Introductions 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 2-4401, Reissue Revised Statutes of Nebraska, is amended to read:

   2-4401 Sections 2-4401 to 2-4404 and sections 3 and 4 of this act shall be known and may be cited as the Nebraska Right to Farm Act.

   Sec. 2. 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; and

   (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.

Sec. 3. A farm or farm operation or public grain warehouse or public grain warehouse operation shall not be found to be a public or private nuisance after two years following the established date of operation, including as modified by any subsequent change as provided in this section. For purposes of this section, established date of operation means the date on which a farm or farm operation or public grain warehouse or public grain warehouse operation commences operation, except that if the farm or farm operation or public grain warehouse or public grain warehouse operation undergoes any subsequent change, including any of the following, the date of such change shall be deemed the established date of operation for such change:

(1) 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;

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

(3) 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

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

Sec. 4. Section 2-4404, Reissue Revised Statutes of Nebraska, is amended to read:

2-4404 The Nebraska Right to Farm Act Sections 2-4401 to 2-4404 shall not affect the application of state and federal statutes.

Sec. 5. Original sections 2-4401, 2-4403, and 2-4404, Reissue Revised Statutes of Nebraska, are repealed.