

HOUSE RESEARCH

Bill Summary

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Overview

This bill amends the current law on agricultural operations nuisance liability and prohibits certain public and private nuisance claims when an agricultural operation is in compliance with various state environmental standards.

Section

- 1 Livestock odor.** Adds a provision that provides a cross reference in the law to section 2 of this bill to clarify when a livestock production facility is not subject to private or public nuisance claims related to livestock odor.
Effective date. Provides that this section is effective on August 1, 2015, and applies to claims filed on or after that date.
- 2 Agricultural operation not a nuisance.** Adds a new subdivision regarding agricultural operations and their ability to be subject to private or public nuisance claims. This section prohibits claims when an agricultural operation is in compliance with state air and odor quality standards that are set by the Pollution Control Agency. This section also provides a bar to nuisance claims when there is no measurable adverse impact to the allegedly impacted property. Agriculture operation includes a facility of any size that is producing crops, livestock, poultry, or poultry- or dairy-based products and the types of nuisances claims covered in the bill include nuisance claims against large animal feedlots facilities, prosecutions of the crime of public nuisance in section 609.74, and enforcement action under local government zoning laws.

This bill would prohibit:

Section

- claims where there is no measurable adverse impact related to the alleged nuisance of the allegedly impacted property;
- claims related to noise when operating in compliance with the state noise standards;
- claims where the agricultural operation is in compliance with the air quality standards;
- claims related to livestock odor where the Pollution Control Agency finds that the operation is in compliance with air quality standards;
- claims related to livestock odor where the Pollution Control Agency (“PCA”) finds that the agriculture operation is in violation of the state air quality standards but they are exempt from the state air quality standards, including temporary exemptions allowed while removing manure from barns and the seven days after, or the operation has taken actions to ensure compliance as directed by the PCA.

Effective date. Provides that this section is effective on August 1, 2015, and applies to claims filed on or after that date.