

AMENDMENTS TO LB227

Introduced by Agriculture.

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

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

5           2-4403 A farm or farm operation or a public grain warehouse or  
6 public grain warehouse operation shall not be found to be a public or  
7 private nuisance if:

8           (1) The the farm or farm operation or public grain warehouse or  
9 public grain warehouse operation existed before a change in the land use  
10 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; or -

15           (2)(a) Reasonable techniques are employed to keep dust, noise,  
16 insects, and odors at a minimum and the farm or farm operation or public  
17 grain warehouse or public grain warehouse operation is in compliance with  
18 applicable laws and regulations, including any zoning regulations of a  
19 local governing body; and

20           (b) There is no significant change in the farm or farm operation or  
21 public grain warehouse or public grain warehouse operation and such farm  
22 or farm operation or public grain warehouse or public grain warehouse  
23 operation has been in operation for more than one year and was not a  
24 nuisance at the time it began. For purposes of this subdivision, a  
25 significant change in a farm or farm operation or public grain warehouse  
26 or public grain warehouse operation does not include:

27           (i) The conversion from one type of farm or farm operation or public

1 grain warehouse or public grain warehouse operation to another type of  
2 farm or farm operation or public grain warehouse or public grain  
3 warehouse operation;

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

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

9 (iv) Adoption of new technology by the farm or farm operation or  
10 public grain warehouse or public grain warehouse operation.

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12 Nebraska, is repealed.