 3. The department shall approve or disapprove an  
47 application based on an interim matrix. The interim  
48 matrix shall be used to award points as provided in  
49 this subsection. In order to be issued a construction  
50 permit, a person must achieve one hundred points. The

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1 points shall be awarded as follows:

2 a. The following criteria shall apply to  
3 separation distances. The separation distances  
4 provided in this paragraph shall apply in addition to  
5 separation distances required for confinement feeding  
6 operation structures or for the application of manure  
7 originating from confinement feeding operations as  
8 provided in chapter 455B, divisions II and III, as  
9 provided in the 2001 Code of Iowa, unless otherwise  
10 provided in this paragraph "a".

11 (1) The following criteria shall apply to require  
12 additional separation distances between a proposed  
13 confinement feeding operation structure and a  
14 residence not owned by the owner of the confinement  
15 feeding operation, a commercial enterprise, a bona  
16 fide religious institution, or an educational  
17 institution as provided in section 455B.162:

18 (a) Two hundred fifty or more feet but less than  
19 five hundred feet: five points.

20 (b) Five hundred or more feet but less than seven  
21 hundred fifty feet: ten points.

22 (c) Seven hundred fifty or more feet but less than  
23 one thousand feet: fifteen points.

24 (d) One thousand or more feet but less than one  
25 thousand two hundred fifty feet: twenty points.

26 (e) One thousand two hundred fifty or more feet:  
27 twenty-five points.

28 (2) The following criteria shall apply to require  
29 additional separation distances between a proposed  
30 confinement feeding operation structure and a public  
31 use area as provided in section 455B.162 or a primary  
32 highway as defined in section 306C.10:

33 (a) Two hundred fifty or more feet but less than  
34 five hundred feet: five points.

35 (b) Five hundred or more feet but less than seven  
36 hundred fifty feet: ten points.

37 (c) Seven hundred fifty or more feet but less than  
38 one thousand feet: fifteen points.

39 (d) One thousand or more feet but less than one  
40 thousand two hundred fifty feet: twenty points.

41 (e) One thousand two hundred fifty or more feet:  
42 twenty-five points.

43 (3) The following criteria shall apply to require  
44 additional separation distances between a proposed  
45 confinement feeding operation structure and a major  
46 water source as provided in section 455B.204 or a  
47 high-quality water resource as defined in section  
48 455B.200B, as enacted in this Act:

49 (a) Two hundred fifty or more feet but less than  
50 five hundred feet: five points.

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1 (b) Five hundred or more feet but less than seven  
2 hundred fifty feet: ten points.

3 (c) Seven hundred fifty or more feet but less than  
4 one thousand feet: fifteen points.

5 (d) One thousand or more feet but less than one  
6 thousand two hundred fifty feet: twenty points.

7 (e) One thousand two hundred fifty or more feet:  
8 twenty-five points.

9 (4) The following criteria shall apply to require  
10 additional separation distances between a proposed  
11 confinement feeding operation structure and a critical  
12 public area as defined in section 455B.200B,  
13 subsection 6, as enacted by this Act:

14 (a) One thousand or more feet but less than one  
15 thousand two hundred fifty feet: twenty points.

16 (b) One thousand two hundred fifty or more feet:  
17 twenty-five points.

18 (5) The following criteria shall apply to require  
19 an additional separation distance of five hundred or  
20 more feet between a proposed confinement feeding  
21 operation structure and a watercourse, other than a  
22 major water source, as provided in section 455B.204:  
23 five points.

24 (6) The following criteria shall apply to require  
25 additional separation distances between the  
26 application of manure originating from a confinement  
27 feeding operation and a residence not owned by the  
28 owner of the confinement feeding operation, or a  
29 commercial enterprise, bona fide religious  
30 institution, or an educational institution as provided  
31 in section 455B.162:

32 (a) Two hundred fifty or more feet but less than  
33 five hundred feet: five points.

34 (b) Five hundred or more feet but less than seven  
35 hundred fifty feet: ten points.

36 (c) Seven hundred fifty or more feet but less than  
37 one thousand feet: fifteen points.

38 (d) One thousand or more feet but less than one  
39 thousand two hundred fifty feet: twenty points.

40 (e) One thousand two hundred fifty or more feet:  
41 twenty-five points.

42 An applicant who incorporates manure by injection  
43 shall be entitled to the following: fifteen points.

44 (7) The following criteria shall apply to require  
45 an additional separation distance between the  
46 application of manure originating from a confinement  
47 feeding operation and a public use area as provided in  
48 section 455B.162 or a primary highway as defined in  
49 section 306C.10:

50 (a) Two hundred fifty or more feet but less than

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1 five hundred feet: five points.

2 (b) Five hundred or more feet but less than seven  
3 hundred fifty feet: ten points.

