

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

February 22, 2006 LB 975

kept hands off. Now once again, there is a proposition, and maybe it's not the same, but we'll be discussing it, that essentially says that a local county planning commission or county board shall grant a conditional use permit or a special exception to any existing feedlot seeking to construct or modify a livestock waste control facility, if the purpose in seeking such permit or exception is to comply with federal or state regulations pertaining to livestock waste. It then goes on to limit that mandate by saying that it's not an absolute mandate, if the capacity of the feeding operation is below 10 percent of what exists, or a certain number of animals, and there's...sounds like an inventory of the ark; every animal in so many numbers is okay. That's as an alternative standard for increasing the size of the operation. And then it also says that if the operation is not in compliance with inspection requirements, they don't have to grant additional leeway to increase the capacity. But it seems to me that if you...that there is a compromise here that makes some sense, and that would be to simply say--and I'm going to suggest that in an amendment--but would be to simply say that if the purpose of the conditional permit, or the request for a conditional permit or special exception, if the purpose is solely to comply with federal regulations or state regulations, then it would make some sense to say they ought to be able to come into compliance with the law and continue their operation. But if you're going to say that this permit has to be granted, if the increase in capacity is only a certain percentage or so many animals, I'm not sure you can make a rule like that at the state level. Let me give you just one example. We have, and we had a discussion flare up earlier this year about confined facilities in a trout stream area. Trout streams would be just one type of highly sensitive area. In the opinion of many people, some of the existing facilities in these areas shouldn't be there at their current levels and at their current capacities. Well, why do you want to dictate to a local community, that perhaps doesn't think it should be there at its current capacity, that they must grant a permit for a capacity that is increased by 10 percent or this certain number of animals?

SENATOR CUDABACK: One minute.