

LEGISLATIVE BILL 227

Approved by the Governor May 08, 2019

Introduced by Hughes, 44; Briese, 41; Kolterman, 24; Slama, 1.

A BILL FOR AN ACT relating to the Nebraska Right to Farm Act; to amend sections 2-4403 and 2-4404, Reissue Revised Statutes of Nebraska; to change nuisance provisions and provide for a limitation on nuisance actions; to provide for applicability; to update an act reference; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

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

2-4403 (1) 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 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) No suit shall be maintained against a farm or farm operation or public grain warehouse or public grain warehouse operation for public or private nuisance more than two years after the condition which is the subject matter of the suit reaches a level of offense sufficient to sustain a claim of nuisance.

(3) The limitation provided for in this section shall not apply to any action brought to determine compliance with or to enforce a previous order of a court related to the same claim of nuisance or to any claims for additional damages or equitable relief available when a farm or farm operation or public grain warehouse or public grain warehouse operation fails to remediate a nuisance pursuant to such court order.

Sec. 2. 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. 3. Original sections 2-4403 and 2-4404, Reissue Revised Statutes of Nebraska, are repealed.