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LB 870

SENATOR SCHROCK: Yes.

SENATOR BROMM: Senator Schrock, on page 4 of the amendment, AM7143, we had a paragraph defining what a compliant livestock operation is, and that is completely removed. And I'm trying to understand the rationale...and maybe if you, Senator, or Senator Beutler did, I didn't hear it...what is the rationale for removing that language, which was a definition that was kind of worked on for quite a while?

SENATOR SCHROCK: Senator Beutler? I believe you'll find in the amendment that is offered here by Senator Beutler, there is language dealing with existing livestock facilities. And if you'll read the language with me on page 2, line...about starting there with line 13 and 14, the department may require an engineering evaluation or assessment performed by a licensed professional engineer for an existing livestock waste control facility if, after an inspection, the department determines that the facility has visible signs of structural breakage below the permanent pool, signs of discharge or proven discharge due to structural weakness, improper maintenance or inadequate capacity, or the department has reason to believe that an existing livestock waste control facility has violated or threatens to violate the Environmental Protection Act,...

SENATOR BROMM: But...

SENATOR SCHROCK: ...the Livestock Management Act, or any rules or regulations adopted under such act. I would contend...

SENATOR BROMM: But, I...Senator Schrock, I don't want to interrupt you, but I have to. The compliant livestock operation paragraph was intended to provide some...I understood, anyway...some safe harbor for those operations that had requested inspection prior to January 1 of 2000, and the inspection was not had yet. And if they were found then to be not in compliance, they wouldn't face fines and that sort of thing because the inspection couldn't get around to them. And I don't see where that is...I don't see where that's covered in your engineering language. What's the substitute? Or should I ask Senator Beutler for his input on that? What's the substitute for that language we're removing on page 4 of