

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

March 29, 1999 LB 822

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Mr. Clerk, LB 822.

CLERK: Mr. President, the next amendment to the committee amendment, Senator Beutler, I have AM1042, Senator. (AM1042 is found on page 1248 of the Legislative Journal.)

PRESIDENT MAURSTAD: Senator Beutler, you're recognized to open on your amendment to the committee amendments.

SENATOR BEUTLER: Mr. Lieutenant Governor, members of the Legislature, when this bill was initially introduced, it was extremely simple in its concept. It simply said no class II, class III or class IV livestock waste control facility shall be permitted in any part of a watershed that feeds into a trout stream, essentially. That's all it said; no new facilities in any of these three categories, as simple as that. And in this discussion you may want to look at your committee amendment in the part that's not changed, which is the first part, at the old language in the statute because that language describes what a class I, class II, class III and class IV livestock operation is and you really need to understand that in order to understand the discussion on this amendment. What you'll see there in the old language that a class I controlled facility is designed for 1,000 or less animal units. That's the smallest. Then the next one is designed for 1,000...more than 1,000 or 5,000 or less. That's the second category. And you notice that category's considerably broader. It's about 5,000 animal units broad as opposed to 1,000 in the class I. And then the class III facility is more than 5,000 and 20,000 or less. So it's 15,000 animal units broad. Then the last and the largest are the class IV facilities and those are designed for more than 20,000 animal units. There aren't very many of those in our states currently but they're increasing fairly rapidly now, and there's no maximum size on that. It's everything over the 20,000 limit. So apparently when the committee amended the bill they made it much more complicated and much less protective for the stream segments, because what they did was to insert provisions that allowed for the expansion of existing facilities. It retained the language about no new facilities, except you could have a class I new facility, the smallest, but with regard to the larger types of facilities it said if you had an existing