

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

NINETY-SIXTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 9, 1980

The House of Representatives convened at 11:00 a.m. and was called to order by the Speaker.

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Drew	Kahn	Nelson	Sherwood
Adams	Eken	Kaley	Niehaus	Sieben, M.
Ainley	Elioff	Kalis	Norman	Simoneau
Albrecht	Ellingson	Kelly	Novak	Stadum
Anderson, B.	Erickson	Kempe	Nysether	Stoa
Anderson, D.	Esau	Knickerbocker	Olsen	Stowell
Anderson, G.	Evans	Kostohryz	Onnen	Sviggum
Anderson, I.	Ewald	Kroening	Osthoff	Swanson
Anderson, R.	Faricy	Kvam	Otis	Thiede
Battaglia	Fjoslien	Laidig	Patton	Tomlinson
Begich	Forsythe	Lehto	Pehler	Valan
Berglin	Friedrich	Levi	Peterson, B.	Valento
Berkelman	Fritz	Long	Peterson, D.	Vanasek
Biersdorf	Fudro	Ludeman	Piepho	Voss
Blatz	Greenfield	Luknic	Pleasant	Waldorf
Brinkman	Halberg	Mann	Prahl	Weaver
Byrne	Haukoos	McCarron	Redalen	Welch
Carlson, D.	Heap	McDonald	Reding	Welker
Carlson, L.	Heinitz	McEachern	Rees	Wenzel
Casserly	Hoberg	Mehrkins	Reif	Wieser
Clark	Hokanson	Metzen	Rice	Wigley
Clawson	Jacobs	Minne	Rodriguez	Wynia
Corbid	Jaros	Moe	Rose	Zubay
Crandall	Jennings	Munger	Rothenberg	Spkr. Norton
Dean	Johnson, C.	Murphy	Sarna	
Dempsey	Johnson, D.	Nelsen, B.	Schreiber	
Den Ouden	Jude	Nelsen, M.	Searle	

A quorum was present.

Searles was excused. Sieben, H., was excused until 4:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceeding day. Kelly moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of S. F. No. 2085 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 8, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
	1145	486	April 7	April 7
	1169	487	April 7	April 7
	1272	488	April 7	April 7
	1451	489	April 7	April 7
	1655	490	April 7	April 7
	1742	491	April 7	April 7
	1765	492	April 7	April 7
	1779	493	April 7	April 7
	1790	494	April 7	April 7
	1794	495	April 7	April 7

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1980	Date Filed 1980
	1800	496	April 7	April 7
	1814	497	April 7	April 7
	1835	498	April 7	April 7
	1841	499	April 7	April 7
	1884	500	April 7	April 7
	1904	501	April 7	April 7
	1987	502	April 7	April 7
	2067	503	April 7	April 7
	2075	504	April 7	April 7
	2122	505	April 7	April 7
	2149	506	April 7	April 7
	2185	507	April 7	April 7
	2191	508	April 7	April 7
	2369	509	April 7	April 7
	2374	510	April 7	April 7
	2436	511	April 7	April 7
49		512	April 7	April 7
523		513	April 7	April 7
704		514	April 7	April 7
768		515	April 7	April 7
789		516	April 7	April 7
797		517	April 7	April 7
919		518	April 7	April 7
1759		519	April 7	April 7

S.F. No.	H.F. No.	Session Laws Chapter No.	Date Approved 1980	Date Filed 1980
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1865		520	April 7	April 7
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2045		521	April 7	April 7
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2062		522	April 7	April 7
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2071		523	April 7	April 7
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2117		524	April 7	April 7
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2184		525	April 7	April 7
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Sincerely,

JOAN ANDERSON-GROWE
Secretary of State

HOUSE ADVISORIES

The following House Advisory was introduced:

Anderson, R.; McCarron; Evans; Aasness and Fjoslien introduced:

H. A. No. 65, A proposal to study a solid waste demonstration project at Fergus Falls State Hospital.

The advisory was referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 729, A bill for an act relating to public welfare; increasing personal needs allowance for residents of certain facilities; restricting the use of allowances by third parties; providing for a civil action and damages; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Section 256B.35.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1201, A bill for an act relating to waters; providing for watercraft licensing and safe operation; altering certain definitions; changing license fees; authorizing a temporary certificate; altering certain safety requirements; providing an outline for distributing water safety enforcement funds; amending Minnesota Statutes 1978, Sections 361.02, by adding subdivisions; 361.03, Subdivisions 3 and 12, and by adding a subdivision; 361.10; 361.12; 361.13, Subdivision 1; 361.141, Subdivision 1; 361.15, Subdivision 1; 361.16, Subdivision 1; 361.18; 361.20; 361.21, Subdivision 2, and by adding a subdivision; 361.215; 361.24; and 361.27, Subdivision 1; repealing Minnesota Statutes 1978, Section 361.15, Subdivision 2.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in, and adopted the report of the Conference Committee on:

H. F. No. 1435, A bill for an act relating to health; exempting out of state physicians from licensing regulations under certain conditions; abolishing the hospital administrator registration program; amending Minnesota Statutes 1978, Section 147.09; repealing Minnesota Statutes 1978, Sections 144.59 to 144.65.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1534, A bill for an act relating to real estate; increasing certain fees charged by the county recorder and registrar of titles; providing that the county recorder be notified of deferred assessments; amending Minnesota Statutes 1978, Sections 273.111, Subdivision 11; 357.18, Subdivision 1; 375.14; 429.061, Subdivision 2; 462.358, by adding a subdivision; and 508.82.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1612, A bill for an act relating to metropolitan government; providing for metropolitan area agricultural preserves; providing for municipal planning; authorizing regulation of subdivisions; providing a penalty; appropriating money; amending Minnesota Statutes 1978, Sections 462.351; 462.352, by adding subdivisions; 462.355, Subdivision 4; 462.358, Subdivision 4, and by adding subdivisions; repealing Minnesota Statutes 1978, Sections 462.352, Subdivision 4; and 462.358, Subdivisions 1, 2 and 3.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1662, A bill for an act relating to state government; providing for a demonstration job-sharing project in state government; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1727, A bill for an act relating to family; providing that natural parents may obtain a copy of an adopted child's original birth certificate; authorizing a multi-purpose declaration of parentage; providing counsel for certain minor parents; allowing parents ten days to revoke consent to adoption; providing a pre-adoption residency of three months; changing certain procedures and criteria for termination of parental rights; amending Minnesota Statutes 1978, Sections 144.218, Subdivision 1; 144.225, Subdivision 2; 259.24, Subdivisions 2 and 5, and by adding a subdivision; 259.25, Subdivision 1, and by adding a subdivision; 259.27, Subdivision 4; 260.221; 260.241, Subdivisions 1 and 2; and Chapters 257 and 260, by adding sections; repealing Minnesota Statutes, 1979 Supplement, Sections 259.24, Subdivision 6; and 259.25, Subdivision 2.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1818, A bill for an act relating to game and fish; excluding bears from the definition of fur bearing animals; providing that a portion of deer license fees shall be used for the purpose of deer habitat improvement; requiring licenses of persons providing guide services for bear hunters; specifying fees; requiring tagging of bears taken in the state; removing certain restrictions on the trapping of beaver; providing for free fishing licenses for certain mentally retarded and disabled residents; authorizing moose seasons at the discretion of the commissioner; granting landowners preference for moose licenses; extending the muskrat trapping season; changing the times of day during which certain wild animals may be taken; regulating bear baiting; allowing sale of bear hides and claws; altering the end date of certain fishing seasons; amending Minnesota Statutes 1978, Sections 97.40, Subdivision 7; 97.49, by adding a subdivision; 98.46, Subdivisions 4, 16 and 22; 98.47, Subdivisions 7, 15 and 16; 100.27, Subdivision 2; 100.29, Subdivisions 1 and 31; 100.30; 101.41, Subdivision 2; Minnesota Statutes, 1979 Supplement, Sections 100.27, Subdivision 4; and 100.271, Subdivision 1.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1847, A bill for an act relating to public welfare; providing for a study of revisions to the nursing home rate reimbursement formula; providing for an information retrieval system; providing for nursing home dental health programs; requiring result-oriented treatment programs and counsel guardians for persons committed to hospitals; requiring the commissioner to collect and prepare statistical data; appropriating money; amending Minnesota Statutes 1978, Section 256B.47, by adding a subdivision; and Chapter 253A, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 1896, A bill for an act relating to juveniles and corrections; modifying dispositions available to juvenile court judges; increasing civil liability of parents for intentional acts of their children; modifying statutory provisions relating to records of adjudications of delinquency; making the rules of evidence applicable in certain juvenile proceedings; modifying procedures in juvenile court; providing for informed consent by juveniles to waiver of rights; providing for the promulgation of statewide juvenile court rules; modifying the jurisdiction of the juvenile courts; modifying the provisions for reference of juveniles for adult prosecution; expanding the coverage of the provisions requiring preparation of a case plan for children placed in foster care; providing for maximum capacities for group homes; authorizing juvenile court referees in the second and fourth judicial districts to hear contested trials, hearings, or motions unless objection is made; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 257.071; 260.011, Subdivision 2; 260.111, Subdivision 1; 260.115, Subdivision 1; 260.121, Subdivision 3; 260.125; 260.135, Subdivisions 1, 2, and 5; 260.141, Subdivision 1; 260.155, Subdivisions 1, 2, 4 and by adding a subdivision; 260.161, Subdivision 1; 260.185, Subdivision 1; 260.193; 260.211, Subdivision 1; 484.70, by adding a subdivision; 540.18, Subdivision 1; and Chapter 480, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2187, A bill for an act relating to local government; authorizing conveyance of certain parcels of land in the city of Brooklyn Center; permitting the acquisition and financing of data processing equipment by Local Government Information Systems and its members; providing for sewer charges by the city of Brooklyn Center on an equitable basis.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 644, A bill for an act relating to health; prohibiting applicants for certain dental licenses who fail a clinical examination twice from further taking the examination without additional education and training; requiring the board of dentistry to promulgate rules establishing requirements for this education and training; requiring licensed dentists, dental hygienists and registered dental assistants to inform the board of dentistry when changing addresses; setting standards for the names under which dentists may practice; authorizing the board of dentistry to promulgate rules governing advertising by dentists; authorizing the board of medical examiners to promulgate rules governing advertising by physicians; establishing penalties; amending Minnesota Statutes 1978, Chapter 147, by adding a section; Sections 150A.06, Subdivisions 1, 2 and 2a; 150A.09, Subdivision 3; and 150A.11, Subdivisions 1 and 2.

The Senate has appointed as such committee Messrs. Strand, Schaaf and Kirchner.

House File No. 644 is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2429, A bill for an act relating to usury; changing the penalty for usurious loans made by state banks and savings banks; amending Minnesota Statutes 1978, Sections 334.02; 334.03; and Chapter 48, by adding a section.

The Senate has appointed as such committee Messrs. Solon, Bang and Sikorski.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 364, A bill for an act relating to peace officers; requiring uniform colors and identification for law enforcement motor vehicles and uniforms of peace officers and security guards; amending Minnesota Statutes 1978, Section 169.98.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 364

A bill for an act relating to peace officers; requiring uniform colors and identification for law enforcement motor vehicles and uniforms of peace officers and security guards; amending Minnesota Statutes 1978, Section 169.98.

March 31, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 364, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 364 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 367.41, Subdivision 1, is amended to read:

367.41 [CONSTABLES AND PEACE OFFICER LICENSING REQUIREMENTS; DEPUTY CONSTABLES, REQUIREMENTS.] Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any constable employed or elected on or after July 1, 1979, by any political subdivision of the state of Minnesota shall not be eligible for permanent appointment without being licensed by the Minnesota board of peace officer standards and training pursuant to (RULES PROMULGATED UNDER SECTION 626.843) *section 626.8463, clauses (a) to (c).*

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 626.84, is amended to read:

626.84 [DEFINITIONS AND SCOPE.] *Subdivision 1.* [DEFINITIONS.] For the purposes of sections 626.84 to 626.855, the following terms shall have the meanings given them:

(a) "Board" means the Minnesota board of peace officer standards and training;

(b) "Director" means the executive director of the board;

(c) "Peace officer" means an employee of a political subdivision or state law enforcement agency who is *licensed by the board*, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol and state conservation officers.

(d) "Constable" shall have the meaning assigned to it in section 367.40.

(e) "Deputy constable" shall have the meaning assigned to it in section 367.40.

(f) "Part-time officer" means an individual *licensed by the board* whose services are utilized by law enforcement agencies no more than an average of (14) 20 hours per week, not including time spent on call when no call to active duty is received, calculated on an annual basis, who has either full powers of arrest or authorization to carry a firearm while on active duty. The term shall apply even though the individual receives no compensation for time spent on active duty, and shall apply

irrespective of the title conferred upon the individual by any law enforcement agency.

(g) "Reserve officer" means an individual whose services are utilized by a law enforcement agency for purposes including, but not limited to, providing supplementary assistance at special events, traffic or crowd control, or administrative or clerical assistance; provided that the individual's duties do not include enforcement of the general criminal laws of the state unless accompanied by a licensed peace officer; further provided that the individual does not have full powers of arrest or authorization to carry a firearm on duty. The term shall apply even though the individual receives no compensation and irrespective of the number of hours worked by, or the title conferred upon, the individual by any law enforcement agency.

Subd. 2. [SCOPE.] Notwithstanding sections 12.03, subdivision 4, 12.25, or any other law to the contrary, no individual employed or acting as an agent of any political subdivision shall be authorized to carry a firearm when on duty unless the individual has been licensed pursuant to sections 626.84 to 626.855. Nothing herein shall be construed as requiring licensure of a security guard as that term is defined in section 626.88, subdivision 1, clause (c).

Sec. 3. Minnesota Statutes 1978, Section 626.846, Subdivision 1, is amended to read:

626.846 [ATTENDANCE, FORFEITURE OF POSITION.]
Subdivision 1. Notwithstanding any general or local law or charter to the contrary, any peace officer or *part-time officer* employed or elected on or after July 1, (1978) 1979, by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota (WITH A POPULATION OF MORE THAN 1,000 ACCORDING TO THE LAST FEDERAL CENSUS) shall not be eligible for permanent appointment without being licensed by the board pursuant to (RULES PROMULGATED UNDER SECTION 626.843) *sections 626.84 to 626.855.*

Sec. 4. Minnesota Statutes 1978, Section 626.846, Subdivision 2, is amended to read:

Subd. 2. Every peace officer or *part-time officer* who shall be appointed by any state, county, municipality or joint or contractual combination thereof of the state of Minnesota on a temporary basis or for a probationary term, shall forfeit his position unless he has been licensed by the board pursuant to sections 626.841 to 626.855. Any other peace officer or *part-time officer* employed or elected by any state, county, municipality or joint or contractual combination thereof, may attend peace officer training courses and be licensed by the board

(SUBJECT TO THE RULES PROMULGATED) pursuant to (SECTION 626.843) *sections 626.84 to 626.855.*

Sec. 5. Minnesota Statutes, 1979 Supplement, Section 626.-8463, is amended to read:

626.8463 [PART-TIME OFFICERS.] Any individual appointed or employed as a part-time officer to a position which was filled by a part-time officer (IN THE YEAR 1978) *between January 1, 1978 and May 31, 1979* owing to the death, termination, or failure of the incumbent to comply with the requirements of this section shall provide proof to the board that:

(a) Within six months of his appointment he has satisfied the selection standards of the board then in effect. *The board shall grant a reasonable extension of time to show satisfaction of selection standards to any law enforcement agency that demonstrates that satisfaction of selection standards within six months would impose financial hardship;*

(b) Within 12 months of his appointment he has successfully (MET THE TRAINING REQUIREMENTS OF SECTION 626.-8467, SUBDIVISION 2) *completed a board certified course, or a professionally recognized program, in first aid, and, if authorized to carry a firearm on duty, firearms training, including legal limitations on the justifiable use of deadly force;*

(c) Within 24 months of his appointment he has successfully passed a board part-time officer licensing examination.

A law enforcement agency may designate personnel as part-time officer replacements who shall be subject to the training requirements of this section notwithstanding the fact that the personnel are appointed to positions which were not filled by part-time officers (IN THE YEAR 1978) *between January 1, 1978 and May 31, 1979.* Provided that the number of personnel so designated shall not exceed a number equal to *two or ten percent* of the positions filled by part-time officers (DURING THE YEAR 1978) *between January 1, 1978 and May 31, 1979, rounded to the next highest whole number, whichever is greater.*

Sec. 6. Minnesota Statutes 1978, Section 626.851, Subdivision 1, is amended to read:

626.851 [ELIGIBILITY OF OFFICERS.] Subdivision 1. Any (POLICE) *peace officer or part-time officer* employed or elected by any county or municipality of the state of Minnesota shall be eligible to attend (SUCH) training courses as herein provided in accordance with the rules (AND REGULATIONS) of the board.

Sec. 7. Minnesota Statutes, 1979 Supplement, Section 626.8464, is amended to read:

626.8464 [NEW PART-TIME POSITIONS.] Except as otherwise provided in section 626.8463, any individual appointed or employed as a part-time officer to a position which was not filled by a part-time officer (IN THE YEAR 1978) *between January 1, 1978 and May 31, 1979* shall meet the training and licensing requirements of the board then in effect for full-time peace officers.

Sec. 8. Minnesota Statutes 1978, Section 626.852, is amended to read:

626.852 [TUITION; SALARY AND EXPENSES.] No tuition shall be charged any *peace officer or part-time officer* for attending any training school herein provided for, and each officer when assigned to attend the police school shall receive his regular salary and shall be reimbursed by the governing body of the governmental unit or combination of governmental units from which elected or by which employed for his cost of meals, travel, and lodgings while in attendance at the police school, not to exceed similar allowance for state employees (, EXCEPT AS PROVIDED IN SECTION 626.853).

Sec. 9. [626.88] [UNIFORMS; PEACE OFFICERS, SECURITY GUARDS; COLOR.] *Subdivision 1.* [DEFINITIONS.] (a) *For the purposes of this section, the following terms have the meanings given them.*

(b) *"Peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed pursuant to sections 626.84 to 626.855 charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has full power of arrest, and shall also include Minnesota highway patrolmen, state conservation officers, park police, constables, and University of Minnesota police officers.*

(c) *"Security guard" means any person who is paid a fee, wage or salary to perform one or more of the following functions:*

(1) *Prevention or detection of intrusion, unauthorized entry or activity, vandalism or trespass on private property;*

(2) *Prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;*

(3) *Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;*

(4) *Protection of individuals from bodily harm; or*

(5) *Enforcement of policies and rules of his employer related to crime reduction insofar as such enforcement falls within the scope of his duties.*

The term "security guard" does not include: (i) auditors, accountants, and accounting personnel performing audits or accounting functions; (ii) employees of a firm licensed pursuant to section 326.331 whose duties are primarily administrative or clerical in nature; (iii) unarmed watchmen; (iv) personnel temporarily employed pursuant to statute or ordinance by political subdivisions to provide protective services at social functions; (v) employees of air or rail carriers.

Subd. 2. [UNIFORMS.] Uniforms for peace officers shall be of uniform colors throughout the state as provided herein. Uniforms for:

(a) Municipal peace officers, including University of Minnesota peace officers, constables, and peace officers assigned to patrol duties in parks, shall be blue, brown or green;

(b) Peace officers who are members of the county sheriffs' office shall be blue, brown or green;

(c) Highway patrolmen shall be maroon;

(d) Conservation officers shall be green.

The uniforms of security guards may be any color other than those specified for peace officers.

This subdivision shall apply to uniforms purchased subsequent to January 1, 1981.

Sec. 10. Minnesota Statutes 1978, Section 169.98, is amended to read:

169.98 [POLICE OR PATROL VEHICLES; SECURITY GUARD VEHICLES; MARKINGS AND COLORS.] *Subdivision 1. Except as provided in (THIS) subdivision 2, all motor vehicles which are primarily used in the enforcement of highway traffic regulations by the highway patrol or for general uniform patrol assignment by any municipal police department (, HIGHWAY PATROL,) or (PEACE OFFICER) other law enforcement agency, except conservation officers, shall have uniform colors and markings as provided herein. Motor vehicles of:*

(a) Municipal police departments, including the University of Minnesota police department and park police units, and constables shall be predominantly blue, brown, green or white;

(b) *The highway patrol shall be predominantly maroon; and*

(c) *The county sheriffs' office shall be predominantly brown or white.*

(THE COMMISSIONER OF PUBLIC SAFETY BY RULE OR REGULATION SHALL ESTABLISH UNIFORM COLORINGS AND MARKINGS FOR SUCH MOTOR VEHICLES WHICH COLORS AND MARKINGS SHALL BE BOTH DISTINCTIVE AND CONTRASTING IN APPEARANCE SO AS TO DISTINGUISH SUCH MOTOR VEHICLES FROM OTHER MOTOR VEHICLES AND MAKE THEM EASILY IDENTIFIABLE.)

