



Minnesota Legislature:  
Senate Bills

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House  
Companion  
No.

DUPLICATE  
S. F. NO. 1356

A bill for an act relating to the operation of shade tree disease control programs by local governments; providing funds for the control of shade tree disease; establishing a grant-in-aid program under the department of agriculture; appropriating money; amending Minnesota Statutes 1974, Sections 18.022, by adding a subdivision; 18.023, Subdivisions 1, 3, and 4, and by adding a subdivision.

B. D. No. B3298

SENATE ACTION

Introduced by Senators

★ Read FIRST TIME

APR 8 1975

Committee on

LOCAL GOVERNMENTS

and Referred to the

Committee Recommendation and Adoption of Report

★

Read SECOND TIME

Committee of the Whole

★

Read THIRD TIME

Passed by the Senate

Transmitted to the House

Secretary of the Senate  
State of Minnesota

COMPARISON ACTION

Date

moved that

— F. No. — and — F. No. —

be referred for comparison.

Date

Upon motion of

— F. No. — was substituted

for — F. No. — which  
was indefinitely postponed.

(SENATE ACTION)

Received from House

Laid on Table

Taken from Table

CONCURRENCE

Date

The Senate concurred in House amendments to

S. F. No. — and repassed  
the bill as amended.

Secretary of the Senate

HOUSE ACTION

House Companion  
is H. F. No.

★

Read FIRST TIME

Committee on

and Referred to the

Committee Recommendation and Adoption of Report

★

Read SECOND TIME

Committee of the Whole

★

Read THIRD TIME

Passed by the House

Returned to the Senate

Chief Clerk, House of Representatives  
State of Minnesota

OTHER ACTION

☐

Refer to back of cover for other  
action.

☐

CONFERENCE COMMITTEE ACTION

Refer to back of cover for conference  
committee action.

1356

S. F.

No.

Printed Page No.



1356

Messrs. Humphrey, Ogdahl and Borden introduced--

S. F. No. 1356: Referred to the Committee on LOCAL GOVERNMENT

1                                   A bill for an act  
2           relating to the operation of shade tree disease  
3           control programs by local governments; providing  
4           funds for the control of shade tree disease;  
5           establishing a grant-in-aid program under the  
6           department of agriculture; appropriating money;  
7           amending Minnesota Statutes 1974, Sections 18.022,  
8           by adding a subdivision; 18.023, Subdivisions 1,  
9           3, and 4, and by adding a subdivision.  
10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
11           Section 1. Minnesota Statutes 1974, Section 18.023, is  
12   amended by adding a subdivision to read:  
13           Subd. 1a. [METROPOLITAN SHADE TREE DISEASE CONTROL  
14   PROGRAM; PURPOSE.] The legislature finds that an epidemic of  
15   dutch elm disease and oak wilt disease is occurring in  
16   Minnesota which threatens the natural environment.  
17   Immediate action is therefore necessary to provide funds to  
18   assist local units of government in the implementation of  
19   shade tree disease control programs by expanding diseased  
20   wood destruction programs, increasing public awareness of  
21   shade tree disease, accelerating training of tree inspectors  
22   and research for disease prevention and subsidizing private  
23   property owners for the removal of diseased elm and oak  
24   trees.  
25           Sec. 2. Minnesota Statutes 1974, Section 18.023,

1356

1 Subdivision 1, is amended to read:

2 18.023 [SHADE TREE DISEASE CONTROL.] Subdivision 1.

3 [DEFINITIONS.] As used in subdivisions 1 to 12 the terms  
4 defined in this subdivision shall have the meanings given  
5 them.

6 (a) "Metropolitan area" means the area comprising the  
7 counties of Hennepin, Ramsey, Anoka, Dakota, Washington,  
8 Scott and Carver.

9 (b) "Commissioner" means the commissioner of  
10 agriculture.

11 (c) "Municipality" means any city or any town  
12 exercising municipal powers pursuant to section 368.01, or  
13 any general or special law, located in the metropolitan area  
14 or any special park district as organized under chapter 398,  
15 or any special purpose park district organized under the  
16 city charter of a city of the first class located in the  
17 metropolitan area, or any portion of a county in such the  
18 metropolitan area for the purposes of county owned property  
19 or any portion of a county located outside the geographic  
20 boundaries of a city or town exercising municipal powers and  
21 any municipality located outside the metropolitan area which  
22 petitions makes request to and has consent of the  
23 commissioner to come within the provisions of this section.

24 (d) "Shade tree disease" means Dutch elm disease or oak  
25 wilt disease.

26 (e) "Wood utilization or disposal system" means a  
27 system used for (1) the removal and disposal of diseased  
28 shade trees, or for (2) the collection, transportation,  
29 processing or storage of wood which aids in the recovery of  
30 materials or energy from wood.

31 (f) "Subsidy program" means a municipal program of  
32 financial assistance to private property owners for the

1356

1 removal of diseased elm and or oak shade trees.

2 (g) "Disease control program" means the municipal plan  
3 as approved by the commissioner to control shade tree  
4 disease.

5 (h) "Disease control area" means an area approved by  
6 the commissioner within which a municipality will conduct a  
7 shade tree disease control program.

8 Sec. 3. Minnesota Statutes 1974, Section 18.023,  
9 Subdivision 4, is amended to read:

10 Subd. 4. [SUBSIDIES TO PRIVATE PROPERTY OWNERS AND  
11 MUNICIPALITIES.] (a) A municipality may provide subsidies to  
12 private property owners for the treatment or removal of  
13 diseased shade trees provided, however, that the cost to the  
14 municipality for providing such subsidies shall be within  
15 the limitations set forth in sections 275.50 to 275.56.

16 (b) Notwithstanding any law to the contrary, an owner  
17 of property on which shade trees are located may contract  
18 with a municipality to provide protection against the cost  
19 of treatment or removal of diseased shade trees or shade  
20 trees that will contribute to the spread of shade tree  
21 diseases. Under such contracts, the municipality shall pay  
22 for the removal or treatment under such terms and conditions  
23 as may be determined by the governing body of the  
24 municipality.

25 (c) The commissioner may, in the name of the state and  
26 within the limit of appropriations provided, make or  
27 contract to make grants-in-aid to a municipality with an  
28 approved shade tree disease control program for the partial  
29 funding of municipal subsidy programs for the removal of  
30 diseased shade trees by owners of private property pursuant  
31 to this subdivision. The commissioner may make or contract  
32 to make grants-in-aid to any city of the first class or any

1356

1 county having a disease control program approved by the  
2 commissioner for the acquisition of wood utilization or  
3 disposal facilities or equipment or the implementation of  
4 wood utilization or disposal systems.

5 (d) The commissioner shall promulgate rules for the  
6 administration of grants authorized by this subdivision.  
7 The rules shall establish and contain as a minimum:

8 (1) Procedures for grant applications;

9 (2) Conditions and procedures for the administration of  
10 grants;

11 (3) Criteria of eligibility for grants including, but  
12 not limited to, those specified in this subdivision; and

13 (4) Such other matters as the commissioner may find  
14 necessary to the proper administration of the grant program.

15 (e) Grants-in-aid payments for wood utilization and  
16 disposal facilities, equipment and systems and grants for  
17 public subsidy programs made by the commissioner pursuant to  
18 this subdivision shall not exceed 50 percent of the total  
19 cost of the facility equipment or system or municipal  
20 subsidy program, or both,

21 (f) In accordance with the provisions of section  
22 18,023, clause (c), any municipality which has requested to  
23 come under the provisions of this act may submit an  
24 application for a grant-in-aid, and such application shall  
25 be considered by the commissioner concurrently with the  
26 afore referenced request.

27 Sec. 4. [APPROPRIATIONS.] There is appropriated to the  
28 commissioner of agriculture from the general fund the sum of  
29 \$2,825,000 or so much thereof as may be necessary, for the  
30 period beginning July 1, 1975 and ending June 30, 1977 for  
31 the purpose of carrying out the terms and provisions of  
32 sections 1 and 3 of this act. All expenses of the



1356

1 commissioner in administering the appropriation by this  
2 section are payable therefrom. Not more than \$700,000 of  
3 the money appropriated by this section shall be spent on  
4 grant-in-aid payments for wood utilization and disposal  
5 facilities, equipment and systems; not more than \$2,000,000  
6 of the money appropriated by this section shall be spent on  
7 grant-in-aid payments for municipal subsidy programs; not  
8 more than \$45,000 of the money appropriated by this section  
9 shall be spent on programs of public education regarding  
10 shade tree disease, and not more than \$80,000 of the money  
11 appropriated by this section shall be spent for  
12 administering the appropriations made by this section.

13 Sec. 5. There is appropriated from the general fund  
14 to the university of Minnesota agriculture experiment  
15 station the sum of \$100,000 for the biennium ending June 30,  
16 1977 for the purpose of conducting research into means of  
17 identifying diseased shade trees and developing and  
18 evaluating control measures.

19 Sec. 6. There is appropriated from the general fund  
20 to the university of Minnesota agricultural extension  
21 service the sum of \$75,000 for the biennium ending June 30,  
22 1977, for the purpose of conducting shade tree disease  
23 training programs.

24 Sec. 7. Minnesota Statutes 1974, Section 18.023,  
25 Subdivision 3, is amended to read:

26 Subd. 3. [RULES AND REGULATIONS; APPLICABILITY TO  
27 MUNICIPALITIES.] The rules and regulations of the  
28 commissioner shall apply in a municipality unless the  
29 municipality adopts an ordinance which is determined by the  
30 commissioner to be more stringent than the rules and  
31 regulations of the commissioner. The rules and regulations  
32 of the commissioner or the more stringent ordinance of the

1 municipality shall be in effect 60 days from March 1356 1974.  
2 The rules and regulations of the commissioner or the  
3 municipality shall apply to all state agencies, special  
4 purpose districts and metropolitan commissions which own or  
5 control land adjacent to or within a shade tree disease  
6 control area in this act.

7 Sec. 8. Minnesota Statutes 1974, Section 18.022, is  
8 amended by adding a subdivision to read:

9 Subd. 8. [RULES AND REGULATIONS.] The commissioner may  
10 make rules and regulations after a public hearing, in a  
11 manner provided by law, to properly carry out the purposes  
12 of section 1 of this act and Minnesota Statutes, Section  
13 18.022. The rules and regulations adopted by the  
14 commissioner shall apply to all state agencies and special  
15 purpose districts which own or control land within any  
16 county, city or town exercising the powers authorized in  
17 Minnesota Statutes, Section 18.022.

18 Sec. 9. This act shall take effect the day following  
19 enactment.

House  
Companion  
No.

DUPLICATE  
FIRST ENGROSSMENT

**S. F.** NO. 1356

A bill for an act relating to the operation of shade tree disease control programs by local governments; providing funds for the control of shade tree disease; establishing a grant-in-aid program under the department of agriculture; appropriating money; amending Minnesota Statutes 1974, Sections 18.022, by adding a subdivision; 18.023, Subdivisions 1 and 3, and by adding subdivisions.

B. D. No. B3296

COMPARISON ACTION

Date \_\_\_\_\_  
\_\_\_\_\_ moved that  
\_\_\_\_ F. No. \_\_\_\_\_ and \_\_\_\_ F. No. \_\_\_\_\_  
be referred for comparison.

Date \_\_\_\_\_  
Upon motion of \_\_\_\_\_  
\_\_\_\_ F. No. \_\_\_\_\_ was substituted  
for \_\_\_\_ F. No. \_\_\_\_\_ which  
was indefinitely postponed.

(SENATE ACTION)

Received from House \_\_\_\_\_  
Laid on Table \_\_\_\_\_  
Taken from Table \_\_\_\_\_

CONCURRENCE

Date \_\_\_\_\_  
The Senate concurred in House amendments to  
S. F. No. \_\_\_\_\_ and repassed  
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Humphrey  
Ogdahl Borden

Read FIRST TIME APR 7 1975 and Referred to the  
Committee on LOCAL GOVERNMENT

Committee Recommendation and Adoption of Report

To Pass as Amended and Re-referred to the  
Committee on FINANCE APR 17 1975

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the Senate  
Transmitted to the House

Secretary of the Senate  
State of Minnesota

HOUSE ACTION

House Companion  
is H. F. No. \_\_\_\_\_

★ Read FIRST TIME \_\_\_\_\_ and Referred to the  
Committee on \_\_\_\_\_  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the House  
Returned to the Senate

Chief Clerk, House of Representatives  
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other  
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference  
committee action.

1356

Printed Page No.

S. F. No. 1356



1356

S.F. 1356

## A bill for an act

- 1  
2 relating to the operation of shade tree disease  
3 control programs by local governments; providing  
4 funds for the control of shade tree disease;  
5 establishing a grant-in-aid program under the  
6 department of agriculture; appropriating money;  
7 amending Minnesota Statutes 1974, Sections 18.022,  
8 by adding a subdivision; 18.023, Subdivisions 1  
9 and 3, and by adding subdivisions.
- 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 11 Section 1. Minnesota Statutes 1974, Section 18.023, is  
12 amended by adding a subdivision to read:
- 13 Subd. 1a. (METROPOLITAN SHADE TREE DISEASE CONTROL  
14 PROGRAM; PURPOSE.) The legislature finds that an epidemic of  
15 dutch elm disease and oak wilt disease is occurring in  
16 Minnesota which threatens the natural environment.  
17 Immediate action is therefore necessary to provide funds to  
18 assist local units of government in the implementation of  
19 shade tree disease control programs by expanding diseased  
20 wood destruction programs, increasing public awareness of  
21 shade tree disease, accelerating training of tree inspectors  
22 and research for disease prevention and subsidizing private  
23 property owners for the removal of diseased elm and oak  
24 trees.
- 25 Sec. 2. Minnesota Statutes 1974, Section 18.023,



1356

1 Subdivision 1, is amended to read:

2 18.023 [SHADE TREE DISEASE CONTROL.] Subdivision 1.  
3 [DEFINITIONS.] As used in subdivisions 1 to 12 the terms  
4 defined in this subdivision shall have the meanings given  
5 them.

6 (a) "Metropolitan area" means the area comprising the  
7 counties of Hennepin, Ramsey, Anoka, Dakota, Washington,  
8 Scott and Carver.

9 (b) "Commissioner" means the commissioner of  
10 agriculture.

11 (c) "Municipality" means any city or any town  
12 exercising municipal powers pursuant to section 368.01, or  
13 any general or special law, located in the metropolitan area  
14 or any special park district as organized under chapter 398,  
15 or any special purpose park district organized under the  
16 city charter of a city of the first class located in the  
17 metropolitan area, or ~~any portion of a county in such the~~  
18 metropolitan area for the purposes of county owned property  
19 or any portion of a county located outside the geographic  
20 boundaries of a city or town exercising municipal powers and  
21 any municipality located outside the metropolitan area which  
22 petitioners makes request to and has consent of the  
23 commissioner to come within the provisions of this section.

24 (d) "Shade tree disease" means Dutch elm disease or oak  
25 wilt disease.

26 (e) "Wood utilization or disposal system" means a  
27 system used for the removal and disposal of diseased shade  
28 trees which includes the collection, transportation,  
29 processing or storage of wood and which aids in the recovery  
30 of materials or energy from wood.

31 (f) "Subsidy program" means a municipal program of  
32 financial assistance to private property owners for the

1356

1 removal of diseased elm and or oak shade trees.

2 (g) "Disease control program" means the municipal plan  
3 as approved by the commissioner to control shade tree  
4 disease.

5 (h) "Disease control area" means an area approved by  
6 the commissioner within which a municipality will conduct a  
7 shade tree disease control program.

8 Sec. 3. Minnesota Statutes 1974, Section 18.023, is  
9 amended by adding a subdivision to read:

10 Subd. 3a. [GRANTS TO MUNICIPALITIES.] (a) The  
11 commissioner may, in the name of the state and within the  
12 limit of appropriations provided, make grants-in-aid to a  
13 municipality with an approved shade tree disease control  
14 program for the partial funding of municipal subsidy  
15 programs for the removal of diseased shade trees by owners  
16 of residential property pursuant to subdivision 4. The  
17 commissioner may make grants-in-aid to any city of more than  
18 80,000 population or any special purpose park district  
19 organized under the charter of a city of the first class or  
20 any non-profit corporation serving a city of the first class  
21 or any county having a disease control program approved by  
22 the commissioner for the acquisition of wood utilization or  
23 disposal facilities or equipment or the implementation of  
24 wood utilization or disposal systems.

25 (b) The commissioner shall promulgate rules for the  
26 administration of grants authorized by this subdivision.  
27 The rules shall establish and contain as a minimum:

28 (1) Procedures for grant applications;

29 (2) Conditions and procedures for the administration of  
30 grants;

31 (3) Criteria of eligibility for grants including, but  
32 not limited to, those specified in this subdivision; and

1356

1       (4) Such other matters as the commissioner may find  
2       necessary to the proper administration of the grant program.

3       (c) Grants-in-aid payments for wood utilization and  
4       disposal facilities, equipment and systems and grants for  
5       public subsidy programs made by the commissioner pursuant to  
6       this subdivision shall not exceed 50 percent of the total  
7       cost of the facility equipment or system or municipal  
8       subsidy program, or both.

9       (d) A municipality which has received the consent of  
10       the commissioner to come within the provisions of this act  
11       may receive grants authorized by this subdivision, and may  
12       submit an application for a grant concurrently with its  
13       request for inclusion.

14       Sec. 4. [APPROPRIATIONS.] There is appropriated to the  
15       commissioner of agriculture from the general fund the sum of  
16       \$2,825,000 or so much thereof as may be necessary, for the  
17       period beginning July 1, 1975 and ending June 30, 1977 for  
18       the purpose of carrying out the terms and provisions of  
19       sections 1 and 3 of this act. All expenses of the  
20       commissioner in administering the appropriation by this  
21       section are payable therefrom. Not more than \$700,000 of  
22       the money appropriated by this section shall be spent on  
23       grant-in-aid payments for wood utilization and disposal  
24       facilities, equipment and systems; not more than \$2,000,000  
25       of the money appropriated by this section shall be spent on  
26       grant-in-aid payments for municipal subsidy programs; not  
27       more than \$45,000 of the money appropriated by this section  
28       shall be spent on programs of public education regarding  
29       shade tree disease, and not more than \$80,000 of the money  
30       appropriated by this section shall be spent for  
31       administering the appropriations made by this section.

32       Sec. 5. There is appropriated from the general fund

1356

1 to the university of Minnesota agriculture experiment  
2 station the sum of \$100,000 for the biennium ending June 30,  
3 1977 for the purpose of conducting research into means of  
4 identifying diseased shade trees and developing and  
5 evaluating control measures.

6       Sec. 6. There is appropriated from the general fund  
7 to the university of Minnesota agricultural extension  
8 service the sum of \$75,000 for the biennium ending June 30,  
9 1977, for the purpose of conducting shade tree disease  
10 training programs.

11       Sec. 7. Minnesota Statutes 1974, Section 18.023,  
12 Subdivision 3, is amended to read:

13       Subd. 3. [RULES AND REGULATIONS; APPLICABILITY TO  
14 MUNICIPALITIES.] The rules and regulations of the  
15 commissioner shall apply in a municipality unless the  
16 municipality adopts an ordinance which is determined by the  
17 commissioner to be more stringent than the rules and  
18 regulations of the commissioner. The rules and regulations  
19 of the commissioner or the more stringent ordinance of the  
20 municipality shall be in effect 60 days from March 31, 1974.  
21 The rules and regulations of the commissioner or the  
22 municipality shall apply to all state agencies, special  
23 purpose districts and metropolitan commissions as defined in  
24 Laws 1975, Chapter 13, Section 1, Subdivision 7, which own  
25 or control land adjacent to or within a shade tree disease  
26 control area in this act.

27       Sec. 8. Minnesota Statutes 1974, Section 18.022, is  
28 amended by adding a subdivision to read:

29       Subd. 8. [RULES AND REGULATIONS.] The commissioner may  
30 adopt rules and regulations in accordance with sections  
31 15.0411 to 15.0422 prescribing control measures to be used  
32 to prevent the spread of shade tree diseases and shall



1356

1 include the followings: (a) a definition of shade tree, (b)  
2 qualifications for inspectors, (c) methods of identifying  
3 diseased shade trees, (d) procedures for giving reasonable  
4 notice of inspection of private real property, (e) measures  
5 for the treatment and removal of any shade tree which may  
6 contribute to the spread of shade tree disease, and (f) such  
7 other matters as shall be determined to be necessary by the  
8 commissioner to prevent the spread of shade tree disease and  
9 enforce the provisions of this section. The rules and  
10 regulations of the commissioner shall apply in a county,  
11 city or town unless the county, city or town adopts an  
12 ordinance or resolution pursuant to subdivision 6 which is  
13 determined by the commissioner to be more stringent than the  
14 rules and regulations of the commissioner. The rules and  
15 regulations of the commissioner or the more stringent  
16 ordinance or resolution of the city, county or town shall  
17 apply to all state agencies and special purpose districts  
18 which own or control land within any county, city or town  
19 exercising the powers granted in section 18,022.

20 Sec. 9. This act shall take effect the day following  
21 enactment.

House  
Companion  
No.

DUPLICATE

S. F. NO. 1357

A bill for an act relating to retirement; purchase of prior service credit by certain members of the public employees retirement association.

B. D. No. B2807

COMPARISON ACTION

Date \_\_\_\_\_

\_\_\_\_\_ moved that

\_\_\_\_\_ F. No. \_\_\_\_\_ and \_\_\_\_\_ F. No. \_\_\_\_\_  
be referred for comparison.

Date \_\_\_\_\_

Upon motion of \_\_\_\_\_

\_\_\_\_\_ F. No. \_\_\_\_\_ was substituted

for \_\_\_\_\_ F. No. \_\_\_\_\_ which  
was indefinitely postponed.

(SENATE ACTION)

Received from House \_\_\_\_\_

Laid on Table \_\_\_\_\_

Taken from Table \_\_\_\_\_

CONCURRENCE

Date \_\_\_\_\_  
The Senate concurred in House amendments to

S. F. No. \_\_\_\_\_ and repassed  
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

*Whelan*  
*Ogdall* *Chenoweth*  
APR 7 1975

★ Read FIRST TIME \_\_\_\_\_ and Referred to the

Committee on **GOVERNMENTAL OPERATIONS**

Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the Senate  
Transmitted to the House

Secretary of the Senate  
State of Minnesota

HOUSE ACTION

House Companion  
is H. F. No. \_\_\_\_\_

★ Read FIRST TIME \_\_\_\_\_ and Referred to the  
Committee on

Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the House  
Returned to the Senate

Chief Clerk, House of Representatives  
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other  
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference  
committee action.

1357

S. F.

No.

Printed Page No.

1357

Messrs. Ashbach, Ogdahl and Chenoweth introduced--

S. F. No. 1357: Referred to the Committee on GOVERNMENTAL OPERATIONS

1                                   A bill for an act  
2       relating to retirement; purchase of prior service  
3       credit by certain members of the public employees  
4       retirement association,  
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
6       Section 1. Notwithstanding any law to the contrary, a  
7       member of the public employees retirement association, as  
8       described in Minnesota Statutes, Section 353.01, Subdivision  
9       7(2) who has prior service as an official of the St. Paul  
10      port authority, may purchase service credit for this period  
11      of prior service, by (a) paying to the public employees  
12      retirement association prior to August 1, 1975, an employee  
13      contribution in an amount equal to six percent of his salary  
14      received from the authority, not exceeding \$4,800 in any  
15      calendar year prior to June 30, 1965, and not exceeding  
16      \$6,000 per year from July 1, 1965 to June 30, 1967, and at  
17      the rate of six percent of total salary received from the  
18      authority after July 1, 1967, plus accrued interest for the  
19      total period of service at the rate of five percent per  
20      annum compounded annually from the year of purchase to the  
21      date payment is made; (b) the member at the same time shall  
22      pay additionally a matching amount equal to that required to

1357

1 be paid under (a) representing employers contributions;  
2 provided the authority may, in its sole discretion, for all  
3 employees included hereunder, pay the public employees  
4 retirement association the obligation under (b) or may  
5 reimburse its former employees for such amount.

6       Sec. 2. This act is effective the day following final  
7 enactment.



House  
Companion  
No.

DUPLICATE

S. F. NO. 1358

A bill for an act relating to retirement; authorizing additional contributions by designated officials; amending Minnesota Statutes 1974, Chapter 352D, by adding sections.

