

CHAPTER 532 — S.F.No. 276

An act relating to health; establishing an advisory task force on the use of state facilities in lieu of reimbursing private facilities for some purposes; appropriating money.

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

Section 1. **STUDY COMMISSION.**

Subdivision 1. MEMBERS. There is established an advisory task force consisting of three members of the house appointed by the speaker, three members of the senate appointed by the subcommittee on committees of the rules committee, and the commissioners of health and public welfare or their designees.

The advisory task force shall include two representatives of private providers of long-term and short-term care, both non-profit and profit-making. It shall also include two representatives of state hospital employees, at least one of whom shall be an employee pursuant to Minnesota Statutes, Section 179.741, Subdivision 1, Clause (4); and one member, with one designated alternate member, who shall represent each of the following groups: mentally retarded, chemically dependent, and mentally ill. Public members shall be appointed by the legislative advisory commission.

Subd. 2. PURPOSE. The advisory task force shall report to the legislature by January 15, 1983, on the feasibility and cost implications of using existing state facilities for the care of persons who would otherwise be in private facilities either on a short-term or long-term basis with their cost of care reimbursed by the state.

The advisory task force shall consider life safety standards, geographic distribution of the facilities and populations affected, cost of care attributable to each category of patient, cost of physical plant construction, and alternative uses of the physical plants and buildings in making its report. Advisory task force meetings shall be open to the public and shall be announced in advance.

Subd. 3. REIMBURSEMENT FOR EXPENSES. Advisory task force members shall be reimbursed for expenses as provided under section 15.059, subdivision 6.

Sec. 2. **APPROPRIATION.**

Expenses of the advisory task force shall be paid from appropriations previously made to the senate, the house of representatives, and the commissioners of health and public welfare. The advisory task force shall prepare a budget of proposed income and expenditures and present it to the senate committee on rules and administration, the house committee on rules and legislative administration, and the commissioners of health and public welfare for approval. Amounts transferred by the senate, the house of representatives, and the commissioners of

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health and public welfare are appropriated to the advisory task force for the purposes of this act, to be available until June 30, 1983.

Sec. 3. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Approved March 22, 1982

CHAPTER 533 — H.F.No. 353

An act relating to agriculture; protecting agricultural operations from nuisance suits under certain circumstances; proposing new law coded in Minnesota Statutes, Chapter 561.

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

Section 1. [561.19] NUISANCE LIABILITY OF AGRICULTURAL OPERATIONS.

Subdivision 1. DEFINITIONS. For the purposes of this section, the following terms have the meanings given them:

(a) "Agricultural operation" means a facility and its appurtenances for the production of crops, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products;

(b) "Established date of operation" means the date on which the agricultural operation commenced. If the agricultural operation is subsequently expanded or significantly altered, the established date of operation for each expansion or alteration is deemed to be the date of commencement of the expanded or altered operation.

(c) "Family farm" means an unincorporated farm unit owned by one or more persons or spouses of persons related to each other within the third degree of kindred according to the rules of the civil law at least one of whom is residing or actively engaged in farming on the farm unit, or a "family farm corporation," as that term is defined in section 500.24, subdivision 2.

Subd. 2. AGRICULTURAL OPERATION NOT A NUISANCE. An agricultural operation which is a part of a family farm is not and shall not become a private or public nuisance after six years from its established date of operation if the operation was not a nuisance at its established date of operation. The provisions of this subdivision do not apply: (a) to a condition or injury which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices or to applicable state or local laws, ordinances, rules, or permits; (b) when

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