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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **1221**

- 02/14/2017 Authored by Anderson, P.; Poppe; Miller; Rarick; Dean, M., and others
- 03/02/2017 The bill was read for the first time and referred to the Committee on Agriculture Policy
- 03/02/2017 Adoption of Report: Re-referred to the Committee on Civil Law and Data Practices Policy
- 03/13/2017 Adoption of Report: Amended and re-referred to the Committee on Agriculture Finance

1.1 A bill for an act
 1.2 relating to agriculture; modifying the nuisance liability protection for certain
 1.3 agricultural operations; amending Minnesota Statutes 2016, 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 2016, 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.