The identity of the governmental unit operating the vehicle shall be displayed on both front door panels and on the rear of the vehicle. The identity may be in the form of a shield or emblem, or may be the word "police", "sheriff", or the words "state patrol" or "conservation officer", as appropriate, with letters not less than two and one-half inches high, one inch wide and of a three-eighths inch brush stroke. The identity shall be of a color contrasting with the background color so that the motor vehicle is easily identifiable as belonging to a specific type of law enforcement agency. Each vehicle shall be marked with its own identifying number on the rear of the vehicle. The number shall be printed in the same size and color required pursuant to this subdivision for identifying words which may be displayed on the vehicle.

Subd. 2. The commissioner of public safety may authorize the use of specially marked highway patrol vehicles, that have only a marking composed of a shield on the right door with the words inscribed thereon "Minnesota (HIGHWAY) State Patrol" for primary use in the enforcement of highway traffic regulations when in his judgment the use of specially marked highway patrol vehicles will contribute to the safety of the traveling public. The number of such specially marked highway patrol vehicles used in the enforcement of highway traffic regulations shall not exceed 10 percent of the total number of highway patrol vehicles used in traffic law enforcement. All specially marked highway patrol vehicles shall be operated by uniformed members of the highway patrol and so equipped and operated as to clearly indicate to the driver of a car which is signaled to stop that the specially marked highway patrol vehicle is being operated by the highway patrol.

Subd. 3. All motor vehicles which are used by security guards in the course of their employment may have any color other than those specified in subdivision 1 for law enforcement vehicles. The identity of the security service shall be displayed on the motor vehicle as required for law enforcement vehicles.

Subd. (2.) 4. (SUBDIVISION 1) *Subdivisions 1 to 3 shall apply to those motor vehicles (USED PRIMARILY IN TRAFFIC LAW ENFORCEMENT) purchased subsequent to (THE EFFECTIVE DATE OF LAWS 1959, CHAPTER 554 AND ALSO SUBSEQUENT TO THE EFFECTIVE DATE OF ANY RULES AND REGULATIONS THAT THE COMMISSIONER OF PUBLIC SAFETY SHALL ESTABLISH PURSUANT TO THE PURPOSES SET FORTH IN SUBDIVISION 1) January 1, 1981.*

Sec. 11. Minnesota Statutes 1978, Section 326.337, Subdivision 1, is amended to read:

326.337 [VIOLATIONS; PENALTY.] Subdivision 1. It is unlawful for the holder of a license knowingly to commit any of the following acts within or without the state of Minnesota: To incite, encourage, or aid in the incitement or encouragement of any person who has become a party to any strike to do unlawful acts or to incite, stir up, create, or aid in the inciting of discontent or dissatisfaction among the employees of any person, firm, or corporation with the intention of having them strike; to interfere with or prevent lawful and peaceful picketing during strikes; to interfere with, restrain or coerce employees in the exercise of their right to form, join, or assist any labor organization of their own choosing; to interfere with or hinder the lawful or peaceful collective bargaining between employees and employers; to pay, offer or give any money, gratuity, favor, consideration, or other thing of value, directly or indirectly, to any person for any verbal or written report of the lawful activities of employees in the exercise of their right of self-organization and their right to form, join, or assist labor organizations and to bargain collectively through representatives of their own choosing; to advertise for, recruit, furnish or replace, or offer to furnish or replace, for hire or reward, within or without Minnesota, any help or labor, skilled or unskilled, or to furnish or offer to furnish armed guards, other than armed guards regularly employed for the protection of payrolls, property, or premises, for service upon property which is being operated in anticipation of or during the course or existence of a strike, or furnish armed guards upon the highways, for persons involved in labor disputes, or to furnish or offer to furnish to employers or their agents any arms, munitions, tear gas implements, or any other weapons; to use in any manner the (WORD) words "police", "constable", "patrol", "law enforcement", or the name of the local city, county or state on any vehicle, badge, emblem, stationery, advertising of any private detective or protective agent as defined in section 326.338 and no vehicle, emblem, or badge shall be designed or worn as imitative of any such vehicle, emblem, or badge used by a police department, highway patrol, constable, or peace officer, or to send letters or literature to employers offering to eliminate labor unions, or distribute or circulate any list of members of a labor organization, or to advise any person of the membership of an individual in a labor organization for the express purpose of preventing those so listed or

named from obtaining or retaining employment. Any person who violates the provisions of this subdivision is guilty of a gross misdemeanor.

Sec. 12. [REPEALER.] *Minnesota Statutes 1978, Sections 367.41, Subdivision 3; and 626.846, Subdivisions 1a, 3a, 4, and 5; Minnesota Statutes, 1979 Supplement, Sections 367.41, Subdivision 2; and 626.8467 are repealed.*

Sec. 13. [EFFECTIVE DATE.] *This act is effective upon final enactment.*

Delete the title and insert:

"A bill for an act relating to peace officers, part-time officers and constables; providing for the training of part-time officers and constables; requiring uniform colors and identification for law enforcement motor vehicles and uniforms of peace officers and security guards; amending Minnesota Statutes 1978, Sections 169.98; 326.337, Subdivision 1; 367.41, Subdivision 1; 626.846, Subdivisions 1 and 2; 626.851, Subdivision 1; 626.852; and Minnesota Statutes, 1979 Supplement, Sections 626.84; 626.8463; 626.8464; and repealing Minnesota Statutes 1978, Sections 367.41, Subdivision 3; and 626.846, Subdivisions 1a, 3a, 4, and 5; and Minnesota Statutes, 1979 Supplement, Sections 367.41, Subdivision 2; and 626.8467."

We request adoption of this report and repassage of the bill.

Senate Conferees: BILL MCCUTCHEON, GERALD L. WILLET and DOUGLAS H. SILLERS.

House Conferees: ROBERT E. VANASEK, ARLENE I. LEHTO and GARY W. LAIDIG.

Lehto moved that the report of the Conference Committee on S. F. No. 364 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 364, A bill for an act relating to peace officers; requiring uniform colors and identification for law enforcement motor vehicles and uniforms of peace officers and security guards; amending Minnesota Statutes 1978, Section 169.98.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 113 yeas and 13 nays as follows:

Those who voted in the affirmative were:

Aasness

Adams

Anderson, B.

Anderson, G.

Anderson, I.

Anderson, R.	Evans	Kostohryz	Nysether	Sieben, M.
Battaglia	Ewald	Kroening	Onnen	Simoneau
Begich	Faricy	Kvam	Otis	Stadum
Berglin	Fjoslien	Laidig	Patton	Stoa
Berkelman	Forsythe	Lehto	Pehler	Stowell
Biersdorf	Friedrich	Levi	Peterson, B.	Sviggum
Blatz	Fudro	Long	Peterson, D.	Swanson
Brinkman	Greenfield	Luknic	Piepho	Thiede
Carlson, D.	Halberg	Mann	Pleasant	Tomlinson
Carlson, L.	Haukoos	McCarron	Prahl	Valan
Casserly	Heap	McDonald	Redalen	Valento
Clark	Hokanson	McEachern	Reding	Vanasek
Clawson	Jacobs	Metzen	Rees	Waldorf
Corbid	Jaros	Minne	Reif	Weaver
Crandall	Jennings	Moe	Rice	Welch
Dean	Johnson, C.	Munger	Rodriguez	Wenzel
Den Ouden	Johnson, D.	Murphy	Rose	Wigley
Drew	Jude	Nelsen, B.	Rothenberg	Wynia
Eken	Kahn	Nelsen, M.	Sarna	Zubay
Elioff	Kaley	Nelson	Schreiber	Spkr. Norton
Ellingson	Kelly	Norman	Searle	
Esau	Kempe	Novak	Sherwood	

Those who voted in the negative were:

Ainley	Byrne	Fritz	Mehrkens	Wieser
Albrecht	Dempsey	Kalis	Niehaus	
Anderson, D.	Erickson	Ludeman	Welker	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 480, A bill for an act relating to public health; authorizing the funding of a statewide poison information center; giving grant and program monitoring responsibilities to the commissioner of health; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 480

A bill for an act relating to public health; authorizing the funding of a statewide poison information center; giving grant and program monitoring responsibilities to the commissioner of health; appropriating money.

March 31, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 480, report that we have agreed upon the items in dispute and recommend as follows:

The House recede from its amendments and S. F. No. 480 be further amended as follows:

Page 1, line 8, delete "STATE" and insert "MINNESOTA"

Page 1, line 12, delete "referral" and insert "appropriate home management"

Page 1, line 12, delete "treatment" and insert "referral"

Page 1, after line 15, insert:

"Subd. 2. [ADVISORY COUNCIL.] The commissioner of health shall appoint an advisory council to serve on a voluntary basis consisting of, but not limited to, the following: one nurse; one pharmacist; one physician each from the fields of toxicology, pediatric medicine, emergency medicine, and internal medicine; and one person who has no past or present material financial interest or professional involvement in the provision of poison information or treatment services. No more than three members may be residents of the metropolitan area, as defined in Minnesota Statutes, Section 473.02, Subdivision 5; no more than one may be a resident of any single county; and none may be affiliated in any way with the currently designated poison information center."

Renumber the subdivisions in sequence

Page 1, line 17, delete "On an annual basis," and insert "Each year"

Page 1, line 17, delete "of health,"

Page 1, line 18, delete "after giving" and insert "shall give"

Page 1, line 19, delete the comma and insert a period

Page 1, line 19, after the period, insert "After consulting with the advisory council, the commissioner"

Page 1, line 22, delete "3" and insert "4"

Page 2, line 1, delete quotation marks

Page 2, line 1, delete "state" and insert "Minnesota"

Page 2, line 3, delete "on a" and delete "basis"

Page 2, line 16, delete the comma and insert "direction as well as the"

Page 2, line 17, before the semicolon insert "needed for poison information services"

Page 3, line 10, delete "452,800" and insert "125,000"

Page 3, line 12, delete "state" and insert "Minnesota"

Page 3, line 13, delete everything after "available" and insert "until June 30, 1981."

Page 3, delete lines 14 to 16

Page 3, line 17, delete "Section 1 is" and insert "Sections 1 and 2 are"

We request adoption of this report and repassage of the bill.

Senate Conferees: EMILY ANNE STAPLES, WILLIAM G. KIRCHNER and TOM A. NELSON.

House Conferees: TONY D. ONNEN, ROBERT W. REIF and THOMAS R. BERKELMAN.

Onnen moved that the report of the Conference Committee on S. F. No. 480 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 480, A bill for an act relating to public health; authorizing the funding of a statewide poison information center; giving grant and program monitoring responsibilities to the commissioner of health; appropriating money.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Aasness	Anderson, I.	Blatz	Clawson	Elioff
Adams	Anderson, R.	Brinkman	Corbid	Ellingson
Ainley	Battaglia	Byrne	Crandall	Erickson
Albrecht	Begich	Carlson, D.	Dean	Esau
Anderson, B.	Berglin	Carlson, L.	Dempsey	Evans
Anderson, D.	Berkelman	Casserly	Den Ouden	Faricy
Anderson, G.	Biersdorf	Clark	Eken	Fjoslien

Forsythe	Kelly	Moe	Prahl	Swanson
Friedrich	Kempe	Munger	Redalen	Thiede
Fritz	Knickerbocker	Murphy	Reding	Tomlinson
Fudro	Kostohryz	Nelsen, B.	Rees	Valan
Greenfield	Kroening	Nelsen, M.	Reif	Valento
Haukoos	Kvam	Nelson	Rice	Vanasek
Heap	Laidig	Niehaus	Rodriguez	Voss
Heinitz	Lehto	Norman	Rose	Waldorf
Hoberg	Levi	Novak	Rothenberg	Welch
Hokanson	Long	Nysether	Sarna	Wenzel
Jacobs	Ludeman	Onnen	Schreiber	Wieser
Jaros	Luknic	Osthoff	Searle	Wigley
Jennings	Mann	Otis	Sherwood	Wynia
Johnson, C.	McCarron	Patton	Sieben, M.	Zubay
Johnson, D.	McDonald	Pehler	Simoneau	Spkr. Norton
Jude	McEachern	Peterson, B.	Stadum	
Kahn	Mehrkens	Peterson, D.	Stoa	
Kaley	Metzen	Piepho	Stowell	
Kalis	Minne	Pleasant	Sviggum	

Those who voted in the negative were:

Drew

The bill was repassed, as amended by Conference, and its title agreed to.

The message from the Senate relating to S. F. No. 572 together with the Conference Committee report was reported to the House.

POINT OF ORDER

Faricy raised a point of order pursuant to rule 6.11 relating to S. F. No. 572.

Pursuant to Section 244 of "Mason's Manual of Legislative Procedure," Speaker pro tem Johnson, C., deferred his decision on the Faricy point of order.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 702, A bill for an act relating to health; requiring counties to establish local nursing home pre-admission screening teams; prescribing duties of the teams and the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1978, Chapter 256B, by adding a section.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 702

A bill for an act relating to health; requiring counties to establish local nursing home pre-admission screening teams; prescribing duties of the teams and the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1978, Chapter 256B, by adding a section.

April 3, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 702, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 702 be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Chapter 256B, is amended by adding a section to read:

[256B.091] [NURSING HOME PRE-ADMISSION SCREENING PROGRAM.] *Subdivision 1. [PURPOSE.] It is the purpose of this section to prevent inappropriate nursing home placement by establishing a program of pre-admission screening teams for all medical assistance recipients and any individual who would become eligible for medical assistance within 90 days of admission to a licensed nursing home participating in the program. Further, it is the purpose of this section and the program to gain further information about how to contain costs associated with inappropriate nursing home admissions. The commissioners of public welfare and health shall seek to maximize use of available federal and state funds and establish the broadest program possible within the appropriation available. The commissioner of public welfare shall promulgate temporary rules in order to implement this section by September 1, 1980.*

Subd. 2. [SCREENING TEAMS; ESTABLISHMENT.] Each county agency designated by the commissioner of public welfare to participate in the program shall contract with the local board of health organized under Minnesota Statutes, Section 145.911 to 145.922 or other public or non-profit agency to establish a screening team to assess, prior to admission to a nursing home licensed under section 144A.02, the health and social needs of medical assistance recipients and individuals

who would become eligible for medical assistance within 90 days of nursing home admission. Each local screening team shall be composed of a public health nurse from the local public health nursing service and a social worker from the local community welfare agency. Each screening team shall have a physician available for consultation and shall utilize individuals' attending physicians' physical assessment forms, if any, in assessing needs. The individual's physician shall be included on the screening team if the physician chooses to participate. Other personnel as deemed appropriate by the county agency may be included on the team. No member of a screening team shall have a direct or indirect financial or self-serving interest in a nursing home or non-institutional referral such that it would not be possible for the member to consider each case objectively.

Subd. 3. [SCREENING TEAM; DUTIES.] Local screening teams shall seek cooperation from other public and private agencies in the community which offer services to the disabled and elderly. The responsibilities of the agency responsible for screening shall include:

(a) Provision of information and education to the general public regarding availability of the screening program;

(b) Acceptance of referrals from individuals, families, human service professionals and nursing home personnel of the community agencies;

(c) Assessment of health and social needs of referred individuals and identification of services needed to maintain these persons in the least restrictive environments;

(d) Identification of available noninstitutional services to meet the needs of individuals referred;

(e) Recommendations for individuals screened regarding:

(1) Nursing home admission; and

(2) Maintenance in the community with specific service plans and referrals and designation of a lead agency to implement each individual's plan of care;

(f) Provision of follow up services as needed; and

(g) Preparation of reports which may be required by the commissioner of public welfare.

Subd. 4. [SCREENING OF PERSONS.] Prior to nursing home admission, screening teams shall assess the needs of all persons receiving medical assistance and of all persons who would be eligible for medical assistance within 90 days of ad-

mission to a nursing home, except patients from acute care facilities or transfers from other nursing homes. Any other interested person may be assessed by a screening team upon payment of a fee based upon a sliding fee scale.

Subd. 5. [APPEALS.] Appeals from the screening team's determination shall be made pursuant to the procedures set forth in Minnesota Statutes, Section 256.045, Subdivisions 2 and 3. An appeal shall be automatic if the individual's physician does not agree with the recommendation of the screening team.

Subd. 6. [TEAM REIMBURSEMENT.] The commissioner of public welfare shall amend the Minnesota medical assistance plan to include reimbursement for the local screening teams. Reimbursement shall not be provided for any recipient placed in a nursing home in opposition to the screening team's recommendation after January 1, 1981; provided, however, the commissioner shall not deny reimbursement for (1) an individual admitted to a nursing home who is assessed to need long-term supportive services if long-term supportive services other than nursing home care are not available in that community; or (2) any eligible individual placed in the nursing home pending an appeal of the preadmission screening team's decision; or (3) any eligible individual placed in the nursing home by a physician in an emergency situation and where the screening team has not made a decision within five working days of its initial contact.

Subd. 7. [REPORT.] The commissioner of public welfare, in consultation with the commissioner of health, shall evaluate the screening program established pursuant to this section and provide a report to the legislature by April 1, 1981, which shall include a description of:

- (a) The cost effectiveness of the program;*
- (b) The unmet needs in the community;*
- (c) Similar screening activities in the counties;*
- (d) Methods to improve the program.*

Sec. 2. [APPROPRIATION.] For the biennium ending June 30, 1981, there is appropriated from the general fund to the department of public welfare the sum of \$48,000 for the purposes of section 1 and the approved complement shall be increased by one until June 30, 1981.

Sec. 3. [EFFECTIVE DATE.] This act shall be effective the day following its enactment."

Further amend the title as follows:

Page 1, lines 2 and 3, delete "requiring counties to establish" and insert "establishing"

We request adoption of this report and repassage of the bill.

Senate Conferees: TOM A. NELSON, EMILY ANNE STAPLES and WILLIAM G. KIRCHNER.

House Conferees: LINDA L. BERGLIN, RICHARD J. WELCH and O. J. HEINITZ.

Berglin moved that the report of the Conference Committee on S. F. No. 702 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 702, A bill for an act relating to health; requiring counties to establish local nursing home pre-admission screening teams; prescribing duties of the teams and the commissioner of public welfare; appropriating money; amending Minnesota Statutes 1978, Chapter 256B, by adding a section.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 103 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Adams	Elioff	Kelly	Nelson	Simoneau
Anderson, B.	Ellingson	Kempe	Norman	Stadum
Anderson, G.	Erickson	Knickerbocker	Novak	Stoa
Anderson, I.	Ewald	Kostohryz	Olsen	Stowell
Battaglia	Faricy	Kroening	Osthoff	Sviggum
Begich	Fjoslien	Laidig	Otis	Swanson
Berglin	Forsythe	Lehto	Patton	Tomlinson
Berkelman	Fritz	Levi	Pehler	Valan
Biersdorf	Fudro	Long	Peterson, B.	Valento
Blatz	Greenfield	Luknic	Peterson, D.	Vanasek
Brinkman	Heap	Mann	Prahl	Waldorf
Byrne	Heinitz	McCarron	Reding	Weaver
Carlson, D.	Hoberg	McDonald	Rees	Welch
Carlson, L.	Hokanson	McEachern	Reif	Wenzel
Casserly	Jacobs	Mehrkens	Rice	Wieser
Clark	Jaros	Metzen	Rodriguez	Wigley
Clawson	Johnson, C.	Minne	Rose	Wynia
Corbid	Johnson, D.	Moe	Rothenberg	Zubay
Dean	Jude	Munger	Schreiber	Spkr. Norton
Drew	Kahn	Murphy	Sherwood	
Eken	Kaley	Nelsen, M.	Sieben, M.	

Those who voted in the negative were:

Ainley	Den Ouden	Jennings	Niehaus	Welker
Albrecht	Esau	Kallis	Nysether	
Anderson, D.	Evans	Kvam	Onnen	
Anderson, R.	Friedrich	Ludeman	Redalen	
Dempsey	Haukoos	Nelsen, B.	Thiede	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker :

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1141, A bill for an act relating to hearing impaired persons; establishing regional service centers and advisory committees; establishing a statewide interpreter referral service; providing for a program of training and employment; prescribing duties for the commissioner of public welfare; establishing an office on hearing impairment; providing for an advisory committee for the state council for the handicapped; prescribing duties for the department of health; providing for a study by the state planning agency; appropriating money.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1141

A bill for an act relating to hearing impaired persons; establishing regional service centers and advisory committees; establishing a statewide interpreter referral service; providing for a program of training and employment; prescribing duties for the commissioner of public welfare; establishing an office on hearing impairment; providing for an advisory committee for the state council for the handicapped; prescribing duties for the department of health; providing for a study by the state planning agency; appropriating money.

April 1, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1141, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1141 be further amended as follows:

Page 1, line 15, delete "11" and insert "7"

Page 1, line 25, delete "10" and insert "7"

Page 2, delete lines 14 to 20

Page 2, line 27, after the period insert "The center shall maintain a current registry of those persons having or suspected of having a hearing impairment who live in that region. A special task of the registry is to assure that referrals and follow-up services are completed with respect to persons in the register."

