

House File 440 - Introduced

HOUSE FILE 440

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A BILL FOR

1 An Act relating to the regulation of confinement feeding
2 operations, including by providing for partially roofed
3 structures and prohibiting the construction, including
4 expansion, of structures, making penalties applicable, and
5 including effective date provisions.

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

1 Section 1. Section 459.102, subsection 14, Code 2021, is
2 amended to read as follows:

3 14. "*Confinement feeding operation*" means an animal feeding
4 operation in which animals are confined to areas which are
5 totally or partially roofed.

6 Sec. 2. NEW SECTION. 459.104 **Moratorium — confinement**
7 **feeding operation structures.**

8 1. Notwithstanding any provision of this chapter or any
9 other provision of law to the contrary, a person shall not
10 construct, including expand, a confinement feeding operation
11 structure.

12 2. Subsection 1 does not apply to a confinement feeding
13 operation structure that is part of a small animal feeding
14 operation.

15 3. This section shall not prohibit a person from completing
16 construction, including expansion, of a confinement feeding
17 operation structure if, prior to the effective date of this
18 Act, the person has begun construction, including expansion,
19 of the confinement feeding operation structure as otherwise
20 allowed under this chapter.

21 Sec. 3. **EFFECTIVE DATE.** This Act, being deemed of immediate
22 importance, takes effect upon enactment.

23 **EXPLANATION**

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 **GENERAL.** This bill amends Code chapter 459 (the "Animal
27 Agriculture Compliance Act")(Code section 459.101) which
28 regulates confinement feeding operations. The bill revises
29 the definition of a confinement feeding operation to include
30 an operation that is partially roofed (amended Code section
31 459.102(14)). The bill also prohibits the construction,
32 including expansion, of a confinement feeding operation
33 structure. Such a structure includes a confinement building, a
34 manure storage structure, or an egg washwater structure. The
35 bill provides an exception that allows construction if the new

1 structure is part of a small animal feeding operation. The
2 bill does not prohibit a person from completing construction if
3 the person had begun construction prior to the effective date
4 of the bill.

5 BACKGROUND — ENFORCEMENT AND APPLICABLE CIVIL PENALTIES.
6 Compliance with a statutory regulation under the Code chapter
7 includes compliance with a rule adopted by the department of
8 natural resources (Code section 459.103). A person violating
9 air quality regulations under Code chapter 459, subchapter
10 II, is subject to an administrative assessment of a civil
11 penalty of up to \$10,000 (Code sections 459.602 and 455B.109).
12 A person violating a water quality regulation under Code
13 chapter 459, subchapter III, is subject to the administrative
14 assessment of a civil penalty or a judicially assessed civil
15 penalty of up to \$5,000 (Code sections 459.603, 455B.109, and
16 455B.191).

17 EFFECTIVE DATE. The bill takes effect upon enactment.