

AGRICULTURE

FILED MAR 1 '01

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SENATE FILE

BY HAMMOND, DVORSKY, SOUKUP,
and HARPER

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act establishing a moratorium relating to the construction of
2 structures that are part of certain confinement feeding
3 operations, and providing an effective date.

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

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1 Section 1. MORATORIUM -- QUALIFIED CONFINEMENT FEEDING
2 OPERATIONS.

3 1. As used in this section:

4 a. "Animal feeding operation structure" means the same as
5 defined in section 455B.161.

6 b. "Construction" means the same as defined in 567 IAC
7 65.8 applicable on the effective date of this Act.

8 c. "Department" means the department of natural resources.

9 d. "Qualified confinement feeding operation" means the
10 same as defined in section 455B.162.

11 2. a. The department shall not approve an application for
12 a permit for the construction of an animal feeding operation
13 structure that is part of a qualified confinement feeding
14 operation as provided in section 455B.200A.

15 b. A person shall not begin construction of an animal
16 feeding operation structure that is part of a qualified
17 confinement feeding operation.

18 3. Nothing in this section shall prohibit a person from
19 completing construction of an animal feeding operation
20 structure that is part of a qualified confinement feeding
21 operation, if prior to the effective date of this Act, the
22 person has done all of the following:

23 a. Obtained a permit for the construction of the animal
24 feeding operation structure by the department.

25 b. Begun construction of the animal feeding operation
26 structure prior to the effective date of this Act.

27 4. This section is repealed on July 1, 2002.

28 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
29 immediate importance, takes effect upon enactment.

30 EXPLANATION

31 This bill establishes a moratorium upon the construction of
32 a structure such as a building or manure storage facility,
33 referred to as an animal feeding operation structure,
34 associated with a qualified confinement feeding operation.
35 This is a type of confinement feeding operation having an

1 animal weight capacity of 2 million or more pounds for animals
2 other than animals kept in a swine farrow-to-finish operation
3 or bovine kept in a confinement feeding operation; a swine
4 farrow-to-finish operation having an animal weight capacity of
5 2.5 million or more pounds; or a confinement feeding operation
6 having an animal weight capacity of 8 million or more pounds
7 for bovine.

8 The bill provides that during the period of the moratorium,
9 the department of natural resources is prohibited from
10 approving an application for a permit for the construction of
11 an animal feeding operation structure that is part of a
12 qualified confinement feeding operation, and that a person is
13 prohibited from beginning construction of an animal feeding
14 operation structure that is part of a qualified confinement
15 feeding operation. The bill does not prohibit a person from
16 completing construction of an animal feeding operation
17 structure, if prior to the effective date of the bill, the
18 person has obtained a permit for the construction and has
19 begun construction.

20 The moratorium ends July 1, 2002, and the bill's provisions
21 are repealed.

22 The bill takes effect upon enactment.

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