Page 4, line 20, delete "staff of county welfare"

Page 4, delete line 21

Page 4, line 22, delete "boards" and insert "social service or income maintenance staff employed by counties or by organizations with whom counties contract for services"

Page 5, line 2, after the period insert "The commissioner of health shall establish standards for screening for hearing impairments with special emphasis on screening of persons from birth through school age and persons over age 65."

Page 5, delete lines 3 to 33

Page 6, delete lines 1 to 14 and insert:

"Sec. 8. Minnesota Statutes 1978, Chapter 15, is amended by adding a section to read:

[15.44] [AIDS FOR HANDICAPPED AT STATE MEETINGS.] *After July 1, 1980, a state agency which sponsors, in whole or in part, a meeting or conference for the public or for state employees shall ensure that a physically handicapped participant who gives reasonable advance notice to the agency will receive the auxiliary aids necessary for effective participation. Auxiliary aids may include taped or brailled materials, interpreters or other effective means of making orally delivered material available to participants with hearing impairments, and equipment adaptable for use by participants with manual impairments and other similar services and action; however, nothing in this section shall (1) require a state agency to provide attendants, individually prescribed devices, or other devices or services of a personal nature or (2) apply to a state university, the university of Minnesota or a state community college with respect to classes, seminars or training programs which are offered by them. When sign language interpreters are provided, they shall be provided in a manner so that hearing impaired participants will be able to see their signing clearly. For the purposes of this section, "physically handicapped" has the meaning given in section 16.84, subdivision 8. For the purposes of this section, "agency" means any state officer, employee, board, com-*

mission, authority, department or other agency or the executive branch of state government.

Sec. 9. Minnesota Statutes 1978, Section 16.85, Subdivision 1c, is amended to read:

Subd. 1c. After July 1, (1979) 1980, meetings or conferences (ATTENDED BY) for the public (AND) or for state employees sponsored in whole or in part by a state agency (IN NON-PUBLICLY OWNED BUILDINGS) shall be held in buildings that (EITHER) meet the state building code requirements relating to accessibility for (THE) physically handicapped (OR ARE ELIGIBLE TO DISPLAY THE STATE SYMBOL FOR ACCESSIBILITY) persons. *The provisions of this subdivision shall not apply to any classes, seminars or training programs offered by a state university, the university of Minnesota or a state community college. Meetings or conferences intended for specific individuals none of whom need the accessibility features for handicapped persons specified in the state building code need not comply with this subdivision unless a handicapped person gives reasonable advance notice of his or her intent to attend the meeting or conference. When sign language interpreters will be provided, meetings or conference sites shall be chosen which allow hearing impaired participants to see their signing clearly.*

Sec. 10. Minnesota Statutes 1978, Section 16.85, Subdivision 1d, is amended to read:

Subd. 1d. The commissioner of administration may grant an exemption from the requirements of subdivisions 1b and 1c in advance if a state agency has demonstrated that reasonable efforts were made to secure facilities which complied with the requirements of subdivision 1b and 1c and if the selected facilities are the best available for access for handicapped persons. *Exemptions shall be granted using criteria developed by the commissioner in consultation with the council for the handicapped.*

For the purposes of this section, "agency" shall have the meaning given to it in section 16.098, subdivision 1, clause (3)."

Page 6, line 16, delete "\$1,006,500" and insert "\$302,000"

Page 6, line 18, after the period insert "The director of the state planning agency shall monitor the implementation and effectiveness of sections 1 to 7 and report to the legislature by January 1, 1982."

Page 6, line 20, delete "\$498,500" and insert "\$166,000"

Page 6, line 22, delete "1980-14"

Page 6, line 22, delete "22" and insert "8"

Page 6, line 24, delete "\$330,400" and insert "\$136,000"

Page 6, line 26, delete "1980-6"

Page 6 line 26, delete "10" and insert "6"

Page 6, delete lines 27 to 33

Page 7, delete line 1 and insert:

"Sec. 12. [EFFECTIVE DATE.] Sections 8 to 10 of this act are effective the day following final enactment."

Renumber sections in sequence

Underscore all new language in bill

Amend the title as follows:

Page 1, line 3, delete "hearing impaired persons" and insert "the handicapped"

Page 1, line 2, after "committees" insert "to aid the hearing impaired"

Page 1, line 7, delete "commissioner" and insert "commissioners"

Page 1, line 7, before the semicolon insert "and health"

Page 1, line 7, delete "establishing an"

Page 1, delete lines 8 to 12 and insert "requiring certain state agency meetings to be accessible to physically handicapped persons; requiring certain auxiliary aids for physically handicapped participants at state agency meetings; appropriating money; amending Minnesota Statutes 1978, Section 16.85, Subdivisions 1c and 1d; and Chapter 15, by adding a section."

We request adoption of this report and repassage of the bill.

Senate Conferees: EMILY ANNE STAPLES, WILLIAM G. KIRCHNER and TOM A. NELSON.

House Conferees: O. J. HEINITZ, PAUL MCCARRON and MARY M. FORSYTHE.

Heinitz moved that the report of the Conference Committee on S. F. No. 1141 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1141, A bill for an act relating to hearing impaired persons; establishing regional service centers and advisory committees; establishing a statewide interpreter referral service; providing for a program of training and employment; prescribing duties for the commissioner of public welfare; establishing an office on hearing impairment; providing for an advisory committee for the state council for the handicapped; prescribing duties for the department of health; providing for a study by the state planning agency; appropriating money.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Nelsen, M.	Sherwood
Adams	Elioff	Kaley	Nelson	Sieben, M.
Ainley	Ellingson	Kalis	Niehaus	Simoneau
Albrecht	Erickson	Kelly	Norman	Stoa
Anderson, B.	Esau	Kempe	Novak	Stowell
Anderson, D.	Evans	Knickerbocker	Nysether	Sviggum
Anderson, G.	Ewald	Kostohryz	Olsen	Swanson
Anderson, I.	Faricy	Kroening	Onnen	Thiede
Anderson, R.	Fjoslien	Kvam	Osthoff	Tomlinson
Battaglia	Forsythe	Laidig	Otis	Valan
Begich	Friedrich	Lehto	Patton	Valento
Berglin	Fritz	Levi	Pehler	Vanasek
Biersdorf	Fudro	Long	Peterson, B.	Waldorf
Blatz	Greenfield	Ludeman	Peterson, D.	Weaver
Brinkman	Halberg	Luknic	Piepho	Welch
Byrne	Haukoos	Mann	Prahl	Welker
Carlson, D.	Heap	McCarron	Redalen	Wenzel
Carlson, L.	Heinitz	McDonald	Reding	Wieser
Casserly	Hoberg	McEachern	Rees	Wigley
Clark	Hokanson	Mehrkens	Reif	Wynia
Clawson	Jacobs	Metzen	Rice	Zubay
Corbid	Jaros	Minne	Rodriguez	Spkr. Norton
Dean	Jennings	Moe	Rose	
Dempsey	Johnson, C.	Munger	Rothenberg	
Den Ouden	Johnson, D.	Murphy	Sarna	
Drew	Jude	Nelsen, B.	Schreiber	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1875, A bill for an act relating to commerce; providing for ownership rights in dies and molds under certain conditions.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1875

A bill for an act relating to commerce; providing for ownership rights in dies and molds under certain conditions.

March 31, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1875, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1875 be further amended as follows:

Page 2, line 15, delete "30 days" and insert "90 days"

We request adoption of this report and repassage of the bill.

Senate Conferees: **JOHN B. KEEFE, JEROME GUNDERSON and HOWARD D. OLSON.**

House Conferees: **CARL W. KROENING and JOEL JACOBS.**

Jacobs moved that the report of the Conference Committee on S. F. No. 1875 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1875, A bill for an act relating to commerce; providing for ownership rights in dies and molds under certain conditions.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 72 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Adams	Carlson, L.	Johnson, C.	Moe	Rodriguez
Ainley	Casserly	Jude	Munger	Sarna
Anderson, B.	Clark	Kahn	Murphy	Sieben, M.
Anderson, D.	Corbid	Kalis	Nelsen, M.	Simoneau
Anderson, G.	Dean	Kelly	Nelson	Stoa
Anderson, I.	Eken	Kempe	Novak	Swanson
Anderson, R.	Elioff	Knickerbocker	Osthoff	Vanasek
Battaglia	Ellingson	Kostohryz	Otis	Voss
Begich	Erickson	Kroening	Patton	Welch
Berglin	Ewald	Long	Pehler	Wenzel
Berkelman	Forsythe	Mann	Peterson, B.	Wynia
Biersdorf	Fudro	McCarron	Peterson, D.	Spkr. Norton
Blatz	Greenfield	McEachern	Prahl	
Brinkman	Hokanson	Metzen	Reding	
Byrne	Jacobs	Minne	Rice	

Those who voted in the negative were:

Aasness	Friedrich	Laidig	Onnen	Svigum
Albrecht	Fritz	Lehto	Piepho	Thiede
Carlson, D.	Halberg	Levi	Pleasant	Tomlinson
Clawson	Haukoos	Ludeman	Redalen	Valan
Crandall	Heap	Luknic	Rees	Valento
Dempsey	Heinitz	McDonald	Reif	Waldorf
Den Ouden	Hoberg	Mehrkens	Rose	Weaver
Drew	Jaros	Nelsen, B.	Rothenberg	Welker
Esau	Jennings	Niehaus	Schreiber	Wieser
Evans	Johnson, D.	Norman	Sherwood	Wigley
Farcy	Kaley	Nysether	Stadum	Zubay
Fjoslien	Kvam	Olsen	Stowell	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2095, A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article I, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2095

A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article I, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

April 1, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2095, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2095 be further amended as follows:

Page 5, line 28, delete "*five*" and insert "*seven*"

Page 7, line 14, delete "*35*" and insert "*50*"

Page 10, line 20, delete "*four-fifths*" and insert "*six-sevenths*"

Page 10, line 32, delete "*four-fifths*" and insert "*six-sevenths*"

Page 14, line 33, strike "the end that" and insert "*improve*"

Page 14, line 33, strike the third "the"

Page 15, line 1, strike "service" and insert "*services*"

Page 15, line 1, strike "by the persons in the classified service"

Page 15, strike line 2

Page 15, line 3, strike "advantage of promotional opportunities"

Page 31, delete lines 7 to 16

Renumber the sections in order

Further, amend the title:

Page 1, line 7, delete "14,"

We request adoption of this report and repassage of the bill.

Senate Conferees: EMILY ANNE STAPLES, JOHN B. KEEFE and MYRTON O. WEGENER.

House Conferees: LEE GREENFIELD, DEE LONG and BILL PETERSON.

Greenfield moved that the report of the Conference Committee on S. F. No. 2095 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2095, A bill for an act relating to Hennepin County; providing for a county personnel system; providing various conditions of public employment; amending Laws 1965, Chapter 855, Sections 1, 2, 3, 4, as amended, 5, 6, as amended, 7, as amended, 8, 9, 10, 11, 12, 13, 14, 15, as amended, and 16; and Laws 1979, Chapter 198, Article 1, Section 2; repealing Laws 1945, Chapter 607, as amended; Laws 1965, Chapter 855, Section 17; Laws 1967, Chapter 646, Sections 4, 5, 6, and 7, and Chapter 779; and Laws 1979, Chapter 198, Article III, Section 5.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 113 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Aasness	Drew	Johnson, D.	Moe	Rodriguez
Adams	Eken	Jude	Munger	Rose
Ainley	Elioff	Kahn	Murphy	Sarna
Anderson, B.	Ellingson	Kaley	Nelsen, B.	Schreiber
Anderson, D.	Erickson	Kalis	Nelsen, M.	Searle
Anderson, G.	Evans	Kelly	Nelson	Sieben, M.
Anderson, I.	Ewald	Kempe	Norman	Simoneau
Anderson, R.	Faricy	Knickerbocker	Novak	Stadum
Battaglia	Forsythe	Kostohryz	Nysether	Stoa
Begich	Friedrich	Kroening	Olsen	Stowell
Berglin	Fritz	Kvam	Osthoft	Sviggum
Berkelman	Fudro	Laidig	Otis	Swanson
Biersdorf	Greenfield	Lehto	Patton	Tomlinson
Blatz	Halberg	Levi	Pehler	Vanasek
Brinkman	Haukoos	Long	Peterson, B.	Waldorf
Byrne	Heap	Luknie	Peterson, D.	Weaver
Carlson, L.	Heinitz	Mann	Pleasant	Welch
Casserly	Hoberg	McCarron	Prahl	Wenzel
Clark	Hokanson	McDonald	Redalen	Wynia
Clawson	Jacobs	McEachern	Reding	Zubay
Corbid	Jaros	Mehrkens	Rees	Spkr. Norton
Crandall	Jennings	Metzen	Reif	
Dean	Johnson, C.	Minne	Rice	

Those who voted in the negative were:

Albrecht	Fjoslien	Onnen	Thiede	Wieser
Dempsey	Ludeman	Piepho	Valento	Wigley
Den Ouden	Niehaus	Sherwood	Welker	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2134, A bill for an act relating to natural resources; providing for analysis of hydroelectric generating capacity of publicly owned dams; clarifying provisions relating to the administration of and authorization for dam repair and reconstruction grants; authorizing the employment of a person to administer grants; appropriating money; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 1 and 4; Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivisions 3 and 5a; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2134

A bill for an act relating to natural resources; providing for analysis of hydroelectric generating capacity of publicly owned dams; clarifying provisions relating to the administration of and authorization for dam repair and reconstruction grants; authorizing the employment of a person to administer grants; appropriating money; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 1 and 4; Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivisions 3 and 5a; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5.

March 31, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2134, report that we have agreed upon the items in dispute and recommend as follows:

That the House recedes from its amendments and that S. F. No. 2134 be further amended as follows:

Page 5, line 14, strike "2, 3 and" and insert "1 to"

Page 5, delete lines 20 to 26

Page 5, line 27, delete "7" and insert "6"

Renumber the remaining section

Amend the title as follows:

Page 1, line 7, delete everything after the semicolon

Page 1, line 8, delete "administer grants;"

We request adoption of this report and repassage of the bill.

Senate Conferees: GERALD L. WILLET, HUBERT H. HUMPHREY, III and ROBERT G. DUNN.

House Conferees: ARLENE I. LEHTO, WILLARD M. MUNGER and WARREN STOWELL.

Lehto moved that the report of the Conference Committee on S. F. No. 2134 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2134, A bill for an act relating to natural resources; providing for analysis of hydroelectric generating capacity of publicly owned dams; clarifying provisions relating to the administration of and authorization for dam repair and reconstruction grants; authorizing the employment of a person to administer grants; appropriating money; amending Minnesota Statutes 1978, Section 105.482, Subdivisions 1 and 4; Minnesota Statutes, 1979 Supplement, Section 105.482, Subdivisions 3 and 5a; and Laws 1979, Chapter 300, Section 4, Subdivisions 1 and 5.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Anderson, G.	Berkelman	Carlson, L.	Dean
Adams	Anderson, I.	Biersdorf	Casserly	Dempsey
Ainley	Anderson, R.	Blatz	Clark	Den Ouden
Albrecht	Battaglia	Brinkman	Clawson	Drew
Anderson, B.	Begich	Byrne	Corbid	Eken
Anderson, D.	Berglin	Carlson, D.	Crandall	Elioff

Ellingson	Jennings	McCarron	Patton	Simoneau
Erickson	Johnson, C.	McDonald	Pehler	Stadum
Esau	Johnson, D.	McEachern	Peterson, B.	Stoa
Evans	Jude	Mehrkens	Peterson, D.	Stowell
Ewald	Kahn	Metzen	Piepho	Sviggum
Faricy	Kaley	Minne	Pleasant	Swanson
Fjoslien	Kalis	Moe	Prahl	Thiede
Forsythe	Kelly	Munger	Redalen	Tomlinson
Friedrich	Kempe	Murphy	Reding	Valan
Fritz	Knickerbocker	Nelsen, B.	Rees	Valento
Fudro	Kostohryz	Nelsen, M.	Reif	Vanasek
Greenfield	Kroening	Nelson	Rice	Waldorf
Halberg	Kvam	Niehaus	Rodriguez	Weaver
Haukoos	Laidig	Norman	Rose	Welch
Heap	Lehto	Novak	Rothenberg	Welker
Heinitz	Levi	Nysether	Sarna	Wenzel
Hoberg	Long	Olsen	Schreiber	Wieser
Hokanson	Ludeman	Onnen	Searle	Wigley
Jacobs	Luknic	Osthoff	Sherwood	Wynia
Jaros	Mann	Otis	Sieben, M.	Zubay

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 133, A bill for an act relating to partnerships; enacting the 1976 uniform limited partnership act.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 133

A bill for an act relating to partnerships; enacting the 1976 uniform limited partnership act.

April 7, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 133, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 133 be amended as follows:

Page 1, after line 5, insert

“UNIFORM CONDOMINIUM ACT

ARTICLE I

GENERAL PROVISIONS

Section 515.1-101. [SHORT TITLE.] Sections 515.1-101 to 515.4-117 shall be known and may be cited as the uniform condominium act.

Sec. 515.1-102. [APPLICABILITY.] (a) Sections 515.1-105 (Separate Titles and Taxation; Homestead), 515.1-106 (Applicability of Local Ordinances, Regulations, and Building Codes), 515.1-107 (Eminent Domain), 515.2-103 (Construction and Validity of Declaration and Bylaws), 515.2-104 (Description of Units), 515.3-102 (1) to (5) and (9) to (12) (Powers of Unit Owners Association), 515.3-111 (Tort and Contract Liability), 515.3-112 (Insurance), 515.3-115 (Lien for Assessments), 515.3-116 (Association Records), 515.4-107 (Resales of Units), and 515.1-103 (Definitions) to the extent necessary in construing any of those sections, apply to all condominiums created in this state prior to the effective date of sections 515.1-101 to 515.4-117; provided, however, that these sections apply only with respect to events and circumstances occurring after the effective date of sections 515.1-101 to 515.4-117, and do not invalidate existing provisions of the declaration, bylaws, or floor plans of those condominiums.

(b) Sections 515.1-101 to 515.4-117 apply to all condominiums created within this state after August 1, 1980. The provisions of Minnesota Statutes, Sections 515.01 to 515.29 do not apply to condominiums created after August 1, 1980 and do not invalidate any amendment to the declaration, bylaws, or floor plans of any condominium created before August 1, 1980 if the amendment would be permitted by sections 515.1-101 to 515.4-117. The amendment must be adopted in conformity with the procedures and requirements specified by those instruments and by Minnesota Statutes, Sections 515.01 to 515.29. If the amendment grants to any person any rights, powers or privileges permitted by sections 515.1-101 to 515.4-117, all correlative obligations, liabilities, and restrictions in sections 515.1-101 to 515.4-117 also apply to that person.

Sec. 515.1-103. [DEFINITIONS.] In the declaration and bylaws, unless specifically provided otherwise or the context otherwise requires, and in sections 515.1-101 to 515.4-117:

(1) “Additional real estate” means real estate that may be added to a flexible condominium.

(2) "Affiliate of a declarant" means any person who controls, is controlled by, or is under common control with a declarant. A person "controls" a declarant if the person (i) is a general partner, officer, director, or employer of the declarant or (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interest in the declarant, or (iii) controls in any manner the election of a majority of the directors of the declarant, or (iv) has contributed more than 20 percent of the capital of the declarant. A person "is controlled by" a declarant if the declarant (i) is a general partner, officer, director, or employer of the person or (ii) directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies representing, more than 20 percent of the voting interest in the person, or (iii) controls in any manner the election of a majority of the directors of the person, or (iv) has contributed more than 20 percent of the capital of the person. Control does not exist if the powers described in this paragraph are held solely as security for an obligation and are not exercised.

(3) "Association" or "unit owners association" means the unit owners association organized under section 515.3-101.

(4) "Common elements" means all portions of a condominium other than the units.

(5) "Common expenses" means expenditures made or liabilities incurred by or on behalf of the association, together with any allocations to reserves.

(6) "Common expense liability" means the liability for common expenses allocated to each unit pursuant to section 515.2-108.

(7) "Condominium" means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

(8) "Conversion condominium" means a condominium in which a building was at any time before the recording of the declaration wholly or partially occupied by persons other than purchasers and persons who occupied with the consent of the purchasers.

(9) "Declarant" means:

(a) if the condominium has been created, (1) any person who has executed a declaration or an amendment to a declaration to add additional real estate, other than persons holding interests in the real estate solely as security for an obligation,

persons whose interests in the real estate will not be conveyed to unit owners, or, in the case of a leasehold condominium, a lessor who possesses no special declarant rights and who is not an affiliate of a declarant who possesses special declarant rights, or (2) any person who succeeds under section 515.3-104 to any special declarant rights; or

(b) any person who has offered prior to creation of a condominium to dispose of his interest in a unit to be created and not previously disposed of.

(10) "Dispose" or "disposition" means a voluntary transfer of any legal or equitable interest in a unit, other than as security for an obligation.

(11) "Flexible condominium" means a condominium to which additional real estate may be added.

(12) "Leasehold condominium" means a condominium in which all of the real estate is subject to a lease, the expiration or termination of which will terminate the condominium.

