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Transcriber's Office

March 12, 1998      LB 1152

adjourned for that day. Thank you.

SPEAKER KRISTENSEN: Thank you, Senator Schmitt. Mr. Clerk.

CLERK: Mr. President, committee amendments' still pending. The first amendment to those, this morning, Senator Schmitt, I have AM3438 in front of me, Senator. (Standing Committee amendment, AM3088, can be found on pages 766-67 of the Legislative Journal; and Schmitt amendment, AM3438, can be found on page 857 of the Legislative Journal.)

SENATOR SCHMITT: Correct.

SPEAKER KRISTENSEN: Senator Schmitt.

SENATOR SCHMITT: Yes, Mr. Speaker and members. AM3438 begins to address what's wrong with the Schellpeper amendment. The restrictions on counties add up to no regulations at all on industrial hog factories. Restricting zoning regulations to just what's listed in the amendment doesn't address the real concerns that appropriate sites, odors, flies, et cetera... I don't think a county can pass a regulation that requires a state agency to do anything, and that's what was in his amendment. And one-fourth of a mile just isn't far enough. As I stated before, one-fourth of a mile is about five city blocks. County ought to be allowed to require more distance than a quarter of a mile between a hog factory and someone's home. A mile from town is just too close, depending on the size of the operation. Applications on file with DEQ that haven't been acted upon should not automatically be grandfathered in. Some of these operations file an application as soon as their offer to buy land has been accepted but before the sale has been closed. They don't have a vested interest in the property yet, so why should they be grandfathered? We need to be sure that whenever one of these facilities is mentioned, all three are mentioned. It must read, "confined livestock operations, livestock waste control facilities, and open lots", otherwise the amendment only regulates a facility mentioned specifically. I don't believe that we want a lagoon right up against someone's residence or less than a mile from town. It would be allowed under the Schellpeper amendment, since the language in that section only mentions confined livestock operation and open lots. I will