

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1195

Introduced by Schrock, 38; Hudkins, 21; Kopplin, 3; Kremer, 34;
Louden, 49; Stuhr, 24; Wehrbein, 2

Read first time January 18, 2006

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Livestock Waste Management Act; to amend
2 section 54-2416, Reissue Revised Statutes of Nebraska; to
3 require counties to grant certain conditional use permits
4 and special exceptions as prescribed; to harmonize
5 provisions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. A county planning commission or county board
2 shall allow a conditional use permit or special exception to any
3 existing animal feeding operation seeking to construct or modify
4 a livestock waste control facility if the purpose of seeking such
5 permit or exception is to comply with federal or state regulations
6 pertaining to livestock waste management. This allowance shall not
7 apply if:

8 (1) Construction of the livestock waste control facility
9 would allow the capacity of the animal feeding operation to
10 increase by more than the greater of (a) ten percent or (b)
11 five hundred cattle, one thousand two hundred fifty swine each
12 weighing fifty-five pounds or more, five thousand swine each
13 weighing less than fifty-five pounds, two hundred fifty horses,
14 five thousand sheep or lambs, twenty-seven thousand five hundred
15 turkeys, fifteen thousand laying hens or broilers if the animal
16 feeding operation uses a liquid manure handling system, sixty-two
17 thousand five hundred chickens that are not laying hens if the
18 animal feeding operation uses other than a liquid manure handling
19 system, forty-one thousand laying hens if the animal feeding
20 operation uses other than a liquid manure handling system, fifteen
21 thousand ducks if the animal feeding operation uses other than a
22 liquid manure handling system, or two thousand five hundred ducks
23 if the animal feeding operation uses a liquid manure handling
24 system;

25 (2) The operation is located in an area that is not zoned

1 exclusively for agricultural use; or

2 (3) The operation has not complied with inspection
3 requirements pursuant to section 54-2423.

4 Sec. 2. Section 54-2416, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 54-2416 Sections 54-2416 to 54-2435 and section 1 of
7 this act shall be known and may be cited as the Livestock Waste
8 Management Act.

9 Sec. 3. Original section 54-2416, Reissue Revised
10 Statutes of Nebraska, is repealed.