(13) "Limited common element" means a portion of the common elements allocated by the declaration or by operation of section 515.2-102(2) or (4) for the exclusive use of one or more but fewer than all of the units.

(14) "Person" means a natural person, corporation, partnership, trust, or other entity, or any combination thereof.

(15) "Purchaser" means any person, other than a declarant, who prior to creation of the condominium enters into a purchase agreement with a declarant or who by means of a voluntary transfer after creation of the condominium holds a legal or equitable interest in a unit, other than (i) a leasehold interest (including renewal options) of less than three years, or (ii) as security for an obligation.

(16) "Real estate" means any leasehold for three years or more or other estate or interest in, over, or under land, including structures, fixtures, and other improvements and interests which by custom, usage, or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. "Real estate" includes parcels with or without upper or lower boundaries.

(17) "Security for an obligation" means the vendor's interest in a contract for deed, mortgagee's interest in a mortgage, purchaser's interest under a sheriff's certificate of sale during the period of redemption, or the holder's interest in a lien.

(18) "Special declarant rights" means rights reserved for the benefit of a declarant to complete improvements indicated on floor plans (section 515.2-110); to add additional real estate to a flexible condominium (section 515.2-111); to subdivide or convert a unit (section 515.2-115); to maintain sales offices, management offices, signs advertising the condominium, and models (section 515.2-117); to use easements through the common elements for the purpose of making improvements within the condominium or any additional real estate (section 515.2-118); or to appoint or remove any board member during any period of declarant control (section 515.3-103(a)).

(19) "Unit" means a portion of the condominium, whether or not contained solely or partially within a building, designated for separate ownership, the boundaries of which are described pursuant to section 515.2-110.

(20) "Unit owner" means a declarant who owns a unit, a person to whom ownership of a unit has been conveyed or transferred, or in a leasehold condominium a lessee of a unit whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the condominium, but does not include a holder of an interest as security for an obligation.

Sec. 515.1-104. [VARIATION BY AGREEMENT.] Except as expressly otherwise provided in sections 515.1-101 to 515.4-117, provisions of sections 515.1-101 to 515.4-117 may not be varied by agreement, and rights conferred by sections 515.1-101 to 515.4-117 may not be waived. A declarant may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of sections 515.1-101 to 515.4-117 or the declaration.

Sec. 515.1-105. [SEPARATE TITLES AND TAXATION; HOMESTEAD.] (a) Each unit together with its common element interest constitutes for all purposes a separate parcel of real estate.

(b) If a declaration is recorded prior to ten days before any installment of real estate taxes becomes payable, the local taxing authority shall split the taxes so payable on the condominium among the units. Interest and penalties which would otherwise accrue shall not begin to accrue until at least 30 days after the split is accomplished.

(c) A unit used for residential purposes together with not more than two units used for vehicular parking and their common element interests shall be treated the same as any other real estate in determining whether homestead exemptions or classifications shall apply.

Sec. 515.1-106 [APPLICABILITY OF LOCAL ORDINANCES, REGULATIONS, AND BUILDING CODES.] (a) Except as provided in subsections (b) and (c), a zoning, subdivision, building code, or other real estate use law, ordinance, charter provision, or regulation may not directly or indirectly prohibit the condominium form of ownership or impose any requirement upon a condominium, upon the creation or disposition of a condominium or upon any part of the condominium conversion process which it would not impose upon a physically similar development under a different form of ownership. Otherwise, no provision of sections 515.1-101 to 515.4-117 invalidates or modifies any provision of any zoning, subdivision, building code, or other real estate use law, ordinance, charter provision, or regulation.

(b) Subsection (a) shall not apply to any ordinance, rule, regulation, charter provision or contract provision relating to the financing of housing construction, rehabilitation, or purchases provided by or through a housing finance program established and operated pursuant to state or federal law by a state or local agency or local unit of government.

(c) A statutory or home rule charter city, pursuant to an ordinance or charter provision establishing standards to be applied uniformly within its jurisdiction, may prohibit or impose reasonable conditions upon the conversion of buildings to the condominium form of ownership only if there exists within the city a significant shortage of suitable rental dwellings available to low and moderate income individuals or families or to establish or maintain the city's eligibility for any federal or state program providing direct or indirect financial assistance for housing to the city. Prior to the adoption of an ordinance pursuant to the authority granted in this subsection, the city shall conduct a public hearing.

Any ordinance or charter provision adopted pursuant to this subsection shall not apply to any conversion condominium or proposed conversion condominium for which a bona fide loan commitment for a consideration has been issued by a lender and is in effect on the date of adoption of the ordinance or charter provision, or for which a notice of condominium conversion or intent to convert prescribed by section 515.4-110(a), containing a termination of tenancy, has been given to at least 75 percent of the tenants and subtenants in possession prior to the date of adoption of the ordinance or charter provision.

(d) For purposes of providing marketable title, a statement in the declaration showing that the condominium is not subject to an ordinance or showing that any conditions required under an ordinance have been complied with shall be prima facie evidence that the condominium was not created in violation thereof.

(e) A violation of an ordinance or charter provision adopted pursuant to the provisions of subsections (b) or (c) shall not

affect the validity of a condominium. This subsection shall not be construed to in any way limit the power of a city to enforce the provisions of an ordinance or charter provision adopted pursuant to subsections (b) or (c).

Any ordinance or charter provision enacted hereunder shall not be effective for a period exceeding 18 months.

Sec. 515.1-107. [EMINENT DOMAIN.] (a) If a unit is acquired by eminent domain, or if part of a unit is acquired by eminent domain leaving the unit owner with a remnant which may not practically or lawfully be used for any purpose permitted by the declaration, the award shall compensate the unit owner and holders of an interest as security for an obligation in the unit and its common element interest as their interests may appear, whether or not any common element interest is acquired. Upon acquisition, unless the decree otherwise provides, that unit's entire common element interest, votes in the association, and common expense liability are automatically reallocated to the remaining units in proportion to the respective interests, votes, and liabilities of those units prior to the taking, and the association shall promptly prepare, execute, and record an amendment to the declaration reflecting the reallocations. Any remnant of a unit remaining after part of a unit is taken under this subsection is thereafter a common element.

(b) Except as provided in subsection (a), if part of a unit is acquired by eminent domain, the award shall compensate the unit owner and the holders of an interest as security for an obligation as their interests may appear for the reduction in value of the unit and its common element interest. Upon acquisition, unless the apportionment thereof pursuant to the declaration is based upon equality, (1) that unit's common element interest, votes in the association, and common expense liability are reduced in proportion to the reduction in the size of the unit, and (2) the portion of common element interest, votes, and common expense liability divested from the partially acquired unit are automatically reallocated to that unit and the remaining units in proportion to the respective interests, votes, and liabilities of those units prior to the taking, with the partially acquired unit participating in the reallocation on the basis of its reduced interests, votes, and liabilities.

(c) If part of the common elements is acquired by eminent domain, the award shall be paid to the association. The association shall divide any portion of the award not used for any restoration or repair of the remaining common elements among the unit owners and holders of an interest as security for an obligation as their interests may appear in proportion to their respective interests in the common elements before the taking, but the portion of the award attributable to the acquisition of a limited common element shall be equally divided among the owners of the units to which that limited common element was allocated at the time of acquisition and the respective holders of an interest as security for an obligation of the units as their interests may

appear of the units to which that limited common element was allocated at the time of acquisition, or in such other manner as the declaration may provide.

(d) The court decree shall be recorded in every county in which any portion of the condominium is located.

Sec. 515.1-108. [SUPPLEMENTAL GENERAL PRINCIPLES OF LAW APPLICABLE.] The principles of law and equity, including the law of corporations, the law of real property and the law relative to capacity to contract, principal and agent, eminent domain, estoppel, fraud, misrepresentation, duress, coercion, mistake, receivership, substantial performance, or other validating or invalidating cause supplement the provisions of sections 515.1-101 to 515.4-117, except to the extent inconsistent with sections 515.1-101 to 515.4-117. Documents required by sections 515.1-101 to 515.4-117 to be recorded shall in the case of registered land be filed.

Sec. 515.1-109. [CONSTRUCTION AGAINST IMPLICIT REPEAL.] Sections 515.1-101 to 515.4-117 being a general act intended as a unified coverage of its subject matter, no part of it shall be construed to be impliedly repealed by subsequent legislation if that construction can reasonably be avoided.

Sec. 515.1-110. [UNIFORMITY OF APPLICATION AND CONSTRUCTION.] Sections 515.1-101 to 515.4-117 shall be applied and construed so as to effectuate its general purpose to make uniform the law with respect to the subject of sections 515.1-101 to 515.4-117 among states enacting it.

Sec. 515.1-111. [SEVERABILITY.] If any provision of sections 515.1-101 to 515.4-117 or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of sections 515.1-101 to 515.4-117 which can be given effect without the invalid provisions or application, and to this end the provisions of sections 515.1-101 to 515.4-117 are severable.

Sec. 515.1-112. [UNCONSCIONABLE AGREEMENT OR TERM OF CONTRACT.] (a) The court, upon finding as a matter of law that a contract or contract clause to which the declarant or the affiliate of a declarant is a party was unconscionable at the time the contract was made, may refuse to enforce the contract, enforce the remainder of the contract without the unconscionable clause, or limit the application of any unconscionable clause in order to avoid an unconscionable result.

(b) Whenever it is claimed, or appears to the court that such a contract or contract clause is or may be unconscionable, the parties, in order to aid the court in making the determination, shall be afforded a reasonable opportunity to present evidence as to:

(1) the commercial setting of the negotiations;

(2) whether a party has knowingly taken advantage of the inability of the other party reasonably to protect his interests by reason of physical or mental infirmity, illiteracy, or inability to understand the language of the agreement or similar factors;

(3) the effect and purpose of the contract or clause; and

(4) if a sale, any gross disparity, at the time of contracting, between the amount charged for the real estate and the value of the real estate measured by the price at which similar real estate was readily obtainable in similar transactions, but a disparity between the contract price and the value of the real estate measured by the price at which similar real estate was readily obtainable in similar transactions does not, of itself, render the contract unconscionable.

Sec. 515.1-113. [OBLIGATION OF GOOD FAITH.] Every contract or duty governed by sections 515.1-101 to 515.4-117 imposes an obligation of good faith in its performance or enforcement.

Sec. 515.1-114. [REMEDIES TO BE LIBERALLY ADMINISTERED.] (a) The remedies provided by sections 515.1-101 to 515.4-117 shall be liberally administered to the end that the aggrieved party is put in as good a position as though the other party had fully performed, provided that rights of bona fide purchasers shall be protected. However, consequential, special, or punitive damages may not be awarded except as specifically provided in sections 515.1-101 to 515.4-117 or by other rule of law.

(b) Any right or obligation declared by sections 515.1-101 to 515.4-117 is enforceable by judicial proceeding unless the provision declaring it provides otherwise.

Sec. 515.1-115. [NOTICE.] Except as otherwise stated in sections 515.1-101 to 515.4-117 all notices required by sections 515.1-101 to 515.4-117 shall be in writing and shall be effective upon hand delivery or upon mailing if properly addressed with postage prepaid and deposited in the United States mail.

Sec. 515.1-116. [EFFECTIVE DATE.] Section 515.1-106 is effective the day following final enactment.

ARTICLE II

CREATION, ALTERATION, AND TERMINATION OF CONDOMINIUMS

Sec. 515.2-101. [CREATION OF CONDOMINIUM.] (a) A condominium may be created pursuant to sections 515.1-101 to 515.4-117 only by recording a declaration executed, in the same

manner as a deed, by all persons whose interests in the real estate will be conveyed to unit owners, except vendors under contracts for deed, and by every lessor of a lease the expiration or termination of which will terminate the condominium. The condominium shall not include real estate covered by a lease affecting less than all of the condominiums and the expiration or termination of which will reduce the size of the condominium. The declaration and bylaws shall be recorded in every county in which any portion of the condominium is located. Failure of any party to join in a declaration shall have no effect on the validity of a condominium provided that after the recording of the declaration the party acknowledges the condominium in a recorded instrument or the interest of the party is extinguished.

(b) A declaration, or an amendment to a declaration adding units to a condominium, may not be recorded unless all structural components and mechanical systems serving more than one unit of all buildings containing or comprising any units thereby created are substantially completed consistent with the floor plans, as evidenced by a certificate executed by a registered professional engineer or architect and recorded or attached to the floor plans.

(c) No possessory interest in a unit may be conveyed until the unit is substantially completed as evidenced by a recorded certificate of completion executed by a registered professional engineer or architect. For the purpose of this section "substantially completed" means entirely completed consistent with the floor plans. This subsection does not prevent the conveyance prior to substantial completion of all units owned by the declarant to a person who is a transferee of special declarant rights.

(d) The declaration, any amendment or amendments thereof, and every instrument affecting a condominium or any unit shall be entitled to be recorded.

(e) In addition to the records and indexes required to be maintained by the recording officer, the recording officer shall maintain an index or indexes whereby the record of each declaration contains a reference to the record of each conveyance of a unit affected by the declaration.

(f) The recording officer shall upon request assign a number to a condominium to be formed.

(g) The recording officer shall separate the floor plans from the declaration and the floor plans shall be kept by the recording officer in a separate file for each condominium indexed in the same manner as a conveyance entitled to record indicating the number of the condominium.

Sec. 515.2-102. [UNIT BOUNDARIES.] Except as otherwise provided by the declaration:

(1) If walls, floors, or ceilings are designated as boundaries of a unit, all lath, furring, wallboard, plasterboard, plaster, paneling, tiles, wallpaper, paint, finished flooring, and any other materials constituting any part of the finished surfaces thereof are a part of the unit, and all other portions of the walls, floors, or ceilings are a part of the common elements.

(2) If any chute, flue, duct, pipe, wire, conduit, bearing wall, bearing column, or any other fixture lies partially within and partially outside of the designated boundaries of a unit, any portion thereof serving only that unit is a limited common element allocated solely to that unit, and any portion thereof serving more than one unit or any portion of the common elements is a part of the common elements.

(3) Subject to the provisions of paragraph (2), all spaces, interior partitions, and other fixtures and improvements within the boundaries of a unit are a part of the unit.

(4) All exterior doors and windows and any shutters, awnings, window boxes, doorsteps, stoops, porches, balconies, patios, or other fixtures designed to serve a single unit, but located outside the unit's boundaries, are limited common elements allocated exclusively to that unit.

Sec. 515.2-103. [CONSTRUCTION AND VALIDITY OF DECLARATION AND BYLAWS.] (a) All provisions of the declaration and bylaws are severable.

(b) The rule against perpetuities may not be applied to defeat any provision of the declaration or sections 515.1-101 to 515.4-117, or any instrument executed pursuant to the declaration or sections 515.1-101 to 515.4-117.

(c) In the event of a conflict between the provisions of the declaration and the bylaws, the declaration prevails except to the extent that the declaration is inconsistent with sections 515.1-101 to 515.4-117.

Sec. 515.2-104. [DESCRIPTION OF UNITS.] After the declaration is recorded, a description of a unit which sets forth the number of the condominium, the county in which the condominium is located, and the identifying number of the unit, is a sufficient legal description of that unit and its common element interest whether or not the common element interest is described or referred to therein.

Sec. 515.2-105. [CONTENTS OF DECLARATION; ALL CONDOMINIUMS.] The declaration for a condominium shall contain:

(1) the name and number of the condominium, which shall include the word "condominium" or be followed by the words "a condominium";

(2) the name of every county in which any part of the condominium is situated;

(3) a legally sufficient description of the real estate included in the condominium;

(4) a description or delineation of the boundaries of a unit;

(5) the floor plans as required by section 515.2-110;

(6) an allocation to each unit of an undivided interest in the common elements, a portion of the votes in the association, and a percentage or fraction of the common expenses of the association (section 515.2-108);

(7) a statement of the maximum number of any units which may be created by the subdivision or conversion of units owned by the declarant pursuant to section 515.2-115(c);

(8) an allocation of any limited common elements, as provided in section 515.2-109;

(9) any restrictions on use, occupancy, and alienation of the units;

(10) a statement showing that the condominium is not subject to an ordinance provided for in section 515.1-106 or showing that any conditions required under an ordinance have been complied with;

(11) any other matters the declarant deems appropriate.

Sec. 515.2-106. [CONTENTS OF DECLARATION; FLEXIBLE CONDOMINIUMS.] The declaration for a flexible condominium shall include, in addition to the matters specified in section 515.2-105:

(1) an explicit reservation of any options to add additional real estate;

(2) a statement of any time limit, not exceeding seven years after the recording of the declaration, upon which any option reserved under paragraph (1) will lapse, together with a state-

ment of any circumstances that will terminate the option before the expiration of the time limit. If no time limit is set forth in the declaration, the time limit shall be seven years after the recording of the declaration;

(3) a statement of any limitations on any option reserved under paragraph (1), other than limitations created by or imposed pursuant to law;

(4) legally sufficient descriptions of each portion of additional real estate;

(5) if portions of any additional real estate may be added at different times, a statement to that effect together with a statement fixing the boundaries of those portions and regulating the order in which they may be added or a statement that no assurances are made in those regards;

(6) a statement of (i) the maximum number of units that may be created within any additional real estate and within any portion, the boundaries of which are fixed pursuant to paragraph (5), and (ii) how many of those units will be restricted exclusively to residential use;

(7) a statement that any buildings and units that may be erected upon the additional real estate or a portion thereof will be compatible with the other buildings and units in the condominium in terms of architectural style, quality of construction, principal materials employed in construction, and size, or a statement of any differences with respect to the buildings or units, or a statement that no assurances are made respecting those matters;

(8) a statement that all restrictions in the declaration affecting use, occupancy, and alienation of units will apply to units created in the additional real estate, or a statement of any differentiations that may be made as to those units;

(9) general descriptions of all other improvements and common elements that may be made or created upon or within the additional real estate or each portion thereof;

(10) a statement of the extent to which any assurances made in the declaration regarding additional real estate pursuant to paragraphs (5) to (9) apply in the event any additional real estate is not added to the condominium, or a statement that those assurances do not apply if the real estate is not added to the condominium.

Sec. 515.2-107. [LEASEHOLD CONDOMINIUMS.] (a)
Any lease the expiration or termination of which may terminate

the condominium shall be recorded and the declaration shall include, in addition to the matters specified in section 515.2-105:

(1) the county of recording and recorder's document number for the lease;

(2) the date on which the lease is scheduled to expire;

(3) any right of the unit owners to purchase the lessor's interest in the real estate and the manner whereby those rights may be exercised, or a statement that they do not have those rights;

(4) any right of the unit owners to remove any improvements within a reasonable time after the expiration or termination of the lease, or a statement that they do not have those rights; and

(5) any rights of the unit owners to renew the lease and the conditions of any renewal, or a statement that they do not have those rights.

(b) After the declaration for a leasehold condominium is recorded, neither the lessor nor his successor in interest may terminate the leasehold interest of a unit owner who makes timely payment of his share of the rent which shall be the same portion thereof as that of his common area expense and who otherwise complies so far as practicable with his share of all other covenants which, if violated, would entitle the lessor to terminate the lease. No unit owner's leasehold interest is affected by failure of any other person to pay rent or fulfill any other covenant.

(c) Acquisition of the leasehold interest of any unit owner by the lessor does not merge the leasehold and fee simple interests and the lessor shall hold the title to the unit subject to the declaration unless the leasehold interests of all unit owners subject to the lease are so acquired.

Sec. 515.2-108. [ALLOCATION OF COMMON ELEMENT INTERESTS, VOTES, AND COMMON EXPENSE LIABILITIES.] (a) The declaration shall allocate a fraction or percentage of the undivided interests in the common elements, common expenses and votes in the association to each unit in such manner that each of the items is equally allocated or is allocated according to the proportion of the area or volume of each unit to the area or volume of all units, and the items need not be allocated the same for all purposes. The declaration may provide that a portion of each common expense assessment may be allocated on the basis of equality and the remainder on the basis of area or volume of each unit. The sum of the percentages or fractions shall equal 100 percent or 1.

(b) Except in the case of eminent domain (section 515.1-107), expansion of a flexible condominium (section 515.2-111), relocation of boundaries between adjoining units (section 515.2-114), or subdivision of units (section 515.2-115), the common element interest, votes and common expense liability allocated to any unit may not be altered, except as an amendment to the declaration which is signed by all unit owners and first mortgagees, and which complies with section 515.2-119. The common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale or other voluntary or involuntary transfer of an undivided interest or involuntary transfer of an undivided interest in the common elements without the unit to which the interest is allocated is void.

(c) The association may assess certain common expenses against fewer than all units pursuant to section 515.3-114.

Sec. 515.2-109. [COMMON ELEMENTS AND LIMITED COMMON ELEMENTS.] Common elements other than limited common elements may be used in common with all unit owners. Except for the limited common elements described in section 515.2-102(2) and (4), the declaration shall specify to which unit each limited common element is allocated.

Sec. 515.2-110. [FLOOR PLANS.] (a) Floor plans are a part of the declaration. The floor plans shall contain a certification by a registered professional engineer, surveyor or architect that the floor plans accurately depict all information required by this section.

