

March 7, 1980

LB 915

written now, it would seem to me and I guess that was my original intent earlier in the morning to add an amendment to a bill that would have made the burden of proof on the City of Omaha for example, to prove that what they were doing is not a nuisance. Now I guess what I am suggesting here is that apparently these kinds of facilities, feedlots and the like, are they not nuisances?

SENATOR MARESH: I guess it depends who is...

SENATOR VENDITTE: In other words, if I lived across the street from a feedlot, Senator Maresh, you know I don't think that the smell of the air, the quality of air would be maybe what it might be in Sidney, Nebraska.

SENATOR MARESH: I think Senator Nichol is anxious to answer your question, Senator Venditte.

SENATOR VENDITTE: Yes.

SPEAKER MARVEL: Senator Nichol.

SENATOR NICHOL: Senator Venditte, maybe I can help a little bit. To what this would do would say, Mr. Farmer, you have a feedlot. These are the requirements that you must meet. Now you can't stop a feedlot from smelling, no matter what you do. You can do certain things for example, spray for flies, use certain feeds that do not smell as bad as other feeds smell...

SENATOR VENDITTE: Right, Senator Nichol...

SENATOR NICHOL: ...and they have set out the criteria and if a farmer or a rancher or a feedlot meets these requirements it is not a nuisance then. If they do not meet the requirements...

SENATOR VENDITTE: Yes, I understand, but with those requirements that are pending even right now in state law, EPA goes out and makes sure that they are doing what they would be doing with the rewrite of the bill. They still can't guarantee neighbors and surrounding people who live nearby that there is not going to be a smell.

SENATOR NICHOL: That is absolutely right and I don't care what laws you pass feedlots are still going to smell bad.

SENATOR VENDITTE: You know on one hand here we are trying to help rural Nebraska and on the other hand rural Nebraska really isn't trying to help the City of Omaha. There is