



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2124

agricultural operations; water; protection; definition

Purpose

Requires, if the court determines that a party filed a nuisance action against an agricultural operation conducted on farmland to take or reduce the water used by the other party, the court to award reasonable costs and attorney fees to the other party. Removes the ability for the Attorney General to bring action in a superior court relating to an act of public nuisance.

Background

Agricultural operations are all activities by the owner, lessee, agent, independent contractor and supplier conducted on any facility for the production of crops, livestock, poultry, livestock products or poultry products or for the purposes of agritourism. *Agritourism* is any activity that allows members of the general public, for recreational or educational purposes, to view, enjoy or participate in rural activities, including farming, ranching, historical, cultural, u-pick, harvest-your-own produce or natural activities and attractions occurring on property defined as agricultural real property if the activity is conducted in connection with and directly related to a business whose primary income is derived from producing livestock or agricultural commodities for commercial purposes ([A.R.S. § 3-111](#)).

In a nuisance action against an agricultural operation conducted on farmland, the court must award reasonable costs and attorney fees to a party if the court determines that the other party filed a nuisance action under one of the following circumstances: 1) the action was not filed in good faith; 2) the action was not grounded in fact or based on law; or 3) the action was filed for an improper purpose, such as to harass the other party, to cause an unnecessary delay or to increase the cost of litigation to the other party ([A.R.S. § 3-112](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Includes, in the definition of *agricultural operations*, any water use by an owner, lessee, agent, independent contractor and supplier conducted on any facility for the production of crops, livestock, poultry, livestock products or poultry products or for the purposes of agritourism.
2. Requires, if the court determines that a party filed a nuisance action against an agricultural operation conducted on farmland to take or reduce the water used by the other party, the court to award reasonable costs and attorney fees to the other party.

3. Excludes the Attorney General in the ability to bring action in a Superior Court to abate, enjoin and prevent an activity described as a public nuisance.
4. Makes technical changes.
5. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Removes the ability for the Attorney General to bring an action in Superior Court to abate, enjoin and prevent an activity described as a public nuisance.
2. Makes conforming changes.

House Action

NREW 1/23/24 DP
3rd Read 2/6/24

5-4-0-0
31-24-2-0-3

Senate Action

NREW 2/29/24 DP 4-3-0

Prepared by Senate Research

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RA/slp