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AN ACT

RELATING TO PROPERTY; AMENDING THE RIGHT TO FARM ACT TO
PROTECT AGRICULTURAL OPERATIONS OR FACILITIES FROM NUISANCE
CLAIMS.

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

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

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

A. Any agricultural operation or agricultural
facility is not, nor shall it become, a private or public
nuisance by any changed condition in or about the locality of
the agricultural operation or agricultural facility if the
operation was not a nuisance at the time the operation began
and has been in existence for more than one year; except that
the provisions of this section shall not apply whenever an
agricultural operation or agricultural facility is operated
negligently or illegally such that the operation or facility
is a nuisance.

B. Any ordinance or resolution of any unit of
local government that makes the operation of any agricultural
operation or agricultural facility a nuisance or provides for
abatement of it as a nuisance under the circumstances set
forth in this section shall not apply when an agricultural

1 operation is located within the corporate limits of any
2 municipality as of April 8, 1981.

3 C. The established date of operation is the date
4 on which an agricultural operation commenced or an
5 agricultural facility was originally constructed. If an
6 agricultural operation or agricultural facility is
7 subsequently expanded or a new technology is adopted, the
8 established date of operation does not change.

9 D. No cause of action based upon nuisance may be
10 brought by a person whose claim arose following the purchase,
11 lease, rental, or occupancy of property proximate to a
12 previously established agricultural operation or agricultural
13 facility, except when such previously established agricultural
14 operation or agricultural facility has substantially changed
15 in the nature and scope of its operations." _____