

FILED MAR 10 2005

SENATE FILE 337  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SF 251)

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

**A BILL FOR**

1 An Act relating to animal feeding operations, by establishing a  
2 regulatory information service and providing for compliance.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 337

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1 Section 1. NEW SECTION. 159.6B REGULATORY INFORMATION  
2 SERVICE -- ANIMAL AGRICULTURE COMPLIANCE ACT.

3 1. The department of agriculture and land stewardship  
4 shall provide a regulatory information service. The purpose  
5 of the service shall be to provide a center of information  
6 where a person interested in constructing, expanding, or  
7 operating an animal feeding operation may be informed of the  
8 regulatory requirements of chapter 459, including rules  
9 adopted by the commission pursuant to section 459.103, orders  
10 issued by the department of natural resources as authorized  
11 under chapter 459, and the terms and conditions applicable to  
12 licenses, certifications, permits, or manure management plans.

13 2. The department of natural resources shall inform the  
14 department of agriculture and land stewardship of all of the  
15 following:

16 a. Regulatory requirements under chapter 459, persons who  
17 are subject to the requirements, and the existence of any  
18 threshold level which would exempt a person from the  
19 regulation.

20 b. The nature of the regulations.

21 c. The amount of any fees required to be paid for  
22 complying with the regulations.

23 d. The process of applying for a permit, submitting a  
24 manure management plan, or obtaining other regulatory  
25 approval.

26 e. A brief statement of the purpose of requiring the  
27 permit, manure management plan, or regulatory approval or  
28 requiring compliance with the standards or criteria.

29 3. The department of natural resources shall promptly  
30 inform the department of agriculture and land stewardship of  
31 any changes in the information provided under subsection 2 or  
32 the establishment of a new regulation. The information  
33 provided to or disseminated by the department of agriculture  
34 and land stewardship shall not be binding upon the department  
35 of natural resources. However, a person shall not be subject

1 to the imposition of a penalty for a failure to comply with a  
2 regulatory requirement if the person demonstrates that the  
3 person relied upon information provided by the department of  
4 agriculture and land stewardship indicating that the  
5 regulatory requirement was not applicable, and upon  
6 notification by the department of natural resources the person  
7 either ceases the prohibited activity or complies with the  
8 regulatory requirement.

9 Sec. 2. Section 459.103, Code 2005, is amended by adding  
10 the following new subsection:

11 NEW SUBSECTION. 4. The department of agriculture and land  
12 stewardship shall administer a regulatory information service  
13 to assist persons regulated under this chapter, as provided in  
14 section 159.6B.

15 EXPLANATION

16 This bill provides for the establishment of a center of  
17 information within the department of agriculture and land  
18 stewardship where a person interested in constructing,  
19 expanding, or operating an animal feeding operation may be  
20 informed of the regulatory requirements of the chapter and  
21 rules adopted by the environmental protection commission,  
22 including the terms and conditions applicable to licenses,  
23 certifications, permits, or manure management plans. The bill  
24 requires that the department of natural resources inform the  
25 department of agriculture and land stewardship of issues  
26 relating to the regulatory requirements and compliance. The  
27 bill provides that a person is not subject to the imposition  
28 of a penalty for a failure to comply with a regulatory  
29 requirement if the person demonstrates that they relied upon  
30 information provided by the department of agriculture and land  
31 stewardship and then, upon notification by the department of  
32 natural resources, the person either ceased the prohibited  
33 activity or complied with the regulatory requirement.

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**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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SF 337 - Animal Feeding Operation Regulatory Information (LSB 2829 SV)  
Analyst: Debra Kozel (Phone: (515) 281-6767) (deb.kozel@legis.state.ia.us)  
Fiscal Note Version - New  
Requested by Senator John Kibbie

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**Description**

Senate File 337 creates an information office in the Department of Agriculture and Land Stewardship to provide information regarding the construction, expansion, or operation of an animal feeding operation. The Department of Natural Resources (DNR) will provide information to the information office regarding regulatory requirements, fee payments, and business processes for construction permits or manure management plans. The Bill specifies a person will not be fined for a failure to comply with a regulation if they relied on information received from this office.

**Background**

The 2002 General Assembly passed SF 2293 (Animal Agriculture Act) that revised animal feeding operations. These regulations are enforced by the DNR. This Bill creates an information center outside of the regulatory agency to provide the necessary information to a potential operator.

**Assumptions**

1. The estimated cost for salary and benefits for 1.00 FTE attorney position is \$90,000 per year.
2. The estimated cost for printing informational brochures and other educational materials is \$1,500 per year.
3. The estimated cost for supplies, postage, telephone and other miscellaneous expense is \$1,000.
4. The estimated one-time cost for a computer and office equipment is \$3,500.

**Fiscal Impact**

The estimated fiscal impact is an increase in expenditures to the Department of Agriculture and Land Stewardship of \$96,000 for FY 2006 and \$92,500 for FY 2007 and each year thereafter.

**Source**

Department of Agriculture and Land Stewardship

/s/ Holly M. Lyons

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March 14, 2005

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

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