

# HOUSE RESEARCH

## Bill Summary

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**Version:** First Engrossment

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**Subject:** Agricultural Operations Nuisance Liability

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### Overview

Current Minnesota law declares that an agricultural operation is not a private or public nuisance after two years of operation without an expansion of more than 25 percent in acreage or the livestock numbers. However, current law does not provide this protection for a hog operation with a capacity of 1,000 or more animal units. House File 1356 broadens the application of the liability waiver to shield from nuisance liability farming operations that change in size or scope of cropping operation, ownership, the application of new technologies, or enrollment in government programs. Also, the exception for a hog operation is raised to 2,000 animal units.

### Section

- 1 **Definitions.** The definition of "established date of operation" is changed so that the two-year window for possible nuisance liability is waived even though the farm operation changes ownership, changes in size and scope of cropping activity, is interrupted and then resumed, or if the technology and products of the farming operation change.
- 2 **Agricultural operation not a nuisance.** The provisions under which the nuisance liability shield do **not** apply are broadened and clarified. Injury or pollution conditions lift the shield only if they also violate state laws, rules, or permits. Also, protection of the shield from nuisance liability is extended to a swine operation with a capacity of 2,000 animal units rather than just 1,000 animal units.
- 3 **Effective date.** The changes in nuisance liability are effective the day following final enactment.