

Senate Study Bill 1227

Bill Text

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1 1 Section 1. Section [654B.3](#), subsection 1, Code 2001, is
1 2 amended to read as follows:
1 3 1. a. A person who is a farm resident, or other party,
1 4 desiring to initiate a civil proceeding to resolve a dispute,
1 5 shall file a request for mediation with the farm mediation
1 6 service. The person shall not begin the proceeding until the
1 7 person receives a mediation release or until the court
1 8 determines after notice and hearing that

~~one of the following~~

1 9

~~applies:~~

1 10

~~(1) The~~

~~the time delay required for the mediation would~~
1 11 cause the person to suffer irreparable harm.
1 12

~~(2) The dispute involves a claim which has been brought as~~

1 13

~~a class action.~~

1 14 b. The requirements of paragraph "a" are jurisdictional
1 15 prerequisites to a person filing a civil action that initiates
1 16 a civil proceeding to resolve a dispute subject to this
1 17 chapter.

1 18 Sec. 2. Section [657.8](#), Code 2001, is amended to read as
1 19 follows:

1 20 657.8 ANIMAL FEEDING OPERATIONS FEEDLOTS.

1 21 This chapter shall apply to an animal feeding operation
1 22 only as provided in chapter 657B or to the operation of a
1 23 livestock feedlot

~~only as provided in chapter 172D.~~

1 24 Sec. 3. NEW SECTION. 657B.1 SHORT TITLE.

1 25 This chapter shall be known and may be cited as the "Iowa
1 26 Livestock Production Defense Act".

1 27 Sec. 4. NEW SECTION. 657B.2 PURPOSE.

1 28 The purpose of this chapter is the same as set forth in
1 29 section 657.11.

1 30 Sec. 5. NEW SECTION. 657B.3 DEFINITIONS.

1 31 As used in this chapter, unless the context otherwise
1 32 requires:

1 33 1. "Animal feeding operation" means the same as defined in
1 34 section 455B.161.

1 35 2. "Litigation expenses" means the amount of the sum of
2 1 the costs, disbursements, and expenses, including reasonable
2 2 attorney fees, expert witness fees, and engineering fees
2 3 necessary in order to prepare for or participate in a cause of

2 4 action.

2 5 3. "Nuisance action" means any cause of action for private
2 6 or public nuisance, brought under chapter 657 or principles of
2 7 common law, or any related cause of action that interferes
2 8 with another person's comfortable use and enjoyment of the
2 9 person's life or property, including but not limited to
2 10 anticipatory nuisance, negligence, trespass, or a violation of
2 11 public trust.

2 12 Sec. 6. NEW SECTION. 657B.4 STANDING.

2 13 A person shall not have standing to bring a nuisance action
2 14 against any person for the operation of an animal feeding
2 15 operation, including practices and activities protected under
2 16 section 657.11, unless the person seeking to bring the
2 17 nuisance action has an ownership interest in the property
2 18 alleged to be affected by the animal feeding operation.

2 19 Sec. 7. NEW SECTION. 657B.5 DAMAGES.

2 20 1. In a nuisance action brought on or after the effective
2 21 date of this Act, where an animal feeding operation is found
2 22 to be a nuisance, a claimant may be awarded damages subject to
2 23 all of the following:

2 24 a. A defendant who contributes to the negligence is
2 25 responsible for damages under this section only to the extent
2 26 of the defendant's percentage of fault as provided in sections
2 27 668.3 through 668.6.

2 28 b. A claimant may recover compensatory damages as follows:

2 29 (1) For the loss of value of the claimant's real property,
2 30 the amount shall not be more than the value of the claimant's
2 31 real property as of the date that the animal feeding operation
2 32 was first operated by the defendant.

2 33 (2) For damages other than the loss of value of the
2 34 claimant's real property, the claimant may recover
2 35 compensation for actual and consequential damages together
3 1 with punitive or exemplary damages. However, all of the
3 2 following shall apply:

3 3 (a) Punitive or exemplary damages shall not be awarded,
3 4 unless the claimant recovers damages pursuant to this section
3 5 and the court or jury makes the findings required by section
3 6 668A.1.

3 7 (b) All damages awarded against all defendants in a
3 8 nuisance action subject to this subsection shall not exceed
3 9 one hundred thousand dollars, including any derivative claim
3 10 brought by any other claimant. A claimant shall not be
3 11 awarded more than fifty thousand dollars in punitive or
3 12 exemplary damages and a claimant bringing a derivative claim
3 13 shall not be awarded more than fifty thousand dollars.

3 14 2. In a nuisance action brought on or after the effective
3 15 date of this Act, where an animal feeding operation is not
3 16 found to be a nuisance, the defendant shall be awarded
3 17 litigation expenses that shall be taxed as part of the costs
3 18 of the action.

3 19 EXPLANATION

3 20 This bill relates to nuisance actions brought against
3 21 animal feeding operations by providing that only persons who
3 22 are injured by the nuisance have standing. The bill provides
3 23 that a defendant who contributes to the negligence is
3 24 responsible for the percentage of the person's fault as
3 25 provided under Code chapter 668, and limits the amount of
3 26 money that can be recovered in compensatory damages. Loss of
3 27 property value is determined based on the value as of the date
3 28 that the animal feeding operation was first operated. For
3 29 other damages, the bill limits damages to \$100,000, including
3 30 not more than \$50,000 for any derivative claim or \$50,000 for
3 31 exemplary or punitive damages.

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