

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 proximate cause of the alleged effect.

(3) A reasonable person would find that the agricultural activity was a proximate cause of a noxious and significant interference with the use and enjoyment of the neighboring property.

*SEN. ROBERT W. NORRIS*

*SEN. ROBERT PLUNKETT*

*SEN. RUSSELL H. INGALLS*

*Committee on the part of the Senate*

*REP. DAVID K. DURFEE*

*REP. MARTIN J. LALONDE*

*REP. LELAND J. MORGAN*

*Committee on the part of the House*