B. D. No. B3142

COMPARISON ACTION

Date \_\_\_\_\_  
\_\_\_\_\_ moved that  
\_\_\_\_\_ F. No. \_\_\_\_\_ and \_\_\_\_\_ F. No. \_\_\_\_\_  
be referred for comparison.

Date \_\_\_\_\_  
Upon motion of \_\_\_\_\_  
\_\_\_\_\_ F. No. \_\_\_\_\_ was substituted  
for \_\_\_\_\_ F. No. \_\_\_\_\_ which  
was indefinitely postponed.

(SENATE ACTION)

Received from House \_\_\_\_\_  
Laid on Table \_\_\_\_\_  
Taken from Table \_\_\_\_\_

CONCURRENCE

Date \_\_\_\_\_  
The Senate concurred in House amendments to  
S. F. No. \_\_\_\_\_ and repassed  
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

★ Read FIRST TIME APR 7 1975 and Referred to the  
Committee on GOVERNMENTAL OPERATIONS  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the Senate  
Transmitted to the House

Secretary of the Senate  
State of Minnesota

HOUSE ACTION

House Companion  
is H. F. No. \_\_\_\_\_

★ Read FIRST TIME \_\_\_\_\_ and Referred to the  
Committee on \_\_\_\_\_  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the House  
Returned to the Senate

Chief Clerk, House of Representatives  
State of Minnesota

☐ OTHER ACTION  
Refer to back of cover for other  
action.

☐ CONFERENCE COMMITTEE ACTION  
Refer to back of cover for conference  
committee action.

1358

S. F.

No.

Printed Page No.

1358

Messrs. Stokowski, Ogdahl and McCutcheon introduced--

S. F. No. 1358: Related to the Committee on GOVERNMENTAL OPERATIONS

1 A bill for an act

2 relating to retirement; authorizing additional  
3 contributions by designated officials; amending  
4 Minnesota Statutes 1974, Chapter 352D, by adding  
5 sections.

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

7 Section 1. Minnesota Statutes 1974, Chapter 352D, is  
8 amended by adding a section to read:

9 [352D.11] [ADDITIONAL CONTRIBUTIONS; COVERAGE.] Any  
10 person who occupies one of the following positions shall  
11 have the option of electing, in addition to participating in  
12 the unclassified program or any other public retirement  
13 program, if any, to have four percent of salary deducted  
14 beginning with the first full pay period after June 30, 1975  
15 to purchase employee shares in accordance with this chapter  
16 by filing such election with the director of the Minnesota  
17 state retirement system prior to July 1, 1975:

| 18 | <u>TITLE</u>        | <u>DEPARTMENT</u>     |
|----|---------------------|-----------------------|
| 19 | <u>Commissioner</u> | <u>Department of</u>  |
| 20 |                     | <u>Administration</u> |
| 21 | <u>Commissioner</u> | <u>Department of</u>  |
| 22 |                     | <u>Aeronautics</u>    |
| 23 | <u>Commissioner</u> | <u>Department of</u>  |

1358

|    |                                   |                                 |
|----|-----------------------------------|---------------------------------|
| 1  |                                   | <u>Agriculture</u>              |
| 2  | <u>Commissioner of Banks</u>      | <u>Department of</u>            |
| 3  |                                   | <u>Commerce</u>                 |
| 4  | <u>Commissioner of Insurance</u>  | <u>Department of</u>            |
| 5  |                                   | <u>Commerce</u>                 |
| 6  | <u>Commissioner of Securities</u> | <u>Department of</u>            |
| 7  |                                   | <u>Commerce</u>                 |
| 8  | <u>Chancellor</u>                 | <u>Community College System</u> |
| 9  |                                   | <u>State College</u>            |
| 10 | <u>Commissioner</u>               | <u>Department of</u>            |
| 11 |                                   | <u>Corrections</u>              |
| 12 | <u>Commissioner</u>               | <u>Department of</u>            |
| 13 |                                   | <u>Economic Development</u>     |
| 14 | <u>Commissioner</u>               | <u>Department of</u>            |
| 15 |                                   | <u>Education</u>                |
| 16 | <u>Commissioner</u>               | <u>Department of</u>            |
| 17 |                                   | <u>Employment Services</u>      |
| 18 | <u>Commissioner</u>               | <u>Department of</u>            |
| 19 |                                   | <u>Finance</u>                  |
| 20 | <u>Executive Secretary</u>        | <u>Governor's Office</u>        |
| 21 | <u>Commissioner</u>               | <u>Department of</u>            |
| 22 |                                   | <u>Health</u>                   |
| 23 | <u>Executive Director</u>         | <u>Higher Education</u>         |
| 24 |                                   | <u>Coordinating Commission</u>  |
| 25 | <u>Commissioner</u>               | <u>Department of</u>            |
| 26 |                                   | <u>Highways</u>                 |
| 27 | <u>Commissioner</u>               | <u>Department of</u>            |
| 28 |                                   | <u>Human Rights</u>             |
| 29 | <u>Executive Director</u>         | <u>Indian Affairs</u>           |
| 30 |                                   | <u>Commissioner</u>             |
| 31 | <u>Executive Secretary</u>        | <u>Board of</u>                 |
| 32 |                                   | <u>Investment</u>               |

1358

|    |                             |                                 |
|----|-----------------------------|---------------------------------|
| 1  | <u>Commissioner</u>         | <u>Department of</u>            |
| 2  |                             | <u>Labor and Industry</u>       |
| 3  | <u>Commissioner</u>         | <u>Department of</u>            |
| 4  |                             | <u>Natural Resources</u>        |
| 5  | <u>Commissioner</u>         | <u>Department of</u>            |
| 6  |                             | <u>Personnel</u>                |
| 7  | <u>Director</u>             | <u>Planning Agency</u>          |
| 8  | <u>Director</u>             | <u>Pollution Control Agency</u> |
| 9  | <u>Director</u>             | <u>Consumer Services</u>        |
| 10 | <u>Commissioner</u>         | <u>Department of</u>            |
| 11 |                             | <u>Public Safety</u>            |
| 12 | <u>Commissioner, Public</u> | <u>Department of</u>            |
| 13 | <u>Service Commission</u>   | <u>Public Services</u>          |
| 14 | <u>Director</u>             | <u>Department of</u>            |
| 15 |                             | <u>Public Service</u>           |
| 16 | <u>Commissioner</u>         | <u>Department of</u>            |
| 17 |                             | <u>Public Welfare</u>           |
| 18 | <u>Commissioner</u>         | <u>Department of</u>            |
| 19 |                             | <u>Revenue</u>                  |
| 20 | <u>Chancellor</u>           | <u>State College System</u>     |
| 21 | <u>Commissioner</u>         | <u>Department of</u>            |
| 22 |                             | <u>Veterans Affairs</u>         |
| 23 | <u>Executive Director</u>   | <u>Minnesota State</u>          |
| 24 |                             | <u>Retirement System</u>        |

25  
 26 Sec. 2. Minnesota Statutes 1974, Chapter 352D, is  
 27 amended by adding a section to read:

28 [352D.12] [EMPLOYER CONTRIBUTIONS.] The employer of a  
 29 person who elects to make contributions pursuant to section  
 30 10 shall in addition to other retirement fund contributions  
 31 required by law contribute an amount equal to six percent of  
 32 such person's salary for the purchase of employer shares



1358

1 while such election is in effect.

2 Sec. 3. Minnesota Statutes 1974, Chapter 352D, is  
3 amended by adding a section to read:

4 [352D.13] [ELECTION.] Subdivision 1. Prior to July 1,  
5 1976 and each July 1 thereafter a person occupying a  
6 position listed in section 1 may elect the additional  
7 coverage as provided in section 1 beginning the first full  
8 pay period after June 30 or may elect to terminate such  
9 coverage beginning the first full pay period after  
10 notification to the executive director. A person first  
11 eligible under section 10 may elect to make additional  
12 contributions beginning any full pay period prior to July 1  
13 during the first year of eligibility.

14 Subd. 2. A person occupying a position listed in  
15 section 1, and who was formerly covered by any other public  
16 retirement plan of the state and who has not collected  
17 benefits or taken a refund of contributions from such plan,  
18 may elect to have his employee and employer contributions  
19 transferred to the unclassified program and used to purchase  
20 additional shares as authorized by this act. Such transfer  
21 shall be made in accordance with section 352D.03. If  
22 withdrawal of the value of the shares is requested as  
23 provided in section 352D.05, subdivision 3, the participant  
24 may receive the value of all or only one half the shares  
25 purchased with the moneys transferred as provided hereunder.  
26 Shares not withdrawn shall remain on deposit with the  
27 Minnesota supplemental retirement fund until the former  
28 participant attains the age of at least 58 years and applies  
29 for an annuity as provided in section 352D.06, becomes  
30 disabled, or dies.

31 Sec. 4. Minnesota Statutes 1974, Chapter 352D, is  
32 amended by adding a section to read:

1358

1        [352.14] [APPLICATION OF OTHER LAWS.] Except as  
2        otherwise specifically provided the provisions of sections  
3        352D.01 to 352D.10 shall apply in administering this act  
4        with the same deductions for administrative costs as  
5        provided in section 352D.09, subdivision 7.

6        Sec. 5. This act is effective the day following final  
7        enactment, provided that no additional contributions  
8        authorized by sections 1 to 3 shall be made with regard to  
9        salary earned prior to the first full pay period after June  
10       30, 1975.

House  
Companion  
No.

DUPLICATE

S. F. No. 1359

A bill for an act relating to highway traffic regulations; weight limitations on certain vehicles; amending Minnesota Statutes 1974, Sections 169.83, Subdivisions 1, 2 and 3; 169.85; and 169.86, Subdivision 5, and by adding a subdivision; repealing Minnesota Statutes 1974, Section 169.831.

B. D. No. B3095

COMPARISON ACTION

Date \_\_\_\_\_  
\_\_\_\_\_ moved that  
\_\_\_\_\_ F. No. \_\_\_\_\_ and \_\_\_\_\_ F. No. \_\_\_\_\_  
be referred for comparison.

Date \_\_\_\_\_  
Upon motion of \_\_\_\_\_  
\_\_\_\_\_ F. No. \_\_\_\_\_ was substituted  
for \_\_\_\_\_ F. No. \_\_\_\_\_ which  
was indefinitely postponed.

(SENATE ACTION)

Received from House \_\_\_\_\_  
Laid on Table \_\_\_\_\_  
Taken from Table \_\_\_\_\_

CONCURRENCE

Date \_\_\_\_\_  
The Senate concurred in House amendments to  
S. F. No. \_\_\_\_\_ and repassed  
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators

★ Read FIRST TIME *APR 7 1975* and Referred to the  
Committee on **TRANSPORTATION AND GENERAL LEGISLATION**  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the Senate  
Transmitted to the House

Secretary of the Senate  
State of Minnesota

HOUSE ACTION

House Companion  
is H. F. No. \_\_\_\_\_

★ Read FIRST TIME \_\_\_\_\_ and Referred to the  
Committee on \_\_\_\_\_  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the House  
Returned to the Senate

Chief Clerk, House of Representatives  
State of Minnesota

☐ OTHER ACTION  
Refer to back of cover for other  
action.

☐ CONFERENCE COMMITTEE ACTION  
Refer to back of cover for conference  
committee action.

1359

Printed Page No.

S. F.

No.

1359

Messrs. Moe, Berg and Chmielewski introduced--

S. F. No. 1359: Referred to the Committee on TRANSPORTATION AND GENERAL LEGISLATION

1 A bill for an act

2 relating to highway traffic regulations; weight  
3 limitations on certain vehicles; amending  
4 Minnesota Statutes 1974, Sections 169.83,  
5 Subdivisions 1, 2 and 3; 169.85; and 169.86,  
6 Subdivision 5, and by adding a subdivision;  
7 repealing Minnesota Statutes 1974, Section  
8 169.831.

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

10 Section 1. Minnesota Statutes 1974, Section 169.83,  
11 Subdivision 1, is amended to read:

12 169.83 [WEIGHT LIMITATIONS.] Subdivision 1.

13 [PNEUMATIC-TIRED VEHICLES.] ~~No vehicle or combination of~~  
14 ~~vehicles equipped with pneumatic tires shall be operated~~  
15 ~~upon the highways of this state:~~

16 ~~1. Where the gross weight on any wheel exceeds 9,000~~  
17 ~~pounds;~~

18 ~~2. Where the gross weight on any single axle exceeds~~  
19 ~~18,000 pounds;~~

20 ~~3. This limitation shall be increased by 20 percent~~  
21 ~~from January 1 through March 7 each winter for haulers of~~  
22 ~~raw and unfinished forest products in the following~~  
23 ~~specified zone of the state, where frost conditions are most~~  
24 ~~constant and of longest duration; The zone is bounded as~~



1359

1 follows: beginning at Pigeon River in the northeast corner  
2 of Minnesota; thence in a southwesterly direction along the  
3 north shore of Lake Superior to the Minnesota-Wisconsin  
4 border; thence southerly along this border to Trunk Highway  
5 No. 48; thence westerly along Trunk Highway No. 48 to  
6 Interstate Highway No. 35; thence southerly along Interstate  
7 Highway No. 35 to Trunk Highway No. 23; thence southwesterly  
8 along Trunk Highway No. 23 to Trunk Highway No. 52 and  
9 Interstate Highway No. 94; thence northwesterly along said  
10 highways to Trunk Highway No. 29; thence northerly along  
11 Trunk Highway No. 29 to Trunk Highway No. 210; thence  
12 westerly along Trunk Highway No. 210 to Trunk Highway No.  
13 100; thence northwesterly along Trunk Highway No. 100 to  
14 Trunk Highway No. 70; thence northerly along Trunk Highway  
15 No. 70 to Trunk Highway No. 10; thence northwesterly along  
16 Trunk Highway No. 10 to Trunk Highway No. 59; thence  
17 northerly along Trunk Highway No. 59 to the junction with  
18 Trunk Highway No. 2; thence westerly along Trunk Highway  
19 No. 2 to the junction with Trunk Highway No. 32; thence  
20 northerly along Trunk Highway No. 32 to the junction with  
21 Trunk Highway No. 11; thence northeast along Trunk Highway  
22 No. 11 to the east line of Range 13 N. to the  
23 Minnesota-Canadian border; thence easterly along said  
24 border to Lake Superior; and further, this 20 percent  
25 increase is authorized from December 1 through December 31  
26 each winter for haulers of raw and unfinished forest  
27 products, subject to limitation by order of the commissioner  
28 of highways, in that part of the above bona-bounded as  
29 follows: Beginning at Pigeon River in the northeast corner  
30 of Minnesota; thence in a southwesterly direction along the  
31 north shore of Lake Superior along Trunk Highway No. 61 to  
32 the junction with Trunk Highway No. 210; thence westerly

1359

1 ~~along Trunk Highway No. 210 to the junction with Trunk~~  
 2 ~~Highway No. 107 thence northwesterly along Trunk Highway No.~~  
 3 ~~10 to the junction with Trunk Highway No. 59; thence~~  
 4 ~~northerly along Trunk Highway No. 59 to the junction with~~  
 5 ~~Trunk Highway No. 2; thence westerly along Trunk Highway No.~~  
 6 ~~2 to the junction with Trunk Highway No. 32; thence~~  
 7 ~~northerly along Trunk Highway No. 32 to the junction with~~  
 8 ~~Trunk Highway No. 11; thence northeast along Trunk Highway~~  
 9 ~~No. 11 to the east line of Range 43N to the~~  
 10 ~~Minnesota-Canadian border; thence easterly along said border~~  
 11 ~~to Lake Superior.~~

12 ~~in all cases where gross weights in an amount less than~~  
 13 ~~in this subdivision set forth are fixed, limited or~~  
 14 ~~restricted on any highway or bridge by or pursuant to any~~  
 15 ~~other section of this chapter such lesser gross weight as so~~  
 16 ~~fixed, limited or restricted shall not be exceeded and in~~  
 17 ~~such case shall control instead of the gross weight in this~~  
 18 ~~subdivision set forth.~~ No vehicle or combination of  
 19 vehicles equipped with pneumatic tires shall have a gross  
 20 weight exceeding 10,000 pounds carried on any one wheel,  
 21 including all enforcement tolerances; 20,000 pounds carried  
 22 on any one axle, including all enforcement tolerances;  
 23 12,000 pounds on the steering axle of any truck tractor,  
 24 including all enforcement tolerances; or with a tandem axle  
 25 weight in excess of 34,000 pounds; including all enforcement  
 26 tolerances; or with an overall gross weight on a group of  
 27 two or more consecutive axles produced by application of the  
 28 following formula:

$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

32 \_\_\_\_\_  
 33 where W equals overall gross weight on any group of two or

1359

1 more consecutive axles to the nearest 500 pounds, L equals  
 2 distance in feet between the extreme of any group of two or  
 3 more consecutive axles, and N equals number of axles in  
 4 group under consideration, except that two consecutive sets  
 5 of tandem axles may carry a gross load of 34,000 pounds  
 6 each, provided the overall distance between the first and  
 7 last axles of such consecutive sets of tandem axles is 36  
 8 feet or more, provided, that such overall gross weight may  
 9 not exceed 80,000 pounds, including all enforcement  
 10 tolerances.

11 Sec. 2, Minnesota Statutes 1974, Section 169.83,  
 12 Subdivision 2, is amended to read:

13 Subd. 2. [GROSS WEIGHT SCHEDULE.] (1) ~~No vehicle or~~  
 14 ~~combination of vehicles equipped with pneumatic tires shall~~  
 15 ~~be operated upon the highways of this state where the total~~  
 16 ~~gross weight on any group of two or more consecutive axles~~  
 17 ~~of any vehicle or combination of vehicles exceeds that given~~  
 18 ~~in the following table for~~ The distance between the centers  
 19 of the first and last axles of any group of two or more  
 20 consecutive axles under consideration ~~the distance between~~  
 21 ~~axles being~~ shall be measured longitudinally to the nearest  
 22 even foot, and when the measurement is a fraction of exactly  
 23 one-half foot the next largest whole number in feet shall be  
 24 used, except that when the distance between axles is more  
 25 than three feet four inches and less than three feet six  
 26 inches the distance of four feet shall be used ~~the~~.

| Maximum gross weight in pounds on a group of     | 2 | 3 | 4 |
|--------------------------------------------------|---|---|---|
| Distances in consecutive consecutive consecutive |   |   |   |
| feet between axles of a axles of a axles of any  |   |   |   |
| centers of 2-axis 3-axis combination             |   |   |   |
| foremost and vehicle or vehicle or of vehicle    |   |   |   |
| rearmost of any of any having a                  |   |   |   |
| axles of a vehicle or vehicle or total of 4      |   |   |   |
| group combination combination or more            |   |   |   |
| of vehicles of vehicles axles                    |   |   |   |
| having a having a                                |   |   |   |
| total of 3 total of 3                            |   |   |   |

1359

|    | <del>or more</del> | <del>or more</del> |
|----|--------------------|--------------------|
|    | <del>axles</del>   | <del>axles</del>   |
| 1  |                    |                    |
| 2  |                    |                    |
| 3  | 4                  | 32,000             |
| 4  | 5                  | 32,000             |
| 5  | 6                  | 32,000             |
| 6  | 7                  | 32,000             |
| 7  | 8                  | 33,000             |
| 8  | 9                  | 34,000             |
| 9  | 10                 | 35,000             |
| 10 | 11                 | 36,000             |
| 11 | 12                 | 43,500             |
| 12 | 13                 | 44,500             |
| 13 | 14                 | 45,500             |
| 14 | 15                 | 46,500             |
| 15 | 16                 | 47,500             |
| 16 | 17                 | 48,500             |
| 17 | 18                 | 49,500             |
| 18 | 19                 | 50,500             |
| 19 | 20                 | 51,500             |
| 20 | 21                 | 52,500             |
| 21 | 22                 | 53,500             |
| 22 | 23                 | 54,500             |
| 23 | 24                 | 55,500             |
| 24 | 25                 | 56,500             |
| 25 | 26                 | 57,500             |
| 26 | 27                 | 58,500             |
| 27 | 28                 | 59,500             |
| 28 | 29                 | 60,500             |
| 29 | 30                 | 61,500             |
| 30 | 31                 | 62,500             |
| 31 | 32                 | 63,500             |

32 Notwithstanding the provisions of section 169.05, the  
 33 gross vehicle weight of all axles of a vehicle or  
 34 combination of vehicles shall not exceed 73,200 pounds and  
 35 the gross weight on any tandem axle shall not exceed 32,000  
 36 pounds.

37 (5) During the times and within the zone set forth in  
 38 subdivision 1 of this section and not otherwise haulers of  
 39 raw and unfinished forest products shall not be subject to  
 40 the foregoing limitations of gross weight for groups of two  
 41 or more consecutive axles in this subdivision set forth but  
 42 shall in lieu thereof within such zone and during such time  
 43 be subject to the gross weight limitations as follows: a  
 44 vehicle or combination of vehicles equipped with pneumatic  
 45 tires shall be operated by haulers of raw and unfinished  
 46 forest products upon the highways of this state during the  
 47 times and within the zone in subdivision 1 of this section



1359

~~set forth where the total gross weight on any two or more  
 consecutive axles of any vehicle or combination of vehicles  
 exceeds the product of the coefficient named below  
 multiplied by the sum of 40 plus the distance in feet  
 between the first and last axles of the group of axles under  
 consideration. A coefficient of 800 shall be used where a  
 group of two consecutive axles is under consideration, a  
 coefficient of 860 shall be used where a group of three  
 consecutive axles is under consideration, a coefficient of  
 900 shall be used where a group of four consecutive axles is  
 under consideration, and a coefficient of 920 shall be used  
 where a group of five or more consecutive axles is under  
 consideration.~~

The following table is based on the formula provided in  
 subdivision 1.

COMPUTED GROSS WEIGHT TABLE

For various spacings of axle groupings

$$\text{Weight Formula } W=500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$

Distance in  
feet between  
the extremes  
of any group  
of two or  
more conse-  
cutive axles  
(wheelbases)

Maximum Computed Weight in Pounds for  
any Group of Two or More  
Consecutive Axles (Wheelbases)

|   | 2      | 3     | 4     | 5     | 6     |
|---|--------|-------|-------|-------|-------|
|   | Axles  | Axles | Axles | Axles | Axles |
| 4 | 34,000 |       |       |       |       |
| 5 | 35,000 |       |       |       |       |
| 6 | 36,000 |       |       |       |       |
| 7 | 37,000 |       |       |       |       |

1359

|    |    |        |        |        |        |        |
|----|----|--------|--------|--------|--------|--------|
| 1  | 8  | 38,000 | 41,000 |        |        |        |
| 2  | 9  | 39,000 | 42,500 |        |        |        |
| 3  | 10 | 40,000 | 43,500 |        |        |        |
| 4  | 11 |        | 44,000 |        |        |        |
| 5  | 12 |        | 45,000 | 50,000 |        |        |
| 6  | 13 |        | 45,500 | 50,500 |        |        |
| 7  | 14 |        | 46,500 | 51,500 |        |        |
| 8  | 15 |        | 47,000 | 52,000 |        |        |
| 9  | 16 |        | 48,000 | 52,500 | 58,000 |        |
| 10 | 17 |        | 48,500 | 53,500 | 58,500 |        |
| 11 | 18 |        | 49,500 | 54,000 | 59,000 |        |
| 12 | 19 |        | 50,000 | 54,500 | 60,000 |        |
| 13 | 20 |        | 51,000 | 55,500 | 60,500 | 66,000 |
| 14 | 21 |        | 51,500 | 56,000 | 61,000 | 66,500 |
| 15 | 22 |        | 52,500 | 56,500 | 61,500 | 67,000 |
| 16 | 23 |        | 53,000 | 57,500 | 62,500 | 68,000 |
| 17 | 24 |        | 54,000 | 58,000 | 63,000 | 68,500 |
| 18 | 25 |        | 54,500 | 58,500 | 63,500 | 69,000 |
| 19 | 26 |        | 55,500 | 59,500 | 64,000 | 69,500 |
| 20 | 27 |        | 56,000 | 60,000 | 65,000 | 70,000 |
| 21 | 28 |        | 57,000 | 60,500 | 65,500 | 71,000 |
| 22 | 29 |        | 57,500 | 61,500 | 66,000 | 71,500 |
| 23 | 30 |        | 58,500 | 62,000 | 66,500 | 72,000 |
| 24 | 31 |        | 59,000 | 62,500 | 67,500 | 72,500 |
| 25 | 32 |        | 60,000 | 63,500 | 68,000 | 73,000 |
| 26 | 33 |        |        | 64,000 | 68,500 | 74,000 |
| 27 | 34 |        |        | 64,500 | 69,000 | 74,500 |
| 28 | 35 |        |        | 65,500 | 70,000 | 75,000 |
| 29 | 36 |        |        | 66,000 | 70,500 | 75,500 |
| 30 | 37 |        |        | 66,500 | 71,000 | 76,000 |
| 31 | 38 |        |        | 67,500 | 72,000 | 77,000 |
| 32 | 39 |        |        | 68,000 | 72,500 | 77,500 |

1359

|    |    |        |        |        |
|----|----|--------|--------|--------|
| 1  | 40 | 68,500 | 73,000 | 78,000 |
| 2  | 41 | 69,500 | 73,500 | 78,500 |
| 3  | 42 | 70,000 | 74,000 | 79,000 |
| 4  | 43 | 70,500 | 75,000 | 80,000 |
| 5  | 44 | 71,500 | 75,500 |        |
| 6  | 45 | 72,000 | 76,000 |        |
| 7  | 46 | 72,500 | 76,500 |        |
| 8  | 47 | 73,500 | 77,500 |        |
| 9  | 48 | 74,000 | 78,000 |        |
| 10 | 49 | 74,500 | 78,500 |        |
| 11 | 50 | 75,500 | 79,000 |        |

12 The permissible loads are computed to the nearest 500  
 13 pounds.

14 ~~167~~ (2) In all cases where gross weights in an amount  
 15 less than in this subdivision set forth are fixed, limited  
 16 or restricted on any highway or bridge by or pursuant to any  
 17 other section of this chapter such lesser gross weights as  
 18 so fixed, limited or restricted shall not be exceeded and in  
 19 such case shall control instead of the gross weights in this  
 20 subdivision set forth.

