

AMENDMENTS TO LB227

(Amendments to Standing Committee amendments, AM746)

Introduced by Hughes, 44.

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

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

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

6           2-4403 A farm or farm operation or a public grain warehouse or  
7 public grain warehouse operation shall not be found to be a public or  
8 private nuisance if:

9           (1) The the farm or farm operation or public grain warehouse or  
10 public grain warehouse operation existed before a change in the land use  
11 or occupancy of land in and about the locality of such farm or farm  
12 operation or public grain warehouse or public grain warehouse operation  
13 and before such change in land use or occupancy of land the farm or farm  
14 operation or public grain warehouse or public grain warehouse operation  
15 would not have been a nuisance; -

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

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

25           (4) There has not been a significant change in the farm or farm  
26 operation or public grain warehouse or public grain warehouse operation.

1 For purposes of this subdivision, a significant change in a farm or farm  
2 operation or public grain warehouse or public grain warehouse operation  
3 does not include:

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

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

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

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

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