

## LEGISLATIVE BILL 677

Approved by the Governor April 11, 2007

Introduced by Dubas, 34; Carlson, 38; Dierks, 40; Erdman, 47; Fischer, 43; Hansen, 42; Hudkins, 21; Langemeier, 23; Loudon, 49; Wallman, 30; Christensen, 44

FOR AN ACT relating to agriculture; to amend section 54-2423, Revised Statutes Cumulative Supplement, 2006; to change inspection requirements and late fees under the Livestock Waste Management Act; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 54-2423, Revised Statutes Cumulative Supplement, 2006, is amended to read:

54-2423 (1) If any person owning or operating an animal feeding operation (a) does not hold a National Pollutant Discharge Elimination System permit, an operating permit, or a construction and operating permit or have construction approval, (b) has not been notified by the department that no National Pollutant Discharge Elimination System permit or construction and operating permit is required, or (c) is not exempt under section 54-2422, such person shall, on forms prescribed by the department, request the department to inspect such person's animal feeding operation to determine if a livestock waste control facility is required. If an inspection is requested prior to January 1, 1999, an inspection fee for such inspection shall not be assessed. For inspections requested on or after July 16, 2004, there shall be an inspection fee established by the council with a minimum fee of one hundred dollars and a maximum fee of five hundred dollars. Such fee may be set according to animal capacity.

(2) The department shall, in conjunction with natural resources districts and the Cooperative Extension Service of the University of Nebraska, publicize information to make owners and operators of affected animal feeding operations aware of the need to request an inspection.

~~(3) Any person required to request an inspection under this section who operates an animal feeding operation after January 1, 2000, except an animal feeding operation exempted by the department from National Pollutant Discharge Elimination System permit requirements prior to July 16, 2004, without first submitting the request for inspection required under this section shall be assessed, except for good cause shown, a late fee of not less than fifty dollars nor more than five hundred dollars for each offense. Each month a violation continues shall constitute a separate offense.~~

(3) Any person required to request an inspection under this section who operates an animal feeding operation after January 1, 2000, without first submitting the request for inspection required under this section shall be assessed, except for good cause shown, a late fee of not less than fifty dollars nor more than five hundred dollars for each offense. Each month a violation continues shall constitute a separate offense. Exceptions to this provision are:

(a) An animal feeding operation exempted by the department from National Pollutant Discharge Elimination System permit requirements prior to July 16, 2004; or

(b) A livestock operation that became an animal feeding operation by enactment of the Livestock Waste Management Act as such act existed on July 16, 2004, but was not required to request an inspection prior to that date.

(4) A person meeting the provisions of subdivision (3)(b) of this section shall request an inspection prior to January 1, 2009, and pay fees required pursuant to subsection (1) of this section.

(5) Any person required to request an inspection under subsection (4) of this section who operates an animal feeding operation after December 31, 2008, shall be assessed, except for good cause shown, a late fee of not less than fifty dollars nor more than five hundred dollars for each offense. Each month a violation continues shall constitute a separate offense.

Sec. 2. Original section 54-2423, Revised Statutes Cumulative Supplement, 2006, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.