21 Sec. 3. Minnesota Statutes 1974, Section 169.83,  
 22 Subdivision 3, is amended to read:

23 Subd. 3. [SINGLE AXLE.] A single axle as used in this  
 24 section is defined as including all wheels whose centers may  
 25 be included within two parallel transverse vertical planes  
 26 40 inches apart. In no event shall the front steering axle  
 27 of any motor vehicle or combination of vehicles equipped  
 28 with pneumatic tires exceed a gross weight of ~~40,000~~ 20,000  
 29 pounds, except that the front steering axle of a truck  
 30 tractor shall not exceed 12,000 pounds.

31 Sec. 4. Minnesota Statutes 1974, Section 169.85, is  
 32 amended to read:

1359

1       169.85 [WEIGHING.] Any police officer having reason to  
2 believe that the weight of a vehicle and load is unlawful is  
3 authorized to require the driver to stop and submit to a  
4 weighing of the same either by means of portable or  
5 stationary scales, and may require that such vehicle be  
6 driven to the nearest public scales in the event such scales  
7 are within five miles.

8       When an officer, upon weighing a vehicle and load, as  
9 above provided, determines that the weight on any axle  
10 exceeds the lawful gross weight as prescribed by section  
11 169.83, ~~by 2,000 pounds or more,~~ or when the weight on any  
12 group of two or more consecutive axles ~~in cases where the~~  
13 ~~distance between the centers of the first and last axles of~~  
14 ~~the group under consideration is ten feet or less~~ exceeds  
15 the lawful gross weight as prescribed by section 169.83, ~~by~~  
16 ~~4,000 pounds or more~~ and in all cases when the weight is  
17 unlawful on any axle or group of consecutive axles on any  
18 road restricted in accordance with section 169.87, he may  
19 require the driver to stop the vehicle in a suitable place  
20 and remain standing until such portion of the load is  
21 removed as may be necessary to reduce the gross weight of  
22 such vehicle to such limit as permitted under this chapter.  
23 All material so unloaded shall be cared for by the owner or  
24 driver of such vehicle at the risk of such owner or driver.

25       Any driver of a vehicle who fails or refuses to stop  
26 and submit the vehicle and load to a weighing, or who fails  
27 or refuses, when directed by an officer upon a weighing of  
28 the vehicle, to stop the vehicle and otherwise comply with  
29 the provisions of this section, shall be guilty of a  
30 misdemeanor.

31       Sec. 5. Minnesota Statutes 1974, Section 169.86, is  
32 amended by adding a subdivision to read:



1359

1        Subd. 1a. [SEASONAL PERMITS FOR CERTAIN HAULERS.] The  
2        road authorities with respect to highways under their  
3        jurisdictions, upon application in writing therefor, may  
4        issue special permits annually to haulers of raw and  
5        unfinished forest products authorizing such haulers from  
6        January 1 through March 7 each winter to move vehicles or  
7        combinations of vehicles with weights exceeding by not more  
8        than ten percent the weight limitations contained in section  
9        169.83 in the following specified zone of the state when  
10       frost conditions are most constant and of longest duration.  
11       The zone is bounded as follows: Beginning at Pigeon River,  
12       in the northeast corner of Minnesota; thence, in a  
13       southwesterly direction along the north shore of Lake  
14       Superior to the Minnesota-Wisconsin border; thence,  
15       southerly along this border to Trunk Highway No. 48; thence  
16       westerly along Trunk Highway No. 48 to Interstate Highway  
17       No. 35; thence southerly along Interstate Highway No. 35 to  
18       Trunk Highway No. 23; thence southwesterly along Trunk  
19       Highway No. 23 to Trunk Highway No. 52 and Interstate  
20       Highway No. 94; thence northwesterly along said highways to  
21       Trunk Highway No. 29; thence northerly along Trunk Highway  
22       No. 29 to Trunk Highway No. 210; thence westerly along  
23       Trunk Highway No. 210 to Trunk Highway No. 108; thence  
24       northwesterly along Trunk Highway No. 108 to Trunk Highway  
25       No. 78; thence northerly along Trunk Highway No. 78 to Trunk  
26       Highway No. 10; thence northwesterly along Trunk Highway No.  
27       10 to Trunk Highway No. 59; thence northerly along Trunk  
28       Highway No. 59 to the junction with Trunk Highway No. 2;  
29       thence, westerly along Trunk Highway No. 2 to the junction  
30       with Trunk Highway No. 32; thence, northerly along Trunk  
31       Highway No. 32 to the junction with Trunk Highway No. 11;  
32       thence, northeast along Trunk Highway No. 11 to the east

1359

1 line of Range 43 W. to the Minnesota-Canadian Border;  
2 thence, easterly along said border to Lake Superior; and  
3 further, this ten percent increase is authorized from  
4 December 1 through December 31 each winter for haulers of  
5 raw and unfinished forest products, subject to limitation by  
6 order of the commissioner of highways, in that part of the  
7 above zone bounded as follows: Beginning at Pigeon River in  
8 the northeast corner of Minnesota; thence in a southwesterly  
9 direction along the north shore of Lake Superior along Trunk  
10 Highway No. 61 to the junction with Trunk Highway No. 210;  
11 thence westerly along Trunk Highway No. 210 to the junction  
12 with Trunk Highway No. 10; thence northwesterly along Trunk  
13 Highway No. 10 to the junction with Trunk Highway No. 59;  
14 thence northerly along Trunk Highway No. 59 to the junction  
15 with Trunk Highway No. 2; thence westerly along Trunk  
16 Highway No. 2 to the junction with Trunk Highway No. 32;  
17 thence northerly along Trunk Highway No. 32 to the junction  
18 with Trunk Highway No. 11; thence northeast along Trunk  
19 Highway No. 11 to the east line of Range 43W to the  
20 Minnesota-Canadian Border; thence easterly along said border  
21 to Lake Superior.

22 In all cases where gross weights in an amount less than  
23 in this subdivision set forth are fixed, limited or  
24 restricted on any highway or bridge by or pursuant to any  
25 other section of this chapter such lesser gross weight as so  
26 fixed, limited or restricted shall not be exceeded and in  
27 such case shall control instead of the gross weight in this  
28 subdivision set forth.

29 Sec. 6. Minnesota Statutes 1974, Section 169.86,  
30 Subdivision 5, is amended to read:

31 Subd. 5. [FEES.] To cover administrative costs in  
32 issuing such permits, the commissioner, with respect to

1359

1 highways under his jurisdiction, may charge a fee of \$5 for  
2 each such permit issued, except a seasonal transportation  
3 permit to contractors who move their own construction  
4 machinery and equipment for their own use, the fee for which  
5 seasonal permit shall be \$25. An annual permit may be  
6 issued for refuse compactor vehicles which will permit up to  
7 but not in excess of 22,000 pounds on a single rear axle and  
8 not in excess of 38,000 pounds on a tandem rear axle. The  
9 fee for this annual permit shall be \$25. All such fees for  
10 permits issued by the commissioner of highways shall be  
11 deposited in the state treasury and credited to the trunk  
12 highway fund.

13 Sec. 7. [REPEALER.] Minnesota Statutes 1974, Section  
14 169.831, is repealed.



House  
Companion  
No.

DUPLICATE  
**S. F.** NO. 1360

A bill for an act relating to pollution; pollution control agency; providing for more than one standard; amending Minnesota Statutes 1974, Section 116.07, Subdivision 2.

B. D. No. **B3070**

COMPARISON ACTION

Date \_\_\_\_\_  
\_\_\_\_\_ moved that  
\_\_\_\_\_ F. No. \_\_\_\_\_ and \_\_\_\_\_ F. No. \_\_\_\_\_  
be referred for comparison.

Date \_\_\_\_\_  
Upon motion of \_\_\_\_\_  
\_\_\_\_\_ F. No. \_\_\_\_\_ was substituted  
for \_\_\_\_\_ F. No. \_\_\_\_\_ which  
was indefinitely postponed.

(SENATE ACTION)

Received from House \_\_\_\_\_  
Laid on Table \_\_\_\_\_  
Taken from Table \_\_\_\_\_

CONCURRENCE

Date \_\_\_\_\_  
The Senate concurred in House amendments to  
S. F. No. \_\_\_\_\_ and repassed  
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators \_\_\_\_\_

Read FIRST TIME APR 7 1975 and Referred to the  
Committee on **NATURAL RESOURCES AND AGRICULTURE**

Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the Senate  
Transmitted to the House

Secretary of the Senate  
State of Minnesota

HOUSE ACTION

House Companion  
is H. F. No. \_\_\_\_\_

★ Read FIRST TIME \_\_\_\_\_ and Referred to the  
Committee on \_\_\_\_\_

Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the House  
Returned to the Senate

Chief Clerk, House of Representatives  
State of Minnesota

☐ OTHER ACTION  
Refer to back of cover for other  
action.

☐ CONFERENCE COMMITTEE ACTION  
Refer to back of cover for conference  
committee action.

Printed Page No.

S. F. No. \_\_\_\_\_



1360

Messrs. Hanson, R.; Willet and Wegener introduced--

S. F. No. 1360: Referred to the Committee on NATURAL RESOURCES AND AGRICULTURE

1                                   A bill for an act  
2       relating to pollution; pollution control agency;  
3       providing for more than one standard; amending  
4       Minnesota Statutes 1974, Section 116.07,  
5       Subdivision 2.  
6   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
7       Section 1. Minnesota Statutes 1974, Section 116.07,  
8       Subdivision 2, is amended to read:  
9       Subd. 2. [ADOPTION OF STANDARDS.] The pollution  
10      control agency shall improve air quality by promoting, in  
11      the most practicable way possible, the use of energy sources  
12      and waste disposal methods which produce or emit the least  
13      air contaminants consistent with the agency's overall goal  
14      of reducing all forms of pollution. The agency shall also  
15      adopt standards of air quality, including maximum allowable  
16      standards of emission of air contaminants from motor  
17      vehicles, recognizing that due to variable factors, no  
18      single standard of purity of air is applicable to all areas  
19      of the state. In adopting standards the pollution control  
20      agency shall give due recognition to the fact that the  
21      quantity or characteristics of air contaminants or the  
22      duration of their presence in the atmosphere, which may  
23      cause air pollution in one area of the state, may cause less

1360

1 or not cause any air pollution in another area of the state,  
2 and it shall take into consideration in this connection such  
3 factors, including others which it may deem proper, as  
4 existing physical conditions, zoning classifications,  
5 topography, prevailing wind directions and velocities, and  
6 the fact that a standard of air quality which may be proper  
7 as to an essentially residential area of the state, may not  
8 be proper as to a highly developed industrial area of the  
9 state. Such standards of air quality shall be premised upon  
10 scientific knowledge of causes as well as effects based on  
11 technically substantiated criteria and commonly accepted  
12 practices. No local government unit shall set standards of  
13 air quality which are more stringent than those set by the  
14 pollution control agency.

15       The pollution control agency shall promote solid waste  
16 disposal control by encouraging the updating of collection  
17 systems, elimination of open dumps, and improvements in  
18 incinerator practices. The agency shall also adopt  
19 standards for the control of the collection, transportation,  
20 storage, and disposal of solid waste for the prevention and  
21 abatement of water, air and land pollution, recognizing that  
22 due to variable factors, no single standard of solid waste  
23 control is applicable to all areas of the state. In  
24 adopting standards, the pollution control agency shall give  
25 due recognition to the fact that elements of control which  
26 may be reasonable and proper in densely populated areas of  
27 the state may be unreasonable and improper in sparsely  
28 populated or remote areas of the state, and it shall take  
29 into consideration in this connection such factors,  
30 including others which it may deem proper, as existing  
31 physical conditions, topography, soils and geology, climate,  
32 transportation, and land use by adopting at least two sets

1360

1 of standards . Such standards of solid waste control shall  
2 be premised on technical criteria and commonly accepted  
3 practices.

4       The pollution control agency shall also adopt standards  
5 describing the maximum levels of noise in terms of sound  
6 pressure level which may occur in the outdoor atmosphere,  
7 recognizing that due to variable factors no single standard  
8 of sound pressure is applicable to all areas of the state.  
9 Such standards shall give due consideration to such factors  
10 as the intensity of noises, the types of noises, the  
11 frequency with which noises recur, the time period for which  
12 noises continue, the times of day during which noises occur,  
13 and such other factors as could affect the extent to which  
14 noises may be injurious to human health or welfare, animal  
15 or plant life, or property, or could interfere unreasonably  
16 with the enjoyment of life or property. In adopting  
17 standards, the pollution control agency shall give due  
18 recognition to the fact that the quantity or characteristics  
19 of noise or the duration of its presence in the outdoor  
20 atmosphere, which may cause noise pollution in one area of  
21 the state, may cause less or not cause any noise pollution  
22 in another area of the state, and it shall take into  
23 consideration in this connection such factors, including  
24 others which it may deem proper, as existing physical  
25 conditions, zoning classifications, topography,  
26 meteorological conditions and the fact that a standard which  
27 may be proper in an essentially residential area of the  
28 state, may not be proper as to a highly developed industrial  
29 area of the state. Such noise standards shall be premised  
30 upon scientific knowledge as well as effects based on  
31 technically substantiated criteria and commonly accepted  
32 practices. No local governing unit shall set standards

1360

1 describing the maximum levels of sound pressure which are  
2 more stringent than those set by the pollution control  
3 agency.

4       The pollution control agency shall adopt standards for  
5 the identification of hazardous waste and for the labeling,  
6 classification, storage, collection, transportation and  
7 disposal of hazardous waste, recognizing that due to  
8 variable factors, no single standard of hazardous waste  
9 control is applicable to all areas of the state. In  
10 adopting standards, the pollution control agency shall  
11 recognize that elements of control which may be reasonable  
12 and proper in densely populated areas of the state may be  
13 unreasonable and improper in sparsely populated or remote  
14 areas of the state. The agency shall consider existing  
15 physical conditions, topography, soils, and geology,  
16 climate, transportation and land use. Standards of  
17 hazardous waste control shall be premised on technical  
18 knowledge, and commonly accepted practices. No local  
19 government unit shall set standards of hazardous waste  
20 control which are in conflict or inconsistent with those set  
21 by the pollution control agency.



House  
Companion  
No.

DUPLICATE  
S. F.

NO. 1361

A bill for an act relating to taxation; exempting any  
1974 federal income tax rebate from state income taxation.

B. D. No. B2172

COMPARISON ACTION

Date \_\_\_\_\_  
\_\_\_\_\_ moved that  
\_\_\_\_\_ F. No. \_\_\_\_\_ and \_\_\_\_\_ F. No. \_\_\_\_\_  
be referred for comparison.

Date \_\_\_\_\_  
Upon motion of \_\_\_\_\_  
\_\_\_\_\_ F. No. \_\_\_\_\_ was substituted  
for \_\_\_\_\_ F. No. \_\_\_\_\_ which  
was indefinitely postponed.

(SENATE ACTION)

Received from House \_\_\_\_\_  
Laid on Table \_\_\_\_\_  
Taken from Table \_\_\_\_\_

CONCURRENCE

Date \_\_\_\_\_  
The Senate concurred in House amendments to  
S. F. No. \_\_\_\_\_ and repassed  
the bill as amended.

Secretary of the Senate

HOUSE ACTION

House Companion  
is H. F. No. \_\_\_\_\_

SENATE ACTION

Introduced by Senators T. Perpich

Read FIRST TIME APR 7 1975 and Referred to the

Committee on Taxes TAXES AND TAX LAWS  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the Senate  
Transmitted to the House

Secretary of the Senate  
State of Minnesota

★ Read FIRST TIME \_\_\_\_\_ and Referred to the  
Committee on \_\_\_\_\_

Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the House  
Returned to the Senate

Chief Clerk, House of Representatives  
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other  
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference  
committee action.

1361

S. F. No.

Printed Page No.

1361

Mr. Perpich, A. J. introduced--

S. F. No. 1361: Referred to the Committee on TAXES AND TAX LAWS

1                   A bill for an act  
2           relating to taxation; exempting any 1974 federal  
3           income tax rebate from state income taxation.  
4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
5       Section 1. The difference between the tax due from an  
6   individual for a taxable year commencing after December 31,  
7   1973 and before January 1, 1975 pursuant to the Internal  
8   Revenue Code of 1954, as amended through December 31, 1974,  
9   and the tax due for the year pursuant to the code as amended  
10   after December 31, 1974, is not subject to taxation under  
11   Minnesota Statutes, Chapter 290.  
12       Sec. 2. This act is effective January 1, 1975.

House  
Companion  
No.

DUPLICATE  
S. F. NO. 1362

A bill for an act relating to landlords and tenants;  
retaliatory evictions; amending Minnesota Statutes 1974,  
Section 566.03.

B. D. No. B2789

COMPARISON ACTION

Date \_\_\_\_\_  
\_\_\_\_\_ moved that  
\_\_\_\_\_ F. No. \_\_\_\_\_ and \_\_\_\_\_ F. No. \_\_\_\_\_  
be referred for comparison.

Date \_\_\_\_\_  
Upon motion of \_\_\_\_\_  
\_\_\_\_\_ F. No. \_\_\_\_\_ was substituted  
for \_\_\_\_\_ F. No. \_\_\_\_\_ which  
was indefinitely postponed.

(SENATE ACTION)

Received from House \_\_\_\_\_  
Laid on Table \_\_\_\_\_  
Taken from Table \_\_\_\_\_

CONCURRENCE

Date \_\_\_\_\_  
The Senate concurred in House amendments to  
S. F. No. \_\_\_\_\_ and repassed  
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Doyle  
Keefe Tennison

★ Read FIRST TIME APR 7 1975  
Committee on JUDICIARY and Referred to the  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the Senate  
Transmitted to the House

Secretary of the Senate  
State of Minnesota

HOUSE ACTION

House Companion  
is H. F. No. \_\_\_\_\_

★ Read FIRST TIME \_\_\_\_\_ and Referred to the  
Committee on \_\_\_\_\_  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the House  
Returned to the Senate

Chief Clerk, House of Representatives  
State of Minnesota

☐ OTHER ACTION  
Refer to back of cover for other  
action.

☐ CONFERENCE COMMITTEE ACTION  
Refer to back of cover for conference  
committee action.

1362

S. F. No.

Printed Page No.



1362

Messrs. Doty; Keefe, J. and Tennesen introduced--

S. F. No. 1362: Referred to the Committee on JUDICIARY

A bill for an act

relating to landlords and tenants; retaliatory  
evictions; amending Minnesota Statutes 1974,  
Section 566.03.

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

Section 1. Minnesota Statutes 1974, Section 566.03, is  
amended to read:

566.03 [RECOVERY OF POSSESSION; DEFENSES.] Subdivision  
1. When any person holds over lands or tenements after a  
sale thereof on an execution or judgment, or on foreclosure  
of a mortgage and expiration of the time for redemption, or  
after termination of contract to convey the same, or after  
termination of the time for which they are demised or let to  
him or to the persons under whom he holds possession, or  
contrary to the conditions or covenants of the lease or  
agreement under which he holds, or after any rent becomes  
due according to the terms of such lease or agreement, or  
when any tenant at will holds over after the determination  
of any such estate by notice to quit, in all such cases the  
person entitled to the premises may recover possession  
thereof in the manner hereinafter provided.

Subd. 2. It shall be a defense to an action for



1362

1 recovery of premises following the alleged termination of a  
2 tenancy by notice to quit for the defendant to prove by a  
3 fair preponderance of the evidence that:

4 (1) The alleged termination was intended in whole or  
5 part as a penalty for the defendant's good faith attempt to  
6 secure or enforce rights under a lease or contract, oral or  
7 written, or under the laws of the state, any of its  
8 governmental subdivisions, or of the United States; or

9 (2) The alleged termination was intended in whole or  
10 part as a penalty for the defendant's good faith report to a  
11 governmental authority of the plaintiff's violation of any  
12 health, safety, housing or building codes or ordinances.

13 If the notice to quit was served within 90 days of the  
14 date of any act of the tenant coming within the terms of  
15 clauses (1) or (2) the burden of proving that the notice to  
16 quit was not served in whole or part for a retaliatory  
17 purpose shall rest with the plaintiff.

18 Subd. 3. In any proceeding for the restitution of  
19 premises upon the ground of nonpayment of rent, it shall be  
20 a defense thereto if the tenant establishes by a  
21 preponderance of the evidence that the plaintiff increased  
22 the tenant's rent or decreased the services as a penalty in  
23 whole or part for any lawful act of the tenant as described  
24 in subdivision 2, providing that the tenant tender to the  
25 court or to the plaintiff the amount of rent due and payable  
26 under his original obligation.

27 Subd. 4. Nothing contained herein shall limit the  
28 right of the lessor consistent with the provisions of  
29 subdivision 1 to terminate a tenancy for a violation by the  
30 tenant of a lawful, material provision of a lease or  
31 contract, whether written or oral, or to hold the tenant  
32 liable for damage to the premises caused by the tenant or a

1362

1 person acting under his direction or control.

House  
Companion  
No.

DUPLICATE  
S. F. NO. 1363

A bill for an act relating to intoxicating and non-intoxicating liquor; age for licensing, sale, purchase, consumption, possession and furnishing; amending Minnesota Statutes 1974, Sections 340.02, Subdivision 8; 340.035, Subdivision 1; 340.119, Subdivision 2; 340.13, Subdivision 12; 340.14, Subdivision 2; 340.355; 340.403, Subdivision 3; 340.73, Subdivision 1; 340.731; 340.78; 340.79; 340.80; and 340.81.

B. D. No. B3161

COMPARISON ACTION

Date \_\_\_\_\_  
\_\_\_\_\_ moved that  
\_\_\_\_\_ F. No. \_\_\_\_\_ and \_\_\_\_\_ F. No. \_\_\_\_\_  
be referred for comparison.

Date \_\_\_\_\_  
Upon motion of \_\_\_\_\_  
\_\_\_\_\_ F. No. \_\_\_\_\_ was substituted  
for \_\_\_\_\_ F. No. \_\_\_\_\_ which  
was indefinitely postponed.

