

limits on those animals and...

SENATOR VRTISKA: Okay, the other question I had and I think one to me is somewhat interesting, under (c) you have, will not interfere with future.... No, I mean, excuse me, (b) will not inter...there...interfere with adjoining landowners' quiet enjoyment of their property. What do you mean by that?

SENATOR PREISTER: Well, Senator Vrtiska, I believe quiet enjoyment is a term of art and it's already in statute, although I can't cite you where, and that every property owner has that right...

SENATOR VRTISKA: Well,...

SENATOR PREISTER: ..so this isn't really an expansion.

SENATOR VRTISKA: ..reason I pose the question, when I was on the county board I had a lady call me one time at two o'clock in the morning who lived on the edge of our little town and she said I want you to come out here and stop this tractor from running because he's interfering with my sleep, I and my child are trying to get some sleep and this tractor's been running since late at night and it's two o'clock in the morning and I think you ought to come out here and stop him. And I said, well, you know, I don't quite understand how I can stop him. Apparently the guy was behind and wanting to catch up. Wouldn't that be considered as interfering with the...with the quiet enjoyment of the property?

SENATOR PREISTER: I think that person already has a right to that redress but...

SENATOR VRTISKA: They have a right to go out and stop them running a tractor at two o'clock in the morning?

SENATOR PREISTER: I believe that that would be something that they could do irrespective of this legislation, but with this we're only dealing with...

SENATOR VRTISKA: Well, what I...I guess what I'm trying to find out is, you know, how do you...who determines what quiet enjoyment is? To most people, at least in the farming community, the sound of a tractor doesn't appear to be and so I guess, you know, putting that in perspective, the sound of a