(b) Each floor plan shall show:

(1) the number of the condominium, and the boundaries and dimensions of the land included in the condominium;

(2) the dimensions and location of all existing structural improvements and roadways;

(3) the intended location and dimensions of any contemplated common element improvements to be constructed within the condominium labeled either "MUST BE BUILT" or "NEED NOT BE BUILT";

(4) the location and dimensions of any additional real estate, labeled as such;

(5) the extent of any encroachments by or upon any portion of the condominium;

(6) the location and dimensions of all recorded easements within the condominium serving or burdening any portion of the condominium;

(7) the distance between noncontiguous parcels of real estate;

(8) the location and dimensions of limited common elements, including porches, balconies and patios, other than limited common elements described in section 515.2-102(2) and (4);

(9) the location and dimensions of the vertical boundaries of each unit, and that unit's identifying number;

(10) the location and dimensions of the horizontal unit boundaries with reference to established or assumed datum, and that unit's identifying number;

(11) any units which may be converted by the declarant to create additional units or common elements (section 515.2-115) identified separately.

(c) When adding additional real estate (section 515.2-111), the declarant shall record supplemental floor plans for that real estate conforming to the requirements of subsection (b). If less than all additional real estate is being added, the supplemental floor plans shall also show the location and dimensions of the remaining portion.

(d) If a declarant subdivides or converts any unit into two or more units, common elements or limited common elements (section 515.2-115), he shall record an amendment to the floor plans showing the location and dimensions of any new units, common elements and limited common elements thus created.

Sec. 515.2-111. [EXPANSION OF FLEXIBLE CONDOMINIUMS.] (a) To add additional real estate pursuant to an option reserved under section 515.2-106(1), all persons having an interest in the additional real estate, excepting any holder of an easement or any holder of an interest to secure an obligation which interest was recorded or created subsequent to the recording of the declaration, shall prepare and execute and, after notice as provided in subsection (b), record an amendment to the declaration. The amendment to the declaration shall assign an identifying number to each unit formed in the additional real estate, and reallocate common element interests, votes in the association, and common expense liabilities according to section 515.2-108. The amendment shall describe or delineate any limited common elements formed out of the additional real estate, showing or designating the unit to which each is allocated to the extent required by section 515.2-109 (Limited Common Elements).

(b) The declarant shall serve notice of his intention to add additional real estate as follows:

(1) To the association in the same manner as service of summons in a civil action in district court at least 30 days prior to recording the amendment. The amendment shall be attached to the notice and shall not thereafter be changed so as to materially affect the rights of unit owners.

(2) To the occupants of each unit by notice given in the manner provided in section 515.1-115 not less than 20 days prior to recording the amendment addressed to "Occupant Entitled to Legal Notice" at each unit. Attached to the notice shall be a statement that the amendment has been served on the association.

(3) Proof of service upon the association and the occupants shall be attached to the recorded amendment.

Sec. 515.2-112. [RESERVED.]

Sec. 515.2-113. [ALTERATIONS OF UNITS.] Subject to the provisions of the declaration and other provisions of law, a unit owner:

(1) may make any improvements or alterations to his unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium;

(2) after acquiring an adjoining unit or an adjoining part of an adjoining unit, may with consent of the association and first mortgagees of the affected units, remove or alter any intervening partition or create apertures therein, even if the partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the condominium. The adjoining unit owners shall have the exclusive license to use the space occupied by the common elements, but the use shall not create an easement or vested right. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries. The association may reasonably require that the owner or owners of units affected replace or restore any such partition.

Sec. 515.2-114. [RELOCATION OF BOUNDARIES BETWEEN ADJOINING UNITS.] (a) Subject to the provisions of the declaration and other provisions of law, the boundaries between adjoining units may be relocated by an amendment to the declaration upon application to the association by the owners of those units. The owners of the adjoining units shall specify the proposed reallocation between their units of their common element interests, votes in the association, and common expense liabilities in the application and in accord with section 515.2-108. Unless the board of directors determines within 60 days after receipt of the application by the association that the proposed amendment is not in the best interests of the condominium, the unit owners shall prepare an amendment which shall identify the units involved, state the reallocation, be exe-

cuted by those unit owners and by any holder of an interest as security for an obligation, contain words of conveyance between them, contain written consent of the association, and upon recordation be indexed in the name of the grantor and the grantee. The amendment shall include an amended floor plan to show the altered boundaries between the adjoining units and their dimensions and identifying numbers. If a holder of an interest as security for an obligation joins in the amendment pursuant to this section, the extent of the interest and the remedies shall be deemed to be modified as provided in the amendment. The association shall incur no liability to any party by reason of performing those acts enumerated in this section.

(b) The association may require the owners of the affected units to build a boundary wall and other common elements between the units.

(c) The applicant shall deliver a certified copy of the amendment to the association.

Sec. 515.2-115. [SUBDIVISION OR CONVERSION OF UNITS.] (a) If the declaration expressly so permits, (i) a unit may be subdivided into two or more units, or, (ii) if owned by a declarant, a unit may be subdivided or converted into two or more units, limited common elements, common elements, or a combination of units, limited common elements and common elements. Subject to the provisions of the declaration and other provisions of law, the unit owner shall prepare and execute an amendment to the declaration, including the floor plans, subdividing or converting that unit. The amendment to the declaration shall be executed by the unit owner and any holder of an interest as security for an obligation of the unit to be subdivided or converted, assign an identifying number to each unit created, and reallocate the common element interest, votes in the association, and common expense liability formerly allocated to the subdivided unit to the units in accord with section 515.2-108.

(b) The unit owner shall deliver a certified copy of the recorded amendment to the association.

(c) In the case of a unit owned by a declarant, if a declarant converts part or all of a unit to common elements, the amendment to the declaration shall reallocate among the other units the common element interest, votes in the association, and common expense liability formerly allocated to the converted unit or portion thereof on the same basis used for the initial allocation thereof.

(d) If a holder of an interest as security for an obligation joins in the amendment pursuant to this section, the interest and remedies shall be deemed to apply to the units and the common element interests that result from the subdivision or conversion under this section. In the event of enforcement of any remedy, including foreclosure by advertisement, all instruments and no-

tices shall describe the subject property in terms of the amended description.

Sec. 515.2-116. [MINOR VARIATION IN BOUNDARIES.] The existing physical boundaries of a unit or of a unit reconstructed in substantial accordance with the floor plans are conclusively presumed to be its boundaries regardless of settling or lateral movement of the building.

Sec. 515.2-117. [USE FOR SALES PURPOSES.] If the declaration so provides and specifies the rights of a declarant with regard to their number, size, location and relocation, a declarant may maintain sales offices, management offices, and models in the condominium. Any sales office, management office, or model not designated a unit by the declaration is a common element, and if a declarant ceases to be a unit owner, he ceases to have any rights with regard thereto unless it is removed promptly from the condominium in accordance with a right to remove reserved in the declaration. Subject to any limitations in the declaration, a declarant may maintain signs on the common elements advertising the condominium.

Sec. 515.2-118. [EASEMENT TO FACILITATE COMPLETION, CONVERSION, AND EXPANSION.] Subject to the provisions of the declaration, a declarant has an easement through the common elements as may be reasonably necessary for the purpose of discharging a declarant's obligations or exercising special declarant rights, whether arising under sections 515.1-101 to 515.4-117 or reserved in the declaration.

Sec. 515.2-119. [AMENDMENT OF DECLARATION.] (a) Except in cases of amendments which may be executed by a declarant under sections 515.2-110(c) and (d), 515.2-111(a); the association under section 515.1-107(a); or certain unit owners under sections 515.2-114, 515.2-115, or 515.2-120(b), and except as limited by subsection (d), the declaration may be amended by the association only by a vote or written agreement of unit owners to which at least 67 percent of the votes in the association are allocated, and 67 percent of the first mortgagees of the units (each mortgagee having one vote per unit financed) or any larger or smaller majority the declaration specifies. The declaration may specify any percentage if all of the units are restricted exclusively to nonresidential use.

(b) Every amendment to the declaration shall be recorded in every county in which any portion of the condominium is located, and is effective only when recorded.

(c) Except to the extent expressly permitted or required by other provisions of sections 515.1-101 to 515.4-117, no amendment may create or increase special declarant rights, increase the number of units, convert common elements to limited common elements, or change the boundaries of any unit, the common

element interest, common expense liability, or voting strength in the association allocated to a unit, or the uses to which any unit is restricted, in the absence of unanimous written agreement of the unit owners and holders of an interest as security for an obligation.

(d) Limited common elements shall not be altered without the written agreement of the unit owners and holders of an interest to secure an obligation of the units to which the limited common elements are allocated.

(e) An affidavit of the secretary of the association stating that the votes or agreements required by this section have occurred, shall be attached to the amendment and shall constitute prima facie evidence of the representations contained therein.

Sec. 515.2-120. [TERMINATION OF CONDOMINIUM.]

(a) Except in the case of a taking of all the units by eminent domain (section 515.1-107), a condominium may be terminated only by agreement of unit owners of units to which at least 80 percent of the votes in the association are allocated, and 80 percent of the first mortgagees of the units (each mortgagee having one vote per unit financed), or any larger percentage the declaration specifies. The declaration may specify a smaller percentage only if all of the units in the condominium are restricted exclusively to nonresidential uses.

(b) An agreement of unit owners and mortgagees to terminate a condominium must be evidenced by their execution of a termination agreement or ratification thereof. If, pursuant to a termination agreement, the real estate constituting the condominium is to be sold following termination, the termination agreement shall set forth the terms of the sale. A termination agreement and all ratifications thereof shall be effective upon recording in every county in which a portion of the condominium is situated.

(c) If the termination agreement provides that the real estate constituting the condominium is to be sold following termination, title to that real estate, upon termination, vests in the association as trustee for the holders of all interests in the units. The association as trustee thereafter has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds thereof distributed, the association continues in existence with all powers and responsibilities it had before termination whether under the declaration or otherwise. Unless the termination agreement otherwise provides, proceeds of the sale shall be paid to the association as trustee and shall be distributed to the unit owners and holders of an interest as security for an obligation as their interests may appear and according to the priority enjoyed prior to termination in proportion to the respective interests of unit owners as provided in subsection (f). Any interest as security for, an ob-

ligation formerly affecting a unit shall constitute a claim against the proceeds in the amount existing at the time of termination plus interest and other amounts accrued until distribution. Except as otherwise specified in the termination agreement, as long as the association as trustee holds title to the real estate, each unit owner and his successors in interest have the right to use the real estate that formerly constituted the common elements and have an exclusive right to occupancy of the portion of the real estate that formerly constituted his unit and limited common elements. During the period of such occupancy, each unit owner and his successors in interest remain liable for all assessments and other obligations imposed on unit owners by sections 515.1-101 to 515.4-117, the declaration, or the termination agreement.

(d) If the real estate constituting the condominium is not to be sold following termination, title to the real estate, upon termination, vests in the unit owners as tenants in common in proportion to their respective interests as provided in subsection (f). Any interests held as security for an obligation and the respective instruments formerly affecting a unit shall be deemed to be an interest affecting the resulting undivided interest in the same manner as they formerly affected the unit. As long as the tenancy in common exists, each unit owner and his successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted his unit and limited common elements. Unless the termination agreement otherwise provides during the period of tenancy in common, the cotenants and the association shall have the rights and obligations under sections 515.1-101 to 515.4-117, the declaration and bylaws and the termination agreement.

(e) Following termination of the condominium, and after payment of or provision for the claims of the association's creditors, the assets of the association shall be distributed to unit owners and holders of an interest as security for an obligation in proportion to their respective interests as provided in subsection (f). The proceeds of sale described in subsection (c) and held by the association as trustee are not assets of the association.

(f) The respective interests of unit owners referred to in subsections (c), (d), and (e) are as follows:

(1) except as provided in paragraph (2), the respective interests of unit owners are the fair market values of their units, limited common elements, and common element interests immediately before the termination, as determined by one or more independent appraisers selected by the association. The decision of the independent appraisers shall be delivered in the manner provided in section 515.1-115 addressed to the "Occupant Entitled to Legal Notice" at each unit and the first mortgagee of each unit at its last known address and becomes final unless

disapproved within 30 days after delivery by unit owners of units to which 25 percent of the votes in the association are allocated or by 25 percent of the first mortgagees, each mortgagee having one vote per unit financed. The proportion of any unit owner's interest to that of all unit owners is determined by dividing the fair market value of his interest by the total fair market values of the interests of all unit owners.

(2) if any unit is destroyed to the extent that an appraisal of the fair market value thereof prior to destruction cannot be made and there is not satisfactory evidence to afford such an appraisal, the interests of all unit owners are their respective common element interests immediately before the termination.

Sec. 515.2-121. [RIGHTS OF HOLDERS OF AN INTEREST AS SECURITY FOR AN OBLIGATION.] (a) Nothing in sections 515.1-101 to 515.4-117 unless expressly stated diminishes the rights of holders of an interest as security for an obligation or prevents the declaration from requiring that all or a specified number or percentage of holders of an interest as security for an obligation affecting the units approve specified actions of the unit owners or the association as a condition to the effectiveness of those actions, but no requirement for approval may operate to (1) deny or delegate control over the general administrative affairs of the association by the unit owners, or (2) prevent the association from commencing, intervening in or settling any litigation or proceeding, or receiving and distributing any insurance proceeds pursuant to section 515.3-112.

(b) Foreclosure or enforcement of an interest as security for an obligation against the entire condominium does not of itself terminate the condominium. Foreclosure or enforcement of an interest as security for an obligation against a portion of the condominium without redemption withdraws that portion from the condominium unless (i) the interest is recorded subsequent to the recording of the declaration or is otherwise subordinate to the declaration, or (ii) the holder or his predecessor has issued a release or deed for a unit.

ARTICLE III

MANAGEMENT OF THE CONDOMINIUM

Section 515.3-101. [ORGANIZATION OF UNIT OWNERS ASSOCIATION.] A unit owners association shall be organized no later than the date the condominium is created. The membership of the association at all times shall consist exclusively of all the unit owners or, following termination of the condominium, of all former unit owners entitled to distributions of proceeds under section 515.2-120, or their heirs, successors, or assigns. The association shall be organized as a profit or nonprofit corporation.

Sec. 515.3-102. [POWERS OF UNIT OWNERS ASSOCIATION.] (a) Unless limited by the provisions of the declaration, the association may:

- (1) adopt and amend rules and regulations;
- (2) adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from unit owners;
- (3) hire and terminate managing agents and other employees, agents, and independent contractors;
- (4) institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more unit owners on matters affecting the condominium;
- (5) regulate the use, maintenance, repair, replacement and modification of common elements;
- (6) cause improvements to be made as a part of the common elements;
- (7) grant leases, licenses, and concessions not to exceed one year and utility easements through or over the common elements; provided, however, that after conveyance to owners other than the declarant or affiliate of a declarant of units to which more than 50 percent of the voting power is allocated, the association may by resolution of a meeting of the members duly called grant leases, licenses, and concessions in excess of one year and easements through or over the common elements;
- (8) impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements other than limited common elements described in section 515.2-102 (2) and (4);
- (9) impose reasonable charges including reasonable costs and attorneys' fees, for the evaluation, preparation and recordation of amendments to the declaration, resale certificates required by section 515.4-107, or statements of unpaid assessments;
- (10) provide for the indemnification of its officers and board and maintain directors' and officers' liability insurance;
- (11) impose charges for late payment of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations of the declaration, bylaws, and rules and regulations of the association;

(12) exercise any other powers conferred by state law, the declaration, or bylaws.

(b) Notwithstanding subsection (a), the declaration may not impose limitations on the power of the association to deal with the declarant that are more restrictive than the limitations imposed on the power of the association to deal with other persons.

Sec. 515.3-103. [BOARD OF DIRECTORS, MEMBERS AND OFFICERS.] (a) The declaration may provide for a period of declarant control of the association, during which period a declarant, or persons designated by him, may elect the members of the board of directors. Any period of declarant control extends from the date of the first conveyance of a unit to a unit owner other than a declarant for a period not exceeding five years in the case of a flexible condominium or three years in the case of any other condominium. Regardless of the period provided in the declaration, a period of declarant control terminates upon surrender of control by the declarant or no later than 60 days after conveyance of 75 percent of the units to unit owners other than a declarant.

(b) Not later than 60 days after conveyance of 50 percent of the units to unit owners other than a declarant not less than 33-1/3 percent of all of the members of the board of directors shall be elected by unit owners other than the declarant.

(c) Not later than the termination of the period of declarant control and thereafter the unit owners shall elect a board of directors of at least three members, at least a majority of whom shall be unit owners or the individual nominees of unit owners other than individuals. The board of directors shall elect the officers. The persons elected shall take office upon election.

(d) In determining whether the period of declarant control has terminated under subsection (a), or whether unit owners other than a declarant are entitled to elect members of the board of directors under subsection (b), the percentage of the units which has been conveyed is presumed to be that percentage which would have been conveyed if all the units which the declarant has built or reserved the right to build in the declaration were included in the condominium.

Sec. 515.3-104. [TRANSFER OF SPECIAL DECLARANT RIGHTS.] (a) No special declarant rights (section 515.1-103 (18)) created or reserved under sections 515.1-101 to 515.4-117 may be transferred except by an instrument evidencing the transfer recorded in every county where any portion of the condominium is located. The instrument shall be recordable and is not effective unless executed by the transferor and transferee. If additional real estate is transferred by the declarant, the

transferee shall be deemed to receive all special declarant rights with respect thereto and shall be subject to any obligations imposed by the declaration respecting the additional real estate so transferred.

(b) Upon transfer of any special declarant right, the liability of a transferor declarant is as follows:

(1) a transferor is not relieved of any obligation or liability which arose before the transfer, and remains liable for warranty obligations imposed on him by sections 515.1-101 to 515.4-117. Lack of privity does not deprive any unit owner of standing to bring an action to enforce any obligation of the transferor;

(2) if a transferor retains any special declarant right, or if a successor to any special declarant right is an affiliate of a declarant (section 515.1-103(2)), the transferor is subject to liability for all obligations and liabilities imposed on a declarant by sections 515.1-101 to 515.4-117 or by the declaration arising after the transfer and is jointly and severally liable with the successor for the liabilities and obligations of the successor which relate to the condominium; and

(3) a transferor who retains no special declarant right has no liability for any act or omission or any breach of a contractual or warranty obligation arising from the exercise of a special declarant right by a successor declarant who is not an affiliate of the transferor.

(c) In case of foreclosure of a mortgage or cancellation of a contract for deed or sale under the bankruptcy act or receivership proceeding or the foreclosure of any other lien against any unit owned by a declarant in the condominium, a person first acquiring title to all the units being cancelled, foreclosed or sold, succeeds to all then existing special declarant rights except the special declarant rights with respect to additional real estate, unless the mortgage or other instrument or proceeding also covers additional real estate.

(d) The liabilities and obligations of persons who succeed to special declarant rights are as follows:

(1) A successor to any special declarant right who is an affiliate of a declarant is subject to all the obligations and liabilities imposed on any declarant by sections 515.1-101 to 515.4-117 or by the declaration.

(2) A successor to any special declarant right, other than a successor described in paragraphs (3) or (4) of this subsection, who is not an affiliate of a declarant, is subject to all obligations and liabilities imposed on a declarant by sections 515.1-101 to 515.4-117 or the declaration, except that he is not subject to liability for misrepresentations or warranty obligations on im-

provements made by any previous declarant, or made before the condominium was created, or for a breach of fiduciary obligation by any previous declarant.

(3) A successor to only a right reserved in the declaration to maintain models, sales offices, and signs (section 515.2-117), if he is not an affiliate of a declarant, may not exercise any other special declarant right, and is not subject to any liability or obligation as a declarant, except the obligation to provide a disclosure statement and any liability arising as a result thereof.

(4) A successor to all special declarant rights, who is not an affiliate of a declarant and who succeeded to those rights pursuant to a deed in lieu of foreclosure or by reason of subsection (c), may declare his intention in a recorded instrument to hold those rights solely for transfer to another person. Thereafter, until transferring all special declarant rights to any person acquiring title to any unit owned by the successor, or until recording an instrument permitting exercise of all those rights, that successor may not exercise any of those rights other than the right to control the board of directors in accordance with the provisions of section 515.3-103 for the duration of any period of declarant control, and any attempted exercise of those rights is void. So long as any successor declarant may not exercise special declarant rights under this subsection, he is not subject to any liability or obligation as a declarant other than liability for his acts and omissions under section 515.3-103.

(e) Nothing in this section subjects any successor to a special declarant right to any claims against or other obligations of a transferor declarant, other than claims and obligations arising under sections 515.1-101 to 515.4-117 or the declaration.

Sec. 515.3-105. [TERMINATION OF CONTRACTS AND LEASES OF DECLARANT.] If entered into prior to expiration of the period of declarant control pursuant to section 515.3-103, (1) any management contract, employment contract, or lease of recreational or parking areas or facilities, (2) any other contract or lease binding the association or any unit owner other than the declarant or an affiliate of the declarant to which a declarant or an affiliate of a declarant is a party, or (3) any contract or lease binding the association or any unit owner other than the declarant or an affiliate of the declarant which is not bona fide or which was unconscionable to the unit owners at the time entered into under the circumstances then prevailing, may be terminated without penalty by the association at any time after the expiration of declarant control upon not less than 90 days' notice to the other party. This section does not apply to any lease the termination of which would terminate the condominium.

