

AMENDMENTS TO LB106

(Amendments to Standing Committee amendments, AM521)

Introduced by Groene, 42.

1 1. Strike section 8 and insert the following new section:

2 Sec. 8. (1) A person who applied to a county for a livestock
3 operation siting or expansion permit and has been denied by the county
4 may appeal the decision directly to the district court.

5 (2) In any proceeding under this section, subsequent to the initial
6 filing, the parties shall receive from the clerk of the district court
7 information regarding the availability of mediation through the farm
8 mediation service of the department. Development of the informational
9 materials and the implementation of this subsection shall be accomplished
10 through the State Court Administrator.

11 (3) With the consent of both parties, a court may refer a case to
12 mediation and may state a date for the case to return to court, but such
13 date shall be no longer than ninety days from the date the order is
14 signed unless the court grants an extension.

15 (4) If the parties consent to mediate, they shall meet with a
16 mediator from, or appointed through, the farm mediation service of the
17 department to mediate an agreement. The mediator may negotiate exceptions
18 to the guidelines of the assessment matrix factors adopted pursuant to
19 section 5 of this act that may bring about agreement between the parties
20 involved.

21 (5) If a mediation agreement is reached, the district court shall
22 enter the agreement as the judgment in the action. The costs of mediation
23 shall be shared by the parties according to the schedule of fees
24 established by the farm mediation service of the department and collected
25 directly by the farm mediation service, except that the department may
26 establish an internal fund to pay the costs of mediation on behalf of the

1 parties.

2 (6) If the case is not referred to mediation or if mediation is
3 terminated or fails to reach an agreement between the parties, the action
4 shall proceed as a civil action.

5 2. On page 1, strike line 7; in line 8 strike "(2)" and insert
6 "(1)"; in line 9 strike "(3)" and insert "(2)"; in line 10 strike "(4)"
7 and insert "(3)"; in line 12 strike "(5)" and insert "(4)"; and in line
8 23 after the period insert "The act shall not apply to counties that have
9 not enacted zoning regulations pursuant to sections 23-114 to
10 23-114.05.".

11 3. On page 4, strike lines 3 and 4; in line 5 strike "(5)" and
12 insert "(4)"; in line 6 before "matrix" insert "assessment"; in line 7
13 strike beginning with "and" through "section"; in line 10 after the
14 period insert "The committee shall review the matrix annually and
15 recommend to the department changes as needed."; in line 11 strike "(6)"
16 and insert "(5)"; and in line 18 before "matrix" insert "assessment".