(SENATE ACTION)

Received from House \_\_\_\_\_  
Laid on Table \_\_\_\_\_  
Taken from Table \_\_\_\_\_

CONCURRENCE

Date \_\_\_\_\_  
The Senate concurred in House amendments to  
S. F. No. \_\_\_\_\_ and repassed  
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Howard Olson  
Knutson Chmelensky  
★ Read FIRST TIME APR 7 1975 and Referred to the  
Committee on JUDICIARY  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the Senate  
Transmitted to the House

Secretary of the Senate  
State of Minnesota

HOUSE ACTION

House Companion  
is H. F. No. \_\_\_\_\_

★ Read FIRST TIME \_\_\_\_\_ and Referred to the  
Committee on \_\_\_\_\_  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the House  
Returned to the Senate

Chief Clerk, House of Representatives  
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other  
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference  
committee action.

1363

S. F.

No.

Printed Page No.

1363

Messrs. Olson, H. D.; Knutson and Chmielewski introduced--

S. F. No. 1363: Referred to the Committee on JUDICIARY

Pursuant to Rule 35, referred to the Committee on Rules and Administration

1 A bill for an act  
2 relating to intoxicating and non-intoxicating  
3 liquor; age for licensing, sale, purchase,  
4 consumption, possession and furnishing; amending  
5 Minnesota Statutes 1974, Sections 340.02,  
6 Subdivision 8; 340.035, Subdivision 1; 340.119,  
7 Subdivision 2; 340.13, Subdivision 12; 340.14,  
8 Subdivision 2; 340.355; 340.403, Subdivision 3;  
9 340.73, Subdivision 1; 340.731; 340.78; 340.79;  
10 340.80; and 340.81.  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
12 Section 1. Minnesota Statutes 1974, Section 340.02,  
13 Subdivision 8, is amended to read:  
14 Subd. 8. [PERSONS ELIGIBLE.] Licenses hereunder shall  
15 be issued only to persons who are citizens of the United  
16 States and who are of good moral character and repute, who  
17 have attained the age of ~~18~~ 19 years and who are  
18 proprietors of the establishments for which the licenses are  
19 issued.  
20 Sec. 2. Minnesota Statutes 1974, Section 340.035,  
21 Subdivision 1, is amended to read:  
22 340.035 [PERSONS UNDER 19.] Subdivision 1. It shall be  
23 unlawful for any:  
24 (1) Licensee or his employee to sell or serve  
25 non-intoxicating malt liquor to any ~~minor~~ person under the



1363

1 age of 19 years or to permit any ~~minor~~ person under the age  
2 of 19 years to consume non-intoxicating malt liquor on the  
3 licensed premises or to permit any ~~minor~~ person under the  
4 age of 19 years to loiter or to remain in the room where  
5 non-intoxicating malt liquor is being sold or served unless  
6 accompanied by his parent or legal guardian;

7 (2) Person other than the parent or legal guardian to  
8 procure non-intoxicating malt liquor for any ~~minor~~ person  
9 under the age of 19 years ;

10 (3) Person to induce a ~~minor~~ person under the age of  
11 19 years to purchase or procure non-intoxicating malt  
12 liquor;

13 (4) ~~Minor~~ Person under the age of 19 years to  
14 misrepresent his age for the purpose of obtaining  
15 non-intoxicating malt liquor;

16 (5) ~~Minor~~ Person under the age of 19 years to consume  
17 any non-intoxicating malt liquor unless in the company of  
18 his parent or guardian;

19 (6) ~~Minor~~ Person under the age of 19 years to have in  
20 his possession any non-intoxicating malt liquor, with intent  
21 to consume same at a place other than the household of his  
22 parent or guardian. Possession of such non-intoxicating  
23 malt liquor at a place other than the household of his  
24 parent or guardian shall be prima facie evidence of intent  
25 to consume the same at a place other than the household of  
26 his parent or guardian.

27 Sec. 3. Minnesota Statutes 1974, Section 340.119,

28 Subdivision 2, is amended to read:

29 Subd. 2. A bottle club may allow members to bring and  
30 keep a personal supply of intoxicating liquors in lockers  
31 assigned to such members. A bottle club or any  
32 unincorporated society which shall have more than 50 members

1363

1 and which shall have, for more than a year, owned, hired, or  
2 leased space in a building of such extent and character as  
3 may be suitable and adequate for reasonable and comfortable  
4 accommodations for its members, may allow members to bring  
5 and keep a personal supply of intoxicating liquors in  
6 lockers assigned to such members. Every bottle, container,  
7 or other receptacle containing intoxicating liquor stored by  
8 members shall have attached to it a label signed by the  
9 member of the club. All liquor on the premises of the club  
10 shall be labeled as herein required, and any not being  
11 actually used or consumed by the owner thereof shall be kept  
12 in a locker designated to the use of such member. It shall  
13 be unlawful for any club member under ~~18~~ 19 years of age to  
14 be assigned a locker for the storage of intoxicating liquor,  
15 or to consume or display or be permitted to consume or  
16 display intoxicating liquor on any premises owned or  
17 controlled by such private club.

18 Sec. 4. Minnesota Statutes 1974, Section 340.13,  
19 Subdivision 12, is amended to read:

20 Subd. 12. [LICENSES; PERSONS ELIGIBLE.] No license  
21 shall be issued to other than a citizen of the United States  
22 over ~~18~~ 19 years of age who shall be of good moral  
23 character and reputation, nor to any person who within five  
24 years prior to the application of such license has been  
25 convicted of any wilful violation of any law of the United  
26 States or the state of Minnesota or of any local ordinance  
27 with regard to the manufacture, sale, distribution, or  
28 possession for sale or distribution of intoxicating liquor,  
29 nor to any person whose license under the intoxicating  
30 liquor act shall be revoked for any wilful violation of any  
31 such laws or ordinances.

32 Sec. 5. Minnesota Statutes 1974, Section 340.14,

1363

1 Subdivision 2, is amended to read:

2 Subd. 2. [RESTRICTIONS.] Every licensee shall be  
3 responsible for the conduct of his place of business and for  
4 conditions of sobriety and order therein. No licensee shall  
5 keep, possess, or operate, or permit the keeping,  
6 possession, or operation of, on the licensed premises, or in  
7 any room adjoining the licensed premises, any slot machine,  
8 dice, or any gambling device or apparatus, nor permit any  
9 gambling therein, nor permit the licensed premises or any  
10 room in the same, or in any adjoining building, directly or  
11 indirectly under its control to be used as a resort for  
12 prostitutes or other disorderly persons. No person under-~~10~~  
13 19 years of age shall be employed in any rooms constituting  
14 the place in which intoxicating liquors are sold at retail  
15 "on-sale", except that persons under-~~10~~ 19 years of age may  
16 be employed as musicians or to perform the duties of a  
17 busboy or dishwashing services in places defined as a  
18 restaurant or hotel or motel serving food in rooms in which  
19 intoxicating liquors are sold at retail "on-sale".

20 Sec. 6. Minnesota Statutes 1974, Section 340.355, is  
21 amended to read:

22 340.355 [MUNICIPAL LIQUOR STORE; SUSPENSION OF  
23 OPERATION, PROCEDURE.] When a municipal officer or employee  
24 of a city is convicted of (1) selling intoxicating liquor or  
25 non-intoxicating malt liquor to ~~a minor or other~~ an  
26 ineligible person, (2) selling intoxicating liquor or  
27 non-intoxicating malt liquor at a time when such sale is  
28 prohibited by law, (3) selling intoxicating liquor or  
29 non-intoxicating malt liquor for re-sale, (4) selling  
30 intoxicating liquor or non-intoxicating malt liquor on which  
31 the required state tax has not been paid, (5) selling  
32 intoxicating liquor for consumption off the premises for

1363

1 less than the price required by law, or (6) violating  
2 statutory restrictions on gambling and gambling devices and  
3 apparatus, and when the offense resulting in such conviction  
4 has occurred in an exclusive liquor store operated by the  
5 municipality, the court in which the conviction occurs shall  
6 mail to the state liquor control commissioner within ten  
7 days of the conviction a record of the conviction. The  
8 commissioner shall thereupon send notice of the conviction  
9 to the county attorney of the county in which the municipal  
10 liquor store is located. The county attorney promptly after  
11 receipt of the notice shall commence an action in the  
12 district court in the name of the state against the  
13 municipality to suspend the operation of the store as  
14 provided by this act. The complaint shall recite the facts  
15 of the conviction and shall include a prayer for judgment  
16 suspending operation of the store for a period not exceeding  
17 30 days. A copy of the summons and complaint shall be  
18 mailed to the liquor control commissioner. The municipality  
19 shall have ten days within which to answer, setting forth  
20 such facts as are relevant to proof of the conviction and to  
21 the determination of the penalty to be imposed.

22 Sec. 7. Minnesota Statutes 1974, Section 340.403,  
23 Subdivision 3, is amended to read:

24 Subd. 3. [LICENSE GRANTED.] Upon the filing of an  
25 application, the approval of the bond, and the payment of  
26 the license fee, the commissioner shall grant the license  
27 unless it shall appear that the applicant: (1) is not a  
28 citizen of the United States; or (2) is not over ~~18~~ 19  
29 years of age; or (3) has been convicted of a felony under  
30 the laws of this state; or (4) has had his license revoked  
31 within a period of one year prior to the filing of his  
32 application; or (5) has not been a resident of Minnesota or



1363

1 has not been qualified as a corporation to do business in  
2 Minnesota for more than 90 days prior to application. In  
3 the event the applicant is a corporation its managing  
4 officers must possess the qualifications herein stated in  
5 respect to (1), (2), (3), and (4).

6 No wholesale malt beverage license shall be granted to  
7 any person unless he shall have within the state of  
8 Minnesota warehouse space either owned or leased by him and  
9 shall have adequate delivery facilities to perform the  
10 function of wholesaling malt beverages. Provided that the  
11 requirements of this subdivision as to residence and  
12 warehouse space shall not apply to any wholesaler in an  
13 adjoining state which permits Minnesota resident licensees  
14 to deliver malt beverages to retailers without warehousing  
15 in that state or to any wholesaler in an adjoining state  
16 delivering malt beverages manufactured in Minnesota.

17 Sec. 8. Minnesota Statutes 1974, Section 340.73,

18 Subdivision 1, is amended to read:

19 340.73 [PERSONS TO WHOM SALES ARE ILLEGAL.] Subdivision  
20 1. It shall be unlawful for any person, except a licensed  
21 pharmacist to sell, give, barter, furnish, deliver, or  
22 dispose of, in any manner, either directly or indirectly,  
23 any spirituous, vinous, malt, or fermented liquors in any  
24 quantity, for any purpose, whatever, to any ~~minor~~ person  
25 under the age of 19 years, or to any intoxicated person, or  
26 to any public prostitute.

27 Sec. 9. Minnesota Statutes 1974, Section 340.731, is  
28 amended to read:

29 340.731 [PERSONS UNDER 19, FORBIDDEN ACTS OR  
30 STATEMENTS.] It shall be unlawful for (1) a ~~minor~~ person  
31 under the age of 19 years to enter any premises licensed for  
32 the retail sale of alcoholic beverages or any municipal

1363

1 liquor store for the purpose of purchasing, or having served  
2 or delivered to him or her, any alcoholic beverage  
3 containing more than one-half of one percent of alcohol by  
4 volume or

5 (2) a-minor person under the age of 19 years to  
6 consume any intoxicating liquor or to purchase, attempt to  
7 purchase or have another purchase for him or her any  
8 intoxicating liquor; or

9 (3) any person to misrepresent or misstate his or her  
10 age, or the age of any other person for the purpose of  
11 inducing any licensee or any employee of any licensee, or  
12 any employee of any municipal liquor store, to sell, serve  
13 or deliver any alcoholic beverage to a-minor person under  
14 the age of 19 years ; or

15 (4) a-minor person under the age of 19 years to have  
16 in his possession any intoxicating liquor, with intent to  
17 consume same at a place other than the household of his  
18 parent or guardian. Possession of such intoxicating liquor  
19 at a place other than the household of his parent or  
20 guardian shall be prima facie evidence of intent to consume  
21 the same at a place other than the household of his parent  
22 or guardian.

23 Sec. 10. Minnesota Statutes 1974, Section 340.78, is  
24 amended to read:

25 340.78 [SALES TO CERTAIN PERSONS, AFTER NOTICE.] Every  
26 person selling liquor to a-minor person under the age of 19  
27 years, habitual drunkard, or person under guardianship,  
28 after written notice by a parent, husband, wife, child,  
29 guardian, master, or employer of such minority age,  
30 habitual drunkenness, or guardianship, or in the case of an  
31 habitual drunkard after written notice by the mayor, chief  
32 of police, or any member of the council of the municipality

1363

1 in which such habitual drunkard resides, or member of the  
2 county board of the county in which such habitual drunkard  
3 resides, and within one year after such notice in case of an  
4 habitual drunkard, and in other cases during the ~~continuance~~  
5 ~~of the minority~~ time the person is under the age of 19  
6 years, or guardianship, shall be guilty of a misdemeanor.

7 Sec. 11. Minnesota Statutes 1974, Section 340.79, is  
8 amended to read:

9 340.79 [GIVING TO OR PROCURING FOR CERTAIN PERSONS.]

10 Any person who shall give to, procure or purchase,  
11 intoxicating liquors for any ~~minor~~ person under the age of  
12 19 years or other person to whom the sale of intoxicating  
13 liquors is by law forbidden, is guilty of a gross  
14 misdemeanor and, upon conviction, shall be punished in  
15 accordance with the laws of the state.

16 Sec. 12. Minnesota Statutes 1974, Section 340.80, is  
17 amended to read:

18 340.80 [INDUCING CERTAIN PERSONS TO ENTER SALOON.] Any  
19 person who shall assist, procure or induce any ~~minor~~ person  
20 under the age of 19 years or other person to whom the sale  
21 of liquor is by law forbidden, to enter or visit any saloon,  
22 bar, buffet or public drinking place for the purpose of  
23 obtaining intoxicating liquors, is guilty of a gross  
24 misdemeanor; and, upon conviction, punished therefor  
25 according to the laws of the state.

26 Sec. 13. Minnesota Statutes 1974, Section 340.81, is  
27 amended to read:

28 340.81 [EXCLUSION OF CERTAIN PERSONS FROM PLACES WHERE  
29 LIQUOR IS SOLD, AFTER NOTICE; PENALTY.] No ~~minor~~ person  
30 under the age of 19 years, intemperate drinker, habitual  
31 drunkard, inmate of a poor or alms house, or person under  
32 guardianship, shall be allowed in any room where

1363

1 intoxicating liquor is sold in less quantities than five  
2 gallons as a beverage, after written notice upon the  
3 licensee or his agent, by parent, husband, wife, child,  
4 guardian, master or employer of such ~~minority~~ age ,  
5 intemperate drinking, habitual drunkenness or guardianship,  
6 or in the case of an intemperate drinker, inmate of a poor  
7 or alms house, or habitual drunkard, after written notice by  
8 the mayor, chief of police, judge of the municipal court, or  
9 any member of the council of the municipality in which such  
10 intemperate drinker, or habitual drunkard, resides, or  
11 member of the county board of the county in which such  
12 inmate of a poor or alms house, intemperate drinker or  
13 habitual drunkard resides, and within one year after such  
14 notice, in case of an inmate of a poor or alms house,  
15 intemperate drinker or habitual drunkard, and in other cases  
16 during the ~~continuance of the minority~~ time the person is  
17 under the age of 19 years or guardianship. Any violation of  
18 this section shall be guilty of a misdemeanor.



House  
Companion  
No.

DUPLICATE

S. F. NO. 1364

A bill for an act relating to condominiums; providing for registration and disclosure prior to sale; providing penalties; amending Minnesota Statutes 1974, Section 83.26, Subdivision 1; and repealing Minnesota Statutes 1974, Chapter 515.

B. D. No. 83121

COMPARISON ACTION

Date \_\_\_\_\_  
\_\_\_\_\_ moved that  
\_\_\_\_\_ F. No. \_\_\_\_\_ and \_\_\_\_\_ F. No. \_\_\_\_\_  
be referred for comparison.

Date \_\_\_\_\_  
Upon motion of \_\_\_\_\_  
\_\_\_\_\_ F. No. \_\_\_\_\_ was substituted  
for \_\_\_\_\_ F. No. \_\_\_\_\_ which  
was indefinitely postponed.

(SENATE ACTION)

Received from House \_\_\_\_\_  
Laid on Table \_\_\_\_\_  
Taken from Table \_\_\_\_\_

CONCURRENCE

Date \_\_\_\_\_  
The Senate concurred in House amendments to  
S. F. No. \_\_\_\_\_ and repassed  
the bill as amended.

Secretary of the Senate

SENATE ACTION

Introduced by Senators Tamm  
Ogdahl (4-14-75)  
Read FIRST TIME APR 7 1975 and Referred to the  
Committee on LABOR AND COMMERCE  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the Senate  
Transmitted to the House

Secretary of the Senate  
State of Minnesota

HOUSE ACTION

House Companion  
is H. F. No. \_\_\_\_\_

★ Read FIRST TIME \_\_\_\_\_ and Referred to the  
Committee on \_\_\_\_\_  
Committee Recommendation and Adoption of Report

★ Read SECOND TIME  
Committee of the Whole

★ Read THIRD TIME  
Passed by the House  
Returned to the Senate

Chief Clerk, House of Representatives  
State of Minnesota

OTHER ACTION

☐ Refer to back of cover for other  
action.

CONFERENCE COMMITTEE ACTION

☐ Refer to back of cover for conference  
committee action.

1364

Messrs. Tennesen and Borden introduced--

S. F. No. 1364: Referred to the Committee on LABOR AND COMMERCE

1 A bill for an act

2 relating to condominiums; providing for registration  
3 and disclosure prior to sale; providing penalties;  
4 amending Minnesota Statutes 1974, Section 83.26,  
5 Subdivision 1; and repealing Minnesota Statutes  
6 1974, Chapter 515.

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

8 Section 1. [CITATION.] Sections 1 to 64 may be cited  
9 as the "Minnesota Condominium Act".

10 Sec. 2. [DEFINITIONS.] Subdivision 1. For the  
11 purposes of sections 1 to 64, the following terms shall have  
12 the meanings given to them:

13 Subd. 2. "Common elements" means all portions of the  
14 condominium or multiple housing project other than the  
15 units.

16 Subd. 3. "Common expenses" means all expenditures  
17 lawfully made or incurred by or on behalf of the unit  
18 owners' association, together with all funds lawfully  
19 assessed for the creation or maintenance of reserves  
20 pursuant to the provisions of the condominium instruments;  
21 "future common expenses" means common expenses for which  
22 assessments are not yet due and payable.

23 Subd. 4. "Common revenue" means all revenue collected

1364

1 or accrued by or on behalf of the unit owners' association,  
2 other than revenue derived from assessments pursuant to  
3 section 41.

4 Subd. 5. "Commissioner" means the commissioner of  
5 securities or his authorized delegate,

6 Subd. 6. "Condominium" means real property and any  
7 incidents thereto or interests therein, lawfully submitted  
8 to regulation under sections 1 to 64 by the recordation of  
9 condominium instruments pursuant to the provisions of those  
10 sections.

11 Subd. 7. "Condominium instruments" is a collective  
12 term referring to the declaration, bylaws, and plats and  
13 plans, recorded pursuant to the provisions of sections 1 to  
14 64. Any exhibit, schedule, or certification accompanying a  
15 condominium instrument and recorded simultaneously with it  
16 shall be deemed an integral part of the condominium  
17 instrument. An amendment or certification of a condominium  
18 instrument shall, from the time of its recordation, be  
19 deemed an integral part of the affected condominium  
20 instrument, if the amendment or certification was made in  
21 accordance with the provisions of sections 1 to 64.

22 Subd. 8. "Condominium unit" means a unit together with  
23 the undivided interest in the common elements appertaining  
24 to that unit.

25 Subd. 9. "Contractable condominium" means a  
26 condominium project from which one or more portions of the  
27 submitted land may be withdrawn in accordance with the  
28 provisions of the declaration and sections 1 to 64. If the  
29 withdrawal can occur only by the expiration or termination  
30 of one or more leases, the condominium project is not a  
31 contractable condominium.

32 Subd. 10. "Conversion condominium" means a condominium



1364

1 project containing structures which were wholly or partially  
2 occupied by persons other than those who have contracted for  
3 the purchase of condominium units and those who occupy with  
4 their consent.

5 Subd. 11. "Convertible land" means a building site  
6 which is a portion of the common elements, described by a  
7 legal description, within which additional units or limited  
8 common elements may be created in accordance with the  
9 provisions of sections 1 to 64.

10 Subd. 12. "Convertible space" means a portion of a  
11 structure consisting of a unit or common elements within the  
12 condominium, which may be converted into one or more units,  
13 common elements, limited common elements, or any combination  
14 thereof.

15 Subd. 13. "Developer" means any person who owns or  
16 constructs a condominium or multiple housing project or  
17 converts or proposes to convert a multi-unit rental project  
18 to a condominium and who offers or proposes to offer units  
19 in such project for sale.

20 Subd. 14. "Dispose" or "disposition" shall refer to  
21 any voluntary transfer of a legal or equitable interest in a  
22 multiple housing project unit, except a lease for a term of  
23 less than three years.

24 Subd. 15. "Expandable condominium" means a condominium  
25 project to which additional land may be added in accordance  
26 with the provisions of the declaration and of sections 1 to  
27 64.

28 Subd. 16. "Identifying number" means one or more  
29 letters or numbers that identify a particular unit in the  
30 condominium or multiple housing project.

31 Subd. 17. "Leasehold condominium" means a condominium  
32 in all or any portion of which each unit owner owns an



1364

1 estate for years in his unit, or in the land within which  
2 that unit is situated, or both, with all leasehold interests  
3 due to expire naturally at the same time. A condominium  
4 including leased land, or an interest therein, within which  
5 no units are situated or to be situated is not a leasehold  
6 condominium.

7 Subd. 18. "Limited common element" means a portion of  
8 the common elements reserved for the exclusive use of those  
9 entitled to the use of one or more, but less than all, of  
10 the units.

11 Subd. 19. "Multiple housing project" means one or more  
12 buildings containing two or more units intended for any type  
13 of residential use, where ownership of those units is held  
14 in fee simple and is coupled with either an undivided  
15 interest in or an easement authorizing the use of common  
16 elements. A multiple housing project shall not include a  
17 building where the only common element is a party wall or  
18 common wall.

19 Subd. 20. "Nonbinding reservation agreement" means an  
20 agreement between the developer and a purchaser which is not  
21 binding on the purchaser and may be cancelled without  
22 penalty in the sole discretion of the purchaser by written  
23 notice to the developer at any time prior to the formation  
24 of a contract for the sale or lease of a unit in a multiple  
25 housing project or an interest therein. The agreement shall  
26 not contain any provision for waiver or in derogation of the  
27 rights of the purchaser as contemplated by this subdivision,  
28 nor shall the provision be a part of any ancillary  
29 agreement.

30 Subd. 21. "Offer" means any inducement, solicitation,  
31 or attempt to encourage a person to acquire a legal or  
32 equitable interest or estate in a unit in a multiple housing

1364

1 project, except as security for a debt.

2 Subd. 22. "Officer" means a member of the executive  
3 committee or official of the unit owners' association.

4 Subd. 23. "Par value" means the allocation of interest  
5 in the common elements stated in dollars or points assigned  
6 to each unit by the declaration. Identical units shall be  
7 assigned the same par value, but units located at different  
8 heights above the ground, or having different views, or  
9 having different amenities or other characteristics which  
10 could result in differences in market value, may be  
11 considered identical within the meaning of this subdivision.  
12 If par value is stated in terms of dollars, the statement  
13 shall not be deemed to reflect or control the sales price or  
14 fair market value of a unit, and no opinion, appraisal, or  
15 fair market transaction at a different figure shall affect  
16 the par value of any unit, or an undivided interest in the  
17 common elements, voting rights in the unit owners'  
18 association, liability for common expenses, or rights to  
19 common profits, assigned on the basis of par value.

20 Subd. 24. "Person" means a natural person,  
21 corporation, partnership, association, trust, or other  
22 entity capable of holding title to real property, or any  
23 combination thereof.

24 Subd. 25. "Property" means the land, whether leasehold  
25 or in fee simple, the buildings, improvements and structures  
26 on it, and easements, rights, and appurtenances to it.

27 Subd. 26. "Purchaser" means any person who acquires by  
28 means of a voluntary transfer a legal or equitable interest  
29 or estate in a unit in a multiple housing project, except as  
30 security for a debt.

31 Subd. 27. "Recording officer" means the register of  
32 deeds or the registrar of titles, as the case may be, of the

1364

1 county in which the condominium or multiple housing project  
2 is situated.