Sec. 515.3-106. [BYLAWS.] The bylaws and any amendments thereto must be recorded to be effective and shall provide:

(a) The meeting of the members shall be held at least once each year and shall specify an officer who shall, at least 21 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each unit owner notice of the time, place and complete agenda of the meeting. The notice shall be hand delivered or sent by United States mail to all unit owners of record at the address of the respective units and to other addresses as any of them may have designated to the officer.

(b) No vote in the association of unit owners shall be deemed to inure to any unit during the time when the unit owner is the association.

(c) For a mechanism to resolve disputes regarding voting among more than one unit owner of a unit in such a way that the vote allocated to the unit is not split or otherwise cast separately by the several unit owners.

(d) An annual report be prepared by the association and a copy of the report be provided to each unit owner and the report contain a minimum of the following:

(1) A statement of any capital expenditures in excess of two percent of the current budget or \$5,000 whichever is the greater anticipated by the association during the current year or succeeding two fiscal years.

(2) A statement of the status and amount of any reserve or replacement fund and portion of the fund designated for any specified project by the board of directors.

(3) A copy of the statement of financial condition for the association for the last fiscal year.

(4) A statement of the status of any pending suits or judgments to which the association is a party.

(5) A statement of the insurance coverage provided by the association.

(6) A statement of any unpaid assessments by the association on individual units identifying the unit number and the amount of the unpaid assessment.

Sec. 515.3-107. [UPKEEP OF THE CONDOMINIUM.] Except to the extent otherwise provided by the declaration or section 515.3-112(d), the association is responsible for maintenance, repair, and replacement of the common elements and each unit owner is responsible for maintenance, repair, and replacement of his unit. Each unit owner shall afford to the association and the other unit owners, and to their agents or employees, access through his unit reasonably necessary for those purposes.

If damage is inflicted on the common elements or any unit through which access is taken, the unit owner responsible for the damage, or the association if it is responsible, is liable for the prompt repair thereof.

Sec. 515.3-108. [RESERVED.]

Sec. 515.3-109. [RESERVED.]

Sec. 515.3-110. [RESERVED.]

Sec. 515.3-111. [TORT AND CONTRACT LIABILITY.]
(a) If a tort or breach of contract occurred during any period of declarant control (section 515.3-103), the declarant shall indemnify the association for all liability incurred by the association as a result of that tort or breach of contract, including legal fees. Any statute of limitation affecting the association's right of action under this section is tolled until the period of declarant control terminates.

(b) No unit owner shall have tort liability arising out of his ownership of the common elements provided that the association has liability insurance coverage on the occurrence in an amount not less than \$1,000,000.

Sec. 515.3-112. [INSURANCE.] (a) Commencing not later than the time of the first conveyance of a unit to a unit owner other than a declarant, the association shall maintain, to the extent reasonably available:

(1) Property insurance on the common elements and units, exclusive of land, excavations, foundations, and other items normally excluded from property policies, insuring against all risks of direct physical loss. The total amount of insurance after application of any deductibles shall be not less than 80 percent of the full insurable replacement cost of the insured property. The association or its authorized agent may enter a unit at reasonable times upon reasonable notice for the purpose of making appraisals for insurance purposes.

(2) Comprehensive general liability insurance, in an amount determined by the board of directors but not less than any amount specified in the declaration, covering all occurrences commonly insured against for death, bodily injury, and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements.

(b) If the insurance described in subsection (a) is not maintained, the association shall immediately cause notice of that fact to be sent postage prepaid by United States mail to all unit owners at their respective units and other addresses provided to the association. The declaration may require the association to carry

any other insurance, and the association in any event may carry any other insurance it deems appropriate to protect the association or the unit owners.

(c) Insurance policies carried pursuant to subsection (a) shall provide that:

(1) Each unit owner and holder of a vendor's interest in a contract for deed is an insured person under the policy with respect to liability arising out of his ownership of an undivided interest in the common elements;

(2) The insurer waives its right to subrogation under the policy against any unit owner of the condominium or members of his household and against the association and members of the board of directors;

(3) No act or omission by any unit owner or holder of an interest as security for an obligation, unless acting within the scope of his authority on behalf of the association, shall void the policy or be a condition to recovery under the policy; and

(4) If, at the time of a loss under the policy, there is other insurance in the name of a unit owner covering the same property covered by the policy, the policy is primary insurance not contributing with the other insurance.

(d) Any loss covered by the property policy under subsection (a)(1) shall be adjusted with the association, but the insurance proceeds for that loss shall be payable to any insurance trustee designated for that purpose, or otherwise to the association. The insurance trustee or the association shall hold any insurance proceeds in trust for unit owners and holders of an interest as security for an obligation as their interests may appear. The proceeds shall be disbursed first for the repair or restoration of the damaged common elements and units, and unit owners and holders of an interest as security for an obligation are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the common elements and units have been completely repaired or restored, or the condominium is terminated.

(e) An insurance policy issued to the association does not prevent a unit owner from obtaining insurance for his own benefit.

(f) An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance, upon request, to any unit owner, or holder of an interest as security for an obligation. The insurance may not be cancelled until 30 days after notice of the proposed cancellation has been mailed to the association and to each unit owner and holder of an interest

as security for an obligation to whom certificates of insurance have been issued.

(g) Any portion of the condominium damaged or destroyed shall be promptly repaired or replaced by the association unless (1) the condominium is terminated and the association votes not to repair or replace all or part thereof, (2) repair or replacement would be illegal under any state or local health or safety statute or ordinance, or (3) 80 percent of the unit owners, including every owner and first mortgagee of a unit or assigned limited common element which will not be rebuilt, vote not to rebuild. The cost of repair or replacement of a unit or the common area in excess of insurance proceeds and reserves shall be a common expense. If less than the entire condominium is repaired or replaced, (1) the insurance proceeds attributable to the damaged common elements shall be used to restore the damaged area to a condition compatible with the remainder of the condominium, (2) the insurance proceeds attributable to units and limited common elements which are not rebuilt shall be distributed to the owners of those units and the holders of an interest as security for an obligation of those units and the owners and holders of an interest as security for an obligation of the units to which those limited common elements were assigned, as their interests may appear, and (3) the remainder of the proceeds shall be distributed to all the unit owners and holders of an interest as security for an obligation as their interests may appear in proportion to their common element interest. In the event the unit owners vote not to rebuild a unit, that unit's entire common element interest, votes in the association, and common expense liability are automatically reallocated upon the vote as if the unit had been condemned under section 515.1-107(a), and the association shall promptly prepare, execute and record an amendment to the declaration reflecting the reallocations. Notwithstanding the provisions of this subsection, if the condominium is terminated, insurance proceeds not used for repair or replacement shall be distributed in the same manner as sales proceeds pursuant to section 515.2-120.

(h) The provisions of this section may be varied or waived in the case of a condominium all of the units of which are restricted to nonresidential use.

Sec. 515.3-113. [SURPLUS FUNDS.] Unless otherwise provided in the declaration, any surplus funds of the association remaining after payment of or provision for common expenses and any prepayment of reserves shall be credited to the unit owners to reduce their future common expense assessments.

Sec. 515.3-114. [ASSESSMENTS FOR COMMON EXPENSES.] (a) Until the association levies a common expense assessment, the declarant shall pay all accrued expenses of the condominium. After any assessment has been levied by the association, assessments shall be levied at least annually and

shall be based on a budget adopted at least annually by the association.

(b) Except for assessments under subsections (c) and (d), common expenses shall be assessed against all the units in accordance with the common expense liability allocated to each unit (section 515.2-108). Any past due assessment or installment thereof shall bear interest at the rate established by the association not exceeding the rate of interest provided in section 549.09.

(c) Except as provided by the declaration any common expense associated with the maintenance, repair, or replacement of a limited common element shall be assessed against the unit or in equal shares against the units to which that limited common element was assigned at the time the expense was incurred.

(d) If the declaration so provides, the association may assess any common expense benefiting less than all of the units against the units benefited. In that case the common expense shall be allocated among units benefited in proportion to their common expense liability.

Sec. 515.3-115. [LIEN FOR ASSESSMENTS.] (a) The association has a lien on a unit for any assessment levied against that unit from the time the assessment becomes payable. The association's lien may be foreclosed as provided by the laws of this state as if it were a lien under a mortgage containing a power of sale. The rights of the parties shall be the same as those provided by law except that the period of redemption for unit owners shall be six months from the date of sale. Unless the declaration otherwise provides, fees, charges, late charges, and interest charges pursuant to section 515.3-102(8), (9) and (12) are enforceable as assessments under this section.

(b) A lien under this section is prior to all other liens and encumbrances on a unit except (1) liens and encumbrances recorded before the recordation of the declaration, (2) any recorded mortgage on the unit securing a first mortgage holder, and (3) liens for real estate taxes and other governmental assessments or charges against the unit. This subsection does not affect the priority of mechanics' or materialmen's liens.

(c) Recording of the declaration constitutes record notice and perfection of the lien, and no further recordation of any claim of lien for assessment under this section is required.

(d) Proceedings to enforce an assessment must be instituted within three years after the last installment of the assessment becomes payable.

(e) Unit owners at the time an assessment is payable are personally liable to the association for payment of the assessments.

(f) A foreclosure sale, judgment or decree in any action, proceeding or suit brought under this section shall include costs and reasonable attorney's fees for the prevailing party.

(g) The association shall furnish to a unit owner or his authorized agent upon written request of the unit owner or his authorized agent a recordable statement setting forth the amount of unpaid assessments currently levied against his unit. The statement shall be furnished within ten business days after receipt of the request and is binding on the association and every unit owner.

Sec. 515.3-116. [ASSOCIATION RECORDS.] The association shall keep financial records sufficiently detailed to enable the association to comply with section 515.4-107. All financial records shall be made reasonably available for examination by any unit owner and his authorized agents.

Sec. 515.3-117. [ASSOCIATION AS TRUSTEE.] With respect to a third person dealing with the association in the association's capacity as a trustee, the existence of trust powers and their proper exercise by the association may be assumed without inquiry. A third person is not bound to inquire whether the association has power to act as trustee or is properly exercising trust powers and a third person, without actual knowledge that the association is exceeding its powers or improperly exercising them, is fully protected in dealing with the association as if it possessed and properly exercised the powers it purports to exercise. A third person is not bound to assure the proper application of trust assets paid or delivered to the association in its capacity as trustee.

ARTICLE IV

PROTECTION OF PURCHASERS

Section 515.4-101. [APPLICABILITY; WAIVER.] (a) This article applies to all units subject to sections 515.1-101 to 515.4-117 except as provided in subsection (b) and section 515.4-113 or as modified or waived by agreement of purchasers of units in a condominium in which all units are restricted to nonresidential use.

(b) A disclosure statement need not be prepared in case of:

- (1) a gratuitous transfer of a unit;
- (2) a disposition pursuant to court order;
- (3) a disposition by a government or governmental agency;

(4) a disposition by foreclosure or deed in lieu of foreclosure and subsequent disposition by the purchaser at mortgage foreclosure sale, or grantee in the deed in lieu of foreclosure;

(5) a transfer to which section 515.4-107 (Resales of Units) applies.

Sec. 515.4-102. [DISCLOSURE STATEMENT; GENERAL PROVISIONS.] A disclosure statement shall fully disclose:

(a) The name and principal address of the declarant and the address and the name, if any, and number, if available, of the condominium;

(b) A general description of the condominium; including without limitation the types and number of all buildings, units and amenities, and declarant's schedule of commencement and completion of construction thereof;

(c) The total number of additional units that may be included in the condominium and whether the declarant intends to rent or market blocks of units to investors;

(d) A copy of the declaration other than the floor plans, floor plans for the particular unit, bylaws, articles of incorporation, rules and regulations, and any contracts and leases to which the unit owners or association will be subject and which may not be cancelled upon 30 days notice by the association;

(e) Any current balance sheet and a projected budget for the association for the first full or partial year during which a unit is conveyed to a unit owner other than a declarant and any projected budget for future years which the association has adopted, and a statement of who prepared the balance sheet, projected budget or budget. The budget or projected budget shall include, without limitation:

(1) a statement of the amount, or a statement that there is no amount, included in the budget as a reserve for repairs and replacement;

(2) a statement of any other reserves;

(3) the projected common expense assessment by category of expenditures for the association;

(4) the projected monthly common expense assessment for each type of unit;

(f) Any supplies and services not reflected in the budget or projected budget which the declarant provides, or expenses which he pays, and which he expects may become at any subse-

quent time a common expense of the association and the projected common expense assessment attributable to each of those services or expenses for the association and for each type of unit;

(g) Any initial or special fee due from the purchaser to the declarant or the association at closing, together with a description of the purpose and method of calculating the fee;

(h) A description of any liens, defects, or encumbrances on or affecting the title to the condominium after the contemplated conveyance;

(i) A description of any financing offered by the declarant;

(j) The terms of any warranties provided by the declarant, including the warranties set forth in sections 515.4-111 and 515.4-112, and limitations imposed by the declarant on the enforcement thereof;

(k) A statement that:

(1) within 15 days after receipt of a disclosure statement, a purchaser may, prior to conveyance, cancel any purchase agreement of a unit from a declarant;

(2) if a declarant fails to provide a disclosure statement to a purchaser before conveying a unit, that purchaser may recover from the declarant an amount not to exceed five percent of the sales price of the unit, and

(3) if a purchaser received the disclosure statement more than 15 days before he signs a purchase agreement, he cannot cancel the agreement;

(l) A statement disclosing, to the extent of the actual knowledge of the declarant or an affiliate of the declarant after reasonable inquiry, any judgments against the association, the status of any pending suits to which the association is a party, and the status of any pending suits material to the condominium;

(m) A statement that any earnest money paid in connection with the purchase of a unit will be held in an escrow account until closing and will be returned to the purchaser if the purchaser cancels the purchase agreement pursuant to section 515.4-106;

(n) A description of the insurance coverage to be provided for the benefit of unit owners;

(o) Any current or expected fees or charges to be paid by unit owners for the use of the common elements and other facilities related to the condominium; and

(p) Whether financial arrangements have been provided for completion of all improvements labeled "MUST BE BUILT" pursuant to section 515.4-117 (Declarant's Obligation to Complete and Restore).

Sec. 515.4-103. [RESERVED.]

Sec. 515.4-104. [S A M E; CONVERSION CONDOMINIUMS.] The disclosure statement of a conversion condominium the units of which may be used for residential purposes shall contain, in addition to the information required by section 515.4-102:

(a) A professional opinion prepared by an architect licensed in this state or a registered professional engineer licensed in this state, describing the present condition of all structural components and mechanical and electrical installations material to the use and enjoyment of the condominium to the extent reasonably ascertainable without disturbing the improvements or dismantling the equipment;

(b) A statement by the declarant of the expected useful life of each item reported on in subsection (a) or a statement that no representations are made in this regard;

(c) A list of any outstanding notices of uncured violations of building code or other municipal regulations, which will be outstanding at the time of the first conveyance of a unit, together with the estimated cost of curing those violations.

Sec. 515.4-105. [RESERVED.]

Sec. 515.4-106. [PURCHASER'S RIGHT TO CANCEL.]

(a) Unless delivery of a disclosure statement is not required under section 515.4-101(b), a declarant shall provide at least one of the purchasers of a unit with a copy of a disclosure statement not later than the date of any purchase agreement. Unless a purchaser is given the disclosure statement more than 15 days prior to execution of a purchase agreement for the unit, the purchaser may, prior to the conveyance, cancel the agreement within 15 days after receiving the disclosure statement.

If the conveyance occurs within 15 days after the date of the execution of the purchase agreement by the purchaser, any purchaser may waive in writing all rights to receive a disclosure statement under this section.

(b) If a purchaser elects to cancel a purchase agreement pursuant to subsection (a), he may do so by hand delivering notice thereof to the declarant or by mailing notice thereof by postage prepaid United States mail to the declarant or to his agent for service of process. Cancellation is without penalty, and all

payments made by the purchaser pursuant to the purchase agreement shall be refunded promptly.

(c) If a declarant fails to provide a purchaser to whom a unit is conveyed with a disclosure statement and all amendments thereto as required by subsections (a) and (d), that purchaser, in addition to any rights to damages or other relief, is entitled to receive from the declarant an amount not to exceed five percent of the sales price of the unit.

(d) The disclosure statement and any information furnished in connection therewith may be amended prior to conveyance if the amendment is delivered to the purchaser to whom the disclosure statement was delivered. If the amendment materially adversely affects a purchaser, then the purchaser shall have 15 days after delivery of the amendment to cancel the purchase agreement in accordance with this section.

Sec. 515.4-107. [RESALES OF UNITS.] (a) In the event of a resale of a unit by a unit owner other than a declarant, the unit owner shall furnish to a purchaser before execution of any purchase agreement for a unit, or otherwise before conveyance, a copy of the declaration, other than the floor plans, the bylaws, the rules and regulations of the association, and any amendments thereto, and a certificate dated not more than 90 days prior to the date of the purchase agreement or otherwise before conveyance, containing:

(1) a statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration, bylaws, rules and regulations, or any amendment thereof;

(2) a statement setting forth the amount of periodic installments of common expense assessments and special assessments and any unpaid common expense or special assessment currently payable;

(3) a statement of any other fees payable by unit owners;

(4) a statement of any capital expenditures approved by the association for the current and next succeeding two fiscal years;

(5) a statement that a copy of the floor plans and any amendments thereof are available in the office of the association for inspection;

(6) a statement of the amount of any reserves for capital expenditures and of any portions of those reserves designated by the association for any specified projects;

(7) the most recent regularly prepared balance sheet and income and expense statement, if any, of the association;

(8) the current budget of the association;

(9) a statement of any judgments against the association and the status of any pending suits to which the association is a party;

(10) a statement describing any insurance coverage provided for the benefit of unit owners.

(b) The association shall, within seven days after a request by a unit owner or his authorized agent, furnish a certificate containing the information necessary to enable the unit owner to comply with this section. A unit owner without actual knowledge providing a certificate pursuant to subsection (a) shall have no liability to the purchaser for any erroneous information provided by the association and included in the certificate.

(c) A purchaser is not liable for any unpaid assessment or fee existing as of the date of the certificate greater than the amount set forth in the certificate prepared by the association. A unit owner is not responsible to a purchaser for the failure or delay of the association to provide the certificate in a timely manner.

Sec. 515.4-1075. [PURCHASER'S RIGHT TO CANCEL.]

(a) The information required to be delivered by section 515.4-107 shall be delivered to a purchaser not later than the date of any purchase agreement. Unless a purchaser is given the information more than 15 days prior to the execution of the purchase agreement for the unit the purchaser may, prior to the conveyance, cancel the agreement within 15 days after receiving the information.

(b) If a purchaser elects to cancel a purchase agreement pursuant to subsection (a), he may do so by hand delivering notice thereof to the seller or his agent or by mailing notice thereof by postage prepaid United States mail to the seller or his agent. Cancellation is without penalty and all payments made by the purchaser shall be refunded promptly.

Sec. 515.4-108. [ESCROW OF DEPOSITS.] Any earnest money paid in connection with the purchase or reservation of a unit from a declarant shall be escrowed and held in this state in an account, savings deposit or certificate of deposit designated solely for that purpose in an institution whose accounts are insured by a governmental agency or instrumentality until (1) delivered to the declarant at closing; (2) delivered to the declarant because of purchaser's default under the purchase agreement or reservation; or (3) delivered to the purchaser.

Sec. 515.4-109. [RELEASE OF INTERESTS AS SECURITY FOR AN OBLIGATION.] (a) Before conveying a unit to a purchaser other than a declarant, the seller shall furnish to

the purchaser releases for that unit and its common element interest of all interests as security for an obligation affecting more real estate than that unit and its common element interest, or if the purchaser expressly agrees, a policy of title insurance insuring against loss or damage by reason of such interests. Failure to furnish the releases does not of itself invalidate the lien or the conveyance. This subsection does not apply to conveyance of all of the units in the condominium or to deeds in lieu of foreclosure.

(b) Whether perfected before or after creation of the condominium, if a lien other than a mortgage, including a lien attributable to work performed or materials supplied before creation of the condominium, becomes effective against two or more units, the unit owner of such a unit may pay to the lienholder the amount of the lien attributable to his unit, and the lienholder, upon receipt of payment, shall promptly deliver a release of the lien covering that unit and its common element interest. The amount of the payment shall be proportionate to the ratio which that unit owner's common expense liability bears to the common expense liabilities of all unit owners whose units are subject to the lien. After payment, the association may not assess or have a lien against that unit owner's unit for any portion of the common expenses incurred in connection with that lien.

(c) Labor performed or materials furnished for the common elements, if duly authorized by the association, shall be deemed to be performed or furnished with the express consent of each unit owner and shall be the basis for the filing of a lien pursuant to the lien law against each of the units and shall be subject to the provisions of subsection (b) of this section.

