



769248

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/04/2021	.	
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The Committee on Rules (Brodeur) recommended the following:

Senate Amendment (with title amendment)

Delete lines 122 - 158

and insert:

(f) "Nuisance" means any interference with reasonable use and enjoyment of land, including, but not limited to, noise, smoke, odors, dust, fumes, particle emissions, or vibration. The term also includes all claims that meet the requirements of this definition, regardless of whether the plaintiff designates those claims as brought in nuisance, negligence, trespass, personal injury, strict liability, or other tort.



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12 (4) FARM OPERATIONS; NUISANCE ~~FARM OPERATION NOT TO BE OR~~
13 ~~BECOME A NUISANCE.~~—

14 (a) No farm operation which has been in operation for 1
15 year or more since its established date of operation and which
16 was not a nuisance at the time of its established date of
17 operation shall be a public or private nuisance if the farm
18 operation conforms to generally accepted agricultural and
19 management practices, except that the following conditions shall
20 constitute evidence of a nuisance:

21 1. The presence of untreated or improperly treated human
22 waste, garbage, offal, dead animals, dangerous waste materials,
23 or gases which are harmful to human or animal life.

24 2. The presence of improperly built or improperly
25 maintained septic tanks, water closets, or privies.

26 3. The keeping of diseased animals which are dangerous to
27 human health, unless such animals are kept in accordance with a
28 current state or federal disease control program.

29 4. The presence of unsanitary places where animals are
30 slaughtered, which may give rise to diseases which are harmful
31 to human or animal life.

32 (b) No farm operation shall become a public or private
33 nuisance as a result of a change in ownership, a change in the
34 type of farm product being produced, a change in conditions in
35 or around the locality of the farm, or a change brought about to
36 comply with best management practices adopted by local, state,
37 or federal agencies if such farm has been in operation for 1
38 year or more since its established date of operation and if it
39 was not a nuisance at the time of its established date of
40 operation.



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41 (c) A farm may not be held liable for nuisance unless the
42 plaintiff proves by clear and convincing evidence that the claim
43 arises out of conduct that did not comply with state or federal
44 environmental laws, regulations, or best management practices.

45
46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete lines 4 - 6

49 and insert:

50 and redefining terms; prohibiting farms from being
51 held liable for nuisance except under certain