3 Subd. 28. "Size" means the number of cubic feet, or  
4 the number of square feet of ground or floor space, within  
5 each unit as computed by reference to the plat and plans and  
6 rounded off to a whole number. Certain spaces within the  
7 units including attic, basement, or garage space may be  
8 omitted from the calculation or partially discounted by the  
9 use of a ratio, so long as the same basis of calculation is  
10 employed for all units in the condominium, and the basis is  
11 described in the declaration.

12 Subd. 29. "Unit" means those portions of a condominium  
13 or multiple housing project allocated by the developer for  
14 individual ownership and use.

15 Subd. 30. "Unit owner" means one or more persons who  
16 own a condominium or multiple housing project unit, or, in  
17 the case of a leasehold condominium, the whole leasehold  
18 interest or interests in the condominium extending for the  
19 balance of the unexpired term, but shall not include any  
20 person who holds legal title to a unit solely as security  
21 for the payment of a debt.

22 Sec. 3. [SEPARATE TITLES AND TAXATION.] Each  
23 condominium unit shall constitute for all purposes,  
24 including taxation, a separate parcel of real property,  
25 distinct from all other condominium units. If there is any  
26 unit owner other than the developer, no tax or assessment  
27 shall be levied on the condominium as a whole, but shall be  
28 on the individual condominium units.

29 Sec. 4. [COUNTY AND MUNICIPAL ORDINANCES.] No zoning  
30 or other land use ordinance shall prohibit condominiums by  
31 reason of the form of ownership. No condominium shall be  
32 treated differently from a physically identical project or

1364

1 development under a different form of ownership by any  
2 zoning or other land use ordinance. No subdivision  
3 ordinance shall apply to any condominium or subdivision of  
4 convertible land, convertible space, or unit unless the  
5 ordinance is expressly made applicable. Counties, cities,  
6 and towns may provide by ordinance that condominiums and their  
7 use shall comply with the local zoning, land use, and site  
8 plan regulations. In the event of a conversion to  
9 condominium form of ownership, counties, cities, towns,  
10 sanitary districts, or other political subdivisions may only  
11 impose charges and fees as a result of construction of new  
12 structures to the extent that the charges and fees or  
13 portions of them, imposed upon property subject to the  
14 conversions may be reasonably related to additional services  
15 provided by the political subdivision as a result of the  
16 conversion.

17       Sec. 5. [EMINENT DOMAIN.] Subdivision 1. [ALLOCATION  
18 OF AWARD.] If any portion of the common elements is taken by  
19 eminent domain, the award for it shall be allocated to the  
20 unit owners' association; provided, however, that the  
21 portion of the award attributable to the taking of any  
22 permanently assigned limited common element shall be  
23 allocated by the decree to the unit owner of the unit to  
24 which the limited common element was so assigned. If that  
25 limited common element was permanently assigned to more than  
26 one unit at the time of the taking, then the portion of the  
27 award attributable to the taking shall be allocated in equal  
28 shares to the unit owners of the units to which it was  
29 assigned or in other shares as the condominium instruments  
30 specify for this purpose. A permanently assigned limited  
31 common element is a limited common element which cannot be  
32 reassigned or which can be reassigned only with the consent



1364

1 of the unit owner or owners of the unit or units to which it  
2 is assigned.

3       Subd. 2. [UNDIVIDED INTEREST.] If one or more units is  
4 taken by eminent domain, the undivided interest in the  
5 common elements insuring to the unit shall inure to the  
6 remaining units, allocated to them in proportion to their  
7 respective undivided interests in the common elements. The  
8 court shall enter a decree reflecting the reallocation and  
9 the award shall include, without limitation, just  
10 compensation to the unit owner of any unit taken for his  
11 undivided interest in the common elements as well as for the  
12 unit.

13       Subd. 3. [COURT TO DETERMINE FAIR MARKET VALUE.] If  
14 portions of any unit are taken by eminent domain, the court  
15 shall determine the fair market value of the portions of the  
16 unit not taken, and the undivided interest in the common  
17 elements appertaining to the units shall be reduced, in the  
18 case of each unit, in proportion to the diminution in the  
19 fair market value of the unit resulting from the taking.  
20 The portions of undivided interest in the common elements  
21 divested from the unit owners shall be reallocated among  
22 those units and the other units in the condominium in  
23 proportion to their respective undivided interests in the  
24 common elements, with any units partially taken  
25 participating in such reallocation on the basis of their  
26 remaining undivided interests. The court shall enter a  
27 decree reflecting the reallocation of undivided interests.  
28 The award shall include just compensation to the unit owner  
29 of any unit partially taken for that portion of his  
30 undivided interest in the common elements divested from him  
31 and not revested in him, as well as for that portion of his  
32 unit taken by eminent domain.

1364

1        Subd. 4. [UNUSABLE REMAINING PORTION.] If the taking  
2 of a portion of a unit makes it impractical to use the  
3 remaining portion of that unit for any purpose permitted by  
4 the condominium instruments, the entire undivided interest  
5 in the common elements pertaining to that unit shall accrue  
6 to the remaining units, allocated to them in proportion to  
7 their undivided interests in the common elements, and the  
8 remaining portion of that unit shall be a common element.  
9 The court shall enter a decree reflecting the reallocation  
10 of undivided interests. The award shall include just  
11 compensation to the unit owner of the unit for his entire  
12 undivided interest in the common elements and for his entire  
13 unit.

14        Subd. 5. [RIGHTS OF REMAINING UNITS.] Votes in the  
15 unit owners' association, rights to future common revenue,  
16 and liabilities for future common expenses not specially  
17 assessed, accruing to any unit or units taken or partially  
18 taken by eminent domain, shall accrue to the remaining  
19 units, allocated to them in proportion to their relative  
20 voting strength in the unit owners' association, with any  
21 units partially taken participating in the reallocation as  
22 though their voting strength had been reduced in proportion  
23 to the reduction in their undivided interest in the common  
24 elements. The decree of the court shall provide  
25 accordingly.

26        Subd. 6. [RECORDATION.] The court shall require  
27 recordation of the decree in the land records of the county  
28 in which the condominium is located.

29        Sec. 6. [CREATION OF A CONDOMINIUM.] No condominium  
30 shall come into existence except by the recordation of  
31 condominium instruments pursuant to sections 1 to 64. No  
32 condominium instrument shall be recorded unless all units

1364

1 located or to be located on any portion of the submitted  
2 land other than within convertible lands are depicted on  
3 plats and plans that comply with the provisions of section  
4 19, subdivisions 1 and 2.

5 Sec. 7. [RELEASE OF LIENS.] Subdivision 1. At the  
6 time of the conveyance to the first purchaser of each  
7 condominium unit following the recordation of the  
8 declaration, every mortgage, contract for deed, perfected  
9 lien, or any recorded mechanics' or materialmen's liens,  
10 affecting all of the condominium or a greater portion  
11 thereof than the condominium unit conveyed, shall be paid  
12 and satisfied of record, or the condominium unit being  
13 conveyed shall be released of record from the lien, or  
14 provision shall be made by the developer for assurance of  
15 satisfaction of such encumbrance by filing with the  
16 commissioner a bond, letter of credit or escrow of monies in  
17 an amount not less than one and one-half times the amount of  
18 the encumbrance. The provisions of this subdivision shall  
19 not apply to any withdrawable land in a contractable  
20 condominium, and shall not be construed to prohibit the unit  
21 owners' association from mortgaging or encumbering any  
22 portion of the condominium within which no units are  
23 located, so long as any time limit specified in section 35  
24 has expired.

25 Subd. 2. When any lien, other than a contract for deed  
26 or mortgage, is recorded against two or more condominium  
27 units subsequent to the creation of the condominium, any  
28 unit owner may remove his condominium unit from that lien by  
29 payment of the amount attributable to his condominium unit.  
30 The amount shall be computed by reference to the liability  
31 for common expenses relating to that unit pursuant to  
32 section 41, subdivision 3. Subsequent to payment, discharge

1364

1 or other satisfaction, the unit owner of that condominium  
2 unit shall be entitled to have the lien released as to his  
3 condominium unit, and the units owners' association shall  
4 not assess, or have a valid lien against, that condominium  
5 unit for any portion of the common expenses incurred in  
6 connection with the lien, notwithstanding anything to the  
7 contrary in sections 41 and 42.

8       Sec. 8. [DESCRIPTIONS OF CONDOMINIUM UNITS.] After the  
9 creation of the condominium, a description of a condominium  
10 unit shall be legally sufficient if it sets forth the  
11 identifying number of that unit, the name of the  
12 condominium, the name of the city or county wherein the  
13 condominium is situated, and either the book and page number  
14 where the first page of the declaration is recorded, or the  
15 document number assigned to the declaration by the recording  
16 clerk. The description shall be deemed to include the  
17 undivided interest in the common elements pertaining to the  
18 unit even if the interest is not defined or referred to  
19 therein.

20       Sec. 9. [EXECUTION OF CONDOMINIUM INSTRUMENTS.] The  
21 declaration and bylaws and any amendments to either made  
22 pursuant to section 32 shall be executed in recordable form  
23 by or on behalf of all owners, mortgagees, and lessees of  
24 the submitted land; provided however, that failure of any  
25 mortgagee or lessee of the submitted land to join with the  
26 owner shall not invalidate the condominium, and it shall not  
27 be necessary that any person other than an owner, mortgagee  
28 or lessee execute these instruments.

29       Sec. 10. [RECORDATION OF CONDOMINIUM INSTRUMENTS.] All  
30 condominium instruments, and amendments and certifications  
31 thereof, shall be recorded in every county wherein any  
32 portion of the condominium is located. All condominium



1364

1 instruments, and amendments and certifications thereof,  
2 shall set forth the name and address of the condominium, the  
3 name of the city or county in which the condominium is  
4 located, and the document number or the book and page number  
5 where the first page of the declaration is recorded.

6 Sec. 11. [CONSTRUCTION OF CONDOMINIUM INSTRUMENTS.]

7 Except to the extent otherwise provided by the condominium  
8 instruments, condominium instruments shall be construed  
9 according to rules established in the following clauses:

10 (a) To the extent that walls, floors, or ceilings are  
11 designated as the boundaries of units, all doors and  
12 windows, lath, wallboard, plasterboard, plaster, paneling,  
13 tiles, wallpaper, paint, finished flooring, and other  
14 materials constituting part of the finished surfaces  
15 thereof, shall be deemed a part of the units, while all  
16 other portions of the walls, floors, or ceilings shall be  
17 deemed a part of the common elements.

18 (b) Any portion of the chutes, flues, ducts, conduits,  
19 wires, bearing walls, bearing columns, or other apparatus  
20 lying partially within and partially outside of the  
21 designated boundaries of a unit, and serving only that unit  
22 shall be deemed a part of that unit; any portions serving  
23 more than one unit or any portion of the common elements  
24 shall be deemed a part of the common elements.

25 (c) Subject to clause (b), all space, interior  
26 partitions, and other fixtures and improvements within the  
27 boundaries of a unit shall be deemed a part of that unit.

28 (d) Any shutters, awnings, window boxes, doorsteps,  
29 porches, balconies, patios, and any other apparatus serving  
30 a single unit shall be deemed a limited common element of  
31 only that unit.

32 Sec. 12. [CONDOMINIUM INSTRUMENTS READ TOGETHER.]

1364

1 Condominium instruments shall be construed together and  
2 shall be deemed to incorporate one another to the extent  
3 that any requirement of sections 1 to 64 as to the content  
4 of one shall be satisfied if the deficiency can be cured by  
5 reference to another. In the event of a conflict between  
6 the condominium instruments, the declaration shall control.  
7 Particular provisions shall control general provisions,  
8 except that a construction conformable with the statute  
9 shall in all cases control.

10       Sec. 13. [VALIDITY OF CONDOMINIUM INSTRUMENTS.] All  
11 provisions of condominium instruments shall be severable,  
12 and any unlawful provision void.

13       Sec. 14. [COMPLIANCE WITH CONDOMINIUM INSTRUMENTS.]  
14 Every unit owner and all those entitled to occupy a unit  
15 shall comply with all lawful provisions of the condominium  
16 instruments. Any lack of compliance shall be grounds for an  
17 action or suit to recover sums due, for damages or  
18 injunctive relief, or for any other remedy available at law  
19 or in equity, maintainable by the unit owners' association,  
20 or any managing agent on behalf of the association, or by  
21 one or more aggrieved unit owners on their own behalf.

22       Sec. 15. [CONTENTS OF THE DECLARATION.] Subdivision 1.  
23 The declaration for every condominium shall contain the  
24 following:

25       (a) The name of the condominium, which name shall  
26 include the word "condominium" or be followed by the words  
27 "a condominium".

28       (b) The name of the city and county in which the  
29 condominium is located.

30       (c) A legal description of the land where the  
31 condominium is or will be located.

32       (d) A description or delineation of the boundaries of

1364

1 the units, including the horizontal (upper and lower)  
2 boundaries, if any, and the vertical (lateral or perimetric)  
3 boundaries.

4 (e) A description or delineation of the limited common  
5 elements, showing the units to which each is assigned.

6 (f) A description or delineation of common elements not  
7 within the boundaries of any convertible lands which may  
8 subsequently be assigned as limited common elements,  
9 together with a statement that they may be so assigned and a  
10 description of the method by which the assignments shall be  
11 made in accordance with the provisions of section 18.

12 (g) The allocation to each unit of an undivided  
13 interest in the common elements in accordance with the  
14 provisions of section 16.

15 (h) The name and address of the developer, and the  
16 interest, if any, such developer has in the land where the  
17 condominium is or will be located.

18 (i) Other matters the developer deems appropriate.  
19 Subd. 2. If the condominium contains any convertible  
20 land the declaration shall also contain the following:

21 (a) A legal description of each tract of convertible  
22 land within the condominium.

23 (b) A statement of the maximum number of units that may  
24 be created within each convertible land.

25 (c) A statement of the maximum percentage of the  
26 aggregate land and floor area of all units that may be  
27 created within each convertible land, which may be occupied  
28 by units not restricted to residential use. If no units on  
29 other portions of the submitted land are so restricted, this  
30 statement is not required.

31 (d) A statement of the compatibility of any structure  
32 erected on convertible land with structures on other

1364

1 portions of the submitted land in quality of construction,  
2 principal materials to be used, and architectural style, or  
3 a statement that no assurances are made in those regards.

4 (e) A statement that any units created within each  
5 convertible land will be substantially identical to the  
6 units on other portions of the submitted land, or a  
7 statement describing in detail what other types of units may  
8 be created therein, or a statement that no assurances are  
9 made in those regards.

10 (f) A description of the developer's reserved right to  
11 create limited common elements within any convertible land,  
12 or to designate common elements therein which may  
13 subsequently be assigned as limited common elements,  
14 describing the types, sizes, and maximum number of elements  
15 within each convertible land.

16 Plats and plans may be recorded with the declaration to  
17 supplement information furnished pursuant to clauses (a),  
18 (d), (e) and (f) of this subdivision.

19 Subd. 3. If the condominium is an expandable  
20 condominium the declaration shall also contain the  
21 following:

22 (a) The explicit reservation of an option to expand the  
23 condominium.

24 (b) A statement of any limitations on the option,  
25 including a statement whether the consent of any unit owners  
26 shall be required and the method by which the consent shall  
27 be ascertained, or a statement that there are no  
28 limitations.

29 (c) A time limit, not exceeding seven years from the  
30 recording of the declaration, upon which the option to  
31 expand the condominium expires, together with a statement of  
32 the circumstances which will terminate the option prior to



1364

1 the expiration of the specified time limit.

2 (d) A legal description of all land that may be added  
3 to the condominium.

4 (e) A statement whether, if any of the additional land  
5 is added to the condominium, all of it or any particular  
6 portion of it must be added; if not, a statement of any  
7 limitations on what portions may be added or that there are  
8 no limitations.

9 (f) A statement whether portions of the additional land  
10 may be added to the condominium at different times, together  
11 with limitations fixing the boundaries of those portions by  
12 legal description or regulating the order in which they may  
13 be added to the condominium.

14 (g) A statement of limitations on the locations of  
15 improvements that may be made on portions of the additional  
16 land, or a statement that no assurances are made in that  
17 regard.

18 (h) A statement of the maximum number of units that may  
19 be created on the additional land. If portions of the  
20 additional land may be added to the condominium and the  
21 boundaries of those portions are fixed in accordance with  
22 clause (f), the declaration shall also state the maximum  
23 number of units that may be created on each portion added to  
24 the condominium.

25 (i) A statement of the maximum percentage of the  
26 aggregate land floor area of all units that may be created  
27 on land added to the condominium that may be occupied by  
28 units not restricted exclusively to residential use. If no  
29 units on the submitted land are so restricted, this  
30 statement is not required.

31 (j) A statement of the extent to which structures  
32 erected on a portion of the additional land will be

1364

1 compatible with structures on the submitted land in quality  
2 of construction, principal materials to be used, and  
3 architectural style, or a statement that no assurances of  
4 compatibility are made.

5 (k) A description of other improvements that will be  
6 made on additional land, or a statement of limitations on  
7 other improvements which may be made on it, or a statement  
8 that no assurances are made about improvements.

9 (l) A statement that any units created on a portion of  
10 the additional land will be substantially identical to the  
11 units on the submitted land, or a statement of limitations  
12 on types of units which may be created on it, or a statement  
13 that no assurances are made about types of units.

14 (m) A description of the developer's reserved right to  
15 create limited common elements within any portion of the  
16 additional land or to designate common elements which may  
17 subsequently be assigned as limited common elements,  
18 describing the types, sizes, and maximum number of elements  
19 within each portion, or a statement that no assurances are  
20 made about limited common elements.

21 Plats and plans may be recorded with the declaration to  
22 supplement information furnished pursuant to clauses (d),  
23 (e), (f), (g), (j), (k), (l), and (m) of this subdivision.

24 Subd. 4. If the condominium is a contractable  
25 condominium the declaration shall also contain the  
26 following:

27 (a) The explicit reservation of an option to contract  
28 the condominium.

29 (b) A statement of limitations on the option, including  
30 a statement whether the consent of any unit owners shall be  
31 required and the method by which the consent shall be  
32 ascertained, or a statement that there are no limitations.

1364

1       (c) A time limit, not exceeding seven years from the  
2 recording of the declaration, upon which the option shall  
3 expire, together with a statement of the circumstances which  
4 will terminate the option prior to the expiration of the  
5 specified time limit.

6       (d) A legal description of all land that may be  
7 withdrawn from the condominium.

8       (e) A statement whether portions of the withdrawable  
9 land may be withdrawn from the condominium at different  
10 times, together with any limitations fixing the boundaries  
11 of those portions by legal description or regulating the  
12 order in which they may be withdrawn from the condominium.

13       (f) A legal description of all of the submitted land to  
14 which the option to contract the condominium does not  
15 extend. This shall not be construed to be in derogation of  
16 the developer's right to terminate the condominium in  
17 accordance with section 32.

18       Plats may be recorded with the declaration to  
19 supplement information furnished pursuant to clauses (d),  
20 (e), and (f).

21       Subd. 5. When the condominium is a leasehold  
22 condominium the declaration shall set forth, with respect to  
23 any ground lease or other lease the expiration or  
24 termination of which will or may terminate or contract the  
25 condominium, the county in which it is recorded and the  
26 document number or book and page number where the first page  
27 of each lease is recorded; the declaration shall also  
28 contain the following:

29       (a) The date upon which each lease is due to expire.

30       (b) A statement whether any land or improvements will  
31 be owned by the unit owners in fee simple, and if so, either  
32 a description of it, including a legal description of the

1364

1 land, or a statement of rights the unit owners have to  
2 remove improvements within a reasonable time after the  
3 expiration or termination of the lease involved, or a  
4 statement that they shall have no such rights.

5 (c) A statement of the rights the unit owners have to  
6 redeem the reversion, or a statement that they have no such  
7 rights.

8 After the recording of the declaration, no lessor who  
9 executed it and no successor in interest to the lessor may  
10 terminate any part of the leasehold interest of a unit owner  
11 who makes timely payment of his share of the rent to the  
12 person designated in the declaration for the receipt of rent  
13 and who complies with all covenants which, if violated,  
14 would entitle the lessor to terminate the lease.

15 Subd. 6. Where this section requires a legal  
16 description of land which is submitted to the provisions of  
17 sections 1 to 64 or that may be added to or withdrawn from  
18 the condominium, the requirement includes a legal  
19 description of any easements that are submitted to this  
20 chapter or that may be added to or withdrawn from the  
21 condominium. For each easement, the declaration shall  
22 contain the following:

23 (a) A description of the permitted use.

24 (b) If fewer than all of those entitled to the use of  
25 all of the units may use the easement, a statement of the  
26 relevant restrictions and limitations on use.

27 (c) If persons other than those entitled to the use of  
28 the units may use the easement, a statement of the rights of  
29 others to use of the same.

30 Subd. 7. Where this section requires a legal  
31 description that may be added to or withdrawn from the  
32 condominium, the requirement includes a separate legal



1364

1 description of all lands in which the unit owners shall or  
2 may be life tenants or tenants in common or joint tenants  
3 with any other persons, describing the nature of the unit  
4 owner's interests. No units may be situated on the lands.  
5 The lands shall not be shown on plats showing other portions  
6 of the condominium, but shall be shown on separate plats.

7 Sec. 16. [ALLOCATION OF INTERESTS IN COMMON ELEMENTS.]

8 Subdivision 1. The declaration may allocate to each unit  
9 depicted on plats and plans that comply with section 19,  
10 subdivisions 1 and 2, an undivided interest in the common  
11 elements proportionate to either the area or par value of  
12 the unit.

13 Subd. 2. The declaration shall allocate to each unit  
14 not receiving an allocation under subdivision 1, an equal  
15 undivided interest in the common elements, except that each  
16 convertible space depicted shall be allocated an undivided  
17 interest in the common elements proportionate to the area of  
18 each such space while the remaining undivided interest in  
19 the common elements shall be allocated equally to the other  
20 units so depicted.

21 Subd. 3. The undivided interest in the common elements  
22 allocated in accordance with subdivisions 1 and 2 shall add  
23 up to one if stated as fractions or 100 percent if stated as  
24 percentages.

25 Subd. 4. If, in accordance with subdivision 1 or 2, an  
26 equal undivided interest in the common elements is allocated  
27 to each unit, the declaration may simply state that fact and  
28 need not express the fraction or percentage so allocated.  
29 Otherwise, the undivided interest allocated to each unit in  
30 accordance with subdivision 1 or 2 shall be shown on a  
31 table, exhibit, or schedule recorded with the declaration,  
32 containing three columns. The first column shall identify

1364'

1 the units, listing them serially or grouped in units to  
2 which identical undivided interests are allocated.  
3 Corresponding figures in the second and third columns shall  
4 set forth the areas or par values of those units and the  
5 fraction or percentage of undivided interest in the common  
6 elements allocated to them.

7 Subd. 5. Except as otherwise expressly provided in  
8 sections 1 to 64, the undivided interest in the common  
9 elements allocated to any unit may not be altered, and any  
10 attempted transfer, encumbrance, or other disposition of the  
11 interest without the unit to which it appertains is void.

12 Subd. 6. The common elements shall not be subject to  
13 any suit for partition unless the condominium is terminated.

14 Sec. 17. [REALLOCATION OF INTERESTS IN COMMON  
15 ELEMENTS.] Subdivision 1. When a condominium contains any  
16 convertible lands or is an expandable condominium, the  
17 declaration shall not allocate undivided interests in the  
18 common elements on the basis of par value unless it:

19 (1) prohibits the creation of any units not  
20 substantially identical to the units depicted on the plats  
21 and plans recorded pursuant to section 19, subdivisions 1  
22 and 2, or

23 (2) prohibits the creation of any units not described  
24 pursuant to section 15, subdivision 2, clause (f), in the  
25 case of convertible lands, and section 15, subdivision 3,  
26 clause 12, in the case of additional land, and contains from  
27 the outset a statement of the par value that shall be  
28 assigned to every unit that may be created.

29 Subd. 2. Interests in the common elements shall not be  
30 allocated to any units to be created within convertible land  
31 or additional land until plats and plans depicting them are  
32 recorded pursuant to section 19, subdivision 3.

