AMENDMENTS TO LB227

(Amendments to Standing Committee amendments, AM746)

Introduced by Hughes, 44.

1. Strike amendment 1 and insert the following new amendment:

1. Strike the original sections and insert the following new sections:

Section 1. Section 2-4403, Reissue Revised Statutes of Nebraska, is amended to read:

2-4403 A farm or farm operation or a public grain warehouse or public grain warehouse operation shall not be found to be a public or private nuisance if:

(1) The farm or farm operation or public grain warehouse or public grain warehouse operation existed before a change in the land use or occupancy of land in and about the locality of such farm or farm operation or public grain warehouse or public grain warehouse operation and before such change in land use or occupancy of land the farm or farm operation or public grain warehouse or public grain warehouse operation would not have been a nuisance;

(2) The farm or farm operation or public grain warehouse or public grain warehouse operation employs reasonable techniques to mitigate negative effects on the property of others, including, but not limited to, reasonable techniques to keep dust, noise, insects, and odors at a minimum;

(3) The farm or farm operation or public grain warehouse or public grain warehouse operation is in compliance with applicable laws and regulations, including any zoning regulations of a local governing body; and

(4) There has not been a significant change in the farm or farm operation or public grain warehouse or public grain warehouse operation.
For purposes of this subdivision, a significant change in a farm or farm operation or public grain warehouse or public grain warehouse operation does not include:

(a) The conversion from one type of farm or farm operation or public grain warehouse or public grain warehouse operation to another type of farm or farm operation or public grain warehouse or public grain warehouse operation;

(b) A change in ownership or size of the farm or farm operation or public grain warehouse or public grain warehouse operation;

(c) The enrollment, reduction, or cessation of participation in a government program by the farm or farm operation or public grain warehouse or public grain warehouse operation; or

(d) Adoption of new technology by the farm or farm operation or public grain warehouse or public grain warehouse operation.

Sec. 2. Original section 2-4403, Reissue Revised Statutes of Nebraska, is repealed.