

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2658

**DATE:** March 11, 2004

**Version:** First Engrossment

**Authors:** Swenson

**Subject:** Agricultural Operation Nuisance Liability

**Analyst:** Sam Rankin, 651-296-5047

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

---

### Overview

Since 1982, certain farming operations have been given a statutory defense against a claim of private or public nuisance arising from the sights, sounds, and smells created in the course of commonly accepted agricultural practices. Initially, the defense applied only to unincorporated family farms that had been in operation for six years or more. Through a series of amendments over the years the defense has been expanded in current law to cover virtually all farm operations in existence for two years or more. The shield from nuisance liability is currently lifted for the first two years after a substantial expansion of an operation, and for large swine or cattle operations. H.F. 2658 drops the historic shield from nuisance liability and establishes new, more objective, standards by which an agricultural operation can qualify for a shielded from nuisance liability.

### Section

- 1** **Agricultural operation not a nuisance.** The existing shield from nuisance liability is amended to remove any exemption during the first two years of operation or after a major expansion. The new law provides an affirmative defense against a claim of nuisance liability if the agricultural operation meets three criteria. The operation must be 1) located in an agriculturally zoned area, 2) comply with all federal, state, and county regulations and permits, and 3) operate with generally accepted agricultural practices.

The amendment removes existing limits to the shield against a nuisance claim if the agricultural operation causes injury or direct threat of injury to a person's health or safety. It

**Section**

also removes an existing provision that says the protection does not apply to water pollution issues.