Sec. 515.4-110. [CONVERSION CONDOMINIUMS.] (a) A declarant of a conversion condominium shall give each of the tenants and any subtenant in possession of buildings subject to sections 515.1-101 to 515.4-117 notice of the conversion or the intent to convert no later than 120 days before the declarant will require them to vacate. The notice shall set forth generally the rights conferred by this section and shall have attached thereto a form of purchase agreement setting forth the terms of sale contemplated by subsection (b) and a statement of any significant restrictions on the use and occupancy of the unit to be imposed by the declarant and shall be hand delivered or mailed by postage prepaid United States mail to the tenant and subtenant at the address of the unit. The notice shall further state that the tenants or subtenants in possession of a residential unit may demand to be given 60 additional days before being required to vacate, if any of them, or any person residing with them, is 62 years of age or older, handicapped as defined in Minnesota Statutes 129A.01, or a minor child on the date the notice is given. This demand must be in writing, contain reasonable proof of qualification, and be given to the declarant within

30 days after the notice of condominium conversion is delivered or mailed. The notice shall be contained in an envelope upon which the following words shall be boldly printed: "Notice of Condominium Conversion". No tenant or subtenant may be required by the declarant to vacate upon less than 120 days notice, except by reason of nonpayment of rent, waste, or conduct which disturbs other tenants' peaceful enjoyment of the premises, and the terms of the tenancy may not be altered during that period, except that a tenant or subtenant in possession of a residential unit may vacate upon 30 days' written notice to the declarant. Nothing in this section prevents the declarant and the tenant or subtenant in possession of the unit from agreeing to an extension of the tenancy on a month to month basis beyond the 120-day notice period. No repair work or remodeling may be commenced or undertaken in the occupied units or common areas of the building during the notice period, unless reasonable precautions are taken to ensure the safety and security of the tenants or subtenants in possession of the premises. Failure of a declarant to give notice as required by this section constitutes a defense to an action for possession.

(b) For 60 days after delivery or mailing of the notice described in subsection (a), the holder of the lessee's interest for each unit on the date the notice is delivered or mailed shall have an option to purchase that unit on the terms set forth in the purchase agreement attached to the notice. The purchase agreement shall contain no terms or conditions preventing the purchase of the unit by the holder because of the age of the holder or of persons residing with the holder. If the holder fails to exercise the option during that 60 day period, the declarant may not offer to dispose of an interest in that unit during the following 180 days at a price or on terms more favorable to the offeree than the price or terms offered to the holder. This subsection does not apply to any unit in a conversion condominium if that unit will be restricted exclusively to nonresidential use or if the boundaries of the converted unit do not substantially conform to the dimensions of the residential unit before conversion.

(c) If a declarant, in violation of subsection (b), conveys a unit to a purchaser for value who has no knowledge of the violation, delivery of the deed conveying the unit extinguishes any right which a holder of a lessee's interest not in possession may have under subsection (b) to purchase that unit, but does not affect the right of the holder to recover damages from the declarant for a violation of subsection (b).

(d) Nothing in this section permits termination of a lease by a declarant in violation of its terms.

Sec. 515.4-111. [EXPRESS WARRANTIES.] (a) Express warranties made by a declarant or an affiliate of a declarant to a purchaser of a unit if reasonably relied upon by the purchaser, are created as follows:

(1) any affirmation of fact or promise which relates to the unit, its use, or rights appurtenant thereto, area improvements to the condominium that would directly benefit the unit, or the right to use or have the benefit of facilities not located in the condominium, creates an express warranty that the unit and related rights and uses will conform to the affirmation or promise;

(2) any model or description of the physical characteristics of the condominium, including plans and specifications of or for improvements, creates an express warranty that the condominium will conform to the model or description. A notice prominently displayed on a model or description shall prevent a purchaser from reasonably relying upon the model or description to the extent of the disclaimer set forth on the notice;

(3) any description of the quantity or extent of the real estate comprising the condominium, including plats or surveys, creates an express warranty that the condominium will conform to the description, subject to customary tolerance; and

(4) a provision that a buyer may put a unit only to a specified use is an express warranty that the specified use is lawful.

(b) Neither formal words, such as "warranty" or "guarantee", nor a specific intention to make a warranty, are necessary to create an express warranty. A statement purporting to be merely an opinion or commendation of the real estate or its value does not create a warranty.

(c) Any conveyance of a unit transfers to the purchaser all express warranties made by a declarant or an affiliate of a declarant.

Sec. 515.4-112. [IMPLIED WARRANTIES.] (a) A declarant warrants to a purchaser that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear excepted.

(b) A declarant warrants to a purchaser that a unit and the common elements in the condominium are structurally suitable for the ordinary uses of real estate of its type and that any improvements or repairs made or contracted for by him or made by any person in contemplation of the creation of the condominium, will be:

(1) free from defective materials; and

(2) constructed in accordance with applicable law, according to sound engineering and construction standards, and in a workmanlike manner.

(c) A declarant warrants to a purchaser of a unit which may be used for residential use that the residential use does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

(d) Warranties imposed by this section may be excluded or modified as specified in section 515.4-113.

(e) For purposes of this section, improvements made or contracted for by an affiliate of a declarant (section 515.1-103(2)) are made or contracted for by the declarant.

(f) Any conveyance of a unit transfers to the purchaser all of any declarant's implied warranties.

Sec. 515.4-113. [EXCLUSION OR MODIFICATION OF IMPLIED WARRANTIES.] (a) Except as limited by subsection (b) implied warranties:

(1) may be excluded or modified by agreement of the parties; and

(2) are excluded by expression of disclaimer, such as "as is", "with all faults", or other language which in common understanding calls the buyer's attention to the exclusion of warranties.

(b) With respect to a purchaser of a unit which may be occupied for residential use, no general disclaimer of implied warranties is effective, but a declarant may disclaim liability in an instrument signed by the purchaser for a specified defect or specified failure to comply with applicable law, if the defect or failure entered into and became a part of the basis of the bargain.

Sec. 515.4-114. [STATUTE OF LIMITATIONS FOR WARRANTIES.] (a) A judicial proceeding for breach of any obligation arising under section 515.4-111 or 515.4-112 must be commenced within six years after the cause of action accrues, but the parties may reduce the period of limitation to not less than two years. With respect to a unit which may be occupied for residential use, an agreement to reduce the period of limitation shall be evidenced by a separate instrument executed by the purchaser.

(b) Subject to subsection (c), a cause of action under section 515.4-111 or 515.4-112, regardless of the purchaser's lack of knowledge of the breach, accrues:

(1) as to a unit, when the purchaser to whom the warranty is first made enters into possession after a conveyance of a possessory interest if a possessory interest is conveyed or otherwise

at the time of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(2) as to each common element, the later of (i) the time the common element is completed, (ii) the time the first unit in the condominium is conveyed to a bona fide purchaser, or (iii) as to a common element within any additional real estate or portion thereof the time the first unit therein is conveyed to a bona fide purchaser.

(c) If a warranty under section 515.4-111 or 515.4-112 explicitly extends to future performance or duration of any improvement or component of the condominium, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

Sec. 515.4-115. [EFFECT OF VIOLATIONS ON RIGHTS OF ACTION; ATTORNEYS' FEES.] If a declarant or any other person subject to sections 515.1-101 to 515.4-117 violates any provision thereof or any provision of the declaration or bylaws, any person or class of persons adversely affected by the violation has a claim for appropriate relief. Punitive damages may be awarded in the case of a willful violation of sections 515.1-101 to 515.4-117. The court, in an appropriate case, may award reasonable attorneys' fees.

Sec. 515.4-116. [LABELING OF PROMOTIONAL MATERIAL.] If any improvement contemplated in a condominium is required by section 515.2-110(b)(3) to be labeled "NEED NOT BE BUILT" on the floor plan, no promotional material may be displayed or delivered to prospective purchasers which describes or depicts that improvement unless the description or depiction of the improvement is conspicuously labeled or identified as "NEED NOT BE BUILT".

Sec. 515.4-117. [DECLARANT'S OBLIGATION TO COMPLETE AND RESTORE.] (a) The declarant shall complete all improvements labeled "MUST BE BUILT" on the floor plans prepared pursuant to section 515.2-110.

(b) The declarant is subject to liability for the prompt repair and restoration to a condition compatible with the remainder of the condominium of any portion of the condominium affected by the exercise of rights reserved pursuant to or created by sections 515.2-111, 515.2-117, and 515.2-118.

Sec. 515.4-118. [REFERENCES.] When used in Articles I to IV, the term "this act" and similar terms refer to Articles I to IV.

ARTICLE V

1976 UNIFORM LIMITED
PARTNERSHIP ACT"

Page 28, after line 10, insert

"Sec. 63. When used in Article V, the term "this act" and similar terms refer to Article V."

Delete the title and insert

"A bill for an act regulating certain joint economic activities; enacting the uniform condominium act and the 1976 uniform limited partnership act."

We request adoption of this report and repassage of the bill.

Senate Conferees: JACK DAVIES, ALLAN H. SPEAR and JOHN BERNHAGEN.

House Conferees: ROBERT L. ELLINGSON, LEE GREENFIELD and TERRY M. DEMPSEY.

Ellingson moved that the report of the Conference Committee on S. F. No. 133 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 133, A bill for an act relating to partnerships; enacting the 1976 uniform limited partnership act.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 123 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, D.	Esau	Hokanson	Lehto
Adams	Carlson, L.	Evans	Jaros	Levi
Ainley	Casserly	Ewald	Jennings	Long
Albrecht	Clark	Faricy	Johnson, C.	Luknic
Anderson, B.	Clawson	Fjoslien	Johnson, D.	Mann
Anderson, D.	Corbid	Forsythe	Jude	McCarron
Anderson, G.	Crandall	Friedrich	Kahn	McDonald
Battaglia	Dean	Fritz	Kalis	McEachern
Begich	Dempsey	Fudro	Kelly	Mehrkens
Berglin	Den Ouden	Greenfield	Kempe	Metzen
Berkelman	Drew	Halberg	Knickerbocker	Minne
Biersdorf	Eken	Haukoos	Kostohryz	Moe
Blatz	Elioff	Heap	Kroening	Munger
Brinkman	Ellingson	Heinitz	Kvam	Murphy
Byrne	Erickson	Hoberg	Laidig	Nelsen, B.

Nelsen, M.	Pehler	Rice	Stoa	Weaver
Nelson	Peterson, B.	Rodriguez	Stowell	Welch
Niehaus	Peterson, D.	Rose	Sviggum	Wenzel
Norman	Piepho	Rothenberg	Swanson	Wieser
Novak	Pleasant	Sarna	Thiede	Wigley
Nysether	Prahl	Schreiber	Tomlinson	Wynia
Olsen	Redalen	Sherwood	Valan	Zubay
Osthoff	Reding	Sieben, M.	Valento	Spkr. Norton
Otis	Rees	Simoneau	Vanasek	
Patton	Reif	Stadum	Waldorf	

Those who voted in the negative were:

Anderson, R. Ludeman Onnen Welker

The bill was repassed, as amended by Conference, and its title agreed to.

Berglin moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1095

A bill for an act relating to courts; authorizing certain actions against state officers to be tried in a county other than where the cause of action arose; providing for procedure for removal; amending Minnesota Statutes 1978, Sections 542.03; and 542.18.

April 8, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 1095, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 1095 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 484.545, Subdivision 1, is amended to read:

484.545 [LAW CLERKS.] Subdivision 1. The district judges regularly assigned to hold court in each judicial district except for the second (AND), fourth, and tenth judicial districts may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for every two district court judges of the judicial district. *The district judges regularly assigned to hold court in the tenth judicial district may by orders filed with the clerk of court and county auditor of each county in the district appoint a competent law clerk for each district court judge of the district.* In addition, the Dakota county board of commissioners may authorize the district judges regularly assigned to hold court in the first judicial district to appoint three competent law clerks, whose salaries shall be paid by the county.

Sec. 2. Minnesota Statutes 1978, Section 542.03, is amended to read:

542.03 [OFFICIAL MISCONDUCT, WHERE CAUSE AROSE.] Subdivision 1. *Except as provided in subdivision 2,* actions against a public officer, or person specially appointed to execute his duties, for acts done by virtue of (SUCH) his office, and against any person for like cause who has acted in place or in aid of (SUCH) the officer, and actions to recover penalties or forfeitures imposed by statute, shall be tried in the county in which the cause of action arose. If the act for which the penalty or forfeiture is imposed (BE) is committed upon a lake or stream extending into, or bordering upon, more than one county, (SUCH) the action may be tried in any of these counties.

Subd. 2. The trial of any action against a state official for acts affecting the use of land or waters of the state may, in the discretion of the court, be tried in the county where the land or water is located, whether or not the state official resides in that county, on motion made to the court in that county by any party to the action if the court finds (1) that trial of the action in that county is in the interests of justice, (2) that no party to the action will be prejudiced thereby and (3) that the trial of the action will be expedited. The motion may be submitted on pleadings mailed to the court without the necessity of personal appearance.

Sec. 3. Minnesota Statutes 1978, Section 542.18, is amended to read:

542.18 [STATE AS PARTY TO CIVIL ACTION; REMOVAL FROM RAMSEY COUNTY.] Notwithstanding any provision of law to the contrary, the trial of any civil action in the county of Ramsey to which the state or any officer, department or agency thereof is a party may, in the discretion of the court,

be removed to any other county in which one of the parties resides on motion made to the court as in civil actions by any of the parties to the action, if the court finds (THAT SUCH REMOVAL IS) (1) *that removal is in the interests of justice*, (2) *that no party to the action will be prejudiced thereby* and (3) *that the trial of the action will be expedited thereby*. *The motion may be submitted on pleadings mailed to the court without the necessity of personal appearance.*

Sec. 4. Minnesota Statutes, 1979 Supplement, Section 518.156, Subdivision 1, is amended to read:

518.156 [COMMENCEMENT OF CUSTODY PROCEEDING.] Subdivision 1. In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced:

(a) By a parent

(1) By filing a petition for dissolution or legal separation; or

(2) Where a decree of dissolution or legal separation has been entered or where none is sought, by filing a petition or motion seeking custody of the child in the county where the child is permanently resident or where he is found or where an earlier order for custody of the child has been entered; or

(b) By a person other than a parent, by filing a petition or motion seeking custody of the child in the county where the child is permanently resident or where he is found or where an earlier order for custody of the child has been entered.

Sec. 5. [EFFECTIVE DATE.] Sections 1 to 4 are effective the day after final enactment."

Delete the title in its entirety and insert:

"A bill for an act relating to courts; providing for venue for child custody proceedings; authorizing the appointment of a law clerk for each district court judge in the tenth judicial district; authorizing certain actions against state officers to be tried in a county other than where the cause of action arose; providing for procedure for removal; providing penalties; amending Minnesota Statutes 1978, Sections 484.545, Subdivision 1; 542.03; and 542.18; and Minnesota Statutes, 1979 Supplement, Section 518.156, Subdivision 1."

We request adoption of this report and repassage of the bill.

House Conferees: JOHN R. CORBID, RAY W. FARICY and WILLIAM A. CRANDALL.

Senate Conferees: MARVIN B. HANSON, JOHN BERNHAGEN and GENE MERRIAM.

Corbid moved that the report of the Conference Committee on H. F. No. 1095 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1095, A bill for an act relating to courts; authorizing certain actions against state officers to be tried in a county other than where the cause of action arose; providing for procedure for removal; amending Minnesota Statutes 1978, Sections 542.-03; and 542.18.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Jude	Nelsen, B.	Schreiber
Adams	Elioff	Kahn	Nelsen, M.	Sherwood
Ainley	Ellingson	Kaley	Nelson	Sieben, H.
Albrecht	Erickson	Kalis	Niehaus	Simoneau
Anderson, B.	Esau	Kelly	Norman	Stadum
Anderson, G.	Evans	Kempe	Novak	Stoa
Anderson, I.	Ewald	Knickerbocker	Nysether	Stowell
Battaglia	Faricy	Kostohryz	Olsen	Sviggum
Begich	Fjoslien	Kroening	Onnen	Swanson
Berglin	Forsythe	Kvam	Osthoff	Thiede
Berkelman	Friedrich	Laidig	Otis	Tomlinson
Biersdorf	Fritz	Lehto	Patton	Valan
Blatz	Fudro	Levi	Peterson, B.	Valento
Brinkman	Greenfield	Long	Piepho	Vanasek
Byrne	Halberg	Ludeman	Pleasant	Waldorf
Carlson, D.	Haukoos	Luknic	Prahl	Weaver
Carlson, L.	Heap	Mann	Redalen	Welch
Casserly	Heinitz	McDonald	Reding	Welker
Clark	Hoberg	McEachern	Rees	Wenzel
Clawson	Hokanson	Mehrkens	Reif	Wieser
Corbid	Jacobs	Metzen	Rice	Wigley
Crandall	Jaros	Minne	Rodriguez	Wynia
Dean	Jennings	Moe	Rose	Zubay
Den Ouden	Johnson, C.	Munger	Rothenberg	Spkr. Norton
Drew	Johnson, D.	Murphy	Sarna	

The bill was repassed, as amended by Conference, and its title agreed to.

MESSAGES FROM THE SENATE, Continued

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 797, A bill for an act relating to juveniles; juvenile traffic offenders; requiring prosecution of juveniles who commit minor traffic offenses under laws controlling adult offenders; amending Minnesota Statutes 1978, Sections 260.111, Subdivision 1; 260.115, Subdivision 1; 260.121, Subdivision 3; and 260.193.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Clawson moved that the House concur in the Senate amendments to H. F. No. 797 and that the bill be repassed as amended by the Senate.

Crandall moved that the House refuse to concur in the Senate amendments to H. F. No. 797, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses.

A roll call was requested and properly seconded.

The question was taken on the Crandall motion and the roll was called. There were 83 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Johnson, D.	Nelsen, B.	Searle
Adams	Erickson	Jude	Niehaus	Sherwood
Ainley	Esau	Kaley	Norman	Stadium
Albrecht	Evans	Kelly	Novak	Stoa
Anderson, G.	Ewald	Kempe	Nysether	Sviggum
Anderson, I.	Fjoslien	Knickerbocker	Olsen	Thiede
Battaglia	Forsythe	Kroening	Osthoff	Valan
Begich	Friedrich	Kvam	Peterson, B.	Valento
Berkelman	Fritz	Laidig	Piepho	Vanasek
Biersdorf	Fudro	Levi	Prahl	Weaver
Blatz	Halberg	Ludeman	Redalen	Welker
Brinkman	Haukoos	Luknic	Rees	Wenzel
Carlson, D.	Heap	Mann	Reif	Wieser
Crandall	Heinitz	McDonald	Rice	Wigley
Dean	Hokanson	McEachern	Rose	Zubay
Dempsey	Jacobs	Mehrkens	Sarna	
Den Ouden	Jennings	Minne	Schreiber	

Those who voted in the negative were:

Berglin	Corbid	Johnson, C.	Metzen	Otis
Byrne	Drew	Kahn	Moe	Patton
Carlson, L.	Eken	Kalis	Munger	Peterson, D.
Cassery	Ellingson	Kostohryz	Murphy	Reding
Clark	Faricy	Lehto	Nelson	Rodriguez
Clawson	Greenfield	Long	Onnen	Rothenberg

Simoneau
StowellSwanson
TomlinsonWaldorf
Welch

Wynia

Spkr. Norton

The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2090, A bill for an act relating to Lake County; validating the issuance of a Sunday on-sale intoxicating liquor license.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Battaglia moved that the House concur in the Senate amendments to H. F. No. 2090 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2090, A bill for an act relating to intoxicating liquor; setting a maximum fee for on-sale licenses for veterans organizations and fraternal clubs; validating the issuance of a Sunday on-sale intoxicating liquor license in Lake County; authorizing combination on-sale and off-sale intoxicating liquor licenses in Aitkin County; amending Minnesota Statutes, 1979 Supplement, Section 340.11, Subdivision 11.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 75 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Albrecht	Ellingson	Kostohryz	Novak	Searle
Anderson, B.	Evans	Kroening	Nysether	Sieben, H.
Anderson, G.	Faricy	Laidig	Otis	Sieben, M.
Anderson, I.	Friedrich	Lehto	Patton	Simoneau
Battaglia	Fritz	Levi	Peterson, B.	Stoa
Begich	Fudro	Long	Peterson, D.	Stowell
Berkelman	Hoberg	Mann	Pleasant	Tomlinson
Blatz	Jacobs	McEachern	Prahl	Valan
Brinkman	Jaros	Mehrkens	Redalen	Vanasek
Carlson, D.	Johnson, C.	Metzen	Reding	Voss
Clark	Johnson, D.	Minne	Reif	Waldorf
Crandall	Jude	Moe	Rice	Welch
Drew	Kahn	Munger	Rodriguez	Wenzel
Eken	Kaley	Murphy	Sarna	Zubay
Elioff	Kempe	Nelsen, M.	Schreiber	Spkr. Norton

Those who voted in the negative were:

Aasness	Ainley	Biersdorf	Carlson, L.	Dean
Adams	Berglin	Byrne	Corbid	Den Ouden

Erickson	Heinitz	McDonald	Piepho	Valento
Esau	Hokanson	Nelsen, B.	Rose	Weaver
Ewald	Kalis	Nelson	Rothenberg	Welker
Fjoslien	Kelly	Niehaus	Sherwood	Wieser
Forsythe	Knickerbocker	Norman	Stadum	Wigley
Greenfield	Kvam	Olsen	Sviggum	Wynia
Haukoos	Ludeman	Onnen	Swanson	
Heap	Luknic	Osthoff	Thiede	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 2268, A bill for an act relating to financial institution; authorizing examinations of certain bank holding companies; providing for the institution of cease and desist proceedings and the issuance of temporary orders; amending Minnesota Statutes 1978, Section 46.24; and Minnesota Statutes, 1979 Supplement, Section 46.04.