4 (c) Seven hundred fifty or more feet but less than  
5 one thousand feet: fifteen points.

6 (d) One thousand or more feet but less than one  
7 thousand two hundred fifty feet: twenty points.

8 (e) One thousand two hundred fifty or more feet:  
9 twenty-five points.

10 (8) The following criteria shall apply to require  
11 additional separation distances between the  
12 application of manure originating from a confinement  
13 feeding operation and a critical public area as  
14 defined in section 455B.200B, subsection 6, as enacted  
15 in this Act:

16 (a) One thousand or more feet but less than one  
17 thousand two hundred fifty feet: twenty points.

18 (b) One thousand two hundred fifty or more feet:  
19 twenty-five points.

20 An applicant who incorporates manure by injection  
21 shall be entitled to the following: fifteen points.

22 (9) The following criteria shall apply to require  
23 additional separation distances between the  
24 application of manure originating from a confinement  
25 feeding operation and a major water source:

26 (a) One thousand or more feet but less than one  
27 thousand two hundred fifty feet: twenty points.

28 (b) One thousand two hundred fifty or more feet:  
29 twenty-five points.

30 (10) The following criteria shall apply to require  
31 additional separation distances between the  
32 application of manure originating from a confinement  
33 feeding operation and a high-quality water resource as  
34 defined in section 455B.200B, as enacted in this Act:

35 (a) Five hundred or more feet but less than seven  
36 hundred fifty feet: ten points.

37 (b) Seven hundred fifty or more feet but less than  
38 one thousand feet: fifteen points.

39 (c) One thousand or more feet but less than one  
40 thousand two hundred fifty feet: twenty points.

41 (d) One thousand two hundred fifty or more feet:  
42 twenty-five points.

43 (11) The following criteria shall apply to require  
44 additional separation distances required for the  
45 application of manure originating from a confinement  
46 feeding operation and a watercourse other than a major  
47 water source as provided in section 455B.204: five  
48 points.

49 b. The following points shall be awarded if a  
50 confinement feeding operation is located on land owned

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1 or operated by the same family for three or more  
2 years: fifteen points.

3 c. The following points shall be awarded if the  
4 owner of the confinement feeding operation owns the  
5 animals maintained by the confinement feeding  
6 operation and provides substantial structure: ten  
7 points.

8 d. The following criteria shall apply to a  
9 confinement feeding operation located on land owned by  
10 one of the following persons:

11 (1) A person who resides on the land: five  
12 points.

13 (2) A person who closest resides to the proposed  
14 confinement feeding operation structure: ten points.

15 (3) A person who performs the majority of the  
16 physical work which significantly contributes to the  
17 operation: ten points.

18 (4) A person who is involved in making substantial  
19 improvements to the confinement feeding operation, if  
20 the improvements do not provide for expansion by more  
21 than one hundred fifty percent of the animal unit  
22 capacity of the confinement feeding operation: ten  
23 points.

24 (5) A person who qualifies as a beginning farmer  
25 as defined in section 175.2: fifteen points.

26 e. The following criteria shall apply to an owner  
27 of a confinement feeding operation who provides for  
28 the following manure management practices:

29 (1) The incorporation of manure within twenty-four  
30 hours: five points.

31 (2) The use of a cover over a manure storage  
32 structure or a natural crust or oil sprinkling: five  
33 points.

34 (3) Participation in the United States department  
35 of agriculture natural resource and conservation  
36 program referred to as the "filter strip program at 33  
37 feet": ten points.

38 (4) The installation of a filter designed to  
39 reduce odors from exhaust fans: ten points.

40 (5) The utilization of feed or feed additives  
41 containing high phytase corn: ten points.

42 (6) The utilization of a biofilter or impermeable  
43 cover: ten points.

44 (7) The utilization of a methane digester  
45 (recovery) system for energy or an anaerobic digester:  
46 twenty-five points.

47 (8) The utilization of landscaping or other  
48 similar controls approved by the department: ten  
49 points.

50 (9) The establishment or expansion of a filter

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1 strip from thirty-three feet or more up to one hundred  
2 twenty feet: fifteen points.  
3 (10) The construction of a secondary containment  
4 structure: fifteen points.  
5 (11) The construction of a manure storage  
6 structure beneath a confinement feeding operation  
7 structure building: ten points.  
8 (12) Participation in the United States department  
9 of agriculture natural resource and conservation  
10 service program referred to as the "contour buffer  
11 strip program": twenty-five points.  
12 Sec. 63. 1995 Iowa Acts, chapter 195, section 37,  
13 as amended by 1998 Iowa Acts, chapter 1209, section  
14 40, is repealed.

15 Sec. 64. INTERIM APPROVAL OF APPLICATIONS FOR  
16 CONSTRUCTION PERMITS -- REPEAL. The section of this  
17 Act providing for the interim approval of applications  
18 for construction permits by the department of natural  
19 resources is repealed March 1, 2003.

