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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 60

01/14/2019 Authored by Anderson
The bill was read for the first time and referred to the Agriculture and Food Finance & Policy Division

1.1 A bill for an act
1.2 relating to agriculture; modifying nuisance liability protection for certain
1.3 agricultural operations; amending Minnesota Statutes 2018, section 561.19,
1.4 subdivision 2.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 561.19, subdivision 2, is amended to read:

1.7 Subd. 2. Agricultural operation not a nuisance. (a) An agricultural operation is not
1.8 and shall not become a private or public nuisance after two years from its established date
1.9 of operation as a matter of law if the operation:

- 1.10 (1) is located in an agriculturally zoned area;
1.11 (2) complies with the provisions of all applicable federal, state, or county laws,
1.12 regulations, rules, and ordinances and any permits issued for the agricultural operation; and
1.13 (3) operates according to generally accepted agricultural practices.

1.14 (b) For a period of two years from its established date of operation, there is a rebuttable
1.15 presumption that an agricultural operation in compliance with the requirements of paragraph
1.16 (a), clauses (1) to (3), is not a public or private nuisance.

1.17 (c) The provisions of this subdivision do not apply:

- 1.18 ~~(1) to an animal feedlot facility with a swine capacity of 1,000 or more animal units as~~
1.19 ~~defined in the rules of the Pollution Control Agency for control of pollution from animal~~
1.20 ~~feedlots, or a cattle capacity of 2,500 animals or more;~~

- 2.1        ~~(2)~~(1) to any prosecution for the crime of public nuisance as provided in section 609.74
- 2.2        or to an action by a public authority to abate a particular condition which is a public nuisance;
- 2.3        or
- 2.4        ~~(3)~~(2) to any enforcement action brought by a local unit of government related to zoning
- 2.5        under chapter 394 or 462.