1364'

1 Simultaneously with recording the plats and plans, the  
2 developer shall execute and record an amendment to the  
3 declaration reallocating undivided interests in the common  
4 elements so that the units depicted on the plats and plans  
5 shall be allocated undivided interests in the common  
6 elements on the same basis as the units depicted on the  
7 plats and plans recorded simultaneously with the declaration  
8 pursuant to section 19, subdivisions 1 and 2.

9 Subd. 3. If all of a convertible space is converted  
10 into common elements, including limited common elements,  
11 then the undivided interest in the common elements relating  
12 to the space shall relate to the remaining units, allocated  
13 among them in proportion to their undivided interests in the  
14 common elements. The principal officer of the unit owners'  
15 association or other officer the condominium instruments may  
16 specify shall prepare, execute, and record an amendment to  
17 the declaration reflecting the reallocation of undivided  
18 interests.

19 Subd. 4. In a leasehold condominium, if the expiration  
20 or termination of a lease causes a contraction of the  
21 condominium which reduces the number of units, the undivided  
22 interest in the common elements relating to any units  
23 withdrawn from the condominium shall relate to the remaining  
24 units, allocated among them in proportion to their undivided  
25 interests in the common elements. The principal officer of  
26 the unit owners' association or other officer the  
27 condominium instruments may specify shall prepare, execute,  
28 and record an amendment to the declaration reflecting the  
29 reallocation of undivided interests.

30 Sec. 18. [ASSIGNMENTS OF LIMITED COMMON ELEMENTS.]  
31 Subdivision 1. All assignments and reassignments of limited  
32 common elements shall be shown in the condominium



1364

1 instruments. No limited common element shall be assigned or  
2 reassigned except in accordance with the provisions of this  
3 chapter. No amendment to any condominium instrument shall  
4 alter any rights or obligations with respect to any limited  
5 common element without the consent of all unit owners  
6 adversely affected, evidenced by their execution of the  
7 amendment, except to the extent that the condominium  
8 instruments expressly provided otherwise prior to the first  
9 assignment of the limited common element.

10 Subd. 2. Unless expressly prohibited by the  
11 condominium instruments, a limited common element may be  
12 reassigned upon written application of the unit owners  
13 concerned to the principal officer of the unit owners'  
14 association or to another officer the condominium  
15 instruments may specify. The officer to whom application is  
16 made shall prepare and execute an amendment to the  
17 declaration reassigning all rights and obligations with  
18 respect to the limited common element. The amendment shall  
19 be delivered to the unit owners of the units concerned upon  
20 payment by them of reasonable costs for its preparation and  
21 acknowledgment. The amendment is effective when the unit  
22 owners of the units concerned have executed and recorded it.

23 Subd. 3. A common element not previously assigned as a  
24 limited common element shall be so assigned only in  
25 pursuance of section 15, subdivision 1, clause (f). The  
26 amendment to the declaration making the assignment shall be  
27 prepared and executed by the principal officer of the units  
28 owners' association, or other officer the condominium  
29 instruments may specify. The amendment shall be delivered  
30 to the unit owners of the units concerned upon payment by  
31 them of reasonable costs for its preparation and  
32 acknowledgment. The amendment is effective when the unit



1364

1 owners have executed and recorded it, and its recordation  
2 shall be conclusive evidence that the method prescribed  
3 pursuant to section 15, subdivision 1, clause (f), was  
4 adhered to.

5       Sec. 19. [CONTENTS OF PLATS AND PLANS.] Subdivision 1.  
6 [LAND AND IMPROVEMENTS.] There shall be recorded  
7 simultaneously with the declaration plats of survey showing  
8 the location and dimensions of the submitted land, of any  
9 convertible lands within the submitted land, and of any  
10 existing improvements, the intended location and dimensions  
11 of any contemplated improvements which are to be located on  
12 any portion of the submitted land other than within the  
13 boundaries of any convertible lands, and, to the extent  
14 feasible, the location and dimensions of all easements  
15 appurtenant to the submitted land or otherwise submitted as  
16 a part of the common elements. If the submitted land is not  
17 contiguous, the plats shall indicate the distances between  
18 the parcels constituting the submitted land. The plats  
19 shall label every convertible land as a convertible land,  
20 and if there be more than one convertible land the plats  
21 shall label each with one or more letters or numbers  
22 different from those designating any other convertible land  
23 and different from the identifying number of any unit. The  
24 plats shall show the location and dimensions of any  
25 withdrawable lands, and shall label each as a withdrawable  
26 land. If, with respect to any portion but less than all of  
27 the submitted land, the unit owners are to own only an  
28 estate for years, the plats shall show the location and  
29 dimensions of those portions, and shall label each as a  
30 leased land. If there is more than one withdrawable land,  
31 or more than one leased land, the plats shall label each  
32 with one or more letters or numbers different from those

1364

1 designating any convertible land or other withdrawable or  
2 leased land, and different from the identifying number of  
3 any unit. The plats shall show all easements to which the  
4 submitted land or any portion thereof is subject, and shall  
5 show the location and dimensions of all such easements to  
6 the extent feasible. The plats shall also show all  
7 encroachments by or on any portion of the condominium. In  
8 the case of any improvements located or to be located on any  
9 portion of the submitted land other than within the  
10 boundaries of any convertible lands, the plats shall  
11 indicate those which have not been begun by the use of the  
12 phrase "(NOT YET BEGUN)," and those which have been begun  
13 but have not been completed by the use of the phrase "(NOT  
14 YET COMPLETED)." In the case of any units having vertical  
15 boundaries lying wholly or partially outside of structures  
16 for which plans pursuant to subdivision 2 are simultaneously  
17 recorded, the plats shall show the location and dimensions  
18 of the vertical boundaries to the extent that they are not  
19 shown on the plans, and the units thus depicted shall bear  
20 their identifying numbers. Each plat shall be certified as  
21 to its accuracy and compliance with this subdivision by a  
22 registered land surveyor or architect, who shall certify  
23 that all units so depicted have been substantially  
24 completed. The specification by this subdivision of items  
25 to be shown on the plats shall not be construed to mean that  
26 the plats shall not also show all other items customarily  
27 shown or hereafter required for land title surveys.

28 Subd. 2. [STRUCTURES.] There shall also be recorded  
29 simultaneously with the declaration plans of every structure  
30 which contains or constitutes all or part of any unit, and  
31 which is located on a portion of the submitted land other  
32 than within the boundaries of convertible lands. The plans

1364

1 shall show the location and dimensions of the vertical  
2 boundaries of each unit to the extent that the boundaries  
3 lie within or coincide with the boundaries of the  
4 structures, and the units depicted shall bear their  
5 identifying numbers. Each convertible space depicted shall  
6 be labeled a convertible space. Horizontal boundaries shall  
7 be identified on the plans with reference to established  
8 datum. Unless the condominium instruments expressly provide  
9 otherwise, it shall be presumed that in the case of any unit  
10 not wholly contained within or constituting one or more such  
11 structures, the horizontal boundaries thus identified extend  
12 at the same elevation as any part of the unit lying outside  
13 of the structures, except that in the case of a unit which  
14 does not lie over any other unit other than basement units,  
15 it shall be presumed that the lower horizontal boundary of  
16 that unit lies at the level of the ground with regard to any  
17 part of that unit lying outside of the structures. The  
18 plans shall be certified for accuracy and compliance with  
19 this subdivision by a registered architect or registered  
20 engineer, who shall certify that all units depicted thereon  
21 have been substantially completed.

22 Subd. 3. [CONVERTED AND ADDITIONAL LAND.] When  
23 converting all or any portion of any convertible land, or  
24 adding additional land to an expandable condominium, the  
25 developer shall record new plats of survey meeting the  
26 requirements of subdivision 1. Where less than all of a  
27 convertible land is being converted, the plans shall also  
28 show the location and dimensions of the remaining portion of  
29 the land. At the same time, the developer shall record, for  
30 any structures on the land being converted or added, either  
31 plans conforming to the requirements of subdivision 2 or  
32 certifications conforming to the certification requirements



1364

1 of the subdivision of plans previously recorded pursuant to  
2 section 20.

3 Subd. 4. [UNITS FROM CONVERTED SPACE.] When converting  
4 all or any portion of any convertible space into units or  
5 limited common elements, the developer shall record, for the  
6 structure or portion constituting that convertible space,  
7 plans showing the location and dimensions of the vertical  
8 boundaries of each unit formed out of the space. The plans  
9 shall be certified for accuracy and compliance with this  
10 subdivision by a registered architect or registered  
11 engineer.

12 Subd. 5. [LIMITED COMMON ELEMENTS.] For the purposes  
13 of subdivisions 1, 2, and 3, provisions and requirements  
14 relating to units shall be equally applicable to limited  
15 common elements. Each limited common element shall be  
16 labeled as such, and each limited common element depicted on  
17 the plats and plans shall bear the identifying number of the  
18 unit to which it is assigned unless the provisions of  
19 section 11, subdivision 6, make the designations  
20 unnecessary.

21 Sec. 20. [PRELIMINARY RECORDATION OF PLANS.] Plans  
22 previously recorded pursuant to section 15, subdivisions 2  
23 and 3, may be used in lieu of new plans to satisfy in whole  
24 or in part the requirements of section 22, subdivision 2, or  
25 section 24 if certifications are recorded by the developer  
26 in accordance with section 19, subdivision 3.

27 Sec. 21. [EASEMENT FOR ENCROACHMENTS.] To the extent  
28 that any unit or common element encroaches on any other unit  
29 or common element, whether because of a deviation from plats  
30 and plans in the construction, renovation, restoration, or  
31 repair of any improvement, or because of the settling or  
32 shifting of any land or improvement, a valid easement for



1364

1 the encroachment shall exist. The purpose of this section  
2 is to protect the unit owners, except in cases of wilful and  
3 intentional misconduct by them or their agents or employees,  
4 and not to relieve the developer or any contractor,  
5 subcontractor, or materialman of liability which they may  
6 have because of a failure to adhere to the plats and plans.

7 Sec. 22. [CONVERSION OF CONVERTIBLE LANDS.]

8 Subdivision 1. The developer may convert any convertible  
9 land into units or limited common elements subject to  
10 restrictions and limitations which the condominium  
11 instruments specify. The conversion shall be deemed to have  
12 occurred at the time of recordation of appropriate  
13 instruments pursuant to subdivision 2 and section 19,  
14 subdivision 3.

15 Subd. 2. Simultaneously with the recording of plats  
16 and plans pursuant to section 19, subdivision 3, the  
17 developer shall prepare, execute, and record an amendment to  
18 the declaration describing the conversion. The amendment  
19 shall assign an identifying number to each unit formed out  
20 of a convertible land and shall reallocate undivided  
21 interests in the common elements in accordance with section  
22 17, subdivision 2. The amendment shall describe the limited  
23 common elements formed out of the convertible land, showing  
24 the unit to which each is assigned.

25 Subd. 3. All convertible lands shall be deemed a part  
26 of the common elements except for portions thereof converted  
27 in accordance with this section. Until the expiration of  
28 the period during which the conversion may occur or until  
29 actual conversion, whichever occurs first, all real estate  
30 taxes and expenses related to land and improvements shall be  
31 assessed against the developer. No such conversion shall  
32 occur after five years from the recordation of the

1364

1 declaration, or a shorter time period as the declaration may  
2 specify.

3       Sec. 23. [CONVERSION OF CONVERTIBLE SPACES.]

4 Subdivision 1. The developer may convert any convertible  
5 space into units or common elements including limited common  
6 elements subject to restrictions and limitations which the  
7 condominium instruments may specify. The conversion shall  
8 be deemed to have occurred at the time of the recordation of  
9 appropriate instruments pursuant to subdivision 2 and  
10 section 19, subdivision 4.

11       Sund. 2. Simultaneously with the recording of plats  
12 and plans pursuant to section 19, subdivision 4, the  
13 developer shall prepare, execute, and record an amendment to  
14 the declaration describing the conversion. The amendment  
15 shall assign an identifying number to each unit formed out  
16 of a convertible space and shall allocate to each unit a  
17 portion of the undivided interest in the common elements  
18 relating to that space. The amendment shall describe the  
19 limited common elements formed out of the convertible space,  
20 showing the unit to which each is assigned.

21       Subd. 3. The developer shall, if necessary, reallocate  
22 the undivided interests in the common elements relating to  
23 the units formed out of that space as soon as all of that  
24 space has been converted, so that all of the undivided  
25 interest in the common elements originally allocated to that  
26 space shall be allocated among all of the units formed from  
27 it on the same basis for all the units. The reallocation  
28 shall be shown in an amendment to the declaration prepared,  
29 executed, and recorded by the developer.

30       Subd. 4. Convertible space not converted in accordance  
31 with this section, shall be treated for all purposes as a  
32 single unit until it is so converted, and the provisions of

1364

1 this chapter shall be deemed applicable to that space as  
2 though it were a unit.

3       Sec. 24. [EXPANSION OF THE CONDOMINIUM.] No  
4 condominium shall be expanded except in accordance with the  
5 provisions of the declaration and of sections 1 to 64. Any  
6 expansion shall be deemed to have occurred at the time of  
7 the recordation of plats and plans pursuant to section 19,  
8 subdivision 3, together with an amendment to the  
9 declaration, duly executed by the developer. The amendment  
10 shall contain a legal description of the land added to the  
11 condominium, and shall reallocate undivided interests in the  
12 common elements in accordance with section 17, subdivision  
13 2. The amendment may create convertible or withdrawable  
14 lands within the land added to the condominium provided the  
15 requirements on the lands are satisfied.

16       Sec. 25. [CONTRACTION OF THE CONDOMINIUM.] No  
17 condominium shall be contracted except in accordance with  
18 the provisions of the declaration and of sections 1 to 64.  
19 Any contraction shall be deemed to have occurred at the time  
20 of the recordation of an amendment to the declaration,  
21 executed by the developer, containing a legal description of  
22 the land withdrawn from the condominium. If portions of the  
23 withdrawable land were described pursuant to section 15,  
24 subdivision 4, clause (e), then no such portion shall be so  
25 withdrawn after the conveyance of any unit on the portion.  
26 If no such portions were described, then none of the  
27 withdrawable land shall be withdrawn after the first  
28 conveyance of any unit thereon.

29       Sec. 26. [EASEMENT TO FACILITATE CONVERSION AND  
30 EXPANSION.] Subject to any restrictions and limitations the  
31 condominium instruments specify, the developer shall have a  
32 transferable easement over the common elements for the

1364

1 purpose of making improvements on the submitted land and  
2 additional land, and doing all things reasonably necessary  
3 and proper in connection with them.

4       Sec. 27. [EASEMENT TO FACILITATE SALES.] The developer  
5 and his authorized agents, representatives, and employees  
6 may maintain site signs, sales offices or model units on the  
7 submitted land if the condominium instruments provide for it  
8 and specify the rights of the developer with regard to their  
9 number, size, location, and relocation. Any sales office or  
10 model unit which is not designated a unit by the condominium  
11 instruments shall become a common element when the developer  
12 ceases to be a unit owner, and the developer shall cease to  
13 have any rights in it unless the sales office or model unit  
14 is removed from the submitted land in accordance with a  
15 right reserved in the condominium instruments to make the  
16 removal.

17       Sec. 28. [DEVELOPER'S OBLIGATION TO COMPLETE AND  
18 RESTORE.] Subdivision 1. No covenants, restrictions,  
19 limitations, or other representations or commitments in the  
20 condominium instruments with regard to anything that is or  
21 is not to be done on additional land or withdrawable land  
22 shall be binding as to any portion of either lawfully  
23 withdrawn from the condominium or never added to it except  
24 to the extent that the condominium instruments so provide.  
25 In the case of any covenant, restriction, limitation, or  
26 other representation or commitment in the condominium  
27 instruments or any other agreement requiring the developer  
28 to add or withdraw land, or imposing obligations with regard  
29 to anything that is or is not to be done on or to the  
30 condominium this subdivision shall not be construed to  
31 nullify, limit, or otherwise affect the obligation.

32       Subd. 2. The developer shall complete all improvements



1364

1 labeled "(NOT YET COMPLETED)" on plats recorded pursuant to  
2 the requirements of sections 1 to 64 unless the condominium  
3 instruments expressly exempt the developer from that  
4 obligation, and shall, in the case of every improvement  
5 labeled "(NOT YET BEGUN)" on the plats, state in the  
6 declaration either the extent of the obligation to complete  
7 it or that there is no obligation to do so.

8 Subd. 3. To the extent that damage is inflicted on a  
9 part of the condominium by a person utilizing the easements  
10 reserved by the condominium instruments or created by  
11 sections 26 and 27, the developer together with the person  
12 causing the damage shall be jointly and severally liable for  
13 its prompt repair and restoration to a condition compatible  
14 with the remainder of the condominium.

15 Sec. 29. [ALTERATIONS WITHIN UNITS.] Subdivision 1.  
16 Except to the extent prohibited by the condominium  
17 instruments, and subject to restrictions and limitations  
18 specified therein, and in accordance with local codes and  
19 ordinances, a unit owner may make improvements or  
20 alterations within his unit that do not impair the  
21 structural integrity of any structure or otherwise lessen  
22 the support of any portion of the condominium. No unit  
23 owner shall do anything which would change the exterior  
24 appearance of his unit or any other portion of the  
25 condominium except to the extent and subject to the  
26 conditions the condominium instruments specify.

27 Subd. 2. If a unit owner acquires an adjoining unit,  
28 or an adjoining part of an adjoining unit, the unit owner  
29 shall have the right to remove any intervening partition or  
30 to create doorways or other apertures in them,  
31 notwithstanding the fact that the partition may in whole or  
32 in part be a common element, so long as no portion of any

1364

1 bearing wall or bearing column is weakened and no portion of  
2 any common element other than that partition is damaged,  
3 destroyed, or endangered. The creation of doorways or other  
4 apertures shall not be an alteration of boundaries within  
5 the meaning of section 30.

6       Sec. 30. [RELOCATION OF BOUNDARIES BETWEEN UNITS.]  
7       Subdivision 1. If the condominium instruments expressly  
8       permit the relocation of boundaries between adjoining units,  
9       the boundaries between the units may be relocated in  
10       accordance with the provisions of this section and any  
11       restrictions and limitations not otherwise unlawful which  
12       the condominium instruments specify. Boundaries shall not  
13       be relocated unless the condominium instruments expressly  
14       permit it.

15       Subd. 2. If the unit owners of adjoining units whose  
16       mutual boundaries may be relocated desire to relocate the  
17       boundaries, the principal officer of the unit owners'  
18       association, or other officer the condominium instruments  
19       specify, shall, upon written application of the unit owners,  
20       prepare and execute appropriate instruments pursuant to  
21       subdivisions 3, 4, and 5.

22       Subd. 3. An amendment to the declaration shall  
23       identify the units involved, state that the boundaries  
24       between those units are being relocated by agreement of  
25       their unit owners and contain conveyancing between those  
26       unit owners. If those unit owners have specified in their  
27       written application a reasonable reallocation between the  
28       units involved of the aggregate undivided interest in the  
29       common elements appertaining to the units, the amendment to  
30       the declaration shall reflect the reallocation.

31       Subd. 4. If the unit owners of the units involved have  
32       specified in their written application a reasonable

1364

1 reallocation as between their units of the aggregate number  
2 of votes in the unit owners' association allocated to those  
3 units, an amendment to the bylaws shall reflect that  
4 reallocation and a proportionate reallocation of liability  
5 for common expenses and rights to common revenue between  
6 those units.

7 Subd. 5. Plats and plans necessary to show the altered  
8 boundaries between the units involved, and their other  
9 boundaries, shall be prepared, with the units depicted  
10 bearing their identifying numbers. The plats and plans  
11 shall indicate the new dimensions of the units involved, and  
12 any change in horizontal boundaries as a result of the  
13 relocation of boundaries shall be identified with reference  
14 to established datum. The plats and plans shall be  
15 certified for accuracy and compliance with this subdivision  
16 by a registered land surveyor in the case of a plat and by a  
17 registered architect or registered engineer in the case of a  
18 plan.

19 Subd. 6. When the necessary instruments have been  
20 prepared, executed, and acknowledged, they shall be  
21 delivered to the unit owners of the units involved upon  
22 payment by them of reasonable costs for the preparation and  
23 acknowledgment of the instruments. The instruments shall be  
24 effective when the unit owners of the units involved have  
25 executed and recorded them. The recordation shall be  
26 conclusive evidence that the relocation of boundaries did  
27 not violate any restrictions or limitations specified by the  
28 condominium instruments and that reallocations made pursuant  
29 to subdivisions 3 and 4 were reasonable.

30 Subd. 7. Any relocation of boundaries between  
31 adjoining units, not intended to result in the creation of  
32 two or more new units in place of the subdivided unit, shall



1364

1 be governed by this section.

2       Sec. 31. [SUBDIVISION OF UNITS.] Subdivision 1. If  
3 the condominium instruments expressly permit the subdivision  
4 of any units, the units may be subdivided in accordance with  
5 the provisions of this section and restrictions and  
6 limitations not otherwise unlawful which the condominium  
7 instruments specify.

8       Subd. 2. If the unit owner of any unit which may be  
9 subdivided desires to subdivide the unit, the principal  
10 officer of the unit owners' association, or other officer  
11 the condominium instruments specify, shall, upon written  
12 application of the unit owner, herein referred to as the  
13 subdivider, prepare and execute appropriate instruments  
14 pursuant to subdivisions 3, 4, and 5.

15       Subd. 3. An amendment to the declaration shall assign  
16 new identifying numbers to the new units created by the  
17 subdivision of a unit and shall allocate to those units, on  
18 a reasonable basis acceptable to the subdivider, all of the  
19 undivided interest in the common elements appertaining to  
20 the subdivided unit. The new units shall jointly share all  
21 rights, and shall be equally liable jointly and severally  
22 for all obligations, with regard to any limited common  
23 elements assigned to the subdivided unit except to the  
24 extent that the subdivider may have specified in his written  
25 application that a limited common element assigned to the  
26 subdivided unit exclusively should be assigned to one or  
27 more of the new units, in which case the amendment to the  
28 declaration shall reflect that intention.

29       Subd. 4. An amendment to the bylaws shall allocate to  
30 the new units, on a reasonable basis acceptable to the  
31 subdivider, the votes in the unit owners' association  
32 allocated to the subdivided unit, and reflect a



1364

1 proportionate allocation to the new units of the liability  
2 for common expenses and rights to common revenue formerly  
3 relating to the subdivided unit.

4 Subd. 5. Plats and plans necessary to show the  
5 boundaries separating the new units together with their  
6 other boundaries shall be prepared, and the new units  
7 depicted thereon shall bear their new identifying numbers.  
8 The plats and plans shall indicate the dimensions of the new  
9 units, and their horizontal boundaries shall be identified  
10 with reference to established datum. The plats and plans  
11 shall be certified for accuracy and compliance with this  
12 subdivision by a registered land surveyor in the case of a  
13 plat and by a registered architect or registered engineer in  
14 the case of a plan.

15 Subd. 6. When necessary instruments have been  
16 prepared, executed, and acknowledged, they shall be  
17 delivered to the subdivider upon his payment of reasonable  
18 costs for their preparation and acknowledgment. The  
19 instruments shall be effective when the subdivider has  
20 executed and recorded them. The recordation shall be  
21 conclusive evidence that the subdivision did not violate any  
22 restrictions or limitations specified by the condominium  
23 instruments and that any reallocations made pursuant to  
24 subdivisions 3 and 4 were reasonable.

25 Subd. 7. This section shall not apply to convertible  
26 spaces, and no convertible space shall be deemed a unit for  
27 the purposes of this section, but shall apply to units  
28 formed by the conversion of such space, and any such unit  
29 shall be deemed a unit for the purposes of this section.

30 Sec. 32. [TERMINATION OR AMENDMENT BEFORE CONVEYANCE  
31 OF UNITS.] If there is no unit owner other than the  
32 developer, he may unilaterally terminate the condominium or

1364'

1 amend the condominium instruments. The termination or  
2 amendment shall be effective upon its recordation if it has  
3 been executed by the developer. This section shall not be  
4 construed to nullify, limit, or otherwise affect the  
5 validity or enforceability of any agreement to renounce the  
6 right hereby conferred.

7       Sec. 33. [TERMINATION OR AMENDMENT AFTER CONVEYANCE OF  
8 UNITS; RIGHTS OF MORTGAGEE.] Subdivision 1. If there is any  
9 unit owner other than the developer, the condominium shall  
10 be terminated only by the agreement of unit owners of units  
11 to which four fifths of the votes in the unit owners'  
12 association pertain, or a larger majority the condominium  
13 instruments specify.