20 Sec. 65. INTERIM COUNTY PARTICIPATION REPEAL. The  
21 section of this Act providing for interim county  
22 participation in the approval of construction permits  
23 for confinement feeding operation structures is  
24 repealed March 1, 2003, and the rights of applicants'  
25 boards of supervisors to contest departmental  
26 decisions. However, the provisions of the section  
27 shall continue to apply to applications received by a  
28 county board of supervisors prior to March 1, 2002.

## DIVISION II

DIRECTIONS TO CODE EDITOR,  
CHANGE THE NAME OF TERMS AND  
TRANSFER TO NEW TITLE

33 Sec. 66. CHANGE OF NAME OF TERMS.  
34 1. The Code editor is directed to change the term  
35 "animal feeding operation structure" or "an animal  
36 feeding operation structure" to "confinement feeding  
37 operation structure" or "a confinement feeding  
38 operation structure" wherever the term appears in  
39 section 455B.161A, subsection 2, Code 2001; section  
40 455B.162, subsection 3, Code 2001; section 455B.163,  
41 subsection 3, paragraph "d", Code 2001; section  
42 455B.165, subsection 3, paragraph "b", and subsections  
43 6 and 8, Code 2001; section 455B.200B, subsection 2,  
44 Code 2001; and section 455B.202, subsection 2,  
45 paragraphs "c" and "d", Code 2001.  
46 2. The Code editor is directed to change the term  
47 "animal feeding operation structures" to "confinement  
48 feeding operation structures" wherever the term  
49 appears in section 455B.161A, subsection 2, paragraph  
50 "c", Code 2001; section 455B.200B, subsection 2, Code

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1 2001; and section 455B.162, unnumbered paragraph 1,  
2 Code 2001.

3 3. The Code editor is directed to change the term  
4 "animal feeding operation" or "an animal feeding  
5 operation" to "confinement feeding operation" or "a  
6 confinement feeding operation" wherever it appears in  
7 section 455B.163, unnumbered paragraph 1, Code 2001;  
8 section 455B.163, subsection 3, paragraph "c", Code  
9 2001; section 455B.165, subsection 6, Code 2001; and  
10 section 455B.205, subsection 3, paragraph "b", Code  
11 2001.

12 4. The Code editor is directed to change the  
13 phrase "confinement feeding operation structure or  
14 anaerobic lagoon which is part of a confinement  
15 feeding operation" to "confinement feeding operation  
16 structure" wherever the phrase appears in section  
17 455B.191, subsection 7, Code 2001.

18 5. The Code editor is directed to change the  
19 phrase "an animal feeding operation structure which is  
20 part of a confinement feeding operation" to "a  
21 confinement feeding operation structure" wherever the  
22 phrase appears in section 455B.202, subsection 2, Code  
23 2001.

24 6. The Code editor is directed to change the term  
25 "bovine" to "cattle" wherever the term appears in Code  
26 section 455B.162, Code 2001.

27 Sec. 67. DIRECTIONS TO THE CODE EDITOR.

28 1. The Code editor is directed to transfer and  
29 consolidate provisions concerning animal agriculture  
30 into new chapter 456D, consistent with this section  
31 and the authority of the Code editor pursuant to  
32 chapter 2B. As part of this transfer and  
33 consolidation, the Code editor shall divide the  
34 chapters into subchapters as follows:

35 a. Subchapter 1 shall include a new section  
36 stating the following: This chapter shall be known  
37 and may be cited as the "Animal Agriculture Compliance  
38 Act". Section 455B.161, as amended by this Act, shall  
39 be transferred to subchapter 1. Section 455B.171,  
40 subsections 7, 33, and 44, shall be transferred and  
41 consolidated into section 455B.161 as transferred to  
42 subchapter 1. Section 455J.1, subsections 4, 6, and  
43 9, shall be transferred and consolidated into section  
44 455B.161 as transferred to subchapter 1. Section  
45 455B.200B, subsection 6, as enacted by this Act, shall  
46 be consolidated into section 455B.161 as transferred  
47 to subchapter 1. Section 455B.200, as amended by this  
48 Act, shall also be transferred to subchapter 1.

49 b. Chapter 455B, division II, part 2, including  
50 sections amended or enacted by this Act, with the

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1 exception of section 455B.164, shall be transferred to  
2 new chapter 456D, as subchapter 2.

3 c. Chapter 455B, division III, part 1, subpart A,  
4 as enacted in this Act, with the exception of section  
5 455B.200, as amended by this Act, and section  
6 455B.207, as enacted by this Act, shall be transferred  
7 to new chapter 456D, as subchapter 3.

8 d. Sections 455B.125 through 455B.127, as enacted  
9 by this Act, shall be transferred to new chapter 456D,  
10 as subchapter 4.

