



753866

LEGISLATIVE ACTION

Senate

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House

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The Committee on Rules (Farmer) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 151 - 177

and insert:

(c) A farm may not be held liable for a nuisance action unless the plaintiff proves by a greater weight of the evidence that the claim arises out of conduct that did not comply with state and federal environmental laws, regulations, or best management practices.

(7) PUNITIVE DAMAGES.—A plaintiff may not recover punitive damages in a private nuisance action against a farm unless:



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12           (a) The alleged nuisance is based on substantially the same  
13 conduct that resulted in a criminal conviction or a civil  
14 enforcement action by a state or federal environmental  
15 regulatory agency; and

16           (b) The conviction or enforcement action occurred within 3  
17 years of the first act forming the basis of the nuisance action.

18           (8) NUISANCE ACTIONS BASED ON EXISTING FARM OPERATIONS.-A

19  
20 ===== T I T L E   A M E N D M E N T =====

21 And the title is amended as follows:

22           Delete lines 5 - 9

23 and insert:

24           prohibiting farms from being held liable for nuisance  
25           actions except under certain circumstances; providing  
26           a burden of proof;