

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 air and odor quality standards.

Section

1 **Agricultural operation not a nuisance.** Adds new provisions clarifying when an agricultural operation is subject to private or public nuisance claims. This section prohibits claims that are pending or that may be brought in the future, which may affect claims currently in the court system or that have already been brought.

This section prohibits public and private nuisance claims when an agricultural operation is in compliance with various state air and odor quality standards and provides other bars to nuisance claims. Agriculture operation includes a facility of any size that are producing crops, livestock, poultry, or poultry or dairy based products.

The new provisions to exempt certain practices from nuisance claims also apply to large animal feedlots facilities, prosecutions of the crime of public nuisance in 609.74, and to an enforcement action under local government zoning laws.

This bill would prohibit:

- 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;

Section

- claims where the agricultural operation is in compliance with the air quality standards;
- claims related to livestock odor where the Pollution Control Agency (“PCA”) finds that the operation is in compliance with air quality standards;
- claims related to livestock odor where the Pollution Control Agency 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.