PATRICK E. FLAHAVEN, Secretary of the Senate

Ellingson moved that the House concur in the Senate amendments to H. F. No. 2268 and that the bill be repassed as amended by the Senate.

Adams moved that the House refuse to concur in the Senate amendments to H. F. No. 2268, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two Houses.

A roll call was requested and properly seconded.

The question was taken on the Adams motion and the roll was called. There were 70 yeas and 60 nays as follows:

Those who voted in the affirmative were:

Aasness	Crandall	Evans	Haukoos	Kalis
Adams	Dean	Ewald	Heap	Knickerbocker
Ainley	Dempsey	Fjoslien	Heinitz	Kvam
Albrecht	Den Ouden	Forsythe	Hoberg	Laidig
Biersdorf	Drew	Friedrich	Jennings	Levi
Brinkman	Erickson	Fritz	Johnson, D.	Ludeman
Carlson, D.	Esau	Halberg	Kaley	Luknic

Mann	Norman	Piepho	Schreiber	Valan
McDonald	Nysether	Pleasant	Searle	Valento
Mehrkens	Olsen	Redalen	Sherwood	Weaver
Metzen	Onnen	Rees	Stadum	Welker
Murphy	Osthoff	Reif	Stowell	Wieser
Nelsen, B.	Patton	Rose	Sviggum	Wigley
Niehaus	Peterson, B.	Rothenberg	Thiede	Zubay

Those who voted in the negative were:

Anderson, G.	Corbid	Kahn	Nelsen, M.	Sieben, M.
Anderson, I.	Eken	Kelly	Nelson	Simoneau
Battaglia	Elioff	Kempe	Novak	Stoa
Begich	Ellingson	Kostohryz	Otis	Swanson
Berglin	Faricy	Kroening	Pehler	Tomlinson
Berkelman	Fudro	Lehto	Peterson, D.	Vanasek
Blatz	Greenfield	Long	Prahl	Voss
Byrne	Hokanson	McCarron	Reding	Waldorf
Carlson, L.	Jacobs	McEachern	Rice	Welch
Casserly	Jaros	Minne	Rodriguez	Wenzel
Clark	Johnson, C.	Moe	Sarna	Wynia
Clawson	Jude	Munger	Sieben, H.	Spkr. Norton

The motion prevailed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 121.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 121, A bill for an act proposing an amendment to the Minnesota Constitution, Article IV, Section 12; removing references to legislative days.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

The following conference committee report was received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 644

A bill for an act relating to health; prohibiting applicants for certain dental licenses who fail a clinical examination twice from further taking the examination without additional education and training; requiring the board of dentistry to promulgate rules establishing requirements for this education and training; requiring licensed dentists, dental hygienists and registered dental assistants to inform the board of dentistry when changing addresses; setting standards for the names under

which dentists may practice; authorizing the board of dentistry to promulgate rules governing advertising by dentists; authorizing the board of medical examiners to promulgate rules governing advertising by physicians; establishing penalties; amending Minnesota Statutes 1978, Chapter 147, by adding a section; Sections 150A.06, Subdivisions 1, 2 and 2a; 150A.09, Subdivision 3; and 150A.11, Subdivisions 1 and 2.

April 9, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 644, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 644 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 150A.06, Subdivision 1, is amended to read:

150A.06 [LICENSURE.] Subdivision 1. [DENTISTS.] A person of good moral character not already a licensed dentist of the state, having submitted an application and fee as prescribed by the board and his diploma or equivalent from a dental college of good standing, of which standing the board shall be the sole judge, may be examined by the board or by an agency pursuant to section 150A.03, subdivision 1, in (SUCH) a manner (AS) to test (THOROUGHLY) the applicant's fitness to practice dentistry. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination prior to applying to the board for licensure. The examination shall include an examination of the applicant's knowledge of the laws of Minnesota relating to dentistry and the rules of the board. *The board may by rule provide that an applicant shall be ineligible to retake the clinical examination required by the board upon failing it on two occasions until such time as he obtains further education and training as specified by the board in the rule.* A separate fee may be charged for each time a person applies which in no case shall be refunded. An applicant who passes the examination and meets all other requirements of the board shall be licensed to practice dentistry and supplied with a license by the board. Rules of the board establishing an examination fee shall remain in effect and shall constitute the application fee provided for herein until

such time as the board shall amend, repeal, or otherwise change the rules pursuant to chapter 15.

Sec. 2. Minnesota Statutes 1978, Section 150A.06, Subdivision 2, is amended to read:

Subd. 2. [DENTAL HYGIENISTS.] A person of good moral character not already a licensed dental hygienist of this state, being a graduate of an accredited high school or its equivalent, and having submitted an application and fee as prescribed by the board and his diploma or equivalent from a training school for dental hygienists of good standing, of which standing the board shall be the sole judge, or equivalent approved by the board, may be examined by the board or by an agency pursuant to section 150A.03, subdivision 1, in (SUCH) a manner (AS) to (THOROUGHLY) test the applicant's fitness to practice dental hygiene. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination prior to applying to the board for licensure. Each applicant shall also be examined on the applicant's knowledge of the laws of Minnesota relating to dentistry and of the rules of the board. *The board may by rule provide that an applicant shall be ineligible to retake the clinical examination required by the board upon failing it on two occasions until such time as he obtains further education and training as specified by the board in the rule.* A separate fee may be charged for each time a person applies which in no case shall be refunded. An applicant who passes the examination and meets all the other requirements of the board shall be licensed as a dental hygienist and supplied with a license by the board. Rules of the board establishing an examination fee shall remain in effect and shall constitute the application fee provided for herein until such time as the board shall amend, repeal, or otherwise change the rules pursuant to chapter 15.

Sec. 3. Minnesota Statutes, 1979 Supplement, Section 150A.06, Subdivision 2a, is amended to read:

Subd. 2a. [REGISTERED DENTAL ASSISTANT.] A person of good moral character, having submitted an application and fee as prescribed by the board and his diploma or equivalent from a training school, of good standing, for dental assistants, of which standing the board shall be sole judge, or equivalent as approved by the board, may be examined by the board or by an agency pursuant to section 150A.03, subdivision 1, in (SUCH) a manner (AS) to test (THOROUGHLY) the applicant's fitness to perform as a registered dental assistant. In the case of examinations conducted pursuant to section 150A.03, subdivision 1, applicants may take the examination prior to applying to the board for registration. The examination shall include an examination of the applicant's knowledge of the laws of Minnesota relating to dentistry and the rules of the board. *The board may by rule provide that an applicant shall be ineligible to retake the clinical examination required by the board upon failing it on two*

occasions until such time as he obtains further education and training as specified by the board in the rule. A separate fee may be charged for each time a person (APPLIED) applies which in no case shall be refunded. An applicant who passes the examination and meets all the other requirements of the board shall be registered as a dental assistant. Rules of the board establishing an examination fee shall remain in effect and shall constitute the application fee provided for herein until such time as the board shall amend, repeal, or otherwise change the rules pursuant to chapter 15.

Sec. 4. Minnesota Statutes 1978, Section 150A.09, Subdivision 3, is amended to read:

Subd. 3. [CHANGE OF ADDRESS AND DUPLICATE CERTIFICATES.] Every licensed dentist upon changing his location of practice, *every dental hygienist and every registered dental assistant, upon changing his address* shall, within (TEN) 30 days thereafter, furnish the board with his new address. Duplicate licenses or duplicate annual certificates of license renewal may be issued by the board upon satisfactory proof being furnished to the board of the need for such duplicates and upon the payment of the fee established by the board.

Sec. 5. Minnesota Statutes 1978, Section 150A.11, Subdivision 1, is amended to read:

150A.11 [UNLAWFUL ACTS.] Subdivision 1. [UNLAWFUL PRACTICE.] It shall be unlawful for any person to: enable an unlicensed person to practice dentistry; or to practice or attempt to practice dentistry without a license; or to practice dentistry under the name of a corporation (,) or company (, ASSOCIATION, OR TRADE NAME, OR UNDER ANY NAME EXCEPT HIS OWN PROPER NAME, WHICH SHALL BE THE NAME USED IN HIS LICENSE AS ISSUED BY THE STATE BOARD OF DENTISTRY); or to practice under any name that may tend to deceive the public or imply professional superiority to or greater skill than that possessed by another dentist. If a dentist practices under his own name, any public display or cards shall include the initials of his dental degree, such as D.D.S. or D.M.D., following the name. If a dentist practices under a name other than his own, the name shall include some designation which makes clear that the person is practicing dentistry or some specialty thereof; and that the names of all of the participating dentists practicing under the name be clearly identified on letterheads and building or office signs that display a name other than the dentist's own name. Any communication between dentist and patient shall clearly indicate the name of the dentist treating the patient. The board may promulgate rules regarding the name under which a dentist may practice. No corporation shall practice dentistry or engage therein, or hold itself out as being entitled to practice dentistry, or

furnish dental services or dentists, or advertise under or assume the title of dentists or dental surgeons or equivalent title. No corporation shall furnish dental advice, or advertise or hold itself out with any other person or alone, that it has or owns a dental office or can furnish dental service, dentists, or dental surgeons, or solicit, through itself, or its agents, officers, employees, directors or trustees, dental patronage for any dentist or dental surgeon. The provisions of this section:

(1) Shall not apply to any licensee while acting as an instructor in or under the University of Minnesota including the Mayo graduate school of medicine, or any other school in the state recognized by the state board of dentistry;

(2) Shall not prohibit any dentist from incorporating his practice of dentistry for business purposes under the special provisions of a corporate practice act for dentistry;

(3) Shall not be construed to change or amend the right of licensed dentists to provide dental care under any form of organization that is now or hereafter lawful under the laws of this state, or to contract to sell their services in any manner that is now or hereafter lawful under the laws of this state.

Sec. 6. Minnesota Statutes 1978, Chapter 214, is amended by adding a section to read:

[214.15] [TRADE REGULATION.] *Notwithstanding any other law to the contrary, members of occupations regulated by the licensing boards may advertise, but advertisements must not be inconsistent with rules relating to advertising format and substance which each board is herewith empowered to adopt if that board had statutory advertising limitations on the effective date of the rules. A board may adopt rules relating to minimum fees, splitting of fees, referral fees, compensation, hours of practice, or other practice limitations, but only if (a) the governor or the board had specific statutory limitations or specific statutory authority to adopt the rules on the effective date of the rules, (b) the rules are not inconsistent with other law and (c) the rules are immediately and directly related to the protection of the safety and well-being of citizens of the state.*

Sec. 7. Minnesota Statutes 1978, Section 60A.17, is amended by adding a subdivision to read:

Subd. 2b. [TEMPORARY LICENSE FOR QUALIFIED PERSON.] *The commissioner shall grant a temporary license to act as an insurance agent to a person satisfying the requirements of subdivision 2, clauses (2) and (3).*

Such person shall receive a temporary license to act as an insurance agent no later than the date upon which he receives

notification from the commissioner that he has passed the examination required by subdivision 2, clause (2).

The temporary license authorized by this subdivision shall be issued for the insurance company which has endorsed the person's application for license. It shall be limited to the line or lines of insurance for which the applicant has satisfactorily completed the written examination and it shall be valid until the license required by subdivision 1 is obtained from the commissioner. In no event shall the temporary license be valid for a period in excess of 90 days.

Sec. 8. Minnesota Statutes 1978, Section 62F.01, Subdivision 2, is amended to read:

Subd. 2. Sections 62F.01 to 62F.14 expire September 1, (1980) 1982.

Sec. 9. Minnesota Statutes 1978, Section 62F.06, Subdivision 1, is amended to read:

62F.06 [POLICY FORMS AND RATES.] Subdivision 1. A policy issued by the association shall provide for a continuous period of coverage beginning with its effective date and terminating automatically at 12:01 a.m. on September 1, (1978) 1982, or sooner as provided in sections 62F.01 to 62F.14. The policy shall be issued subject to the group retrospective rating plan and the stabilization reserve fund authorized by section 62F.09. The policy shall be written to apply to injury which results from acts or omissions during the policy period. No policy form shall be used by the association unless it has been filed with the commissioner, and the commissioner may disapprove the form within 30 days if he determines it is misleading or violates public policy.

Sec. 10. *Sections 1 to 5 are effective July 1, 1981. Section 7 is effective June 1, 1980. Section 6 is effective January 1, 1981. Sections 8 and 9 are effective the day following final enactment.*

Further, delete the title and insert:

"A bill for an act relating to licensed occupations; allowing the board of dentistry by rule to prohibit applicants for certain dental licenses who fail a clinical examination twice from further taking the examination without additional education and training specified by the board in the rule; requiring licensed dentists, dental hygienists and registered dental assistants to inform the board of dentistry when changing addresses; setting standards for the names under which dentists may practice; requiring the issuance of temporary licenses to certain qualified persons to act as insurance agents; extending the temporary joint underwriting association act for an additional two year period; extending the termination date of certain insurance policies; providing for rules on advertising by licensed professionals; establishing

penalties; amending Minnesota Statutes 1978, Chapter 214, by adding a section; Sections 60A.17, by adding a subdivision; 62F.01, Subdivision 2; 62F.06, Subdivision 1; 150A.06, Subdivisions 1 and 2; 150A.09, Subdivision 3; 150A.11, Subdivision 1; and Minnesota Statutes, 1979 Supplement, Section 150A.06, Subdivision 2a."

We request adoption of this report and repassage of the bill.

House Conferees: THOMAS R. BERKELMAN; O. J. HEINITZ and ROBERT W. REIF.

Senate Conferees: ROGER E. STRAND and DAVID D. SCHAAF.

Berkelman moved that the report of the Conference Committee on H. F. No. 644 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 644, A bill for an act relating to health; prohibiting applicants for certain dental licenses who fail a clinical examination twice from further taking the examination without additional education and training; requiring the board of dentistry to promulgate rules establishing requirements for this education and training; requiring licensed dentists, dental hygienists and registered dental assistants to inform the board of dentistry when changing addresses; setting standards for the names under which dentists may practice; authorizing the board of dentistry to promulgate rules governing advertising by dentists; authorizing the board of medical examiners to promulgate rules governing advertising by physicians; establishing penalties; amending Minnesota Statutes 1978, Chapter 147, by adding a section; Sections 150A.06, Subdivisions 1, 2 and 2a; 150A.09, Subdivision 3; and 150A.11, Subdivisions 1 and 2.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Adams	Carlson, D.	Erickson	Heinitz	Kostohryz
Ainley	Carlson, L.	Esau	Hoberg	Kroening
Albrecht	Casserly	Evans	Hokanson	Kvam
Anderson, B.	Clark	Ewald	Jacobs	Laidig
Anderson, G.	Clawson	Faricy	Jaros	Lehto
Anderson, I.	Corbid	Fjoslien	Johnson, C.	Levi
Battaglia	Crandall	Forsythe	Johnson, D.	Long
Begich	Dean	Friedrich	Jude	Ludeman
Berglin	Dempsey	Fritz	Kahn	Luknic
Berkelman	Den Ouden	Fudro	Kaley	Mann
Biersdorf	Drew	Greenfield	Kalis	McCarron
Blatz	Eken	Halberg	Kelly	McDonald
Brinkman	Elioff	Haukoos	Kempe	McEachern
Byrne	Ellingson	Heap	Knickerbocker	Mehrkens

Metzen	Olsen	Reding	Sieben, H.	Voss
Minne	Onnen	Rees	Sieben, M.	Waldorf
Moe	Osthoff	Reif	Simoneau	Weaver
Munger	Otis	Rice	Stoa	Welch
Nelsen, B.	Patton	Rodriguez	Stowell	Welker
Nelsen, M.	Pehler	Rose	Sviggum	Wenzel
Nelson	Peterson, B.	Rothenberg	Swanson	Wieser
Niehaus	Peterson, D.	Sarna	Thiede	Wigley
Norman	Piepho	Schreiber	Valan	Wynia
Novak	Pleasant	Searle	Valento	Zubay
	Redalen	Sherwood	Vanasek	Spkr. Norton

The bill was repassed, as amended by Conference, and its title agreed to.

There being no objection the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The Message from the Senate and the Conference Committee report on S. F. No. 572 together with the pending point of order raised earlier today by Faricy were reported to the House.

Speaker pro tem Johnson, C., ruled the Faricy point of order not well taken and the Conference Committee report on S. F. No. 572 in order.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 572, A bill for an act relating to the city of Bloomington; authorizing additional on-sale liquor licenses.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 572

A bill for an act relating to the city of Bloomington; authorizing additional on-sale liquor licenses.

April 3, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 572, report that we have agreed upon the items in dispute and recommend as follows:

The House recede from its amendments and that S. F. No. 572 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. The label of any brand of intoxicating or non-intoxicating malt beverage may be registered only by the brand owner or its authorized agent. No such brand may be imported for sale within the state without the consent of the brand owner or its authorized agent.

Nothing in this subdivision shall be construed to repeal, limit or otherwise affect the provisions of section 340.114.

Sec. 2. Subdivision 1. The area known as the Metropolitan Sports area, comprising 147 acres, and which is generally described as lying east of Cedar Avenue, south of East 79th Street, west of 24th Avenue South and north of Killebrew Drive, shall be exempt from any legal limitations on the number of on-sale liquor licenses. The on-sale liquor licenses may be issued to establishments located in said area by the city and shall not apply to any limitation in Minnesota Statutes, Section 340.11, Subdivision 5a, and Laws 1979, Chapter 305, Section 2.

Subd. 2. This section is effective only upon approval by a majority of the city council in compliance with Minnesota Statutes, Section 645.021."

Delete the title and insert:

"A bill for an act relating to liquor; regulating registration of brand labels; removing certain limitations on the numbers of on-sale licenses which the city of Bloomington may issue."

We request adoption of this report and repassage of the bill.

Senate Conferees: OTTO T. BANG, JR., ALLAN H. SPEAR and SAM G. SOLON.

House Conferees: BILL PETERSON, WILLIAM SCHREIBER and JAMES C. PEHLER.

Peterson, B., moved that the report of the Conference Committee on S. F. No. 572 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 572, A bill for an act relating to the city of Bloomington; authorizing additional on-sale liquor licenses.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 78 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Adams	Ellingson	Knickerbocker	Olsen	Sieben, H.
Anderson, I.	Evans	Kvam	Patton	Sieben, M.
Anderson, R.	Ewald	Laidig	Pehler	Simoneau
Battaglia	Forsythe	Lehto	Peterson, B.	Stadum
Begich	Fudro	Levi	Piepho	Stowell
Berglin	Greenfield	Luknic	Pleasant	Sviggum
Berkelman	Halberg	McEachern	Prahl	Swanson
Biersdorf	Haukoos	Mehrrens	Redalen	Valan
Blatz	Heap	Metzen	Reding	Valento
Carlson, D.	Heinitz	Minne	Rees	Weaver
Carlson, L.	Hoberg	Moe	Reif	Wenzel
Crandall	Jacobs	Munger	Rose	Wieser
Dean	Jaros	Nelsen, B.	Rothenberg	Zubay
Dempsey	Jennings	Nelsen, M.	Sarna	Spkr. Norton
Drew	Johnson, D.	Niehaus	Schreiber	
Elioff	Jude	Nysether	Searle	

Those who voted in the negative were:

Aasness	Den Ouden	Kelly	Norman	Thiede
Ainley	Eken	Kempe	Novak	Tomlinson
Anderson, B.	Erickson	Kostohryz	Onnen	Vanasek
Anderson, G.	Esau	Kroening	Osthoff	Voss
Brinkman	Faricy	Long	Otis	Waldorf
Byrne	Fjoslien	Mann	Peterson, D.	Welch
Casserly	Fritz	McCarron	Rice	Wigley
Clark	Johnson, C.	McDonald	Rodriguez	Wynia
Clawson	Kahn	Murphy	Sherwood	
Corbid	Kalis	Nelson	Stoa	

The bill was repassed, as amended by Conference, and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 797:

Clawson, Byrne, and Levi.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2268:

Ellingson, Adams, and Blatz.

SPECIAL ORDERS

There being no objection, the bills on Special Orders for today were continued.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 11:00 a.m., Thursday, April 10, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Thursday, April 10, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives