

One Hundred Fourth Legislature - First Session - 2015

Introducer's Statement of Intent

LB106

Chairperson: Senator John Murante

Committee: Government, Military and Veterans Affairs

Date of Hearing: February 12, 2015

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 106 creates the Livestock Operation Siting and Expansion Act. The legislation directs the Nebraska Department of Agriculture to develop an assessment matrix, for use by county officials when determining whether to approve an application for a livestock operation siting permit.

In designing the matrix, the department is to consider matrices already developed by Nebraska counties, design the matrix to produce quantifiable results based on the scoring of objective criteria, assure the matrix is a practical tool, and provide a minimum threshold required for approval. The Director of Agriculture is to appoint a committee of experts to advise the department on the development of the matrix.

A county may enact a requirement that in areas zoned for agricultural uses only that a person must obtain a permit from the county planning commission or county board of commissioners for a new livestock operation or for the expansion of an existing livestock operation if over specified size thresholds. The thresholds contained in the bill are the same as those currently used by NDEQ when requiring inspections.

A county may deny a livestock operation siting or expansion permit if the site is not zoned for agricultural use only, if the operation will exceed the size thresholds but does not meet the minimum score required under the matrix or if necessary to protect public health, safety and welfare. Such decision must be made within 90 days after notification that the application is complete, except that the time limit may be extended for an additional 45 days for specified reasons.

If a permit is denied, the applicant may appeal the decision by requesting a review of the Livestock Operation Siting Review Board, created under this legislation, within 30 days. The board shall uphold a county decision unless the board determines the decision by the county was unreasonable, arbitrary or an abuse of discretion. Either the applicant or the county may appeal the decision of the board to district court.

Principal Introducer: _____

Senator Dan Watermeier

