

March 15, 1982

LB 668

PRESIDENT: The Chair recognizes Senator Schmit for purposes of considering the committee amendments. Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, the committee amendments explain the definition of a farm as an area ten acres or more in size that produces products for commercial production of agriculture. We generally agree to what Senator Barrett is doing. The bill is really Senator Barrett's bill and I added my name to it. It is similar to a bill which we had several years ago which gave protection to feedlots. Many people remember that bill. It is required that if a feedlot were located in an area first and as an existing institution that anyone who came and built next to it or adjacent to it did so with full knowledge and, therefore, the lot did not have to be moved. What Senator Barrett's bill does is state that if you have an existing farm operation and someone comes and locates next to it, that they did so knowingly and the farm is not going to be subject to nuisance suits of that nature. Senator Barrett supports the amendment and I would ask for its adoption.

PRESIDENT: Any further discussion on the committee amendments? Senator Beutler, you didn't wish to speak on this... all right. The question then before the House is the adoption of the committee amendments on LB 668. All those in favor vote aye, opposed nay. Record the vote.

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of the committee amendments.

PRESIDENT: The motion carries. The committee amendments are adopted on LB 668. The Chair recognizes Senator Barrett for purposes of discussion of the bill. Senator Barrett.

SENATOR BARRETT: Thank you, Mr. President and members, the intent of LB 668 is to say simply that a farm or a farm operation cannot be declared a nuisance if it existed before any nearby development existed and would not have been declared a nuisance before any such development occurred. Now the bill then is simply intended to protect existing, and I emphasize the word existing, farm operations from the so-called nuisance suits. The intention, of course, is to strike somewhat of a fair balance between the existing farmer, the farmstead who has been there for years and from the more recently arrived, perhaps urban oriented, neighbors who all of a sudden after having arrived in the countryside and built a hundred thousand dollar home, seem to feel that conditions and activities emanating from that farm or farmstead might all of a sudden be considered offensive. For example, dust, odors, noise and that type of thing. The bill is very