14       Subd. 2. If there is any unit owner other than the  
15 developer, the condominium instruments may be amended only  
16 by agreement of the unit owners of units to which two thirds  
17 of the votes in the unit owners' association pertain, or a  
18 larger majority the condominium instruments specify, except  
19 in cases for which this chapter provides different methods  
20 of amendment.

21       Subd. 3. If all of the units in the condominium are  
22 restricted exclusively to non-residential use, the  
23 condominium instruments may specify majorities smaller than  
24 the minimums specified by subdivisions 1 and 2.

25       Subd. 4. Agreement of the required majority of unit  
26 owners to termination of the condominium or to any amendment  
27 of the condominium instruments shall be evidenced by their  
28 execution or ratification of the termination agreement or  
29 amendment. They shall be effective only when the agreement  
30 is so evidenced of record. For the purposes of this section  
31 and section 32, an instrument terminating a condominium  
32 shall be deemed a condominium instrument subject to the

1364

1 provisions of section 10. For the purposes of this section,  
2 a ratification of an amendment shall also be deemed such an  
3 instrument.

4 Subd. 5. Except to the extent expressly permitted or  
5 required by other provisions of this chapter, no amendment  
6 to the condominium instruments may change the boundaries of  
7 a unit, or the undivided interest in the common elements,  
8 liability for common expenses, rights to common revenue, or  
9 number of votes in the unit owners' association relating  
10 thereto.

11 Subd. 6. Upon recordation of an instrument terminating  
12 a condominium, all of the property constituting it shall be  
13 owned by the unit owners as tenants in common in proportion  
14 to their respective undivided interest in the common  
15 elements immediately prior to the recordation. As long as  
16 the tenancy in common lasts, each unit owner, or the heirs,  
17 successors, or assigns thereof, shall have an exclusive  
18 right of occupancy of the portion of the property which  
19 formerly constituted his unit.

20 Subd. 7. Upon recordation of an instrument terminating  
21 a condominium, any rights the unit owners may have to the  
22 assets of the unit owners' association shall be in  
23 proportion to their respective undivided interests in the  
24 common elements immediately prior to the recordation.

25 Subd. 8. No provisions of sections 1 to 64 shall be  
26 construed in derogation of any requirement of the  
27 condominium instruments that all or a specified number of  
28 the beneficiaries of mortgages or contracts for deed  
29 encumbering the condominium units approve specified actions  
30 contemplated by the unit owners' association.

31 Sec. 34. [ASSOCIATION OF UNIT OWNERS; CONTENTS OF  
32 BYLAWS.] Subdivision 1. [INCORPORATION OF ASSOCIATION.] The

1364'

1 unit owners' association shall be incorporated as provided  
2 in Minnesota Statutes, Chapter 317.

3 Subd. 2. [BYLAWS.] There shall be recorded  
4 simultaneously with the declaration a set of bylaws  
5 providing for the self government of the condominium by the  
6 association of all the unit owners. The bylaws shall  
7 specify which powers and responsibilities of the unit  
8 owners' association may be delegated to a managing agent.

9 Subd. 3. [MEETINGS.] Meetings of the unit owners'  
10 association shall be held in accordance with the provision  
11 of the condominium instruments at least once each year. The  
12 bylaws shall specify an officer who shall, at least 21 days  
13 in advance of any annual or regularly scheduled meeting and  
14 at least seven days in advance of any other meeting, send to  
15 each unit owner notice of the time, place, and purposes of  
16 the meeting. The notice shall be sent by United States mail  
17 to all unit owners of record at the address of their  
18 respective units and to other addresses as any of them may  
19 have designated to the officer.

20 Subd. 4. [QUORUMS.] Unless the condominium instruments  
21 otherwise provide, a quorum shall be deemed present  
22 throughout any meeting of the unit owners' association until  
23 adjourned if persons entitled to cast more than one third of  
24 the votes are present at the beginning of the meeting.  
25 Unless the condominium instruments specify a larger  
26 majority, a quorum shall be deemed to be present throughout  
27 any meeting of an executive committee if persons entitled to  
28 cast one half of the votes in that committee are present at  
29 the beginning of the meeting.

30 Subd. 5. [VOTING.] (a) The bylaws may allocate to each  
31 unit depicted on plats and plans that comply with section 19  
32 a number of votes in the unit owners' association



1364

1 proportionate to the liability for common expenses  
2 established pursuant to section 41.

3 (b) Except as provided in clause (a), the bylaws shall  
4 allocate to each unit an equal number of votes in the unit  
5 owners' association, except that each convertible space so  
6 depicted shall be allocated a number of votes in the unit  
7 owners' association proportionate to the area of each space,  
8 while the remaining votes in the unit owners' association  
9 shall be allocated equally to the other units so depicted.

10 (c) A unit owner may be more than one person. If only  
11 one of those persons is present at a meeting of the unit  
12 owners' association, that person may cast all votes  
13 allocated to that unit. But if more than one of those  
14 persons is present, the vote allocated to that unit shall be  
15 cast only in accordance with their unanimous agreement  
16 unless the condominium instruments expressly provide  
17 otherwise, and consent shall be conclusively presumed if any  
18 one of them purports to cast the votes allocated to that  
19 unit without protest being made immediately by any of the  
20 others to the person presiding over the meeting.

21 (d) The votes allocated to any unit may be cast  
22 pursuant to a proxy or proxies duly executed by or on behalf  
23 of the unit owner, or, in cases where the unit owner is more  
24 than one person, by or on behalf of all of them. No proxy  
25 shall be revocable except by actual notice to the person  
26 presiding over the meeting, by the unit owner or by any of  
27 those persons, that it be revoked. A proxy shall be void if  
28 it is not dated, if it purports to be revocable without  
29 notice, or if the signatures of any of those executing it  
30 have not been duly acknowledged. The proxy of any person  
31 shall be void if not signed by a person having authority at  
32 the time of its execution to execute deeds on behalf of that

1364

1 person. A proxy shall terminate automatically upon the  
2 adjournment of the first meeting held on or after the date  
3 of that proxy.

4 (e) If 50 percent or more of the votes in the unit  
5 owners' association constitute 25 percent or less of the  
6 units, then in any case when a majority vote is required by  
7 the condominium instruments or by sections 1 to 64, the  
8 requirement for the majority shall be deemed to include  
9 assent by the unit owners of a like majority of the units.

10 (f) No vote in the unit owners' association shall be  
11 deemed to inure to any condominium unit during any time when  
12 the unit owner thereof is the unit owners' association.

13 Subd. 6. [OFFICERS AND DIRECTORS.] (a) The condominium  
14 instruments shall provide that any officer or director must  
15 be a unit owner. An officer or director who disposes of all  
16 his interest in the unit or leases his interest in the unit  
17 for a period exceeding six months shall be deemed  
18 disqualified from continuing in office unless, in the  
19 instance of disposition and fee, he acquires or contracts to  
20 acquire another unit in the condominium under terms giving  
21 him a right of occupancy to it effective on or before the  
22 termination of his right of occupancy under the disposition.

23 (b) The term "unit owner" shall include any director,  
24 officer, partner in, or trustee of any person which is,  
25 either alone or in conjunction with another person, a unit  
26 owner. An officer who would not be eligible to serve as  
27 such were he not a director, officer, partner in, or trustee  
28 of a person, shall be deemed disqualified from continuing in  
29 office if he ceases to have the affiliation with that  
30 person, or if that person would itself have been deemed  
31 disqualified from continuing in office under subdivision 1  
32 were it a natural person holding the office.

1364

1       Sec. 35. [CONTROL BY THE DEVELOPER; TRANSFER OF  
2 CONTROL TO THE UNIT OWNERS' ASSOCIATION; PROHIBITIONS.]

3       Subdivision 1. If the unit owners' association has not been  
4 incorporated or does not have officers and directors at the  
5 time of the creation of the condominium, the developer  
6 shall, until the time the association is incorporated, act  
7 in all instances where sections 1 to 64 require action by  
8 the unit owners' association.

9       Subd. 2. The condominium instruments may authorize the  
10 developer to appoint or remove a majority of the directors  
11 of the unit owners' association and to exercise the powers  
12 and responsibilities otherwise assigned by the condominium  
13 instruments or by sections 1 to 64 to the unit owners'  
14 association to initiate management of the condominium and  
15 its common elements. No amendment to the condominium  
16 instruments shall increase the scope of this authorization  
17 if there is any unit owner other than the developer. This  
18 authorization shall not be valid after the time limit set by  
19 the condominium instruments or after units to which three  
20 fifths of the undivided interests in the common elements  
21 have been conveyed, whichever occurs first. The time limit  
22 initially set by the condominium instruments shall not  
23 exceed five years in the case of an expandable condominium,  
24 three years in the case of a condominium other than an  
25 expandable condominium, containing any convertible land, or  
26 two years in the case of any other condominium. The time  
27 period shall commence upon sale of the first unit in any  
28 portion of the condominium.

29       Subd. 3. No contract, lease, management contract,  
30 employment contract, or lease of recreational areas or  
31 facilities, which is directly or indirectly made by or on  
32 behalf of the unit owners' association shall be entered into



1364

1 for a period exceeding two years. The contracts or  
2 agreements may contain a provision authorizing renewal for  
3 periods not exceeding two years if the authorization is  
4 accompanied by a reservation in favor of the association  
5 permitting termination of the contract or agreement upon 60  
6 days written notice.

7       Sec. 36. [UPKEEP OF THE CONDOMINIUM.] Except to the  
8 extent otherwise provided by the condominium instruments,  
9 all powers and responsibilities with regard to maintenance,  
10 repair, renovation, restoration, and replacement shall  
11 appertain to the unit owners' association in the case of the  
12 common elements, and to the individual unit owner in the  
13 case of any unit. Each unit owner shall afford to the other  
14 unit owners and to the unit owners' association, and to  
15 their agents or employees, access through his unit  
16 reasonably necessary to enable them to exercise and  
17 discharge their powers and responsibilities. To the extent  
18 that damage is inflicted on the common elements or any unit  
19 through which access is taken, the unit owner causing the  
20 damage, or the unit owners' association if it caused the  
21 damage, shall be liable for its prompt repair.

22       Sec. 37. [CONTROL OF THE COMMON ELEMENTS.] Subdivision  
23 1. Except to the extent prohibited by the condominium  
24 instruments, and subject to any restrictions and limitations  
25 specified in them, the unit owners' association shall have  
26 the power to:

27       (a) Employ, dismiss, and replace agents and employees  
28 to exercise and discharge the powers and responsibilities of  
29 the association arising under section 36.

30       (b) Make or cause to be made additional improvements on  
31 and as a part of the common elements.

32       (c) Grant or withhold approval of action by a unit



1364

1 owner or other person entitled to the occupancy of a unit  
2 which would change the exterior appearance of a unit or of  
3 another portion of the condominium, or elect or provide for  
4 the appointment of an architectural control committee, the  
5 members of which must have the same qualifications as  
6 officers, to grant or withhold that approval.

7 (d) Acquire, hold, convey, and encumber title to real  
8 property, including condominium units.

9 Subd. 2. Except to the extent prohibited by the  
10 condominium instruments, and subject to restrictions and  
11 limitations specified in them, the unit owners' association  
12 shall have the irrevocable power as attorney-in-fact on  
13 behalf of all the unit owners and their successors in title  
14 to grant easements through the common elements and accept  
15 easements benefiting the condominium or any portion thereof.

16 Subd. 3. This section shall not be construed to  
17 prohibit the grant, by the condominium instruments, of other  
18 powers and responsibilities to the unit owners' association.

19 Sec. 38. (LIABILITIES OF UNIT OWNERS' ASSOCIATION.)  
20 Subdivision 1. An action for tort alleging a wrong done by  
21 any agent or employee of the developer or of the unit  
22 owners' association, or in connection with the condition of  
23 any portion of the condominium which the developer or the  
24 association is responsible to maintain shall be brought  
25 against the developer or the association. No unit owner  
26 shall be precluded from bringing an action because of his  
27 ownership of an undivided interest in the common elements or  
28 his membership in the association. A judgment against the  
29 developer arising from the action shall not be a lien  
30 against condominium units other than those owned by the  
31 developer.

32 Subd. 2. Unit owners other than the developer shall

1364'

1 not be liable for torts caused by agents or employees of the  
2 developer within any convertible land or using any easement  
3 reserved in the declaration or created by sections 26 and  
4 27.

5 Subd. 3. no contractual obligation shall be  
6 enforceable against the unit owners' association unless the  
7 obligation is evidenced by a writing signed by an officer of  
8 the unit owners' association or an authorized agent.

9 Subd. 4. A judgment for money against the unit owners'  
10 association shall be a lien against all of the condominium  
11 units. The lien shall be enforced against the condominium  
12 units on a pro rata basis in proportion to the interest in  
13 the common elements only to the extent that enforcement  
14 against real estate, if any, of or to which the unit owners'  
15 association is possessed or entitled does not satisfy the  
16 judgment. Upon enforcement of the lien of the judgment  
17 against the condominium units, the unit owners' association  
18 may designate portions of the condominium which shall be  
19 subjected to satisfaction of the judgment, but in no event  
20 shall a unit be subjected to satisfaction of the judgment  
21 until all common elements are so subjected, unless the  
22 affected unit owner consents to it. If less than all of the  
23 common elements are to be subject to satisfaction of the  
24 judgment, the common elements, including limited common  
25 elements, to be so subjected shall not be apportioned to  
26 result in a substantially more adverse effect upon the  
27 value, use or enjoyment of one or more condominium units  
28 relative to the remainder of the condominium units.

29 Sec. 39. [INSURANCE.] Subdivision 1. The condominium  
30 instruments shall require the unit owners' association or  
31 managing agent on its behalf, to obtain:

32 (a) A master casualty policy affording fire and

1364

1 extended coverage in the amount of the full replacement  
2 value of the structures within the condominium, or of the  
3 structures that comprise portions of the common elements.

4 (b) A master liability policy, in an amount specified  
5 by the condominium instruments, covering the unit owners'  
6 association, the managing agent, all persons acting as their  
7 agents or employees with respect to the condominium, and all  
8 unit owners and other persons entitled to occupy any unit or  
9 other portion of the condominium.

10 (c) Other policies required by the condominium  
11 instruments, including workmen's compensation insurance,  
12 liability insurance on motor vehicles owned by the  
13 association, and specialized policies covering lands or  
14 improvements in which the unit owners' association has  
15 ownership or other rights.

16 Subd. 2. When a policy of insurance has been obtained  
17 by or on behalf of the unit owners' association, written  
18 notice of that and of any subsequent changes in it or  
19 termination of it shall be promptly furnished to each unit  
20 owner by the officer required to send notices of meetings of  
21 the unit owners' association. The notices shall be sent in  
22 accordance with the notice provisions of section 34.

23 Sec. 40. [RIGHTS TO COMMON REVENUE.] The common  
24 revenue shall be applied to the payment of common expenses,  
25 and rights in any surplus shall pertain to the condominium  
26 units in proportion to the liability for common expenses as  
27 established pursuant to section 41. The surplus shall be  
28 refunded accordingly to the unit owners, except to the  
29 extent the condominium instruments may require it to be  
30 added to reserves maintained pursuant to the instruments.

31 Sec. 41. [LIABILITIES FOR COMMON EXPENSES.]  
32 Subdivision 1. Except to the extent that the condominium



1364

1 instruments provide otherwise, any common expenses  
2 associated with the maintenance, repair, renovation,  
3 restoration, or replacement of any limited common element  
4 shall be specially assessed against the condominium unit to  
5 which that limited common element was assigned at the time  
6 such expenses were incurred. If the limited common element  
7 involved was assigned at that time to more than one  
8 condominium unit, the expenses shall be specially assessed  
9 against each of those units equally so that the total of the  
10 special assessments equals the total of the expenses.

11 Subd. 2. To the extent that the condominium  
12 instruments expressly so provide, any other common expenses  
13 benefiting less than all of the condominium units, or caused  
14 by the conduct of less than all those entitled to occupy  
15 them or by their licensees or invitees, shall be specially  
16 assessed against the condominium unit involved.

17 Subd. 3. The amount of all common expenses not  
18 specially assessed pursuant to subdivisions 1 or 2, less the  
19 amount of all common revenue, shall be assessed against the  
20 condominium units in proportion to (a) the number of votes  
21 in the unit owners' association; (b) the undivided interest  
22 in the common elements; or (c) the percentage or fraction of  
23 the common expenses allocated by the condominium instruments  
24 based upon the methods of allocation set forth in section  
25 16, accruing to each unit. The assessments shall be made by  
26 the unit owners' association annually, or more often if the  
27 condominium instruments so provide. No change in the number  
28 of votes in the unit owners' association accruing to any  
29 condominium unit shall enlarge, diminish or otherwise affect  
30 any liabilities arising from assessments made prior to the  
31 change.

32 Sec. 42. (LIEN FOR ASSESSMENTS.) Subdivision 1. The



1364

1 unit owners' association shall have a lien on every  
2 condominium unit for unpaid assessments levied against that  
3 condominium unit in accordance with the provisions of  
4 sections 1 to 64 and all lawful provisions of the  
5 condominium instruments. The lien shall be prior to all  
6 other liens and encumbrances except real estate tax liens on  
7 that condominium unit, liens and encumbrances recorded prior  
8 to the recordation of the declaration, and sums unpaid on  
9 any first mortgages of record and first contracts for deed  
10 entered into prior to the perfection of said lien for  
11 assessments.

12 Subd. 2. The lien created by subdivision 1 shall be  
13 perfected by the recordation of a memorandum, which need not  
14 be acknowledged, with the recording officer of the county in  
15 which the condominium is situated. The memorandum of lien  
16 shall be recordable only if it is signed by the principal  
17 officer of the unit owners' association, or other officer  
18 the condominium instruments specify, and contains the  
19 following:

20 (a) A description of the condominium unit in accordance  
21 with the provisions of section 8.

22 (b) The names of the record owners of that condominium  
23 unit and, in the case of a leasehold condominium, the names  
24 of the persons constituting the unit owner of that unit.

25 (c) The amount of unpaid assessments currently due or  
26 past due and the date when each fell due.

27 (d) The date of issuance of the memorandum.

28 Subd. 3. A lien perfected pursuant to subdivision 2  
29 shall expire only when all sums secured by it have been paid  
30 in full plus accumulated interest at the rate of six percent  
31 a year and with full reimbursement for the cost of the  
32 filing of the memorandum of lien, or when three years have

1364

1 elapsed from the date of recordation of the memorandum  
2 without the commencement of a suit in equity as contemplated  
3 by subdivision 4, whichever shall first occur. A lien not  
4 perfected pursuant to subdivision 2 shall expire, as to each  
5 unpaid assessment, three years after the assessment, or the  
6 last installment thereof, became due and payable.

7 Subd. 4. The lien created by subdivision 1, unless it  
8 has expired under the provisions of subdivision 3, may be  
9 enforced by a suit in equity brought by the unit owners'  
10 association, or on behalf of the association by its  
11 principal officer or by another officer the condominium  
12 instruments specify.

13 Subd. 5. Nothing in this section shall be construed to  
14 prohibit actions at law to recover sums for which  
15 subdivision 1 creates a lien, maintainable pursuant to  
16 section 14.

17 Subd. 6. The judgment or decree in an action brought  
18 pursuant to this section shall include reimbursement for  
19 costs and reasonable attorneys' fees, together with interest  
20 at the rate of six percent a year for the sums secured by  
21 the lien from the time each sum became due and payable.

22 Subd. 7. When payment or satisfaction is made of a  
23 debt secured by the lien created by subdivision 1, the lien  
24 shall be released. For the purposes of that section the  
25 principal officer of the unit owners' association, or other  
26 officer the condominium instruments specify, shall be deemed  
27 the authorized agent of the lien creditor.

28 Subd. 8. A unit owner or purchaser of a condominium  
29 unit, having executed a contract for its sale, shall be  
30 entitled upon request to a recordable statement setting  
31 forth the amount of unpaid assessments currently levied  
32 against the unit. The request shall be in writing, directed

1364

1 to the principal officer of the unit owners' association or  
2 to the other officer the condominium instruments specify.  
3 Failure to furnish or make available the statement within  
4 ten business days from the receipt of the request shall  
5 extinguish the lien created by subdivision 1 as to the unit  
6 involved. The statement shall be binding on the unit  
7 owners' association, and every unit owner. Payment of a fee  
8 not exceeding \$10 may be required as a prerequisite to the  
9 issuance of the statement if the condominium instruments so  
10 provide.

11 Sec. 43. [RESTRAINTS ON ALIENATION.] If the  
12 condominium instruments create any rights of first refusal  
13 or other restraints on free alienability of the condominium  
14 units, the rights and restraints shall be void unless the  
15 condominium instruments make provision for promptly  
16 furnishing to any unit owner or purchaser requesting it a  
17 recordable statement certifying to any waiver of, or failure  
18 or refusal to exercise, the rights and restraints, in all  
19 cases where the waiver, failure, or refusal does occur.  
20 Failure or refusal to furnish promptly the statement in such  
21 circumstances in accordance with the provisions of the  
22 condominium instruments shall make the rights and restraints  
23 inapplicable to any disposition of a condominium unit in  
24 contemplation of which the statement was requested. The  
25 statement shall be binding on the association of unit  
26 owners, and every unit owner. Payment of a fee not  
27 exceeding \$10 may be required as a prerequisite to the  
28 issuance of the statement if the condominium instruments so  
29 provide.

30 Sec. 44. [COMMISSIONER OF SECURITIES TO ADMINISTER.]  
31 Sections 1 to 64 shall be administered by the commissioner  
32 of securities of the Minnesota department of commerce.

1364

1       Sec. 45. [EXEMPTIONS.] Unless the method of offer or  
2 disposition is adopted for the purpose of evasion of  
3 sections 1 to 64, the provisions of sections 45 to 64 do not  
4 apply to:

5       (a) Offers or dispositions by a purchaser of a unit in  
6 a multiple housing project for his own account in a single  
7 or isolated transaction, when the purchaser has complied  
8 with the provisions of section 54;

9       (b) Dispositions in which all units are restricted to  
10 commercial, industrial, or other nonresidential use;

11       (c) Dispositions pursuant to court order;

12       (d) Dispositions by any government or government  
13 agency;

14       (e) Dispositions by a mortgagee upon foreclosure of a  
15 security interest in a multiple housing project or unit  
16 therein;

17       (f) Offers by the developer on nonbinding reservation  
18 agreements;

19       (g) Disposition of units in a multiple housing project  
20 exempt or registered pursuant to Minnesota Statutes, Chapter  
21 80A;

22       (h) Disposition of units in a multiple housing project  
23 registered under Minnesota Statutes, Chapter 83.

24       Subd. 2. The provisions of section 47 with respect to  
25 the registration of multiple housing projects shall not  
26 apply to offers or dispositions of interests in multiple  
27 housing projects involving the offer of not more than 50  
28 separate units or interests therein within any period of  
29 twelve consecutive months, if the developer or his agent  
30 shall furnish to the commissioner, not less than twenty days  
31 prior to the consummation of any such disposition, a filing  
32 fee of \$25 and a statement of the developer on forms



1364

1 prescribed by the commissioner containing the following  
2 information:

3 (a) The legal description and common address of the  
4 multiple housing project;

5 (b) The name, principal address and telephone number of  
6 the developer and its offices and agents in this state;

7 (c) A general description of the multiple housing  
8 project stating the total number of units or interests to be  
9 offered; the total number of units that may be included in  
10 the multiple housing project by reason of future expansion  
11 or merger of the project by the developer;

12 (d) The material terms of any encumbrances, easements,  
13 and restrictions including zoning and other regulations  
14 affecting the multiple housing project and each unit, a  
15 statement of the developer's efforts to remove such lien or  
16 encumbrance, and a statement of all existing taxes and  
17 existing or proposed special taxes or assessments which  
18 affect the multiple housing project;

19 (e) Copies of the declaration and bylaws, with a  
20 statement describing each and including information on  
21 developer control; a projected budget for at least the first  
22 year of the multiple housing project's operation including  
23 projected common expenses authorized or provided for in the  
24 declaration and the manner in which those expenses are  
25 apportioned among unit owners; the basis upon which reserves  
26 set out in the project, if any, are established; additional  
27 charges for use of any recreational, parking or other  
28 facilities that are a part of the multiple housing project,  
29 the estimated monthly membership assessments for the unit  
30 owners' association, and provisions, if any, for reserves  
31 for capital expenditures and restraints on alienation;

32 (f) Copies of any management contract, lease of

1364

1 recreational areas, or any part of the multiple housing  
2 project with a statement of the effect of any such agreement  
3 upon a purchaser, and a statement of the relationship, if  
4 any, between the developer and the managing agent or firm;

5 (g) A general description of the status of  
6 construction, zoning, site plan approval, issuance of  
7 building permits, or compliance with any other state or  
8 local statutes, ordinances or regulations affecting the  
9 multiple housing project;

10 (h) The significant terms of any financing offered by  
11 the developer for the purchase of the multiple housing  
12 project;

13 (i) The provisions of any warranties provided by the  
14 developer on the units and the common elements;

15 (j) Copies of the articles of incorporation and bylaws  
16 of the unit owners' association provided for in section 34;

17 (k) A proposed offering statement in which the  
18 information required by paragraphs (a) through (j)  
19 immediately above will be furnished to prospective  
20 purchasers.