11 e. Chapter 455J, with the exception of section  
12 455J.1, shall be transferred to new chapter 456D, as  
13 subchapter 5.

14 f. Section 455B.110, as amended by this Act, is  
15 transferred to new chapter 456D, as subchapter 6.  
16 Sections 455B.167, and 455B.207, as enacted by this  
17 Act; section 455B.191, subsection 7, Code 2001, and  
18 section 455B.191, subsection 8, as amended by this  
19 Act; and section 455B.104, subsection 2, are  
20 transferred as new sections to new subchapter 6.

21 2. The Code editor is directed to transfer chapter  
22 455I to new chapter 456C. Subchapter 1 shall include  
23 section 455I.1, subsections 1 through 4 and 6 through  
24 13, Code 2001. Subchapter 2 shall include a new  
25 section stating the following: As used in this  
26 subchapter, unless the context otherwise requires,  
27 "department" means the department of natural  
28 resources. Subchapter 2 shall include sections 455I.2  
29 through 455I.7. Subchapter 3 shall include a new  
30 section stating the following: As used in this  
31 subchapter, unless the context otherwise requires,  
32 "department" means the department of agriculture and  
33 land stewardship. The Code editor is directed to  
34 transfer sections 159.28 through 159.29B, Code 2001,  
35 to new chapter 456C, subchapter 3.

36 Sec. 68. Section 455B.164, Code 2001, is repealed.

37 DIVISION III

38 RETROACTIVE APPLICABILITY AND EFFECTIVE DATES

39 Sec. 69. RETROACTIVE APPLICATION.

40 1. If the provisions of this Act would apply to  
41 require that a person must be issued a construction  
42 permit as provided in section 455B.200A, as amended by  
43 this Act, upon the enactment of this Act, for the  
44 construction of a confinement feeding operation  
45 structure, the requirements of section 455B.200A, as  
46 amended by this Act, shall apply retroactively as  
47 provided in this section. The provisions of this  
48 section shall apply retroactively only if all of the  
49 following are satisfied:

50 a. An application for a permit to construct the

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1 confinement feeding operation structure was submitted  
2 to the department on or after April 1, 2002, but prior  
3 to the enactment of this Act, regardless of whether  
4 the department has approved the application; a manure  
5 management plan was submitted to the department  
6 without a construction permit as provided in 567 IAC  
7 65.16(2) on or after April 1, 2002, but prior to the  
8 enactment of this Act regardless of whether the  
9 department has approved the manure management plan; or  
10 construction of a confinement feeding operation  
11 structure has not begun upon the enactment of this Act  
12 and the person would otherwise be required to submit a  
13 manure management plan prior to the construction of  
14 the confinement feeding operation structure as  
15 provided in section 455B.203, as amended in this Act.

16 b. The department has not received evidence that  
17 an applicant or person submitting or required to  
18 submit a manure management plan as provided in  
19 subsection 2, has incurred commitments based on a  
20 reliance of the law as the law existed on March 31,  
21 2002. The commitments must constitute a legal  
22 obligation for performance by the person to construct  
23 a confinement feeding operation structure.

24 2. This Act shall not apply retroactively other  
25 than as provided in this section. The department  
26 shall approve or disapprove a pending construction  
27 permit application or manure management plan not  
28 subject to subsection 1 and a person may construct a  
29 confinement feeding operation structure according to  
30 the applicable requirements of the 2001 Code of Iowa  
31 and rules adopted by the department and in effect on  
32 March 31, 2002.

33 3. Until March 1, 2003, the department shall use  
34 the interim matrix as provided in this Act in lieu of  
35 the master matrix required to be used pursuant to  
36 section 455B.200E.

37 Sec. 70. EFFECTIVE DATES.

38 1. Except as provided in subsections 2 and 3, this  
39 Act, being deemed of immediate importance, takes  
40 effect upon enactment.

41 2. The sections of this Act amending sections  
42 455B.162, 455B.163, 455B.204, and 455B.204A, take  
43 effect on March 1, 2003. Sections 455B.200C and  
44 455B.200E, as enacted in this Act, take effect on  
45 March 1, 2003.

46 3. Notwithstanding section 455B.203, as amended by  
47 this Act, a person shall not be required to submit a  
48 manure management plan update earlier than March 1,  
49 2003. The department shall adopt rules necessary to  
50 administer this Act including these sections on and

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1 after the enactment of this Act."

2 2. Title page, line 1, by inserting after the  
3 word "agriculture" the following: ", providing for  
4 fees, providing for penalties, and including  
5 retroactive applicability and effective date  
6 provisions".

7 3. By renumbering, redesignating, and correcting  
8 internal references as necessary.

**By** COMMITTEE ON AGRICULTURE

KLEMME of Plymouth, Chairperson

**H-8613** FILED APRIL 11, 2002