

1 SENATE BILL 348

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Phil A. Griego

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10 AN ACT

11 RELATING TO AGRICULTURE; AMENDING THE RIGHT TO FARM ACT TO  
12 ELIMINATE THE ONE-YEAR WAITING PERIOD FOR A CHANGED CONDITION  
13 AND TO LIMIT THE APPLICATION OF LOCAL GOVERNMENT ORDINANCE OR  
14 RESOLUTION THAT MAKES AN AGRICULTURAL OPERATION OR FACILITY A  
15 NUISANCE UNDER CIRCUMSTANCES SET FORTH IN THE ACT.

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17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 47-9-3 NMSA 1978 (being Laws 1981,  
19 Chapter 287, Section 3, as amended) is amended to read:

20 "47-9-3. AGRICULTURAL OPERATIONS DEEMED NOT A NUISANCE.--

21 A. Any agricultural operation or agricultural  
22 facility is not, nor shall it become, a private or public  
23 nuisance by any changed condition in or about the locality of  
24 the agricultural operation or agricultural facility if the  
25 operation was not a nuisance at the time the operation began

.199183.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 ~~[and has been in existence for more than one year]~~; except that  
2 the provisions of this section shall not apply whenever an  
3 agricultural operation or agricultural facility is operated  
4 negligently or illegally such that the operation or facility is  
5 a nuisance.

6 B. Any ordinance or resolution of any unit of local  
7 government that makes the operation of any agricultural  
8 operation or agricultural facility a nuisance or provides for  
9 abatement of it as a nuisance under the circumstances set forth  
10 in this section shall not apply ~~[when an agricultural operation  
11 is located within the corporate limits of any municipality as  
12 of April 8, 1981]~~.

13 C. The established date of operation is the date on  
14 which an agricultural operation commenced or an agricultural  
15 facility was originally constructed. If an agricultural  
16 operation or agricultural facility is subsequently expanded or  
17 a new technology is adopted, the established date of operation  
18 does not change."