

MAR 1 1 2005
Place On Calendar

HOUSE FILE 701
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO HSB 247)

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

A BILL FOR

1 An Act relating to animal feeding operations, by providing for
2 chronic complaints.

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

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HF 701

1 Section 1. Section 459.601, subsection 1, Code 2005, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. A person shall be designated as a
4 chronic complainant if within any two-year period the person
5 files three or more complaints under this subsection with a
6 county board of supervisors or the department, and the county
7 board of supervisors or the department determines that each
8 complaint does not contain an allegation that constitutes a
9 violation of this chapter. If within that two-year period a
10 chronic complainant files a subsequent complaint with the
11 county board of supervisors or the department under this
12 subsection, and the county board of supervisors or the
13 department determines that the complaint does not contain an
14 allegation that constitutes a violation, the chronic
15 complainant shall be liable to all of the following persons
16 for the designated costs:

17 (1) The county or department for administrative costs
18 incurred by the county or the department relating to its
19 investigation of the allegation.

20 (2) The owner of the animal feeding operation for costs
21 incurred or damages proximately caused by an investigation of
22 the allegation.

23 EXPLANATION

24 This bill amends a provision in Code chapter 459, the
25 "Animal Agriculture Compliance Act". The bill amends Code
26 section 459.601, which provides that a person may file a
27 complaint alleging that an animal feeding operation is in
28 violation of the Code chapter. The person may file the
29 complaint with the county board of supervisors where the
30 alleged violation occurs or the department of natural
31 resources. If the county board of supervisors determines that
32 the allegation constitutes a violation, the board must forward
33 the complaint to the department for further investigation and
34 possible enforcement.

35 The bill provides that a person is to be designated as a

1 chronic complainant if the person files three or more
2 complaints in a two-year period with a county board of
3 supervisors or the department, and the board or the department
4 determines that the complaint does not contain an allegation
5 that constitutes a violation of the Code chapter. Once a
6 person is classified as a chronic complainant, the person's
7 next complaint within that two-year period must contain an
8 allegation that the board or department determines constitutes
9 a violation or else the chronic complainant is liable to the
10 county or department for the costs of the investigation and to
11 the owner of the animal feeding operation for costs or damages
12 arising from the investigation.

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HSB 247
Agriculture

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON DRAKE)

Passed House, Date _____ Passed Senate, Date _____

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

Approved _____

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TLSB 2721HC 81

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8 does not contain an allegation that constitutes a violation of
9 this chapter. If a chronic complainant files a subsequent
10 complaint with the county board of supervisors or the
11 department under this subsection, and the county board of
12 supervisors or the department determines that the complaint
13 does not contain an allegation that constitutes a violation,
14 the chronic complainant shall be liable to all of the
15 following persons for the designated costs:

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18 investigation of the allegation.

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4 a violation of the Code chapter. Once a person is classified
5 as a chronic complainant, the person's next complaint must
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