

Report of Committee of Conference

S.45

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

The Committee of Conference, to which were referred the disagreeing votes of the two Houses upon Senate Bill, entitled:

S.45. An act relating to protection from nuisance suits for agricultural activities.

Respectfully reports that it has met and considered the same and recommends that the Senate accede to the House proposal of amendment with further proposal of amendment in Sec. 1, 12 V.S.A. chapter 195, section 5753, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) The nuisance protection for an agricultural activity provided for under subsection (a) of this section shall not apply if the plaintiff demonstrates one or more of the following:

(1) A nuisance violation results from the negligent operation of an agricultural activity.

(2) The agricultural activity has a substantial adverse effect on health, safety, or welfare, based upon objective, documented medical or scientific evidence that the agricultural activity was the sole cause of the alleged effect.

(3) The agricultural activity has a noxious and significant interference with the use and enjoyment of the neighboring property, based upon objective, documented medical or scientific evidence that the agricultural activity was the sole cause of the alleged interference.

COMMITTEE ON THE PART OF
THE SENATE

SEN. ROBERT W. NORRIS

SEN. ROBERT PLUNKETT

SEN. RUSSELL H. INGALLS

COMMITTEE ON THE PART OF
THE HOUSE

REP. DAVID K. DURFEE

REP. MARTIN J. LALONDE

REP. LELAND J. MORGAN