

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

Changes or additions are indicated by underline, deletions by strikeout.

an agricultural operation causes injury or direct threat of injury to the health or safety of any person; (c) to the pollution of, or change in the condition of, the waters of the state or the overflow of waters on the lands of any person; (d) to an agricultural operation within the limits of a home rule charter or statutory city; (e) to an animal feedlot facility with a swine capacity of 1,000 or more animal units as defined in the rules of the pollution control agency for control of pollution from animal feedlots, or a cattle capacity of 2,500 animals or more; or (f) to any prosecution for the crime of public nuisance as provided in section 609.74 or to an action by a public authority to abate a particular condition which is a public nuisance.

Subd. 3. EXISTING CONTRACTS. This section shall not be construed to invalidate any contracts or commitments made before the effective date of this section.

Subd. 4. SEVERABILITY. If a provision of this section, or application thereof to any person or set of circumstances, is held invalid or unconstitutional, the invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application. To that end, the provisions of this section are declared to be severable.

Subd. 5. APPLICATION; LOCAL APPROVAL. This section does not apply to any nuisance which interferes with the use or enjoyment of property in a county in which the county board has disapproved by resolution of the application of the section to that county, or of property in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington.

Sec. 2. EFFECTIVE DATE.

This act is effective January 1, 1983, and does not affect legal actions commenced prior to that date.

Approved March 22, 1982

CHAPTER 533 — H.F.No. 356

An act relating to crimes; specifying offenses relating to computers; providing penalties; proposing new law coded in Minnesota Statutes 1980, Chapter 609.

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

Section 1. [609.87] COMPUTER CRIME; DEFINITIONS.

Subdivision 1. APPLICABILITY. For purposes of sections 1 to 3 the terms defined in this section have the meanings given them.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.