

simple, very straightforward, very short. It has been left open to considerable judicial interpretation. As amended we attempt to define the farm and farm operation. Then in Section 2 we say that farmers shall not be found to be a private or a public nuisance if the farm existed before any change was made in the use or occupancy of the land, and if before any change, the farm or the farm operation would not have been considered to be a nuisance. I think with this bill that such suits alleging farmers to be nuisances will be minimized. I think they will be able to be disposed of more quickly and it's the purpose of the bill of course to provide that agricultural activities conducted on farm land have some semblance of protection from this type of suit. I would move, Mr. President, that LB 668 as amended be advanced to E & R initial.

PRESIDENT: The Chair recognizes Senator Kahle.

SENATOR KAHLE: Mr. President and members, perhaps a question of Senator Barrett.

PRESIDENT: Senator Barrett, would you respond?

SENATOR KAHLE: Would this also affect the situation if you were a farmer and another farmer expanded his operation next to you? I guess I'm thinking about the ~~Leid~~ situation that we've all heard about. Does it have any effect between farmers?

SENATOR BARRETT: This speaks to the matter of existing farm operations. I presume you are talking about expansions, Senator Kahle?

SENATOR KAHLE: Yes.

SENATOR BARRETT: No, expansion would have to be considered by the courts on the principles of equity I should think on a case by case basis.

SENATOR KAHLE: So as a result let's say I'm farming outside of Lexington a little ways and there is a fellow feeding a few cattle over there next to me and he decides to feed five thousand. This will not affect...help me any then?

SENATOR BARRETT: I should think under those conditions that the bill would not be a great deal of protection to that person who expands because it speaks only to the narrow instance of existing operations.

SENATOR KAHLE: Okay, thank you. Well I have some problems and of course being a farmer I certainly agree with most of this bill and realize that it has caused hardship for a