

# One Hundred Eighth Legislature - First Session - 2023

## Introducer's Statement of Intent

### LB662

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**Chairperson: Senator Steve Halloran**

**Committee: Agriculture**

**Date of Hearing: February 14, 2023**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB662 amends to the Nebraska Right to Farm Act to protect agricultural operations from frivolous lawsuits. The bill makes four main changes to the Act:

1. Limits standing to nearby landowners to allow those who may be affected by an agricultural operation to seek a remedy while preventing outside organizations with no presence in Nebraska from using nuisance lawsuits to harass our agricultural producers.
2. Creates a rebuttable presumption that an agricultural operation is not a nuisance if using commonly accepted industry practices.
3. States that an agricultural operation is not a nuisance merely because of a change in ownership or size, nonpermanent cessation or interruption in agricultural activities, participation in a government-sponsored program, the use of new technologies, or a change in the type of farm product produced.
4. Sets the statute of limitations for nuisance suits against agricultural operations at one year from the date complainant first experiences the nuisance.

The bill does not exempt agricultural operations from local, state, or federal laws. Operations are still subject to permitting, zoning, and setback regulations, as well as livestock and chemigation regulations.

**Principal Introducer:** \_\_\_\_\_

**Senator Beau Ballard**