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Nebraska Cattlemen

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UNL's Livestock
Environmental
Issues Committee
Includes
representation from
UNL, Nebraska
Department of
Environmental
Quality, Natural
Resources
Conservation Service,
Natural Resources
Districts, Center for
Rural Affairs,
Nebraska Cattlemen,
USDA Ag Research
Services, and
Nebraska Pork
Producers
Association.

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Two Key Livestock bills before NE Legislature

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State senators have advanced LB 210 to Select File on a 39-1 vote. The proposed legislation would exempt certain farm and ranch laborers from the Worker Compensation Act. Generally, employers of farm and ranch laborers would be exempt from providing workers' compensation coverage if their employees are related to the employer and if the total number of employees not related to the employer does not exceed five. In the event an agricultural employer employs six or more unrelated, full-time employees the employer may still be exempt so long as less than 40% of the employer's gross revenue is derived from farm or ranch work done for someone other than the employer.

LB 754, commonly referred to as the livestock friendly county bill, advanced out of the Agriculture Committee on a 7-0 vote. LB 754, as amended by the committee, addresses the significant issues relating to the growth and regulation of Nebraska's livestock industry. The legislative intent of the amended bill is to seek means to nurture the state's livestock industry. The amended bill provides that with the guidance of the Department of Agriculture, county planning authorities evaluate conditional use applications in a manner to promote the livestock industry.

Specifically the amended bill adds two modifications to the conditional use permitting process: (1) the application for a conditional use permit may request a "final determination" by the county planning authority at the time of application. This final determination may be made subject to conditions identified by the county, including but not limited to acquisition of state permits. (2) The county planning authority must provide with its decision to grant or deny a permit, a statement of factual findings that support the decision to grant or deny the permit.

In essence, this bill shifts the burden of proof from the applicant to the county. This bill does not take away local control, rather it requires the county to share all of the conditions, determined by the county that must be met by the applicant in order to receive the permit with the applicant at the time of application. Legislative Bill 754, advanced Monday, April 8 on a 32-4 vote.

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