

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 211

BY WAYS AND MEANS COMMITTEE

AN ACT

1  
2 RELATING TO THE RIGHT TO FARM; AMENDING CHAPTER 45, TITLE 22, IDAHO CODE, BY  
3 THE ADDITION OF A NEW SECTION 22-4505A, IDAHO CODE, TO PROVIDE FOR THE  
4 RECOVERY OF COSTS, EXPENSES AND ATTORNEY'S FEES BY AN OWNER OR OPERATOR  
5 OF AN AGRICULTURAL OPERATION OR FACILITY WHO PREVAILS IN AN ACTION AS-  
6 SERTING THAT THE OPERATION OR FACILITY IS A NUISANCE.

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

8 SECTION 1. That Chapter 45, Title 22, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 22-4505A, Idaho Code, and to read as follows:

11 22-4505A. COSTS -- EXPENSES -- ATTORNEY'S FEES. An owner or operator  
12 of an agricultural operation or an agricultural facility who prevails in an  
13 action asserting that the operation or facility is a nuisance shall be enti-  
14 tled to recover the full costs, expenses and attorney's fees incurred as a  
15 result of the action.