

IN THE SENATE

SENATE BILL NO. 1033

BY AGRICULTURAL AFFAIRS COMMITTEE

AN ACT

RELATING TO AGRICULTURAL NUISANCE ACTIONS; AMENDING SECTION 22-4505, IDAHO CODE, TO PROVIDE FOR ATTORNEY'S FEES AND PENALTIES FOR MERITLESS COMPLAINTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 22-4505, Idaho Code, be, and the same is hereby amended to read as follows:

22-4505. NUISANCE ACTIONS. (1) An agricultural operation, agricultural facility or expansion thereof shall not be found to be a nuisance under the circumstances described in section 22-4503, Idaho Code.

(2) An agricultural operation, agricultural facility or expansion thereof that is operated in accordance with generally recognized agricultural practices or in compliance with a state or federally issued permit shall not be found to be a public or private nuisance. The provisions of this subsection shall not apply when a nuisance results from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof.

(3) If a public or private nuisance claim or cause of action is filed against the owner or operator of an agricultural operation or the owner of the land on which the agricultural operation is conducted and the applicable court finds that the owner or operator is the prevailing party in the action because the agricultural operation was conducted in accordance with this chapter, then the owner or operator shall be entitled to receive its reasonable attorney's fees and costs from the non-prevailing party.

(4) (a) Any person who files or makes more than one (1) meritless complaint with the Idaho department of agriculture, the Idaho department of environmental quality, the Idaho department of lands, or any other state or local law enforcement agency against a specific agricultural operation within a two (2) year period from the date of the first complaint shall be subject to the following penalties:

(i) Filing or making a second meritless complaint within two (2) years shall be an infraction and subject to a one hundred fifty dollar (\$150) fine.

(ii) Filing or making a third meritless complaint within two (2) years shall be an infraction and subject to a three hundred dollar (\$300) fine.

(iii) Filing or making a fourth or subsequent meritless complaint within two (2) years shall be a misdemeanor.

(b) For the purposes of this subsection, "meritless complaint" means a complaint made or filed with the Idaho department of agriculture, the Idaho department of environmental quality, the Idaho department of lands, or any other state or local law enforcement agency alleging that

1 an agricultural operation constitutes a public or private nuisance as
2 described in this chapter when that agricultural operation was operat-
3 ing in compliance with this chapter at the time of the complaint.

4 SECTION 2. An emergency existing therefor, which emergency is hereby
5 declared to exist, this act shall be in full force and effect on and after
6 July 1, 2025.