

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 677

FINAL READING

Introduced by Dubas, 34; Carlson, 38; Dierks, 40; Erdman, 47;
Fischer, 43; Hansen, 42; Hudkins, 21; Langemeier, 23;
Louden, 49; Wallman, 30; Christensen, 44

Read first time January 17, 2007

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to agriculture; to amend section 54-2423,
2 Revised Statutes Cumulative Supplement, 2006; to change
3 inspection requirements and late fees under the Livestock
4 Waste Management Act; to repeal the original section; and
5 to declare an emergency.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 54-2423, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 54-2423 (1) If any person owning or operating an animal
4 feeding operation (a) does not hold a National Pollutant Discharge
5 Elimination System permit, an operating permit, or a construction
6 and operating permit or have construction approval, (b) has
7 not been notified by the department that no National Pollutant
8 Discharge Elimination System permit or construction and operating
9 permit is required, or (c) is not exempt under section 54-2422,
10 such person shall, on forms prescribed by the department, request
11 the department to inspect such person's animal feeding operation
12 to determine if a livestock waste control facility is required. If
13 an inspection is requested prior to January 1, 1999, an inspection
14 fee for such inspection shall not be assessed. For inspections
15 requested on or after July 16, 2004, there shall be an inspection
16 fee established by the council with a minimum fee of one hundred
17 dollars and a maximum fee of five hundred dollars. Such fee may be
18 set according to animal capacity.

19 (2) The department shall, in conjunction with natural
20 resources districts and the Cooperative Extension Service of the
21 University of Nebraska, publicize information to make owners and
22 operators of affected animal feeding operations aware of the need
23 to request an inspection.

24 ~~(3) Any person required to request an inspection under~~
25 ~~this section who operates an animal feeding operation after~~

1 January 1, 2000, except an animal feeding operation exempted
2 by the department from National Pollutant Discharge Elimination
3 System permit requirements prior to July 16, 2004, without first
4 submitting the request for inspection required under this section
5 shall be assessed, except for good cause shown, a late fee of not
6 less than fifty dollars nor more than five hundred dollars for
7 each offense. Each month a violation continues shall constitute a
8 separate offense.

9 (3) Any person required to request an inspection under
10 this section who operates an animal feeding operation after January
11 1, 2000, without first submitting the request for inspection
12 required under this section shall be assessed, except for good
13 cause shown, a late fee of not less than fifty dollars nor more
14 than five hundred dollars for each offense. Each month a violation
15 continues shall constitute a separate offense. Exceptions to this
16 provision are:

17 (a) An animal feeding operation exempted by the
18 department from National Pollutant Discharge Elimination System
19 permit requirements prior to July 16, 2004; or

20 (b) A livestock operation that became an animal feeding
21 operation by enactment of the Livestock Waste Management Act as
22 such act existed on July 16, 2004, but was not required to request
23 an inspection prior to that date.

24 (4) A person meeting the provisions of subdivision (3) (b)
25 of this section shall request an inspection prior to January 1,

1 2009, and pay fees required pursuant to subsection (1) of this
2 section.

3 (5) Any person required to request an inspection under
4 subsection (4) of this section who operates an animal feeding
5 operation after December 31, 2008, shall be assessed, except for
6 good cause shown, a late fee of not less than fifty dollars nor
7 more than five hundred dollars for each offense. Each month a
8 violation continues shall constitute a separate offense.

9 Sec. 2. Original section 54-2423, Revised Statutes
10 Cumulative Supplement, 2006, is repealed.

11 Sec. 3. Since an emergency exists, this act takes effect
12 when passed and approved according to law.