

AMENDMENTS TO LB227  
(Amendments to AM1287)

Introduced by Lathrop, 12.

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

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

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

26           Sec. 2. Section 2-4404, Reissue Revised Statutes of Nebraska, is

1 amended to read:

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

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5 Statutes of Nebraska, are repealed.