

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 227

Introduced by Hughes, 44.

Read first time January 14, 2019

Committee: Agriculture

- 1 A BILL FOR AN ACT relating to the Nebraska Right to Farm Act; to amend
- 2 sections 2-4402 and 2-4403, Reissue Revised Statutes of Nebraska; to
- 3 redefine terms; to change provisions relating to a determination of
- 4 a public or private nuisance; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-4402, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 2-4402 As used in the Nebraska Right to Farm Act, unless the context
4 otherwise requires:

5 (1) ~~Farm or farm operation~~ means any tract of land over ten acres in
6 area used for or devoted to the commercial production of farm products;

7 (2) Farm product means those plants and animals useful to man and
8 includes, but is not limited to, forages and sod crops, grains and feed
9 crops, dairy and dairy products, poultry and poultry products, livestock,
10 including breeding and grazing, fruits, vegetables, flowers, seeds,
11 grasses, trees, fish, apiaries, equine and other similar products, or any
12 other product which incorporates the use of food, feed, fiber, or fur;
13 and

14 (3) ~~Public grain warehouse or public grain warehouse operation~~ means
15 any grain elevator building or receptacle in which grain is held for
16 longer than ten days and includes, but is not limited to, all buildings,
17 elevators, and warehouses consisting of one or more warehouse sections
18 within the confines of a city, township, county, or state that are
19 considered a single delivery point with the capability to receive, load
20 out, weigh, and store grain.

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

23 2-4403 A ~~farm or farm operation~~ or a public grain warehouse ~~or~~
24 ~~public grain warehouse operation~~ shall not be found to be a public or
25 private nuisance if:

26 (1) The ~~the~~ ~~farm or farm operation~~ or public grain warehouse ~~or~~
27 ~~public grain warehouse operation~~ existed before a change in the land use
28 or occupancy of land in and about the locality of such ~~farm or farm~~
29 ~~operation~~ or public grain warehouse ~~or public grain warehouse operation~~
30 and before such change in land use or occupancy of land the ~~farm or farm~~
31 ~~operation~~ or public grain warehouse ~~or public grain warehouse operation~~

1 would not have been a nuisance; -

2 (2) There is no significant change in the type of farm or public
3 grain warehouse and such farm or public grain warehouse has been in
4 operation for more than one year and was not a nuisance at the time it
5 began. For purposes of this subdivision, a significant change does not
6 include:

7 (a) The conversion from one type of farm or public grain warehouse
8 to another type of farm or public grain warehouse;

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

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

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

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

19 Sec. 3. Original sections 2-4402 and 2-4403, Reissue Revised
20 Statutes of Nebraska, are repealed.