

9-8-1999

1999 Nebraska Livestock Legislation

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Cornhusker Economics

Cooperative Extension

Institute of Agriculture & Natural Resources
Department of Agricultural Economics
University of Nebraska – Lincoln

1999 Nebraska Livestock Legislation

Market Report	Yr Ago	4 Wks Ago	9/3/99
<u>Livestock and Products,</u>			
<u>Average Prices for Week Ending</u>			
Slaughter Steers, Ch. 204, 1100-1300 lb Omaha, cwt.	\$57.50	\$64.96	\$65.81
Feeder Steers, Med. Frame, 600-650 lb Dodge City, KS, cwt.	69.50	*	83.66
Feeder Steers, Med. Frame 600-650 lb, Nebraska Auction Wght. Avg.	*	88.74	86.32
Carcass Price, Ch. 1-3, 550-700 lb Cent. US, Equiv. Index Value, cwt.	92.13	100.68	102.02
Hogs, US 1-2, 220-230 lb Sioux Falls, SD, cwt.	29.10	37.25	34.00
Feeder Pigs, US 1-2, 40-45 lb Sioux Falls, SD, hd.	*	*	22.32
Vacuum Packed Pork Loins, Wholesale, 13-19 lb, 1/4" Trim, Cent. US, cwt.	93.60	116.60	108.00
Slaughter Lambs, Ch. & Pr., 115-125 lb Sioux Falls, SD, cwt.	74.88	86.17	76.25
Carcass Lambs, Ch. & Pr., 1-4, 55-65 lb FOB Midwest, cwt.	165.00	183.50	177.00
<u>Crops,</u>			
<u>Cash Truck Prices for Date Shown</u>			
Wheat, No. 1, H.W. Omaha, bu.	2.55	2.88	2.93
Corn, No. 2, Yellow Omaha, bu.	1.71	1.85	1.71
Soybeans, No. 1, Yellow Omaha, bu.	5.19	4.48	4.57
Grain Sorghum, No. 2, Yellow Kansas City, cwt.	3.04	3.51	3.21
Oats, No. 2, Heavy Sioux City, IA, bu.	*	1.18	1.16
<u>Hay,</u>			
<u>First Day of Week Pile Prices</u>			
Alfalfa, Sm. Square, RFV 150 or better Platte Valley, ton.	*	82.50	87.50
Alfalfa, Lg. Round, Good Northeast Nebraska, ton.	45.00	*	35.00
Prairie, Sm. Square, Good Northeast Nebraska, ton.	77.50	*	*
* No market.			

Several bills dealing with livestock issues were enacted in 1999, including LB882 (temporary zoning), LB870 (livestock waste permits) and LB835 (livestock contracts).

Temporary zoning. LB822 allows counties which do not presently have a comprehensive development plan or zoning regulations to adopt temporary zoning regulations. The county board must have appointed a planning commission and be at least preparing a comprehensive development plan by Jan. 1, 2000. The interim (i.e. temporary) zoning regulations that can be adopted must be in use in one or more of the five geographically closest zoned counties. Interim zoning regulations cannot implement a moratorium on livestock waste control facilities (LWCFs) or impact any existing and lawful land use.

The temporary zoning regulations could include setback requirements for livestock operations or livestock facilities up to ½ mile from the nearest occupied residence and up to 1 mile from an incorporated city or village or a concentration of 10 or more residences within ¼ square mile.

Trout streams. LB822 prevents the location of any new Class II (>1000-5000 animal units [AUs]), Class III (>5000-20,000 AUs) or Class IV (>20,000 AUs) LWCFs in any part of a watershed that feeds directly or indirectly into a cold water Class A stream. Existing livestock operations which do not currently have a LWCF but are later determined to need one would be allowed to construct a LWCF. New LWCFs and LWCF expansions could still be built if an application had been received and was deemed



complete by DEQ prior to Jan. 1, 1999. All current cold water Class A streams are in the Niobrara, North Platte, South Platte and White River-Hat Creek river basins.

Dead animal disposal. Livestock carcasses up to 300 pounds may now be incorporated into a composting facility if certain operating procedures are followed.

LWCF construction. LB870 clarifies that an LWCF permit need not be issued by DEQ before construction is begun on the non-LWCF portion of the new livestock facility.

Exempt livestock operations. LB870 exempts livestock operations with less than 300 AUs from the LWCF permitting and inspection requirements unless those operations have had a confirmed discharge into waters of the state or a high potential for such a discharge. In these cases, DEQ must so notify the livestock operation owner by certified mail. Any pending DEQ inspections of exempt livestock operations are canceled by LB870.

Inspections. Existing non-exempt livestock operations (300 or more AUs) that have not requested an inspection prior to Jan. 1, 2000, will be subject to a late fee of at least \$50 with additional fines of up to \$500 per month thereafter until the inspection is requested.

Odor BMPs. When LB1209 was passed in 1998, it provided that DEQ best management practices (BMPs) for control of odor, were to terminate on July 1, 1999. LB870 repeals that termination date, leaving those regulations in place at least for now.

Competitive Livestock Marketing Act. LB835 regulates marketing and livestock ownership for packers slaughtering 150,000 or more AUs per year.

Packer livestock ownership. Packers cannot directly or indirectly own or feed livestock except for 5 days incidental to slaughter.

Hog purchases. Packers may not purchase hogs on terms that are not available to other livestock sellers. An exception is made for direct, spot or cash purchases where any price differential is based on carcass merit or transportation costs, and prices are reported (including the price differentials and its reason). A second exception is for contracts to purchase hogs at a specific date or time if the require-

ments for cash sales are met and the contract is offered to other sellers.

Hog price reporting. Beginning Feb. 15, 2000, packers must report all prices paid for hogs twice daily to the Nebraska Department of Agriculture and the USDA Ag Marketing Service. Reports must include (1) cash prices and number of hogs purchased, (2) base price and quality premiums or discounts, (3) formula pricing, and (4) contract prices and formulas. Seller names are not reported. NDA must report prices to the public.

Cattle purchase contracts. Packer contracts to purchase cattle for slaughter cannot require the seller to keep the price secret and must specify a delivery date. Contracts specifying a delivery month allowing the packer to specify the week or delivery are exempted where the packer reports the contract price and delivery date. Formula or grid pricing is illegal unless a base price is specified prior to the cattle being committed or scheduled for slaughter.

Cattle price reporting. Beginning Feb. 15, 2000, packers must report all cash, spot and direct sale prices paid for cattle twice daily to the Nebraska Department of Agriculture and the USDA Ag Marketing Service. Contract prices paid must be reported daily. Reports must include (1) cash prices and number of cattle purchased, (2) quality characteristics, grade and live weight estimates, and base price and quality premiums or discounts, (3) grid or formula pricing, and (4) delivery month, volume and basis level for basis contracts. Seller names are not reported. NDA must report prices to the public.

Fees. NDA may charge up to 2¢ per AU to cover program investigation and enforcement.

Enforcement. NDA must report violations to the Attorney General, who is responsible for enforcement. Livestock sellers may also sue privately to enforce the act.

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