

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

May 18, 1999

LB 870

can always gain information, valuable information, from the process. So I would urge you to consider the adoption of the Bohlke amendment.

SPEAKER KRISTENSEN: Senator Bohlke, there is one minute remaining. Senator Bromm.

SENATOR BROMM: Thank you, Mr. Speaker. The...on the hearing question, I was going to comment, I guess, briefly. In the zoning process...and I think Senator Schimek has answered part of that...that at least in our area, under the zoning ordinances that we have, or zoning rules, these kinds of operations require what they call a special use permit. And there is...there's a hearing on the granting of a special use permit. Whether or not there's a hearing before the planning commission, there's always a hearing on a special use permit, and so that's helpful. One of the...I guess one of the things I would like to comment on, that when we went through the process of setting up LB 1209 and the contents of LB 1209, I think the thrust of what the Legislature tried to do, and what the administration was trying to do when that was all happening, was to keep the granting or denial of a permit based on scientific, ascertainable standards, standards that those who decided they wanted to enlarge or apply for a new permit for a livestock facility, standards that they could tell what the threshold was, or what the requirements were that they would have to meet in order to build or enlarge this facility, and that indeed the role of the DEQ was to provide the framework for that. We establish some direction in our legislation. DEQ has Title 130, and they have even recently held some hearings on changes to Title 130, which I think are very appropriate. And the public hearings, in developing these standards, or the threshold, should be held, are held, and are required to be held. Now, I'm a little concerned about the public's perspective. If there is a...if there's a public hearing on a particular application and 50 people show up and oppose the application and 2 or 3 people stand up and support the application and they go home and subsequently DEQ grants the application, yes, it is an opportunity for people to come and to express themselves, to ask questions, but the perception, I think, would be that state government once again did not listen. And most people are not going to readily perceive what is relevant to the granting of the license and what is not relevant