21 Provided, however, that the commissioner may by rule or  
22 order, as to the offer or disposition of any multiple  
23 housing project, withdraw or further condition this  
24 exemption, or require additional information, or increase or  
25 decrease the number of units in a multiple housing project  
26 permitted to be offered or sold pursuant to this exemption.

27 Subd. 3. Sections 1 to 64 shall not apply to any  
28 multiple housing project or unit therein located outside the  
29 boundaries of this state.

30 Sec. 46. [PROHIBITION ON DISPOSITION OF UNITS.] Unless  
31 the multiple housing project or the transaction is exempt  
32 pursuant to section 45, a person may not offer or dispose in

1364

1 this state of any interest in a multiple housing project or  
2 unit unless the multiple housing project or multiple housing  
3 unit is registered in accordance with sections 45 to 64.

4 Sec. 47. [APPLICATION FOR REGISTRATION; FEE.]

5 Subdivision 1. The application for registration of a  
6 multiple housing project shall be filed with the  
7 commissioner as prescribed by rule. The application shall  
8 be signed and sworn to by the developer and shall include,  
9 but not be limited to, the following documents and  
10 information:

11 (a) An irrevocable appointment of the commissioner to  
12 receive service of any lawful process in any civil  
13 proceeding arising under this chapter against the applicant  
14 or his personal representative;

15 (b) A legal description of the multiple housing project  
16 offered for registration in a form which the commissioner  
17 shall prescribe by rule;

18 (c) The states or jurisdictions in which an application  
19 for registration or similar document has been filed, and any  
20 adverse order, judgment, or decree entered in connection  
21 with the multiple housing project or developer by the  
22 regulatory authorities in any jurisdiction or by any court;

23 (d) The developer's name, address, and the form, date,  
24 and jurisdiction of organization; and the name and address  
25 of each of its offices and agents in this state;

26 (e) The name, address, and principal occupation for the  
27 past five years of every director, officer, and partner of  
28 the developer or person occupying a similar status or  
29 performing similar functions, and each owner of ten percent  
30 or more of the developer; the extent and nature of his  
31 interest in the developer or the multiple housing project as  
32 of a specified date within 30 days of the filing of the

1364

1 application;

2 (f) A statement, in a form acceptable to the  
3 commissioner, of the condition of the title to the multiple  
4 housing project including encumbrances, deed restrictions  
5 and covenants applicable thereto with data as to recording,  
6 as of a specified date within 30 days prior to the date of  
7 application by a title opinion of a licensed attorney, not a  
8 salaried employee, partner officer, or director of the  
9 developer or of its agent, title insurance written by an  
10 insurance company authorized to transact business in this  
11 state, or by other evidence of title acceptable to the  
12 commissioner;

13 (g) Copies of instruments which will be delivered to a  
14 purchaser to evidence his interest in the multiple housing  
15 project and of the contracts or other agreements which a  
16 purchaser will be required to agree to or sign, together  
17 with the range of selling prices, rates, or rentals at which  
18 it is proposed to dispose of the units or interests in the  
19 multiple housing project, and a list of mandatory fees the  
20 purchaser may be required to pay for membership in groups  
21 including, but not limited to, unit owners' associations,  
22 and similar organizations;

23 (h) Copies of the instruments by which the interest in  
24 the multiple housing project was acquired by the developer.  
25 The commissioner may by rule or order require evidence of  
26 marketable title to units in the multiple housing project;

27 (i) Copies of any management agreements, employment  
28 contracts, or other contracts or agreements affecting the  
29 use, maintenance or access of all or a part of the multiple  
30 housing project;

31 (j) If there is a lien or encumbrance affecting the  
32 multiple housing project or any portion thereof, a legal



1364

1 description of the lien or encumbrance, a statement by the  
2 developer of his efforts to remove such lien or encumbrance,  
3 and a statement of the consequences and the steps, if any,  
4 taken to protect the purchaser in case of failure to  
5 discharge the lien or encumbrance;

6 (k) Copies of instruments creating, altering or  
7 removing easements, restrictions, or other encumbrances  
8 affecting the multiple housing project;

9 (l) A statement of compliance with the zoning and other  
10 governmental laws, ordinances and regulations affecting the  
11 use of units in the multiple housing project and adjacent  
12 properties, including the site plans and building permits  
13 and their status, and any existing tax and existing or  
14 proposed special taxes or assessments which affect the  
15 multiple housing project;

16 (m) A narrative description of the proposed plan for  
17 the disposition of the multiple housing project together  
18 with copies of advertising material which have been prepared  
19 for public distribution. Such advertising shall be  
20 considered as approved by the commissioner if no action has  
21 been taken after 30 days from the date received by the  
22 commissioner;

23 (n) The proposed public offering statement;

24 (o) A financial statement of the developer as of the  
25 end of the developer's most recent fiscal year and, if the  
26 fiscal year end of the developer is in excess of 90 days  
27 prior to the date of filing the application, a financial  
28 statement, as of a date within 90 days of the date of  
29 application. The commissioner may by rule prescribe the  
30 form and content of financial statements required under this  
31 clause and the circumstances under which consolidated  
32 financial statements may or shall be filed, and may require

1364

- 1 that the financial statement be audited by an independent  
2 certified public accountant;
- 3 (p) A statement of the permits required to be obtained  
4 from various federal, state, and local agencies, stating  
5 which have been obtained, and which have been applied for,  
6 if any permit has been refused, the reasons for the refusal  
7 and the effect such refusal will have on subsequent  
8 development of the multiple housing project;
- 9 (q) A statement that the developer can convey or cause  
10 to be conveyed the interest in the multiple housing project  
11 offered for disposition if the purchaser complies with the  
12 terms of the offer and when appropriate, that release  
13 clauses, conveyances in trust, or other safeguards have been  
14 provided;
- 15 (r) Plats and plans of the multiple housing project  
16 that comply with the provisions of section 19 other than the  
17 certification requirement thereof, and which show all units  
18 and buildings containing units to be built anywhere within  
19 the submitted land other than within the boundaries of any  
20 convertible lands;
- 21 (s) The developer of a conversion condominium shall  
22 include with the application for registration a copy of the  
23 notice set forth in section 49, subdivision 2 and a  
24 statement that such notice, fully complying with the  
25 provisions of said subdivision, shall be, at the time of the  
26 registration of such multiple housing project, mailed to  
27 each of the tenants in the building or buildings for which  
28 registration is sought;
- 29 (t) Any additional information which the commissioner  
30 may by rule require for the protection of purchasers.
- 31 Subd. 2. If the developer registers additional units  
32 to be offered for disposition in the same multiple housing

1364

1 project, he may consolidate the subsequent registration with  
2 any earlier registration offering units in the multiple  
3 housing project for disposition under the same promotional  
4 plan. An application for consolidation shall be accompanied  
5 by a fee of \$50.

6 Subd. 3. The developer shall immediately report any  
7 material changes in the information contained in an  
8 application for registration.

9 Subd. 4. The application shall be accompanied by a  
10 filing fee of \$300.

11 Sec. 48. [PUBLIC OFFERING STATEMENT.] Subdivision 1.  
12 A person may not dispose of any interest in a multiple  
13 housing project or multiple housing unit unless a current  
14 public offering statement is delivered to the purchaser at  
15 the expense of the developer or his agent and the purchaser  
16 is afforded a reasonable opportunity to examine and is  
17 permitted to retain the public offering statement prior to  
18 the offer or disposition. The developer or his agent shall  
19 obtain a receipt, signed by the purchaser, acknowledging  
20 that he has received a copy of the public offering statement  
21 prior to the execution by the purchaser of a contract or  
22 agreement for the disposition of any unit in a multiple  
23 housing project, which receipt shall be kept in the  
24 possession of the developer or his agent subject to  
25 inspection by the commissioner for a period of three years  
26 from the date the receipt is taken.

27 Subd. 2. The public offering statement shall disclose  
28 fully and accurately the characteristics of the multiple  
29 housing project, and the units therein offered and shall  
30 make known to prospective purchasers all unusual and  
31 material facts or features affecting the multiple housing  
32 project. The proposed public offering statement submitted

1364

1 to the commissioner shall be in a form prescribed by rule  
2 and shall include, but shall not be limited to, the  
3 following:

4 (a) The legal description and common address of the  
5 multiple housing project;

6 (b) The name, principal address, and telephone number  
7 of the developer and of its offices and agents in this  
8 state;

9 (c) A general description of the multiple housing  
10 project stating the total number of units or interests to be  
11 offered; the total number of units that may be included in  
12 the multiple housing project by reason of future expansion  
13 or merger of the project by the developer;

14 (d) The material terms of any encumbrances, easements,  
15 liens and restrictions including zoning and other  
16 regulations affecting the multiple housing project and each  
17 unit, a statement of the developer's efforts to remove such  
18 lien or encumbrance, and a statement of all existing taxes  
19 and existing or proposed special taxes or assessments which  
20 affect the multiple housing project;

21 (e) Copies of the declaration and bylaws, with a  
22 statement describing each and including information on  
23 developer control, a projected budget for at least the first  
24 year of the multiple housing project's operation, including  
25 projected common expenses authorized or provided for in the  
26 declaration and the manner in which those expenses are  
27 apportioned among unit owners; the basis upon which reserves  
28 set out in the project, if any, are established; additional  
29 charges for use of any recreational, parking or other  
30 facilities that are a part of the multiple housing project,  
31 the estimated monthly membership assessments for the unit  
32 owners' association, and provisions, if any, for reserves



1364

- 1 for capital expenditures and restraints on alienation;  
2 (f) Copies of any management contract, lease of  
3 recreational areas, or any part of the multiple housing  
4 project with a statement of the effect of any such agreement  
5 upon a purchaser, and a statement of the relationship, if  
6 any, between the developer and the managing agent or firm;  
7 (g) A general description of the status of  
8 construction, zoning, site plan approval, issuance of  
9 building permits, or compliance with any other state or  
10 local statute, ordinance or regulation affecting the  
11 multiple housing project;  
12 (h) The significant terms of any financing offered by  
13 the developer for the purchase of units in a multiple  
14 housing project;  
15 (i) The provisions of any warranties provided by the  
16 developer on the units and the common elements;  
17 (j) Such additional information as may be required by  
18 the commissioner to assure full and fair disclosure to  
19 prospective purchasers.  
20 Subd. 3. The public offering statement shall not be  
21 used for any promotional purpose before registration of the  
22 multiple housing project and afterwards it shall be used  
23 only in its entirety. A person may not advertise or  
24 represent that the commissioner has approved or recommended  
25 the multiple housing project or disposition thereof. The  
26 public offering statement shall be printed or typed on white  
27 paper and a portion may not be underscored, italicized or  
28 printed in larger or heavier or different color type than  
29 the remainder of the statement unless required or approved  
30 by the commissioner.  
31 Subd. 4. The commissioner may require the developer or  
32 his agent to alter or amend the proposed public offering

1364

1 statement in order to assure full and fair disclosure to  
2 prospective purchasers. No change in the substance of the  
3 plan of disposition or development of the multiple housing  
4 project may be made after registration without notifying the  
5 commissioner and without making appropriate amendment of the  
6 public offering statement. A public offering statement is  
7 not current unless all amendments are incorporated.

8 Sec. 49. (CONVERSION CONDOMINIUM; SPECIAL PROVISIONS.)

9 Subdivision 1. The developer of a conversion condominium  
10 shall include in his public offering statement in addition  
11 to the requirements of section 48 the following:

12 (a) A specific statement of the amount of any initial  
13 or special fee due from the purchaser on or before  
14 settlement of the purchase contract and the basis of such  
15 fee;

16 (b) A specific statement disclosing the actual  
17 expenditures made on all repairs, maintenance and operation  
18 or upkeep of the subject building or buildings within the  
19 last three years, set forth tabularly with the proposed  
20 budget of the multiple housing project, and cumulatively  
21 broken down on a per unit basis in proportion to the  
22 relative voting strengths allocated to the units by the  
23 bylaws. If such building or buildings have not been  
24 occupied for a period of three years, then the information  
25 shall be set forth for the maximum period such building or  
26 buildings have been occupied;

27 (c) A description of any provisions made in the budget  
28 for reserves for capital expenditures and an explanation of  
29 the basis for such reserves, or if no such provision is  
30 made, a statement to that effect;

31 (d) A statement concerning the present condition of all  
32 structural components and major utility installations in the

1364

1 multiple housing project, which statement shall include the  
2 approximate dates of construction, installation, and major  
3 repairs, and the expected useful life of each such item,  
4 together with the estimated cost, in current dollars, of  
5 replacing each of the same.

6 Subd. 2. (a) The developer shall within ten days of  
7 filing an application for registration with the commissioner  
8 in reference to a condominium conversion project provide  
9 each tenant of the building or buildings included within the  
10 application a notice of the intent to convert.

11 (b) Upon the effectiveness of an order of registration  
12 or advice that the multiple housing project to be converted  
13 is exempt, the developer shall provide each tenant with a  
14 notice describing the status of the tenancy, including but  
15 not limited to the following:

16 (i) any rights inured to the benefit of the tenant  
17 pursuant to an existing lease, whether written or oral;

18 (ii) a statement that the notice of termination of a  
19 lease of a duration less than 120 days shall not require the  
20 tenant to vacate the premises for a period of at least 120  
21 days from the date of the mailing of the notice;

22 The notice required by this section shall be sent by  
23 first class mail, return receipt requested. The notice may  
24 also constitute the notice required by any lease agreement  
25 to terminate the tenancy in accordance with the lease  
26 agreement, except that, a tenancy from month to month shall  
27 only be terminated upon 120 days notice as provided for  
28 herein.

29 Sec. 50. [ESCHOW OF DEPOSITS.] Any deposit made in  
30 regard to a disposition of a unit, including a nonbinding  
31 reservation agreement, shall be held in trust as required by  
32 the provisions of Minnesota Statutes, Section 82.24.

1364

1        Sec. 51. [SALES CONTRACT, RESCISION.] Subdivision 1.  
2        Every contract for disposition relating to a multiple  
3        housing project shall state clearly the legal description of  
4        the unit or interest disposed of and shall contain the  
5        disclosure substantially similar to that required by the  
6        federal truth in lending act, and the rules promulgated  
7        thereunder.

8        Subd. 2. Any contract or agreement for the disposition  
9        of a unit in a multiple housing project not exempt under  
10       section 45, is voidable at the discretion of the purchaser,  
11       if the multiple housing project was not registered pursuant  
12       to sections 46 to 64 at the time of the offer or  
13       disposition, or if a current public offering statement was  
14       not given to the purchaser in accordance with section 48.

15       Subd. 3. A purchaser has an unconditional right to  
16       rescind any contract, agreement or other evidence of  
17       indebtedness or revoke any offer at any time prior to or  
18       within five days after the date the purchaser actually  
19       receives a legible copy of the binding contract, agreement,  
20       or other evidence of indebtedness or offer and the public  
21       offering statement as provided in section 48. Predating of  
22       a document does not affect the time in which the right to  
23       rescind may be exercised. The burden of proving that the  
24       document was not predated is upon the developer or lender.

25       Subd. 4. Each contract, agreement or other evidence of  
26       indebtedness shall be prominently labeled and captioned that  
27       it is a document taken in connection with a sale or other  
28       disposition of a multiple housing project under sections 45  
29       to 64.

30       Subd. 5. Each such contract, agreement, or other  
31       evidence of indebtedness shall prominently contain upon its  
32       face the following notice printed in bold type, stating:



1364

"Notice to Purchaser

1  
2       You are entitled to rescind this agreement at any time  
3 if you have not received the public offering statement in  
4 advance of your signing of this agreement. In addition, you  
5 are entitled to rescind this agreement for any reason within  
6 five days from the day you actually receive a legible copy  
7 of this document signed by all parties. Such rescission  
8 must be in writing, and mailed to the developer or his agent  
9 or the lender at the address stated in this document. Upon  
10 rescission, you will receive a refund of all moneys paid."

11       The contract, agreement, or other evidence of  
12 indebtedness shall contain sufficient space upon its face in  
13 immediate proximity to the above notice for the signature of  
14 each purchaser obligated under such instrument,  
15 acknowledging that such purchaser has read the notice.

16       Subd. 6. Rescission occurs when the purchaser gives  
17 written notice of rescission to the developer or his agent  
18 or the lender at the address stated in the contract,  
19 agreement, or other evidence of indebtedness. Notice of  
20 rescission, if given by mail is effective when it is  
21 deposited in a mailbox properly addressed and postage  
22 prepaid. A notice of rescission given by the purchaser need  
23 not take a particular form and is sufficient if it indicates  
24 by any form of written expression that the purchaser intends  
25 not to be bound by the contract, agreement, or other  
26 evidence of indebtedness.

27       Subd. 7. No act of a purchaser shall be effective to  
28 waive the right to rescind as provided in this section.

29       Sec. 52. [NOTICE OF FILING AND REGISTRATION.]

30       Subdivision 1. Upon compliance with all the provisions of  
31 sections 45 to 64 applicable to the application for  
32 registration and with the requirements of the commissioner,

1364

1 and if the commissioner finds no grounds for denial of the  
2 application, the commissioner shall register the multiple  
3 housing project. The commissioner shall have power to place  
4 such conditions, limitations, and restrictions on any  
5 registration as may be necessary to carry out the purposes  
6 of sections 1 to 64. Registration shall be by entry in a  
7 book called register of multiple housing projects, which  
8 entry shall show the multiple housing projects registered  
9 and for whom registered, and shall specify the conditions,  
10 limitations, and restrictions upon such registration, if  
11 any, or shall make proper reference to a formal order of the  
12 commissioner on file showing such conditions, limitations,  
13 and restrictions.

14 Subd. 2. Upon receipt of the application for  
15 registration in proper form, the commissioner shall within  
16 60 days from the date of such receipt enter an order  
17 registering the multiple housing project or denying its  
18 registration. If no order of denial is entered within 60  
19 days from the date of receipt of the application, the  
20 multiple housing project shall be deemed registered and an  
21 order shall issue unless the developer has consented in  
22 writing to a delay.

23 Subd. 3. If the commissioner determines upon inquiry  
24 and examination:

25 (a) That any of the requirements of sections 1 to 64 or  
26 the rules promulgated pursuant to sections 1 to 64 have not  
27 been met;

28 (b) That the proposed promotional plan or advertising  
29 is or tends to be fraudulent, deceptive or misleading;

30 (c) That the sales of the units in a multiple housing  
31 project would work or tend to work a fraud or deception on  
32 the purchasers thereof;

1364

1 (d) That the developer has violated any of the  
2 provisions of sections 1 to 64 or any order or rule of the  
3 commissioner; or he may issue an order denying the  
4 application for registration.

5 He may issue an order denying the application for  
6 registration.

7 The commissioner may not deny an application solely on  
8 the basis of the proposed sale price of the condominium  
9 units. The order shall state the reasons for denial and  
10 shall inform the applicant of his right to a hearing if a  
11 request for the hearing is filed with the commissioner  
12 within 30 days of the receipt of the order of denial.

13 Sec. 53. [ANNUAL REPORT.] Subdivision 1. Within 30  
14 days after each annual anniversary date of an order  
15 registering a multiple housing project, the developer shall  
16 file a report in the form prescribed by rule of the  
17 commissioner.

18 Subd. 2. The commissioner may permit the filing of  
19 annual reports within 30 days after the annual anniversary  
20 date of a consolidated registration in lieu of the annual  
21 anniversary date of the original registration.

22 Subd. 3. Failure to file the annual report shall  
23 constitute cause for cancellation of the registration. In  
24 the event of such cancellation, registration may be  
25 reinstated at a subsequent date following a filing of the  
26 report.

27 Subd. 4. In the event that the annual report reveals  
28 that all of the units in the multiple housing project have  
29 been disposed of, provided any periods for conversion or  
30 expansion have expired, the commissioner shall issue an  
31 order terminating the registration of the multiple housing  
32 project.

1364

1       Sec. 54. [RESALE BY PURCHASER.] Subdivision 1. In the  
2       event of a resale of a unit in a multiple housing project by  
3       a unit owner other than the developer, the owner shall  
4       obtain from the unit owners' association and furnish to the  
5       purchaser, prior to the settlement date of the disposition,  
6       the following:

7       (a) Appropriate statements pursuant to section 42,  
8       subdivision 8, and, if applicable, section 43;

9       (b) A statement of any capital expenditures anticipated  
10      by the unit owners' association within the current or  
11      succeeding two fiscal years;

12      (c) A statement of the status and amount of any reserve  
13      for replacement fund and any portion of such fund designated  
14      for any specified project by the board of directors;

15      (d) A copy of the statement of financial condition for  
16      the unit owners' association for the last fiscal year for  
17      which such statement is available;

18      (e) A statement of the status of any pending suits or  
19      judgments in which the unit owners' association is a party;

20      (f) A statement setting forth what insurance coverage  
21      is provided for all unit owners by the unit owners'  
22      association and what insurance coverage should be secured by  
23      each individual unit owner;

24      (g) A statement that any improvements or alterations  
25      made to the unit or the limited common elements assigned  
26      thereto by the unit owner are not known to be in violation  
27      of the condominium instruments.

28      Subd. 2. The principal officer of the unit owners'  
29      association, or such other officer or officers as the  
30      condominium instruments may specify, shall furnish the  
31      statements prescribed by subdivision 1 upon the written  
32      request of any unit owner within ten days of the receipt of



1364

1 such request.

2 Sec. 55. [INVESTIGATIONS AND PROCEEDINGS.] Subdivision

3 1. The commissioner in his discretion:

4 (a) May make such public or private investigations  
5 within or without this state as he deems necessary to  
6 determine whether any person has violated or is about to  
7 violate sections 1 to 64 or any rule or order hereunder, or  
8 to aid in the enforcement of sections 1 to 64 or in the  
9 prescribing of rules and forms hereunder;

10 (b) May require or permit any person to file a  
11 statement in writing, under oath or otherwise as the  
12 commissioner determines, as to all the facts and  
13 circumstances concerning the matter being investigated;

14 (c) May publish information which is contained in any  
15 order issued by the commissioner;

16 (d) May hold hearings, upon reasonable notice, in  
17 respect of any matter arising out of the administration of  
18 sections 1 to 64;

19 (e) May conduct investigations and hold hearings for  
20 the purpose of compiling information with a view to  
21 recommending changes in the Minnesota condominium act to the  
22 legislature; and

23 (f) May require a developer to report to him all sales  
24 of any specified multiple housing project. Such reports  
25 shall be made within ten days after demand therefor by the  
26 commissioner and shall be open for public inspection only  
27 upon a court order. The commissioner shall not make known,  
28 in any manner not provided by law, any information contained  
29 in such reports.

30 Subd. 2. For the purpose of any investigation, hearing  
31 or proceeding under sections 1 to 64, the commissioner or  
32 any officer designated by him may administer oaths and

1364

~~1364~~

1 affirmations, subpoena witnesses, compel their attendance,  
2 take evidence and require the production of any books,  
3 papers, correspondence, memoranda, agreements or other  
4 documents or records which the commissioner deems relevant  
5 or material to the inquiry.

6 Subd. 3. In case of contumacy by, or refusal to obey a  
7 subpoena issued to, any person, the district court, upon  
8 application by the commissioner, may issue to the person an  
9 order directing him to appear before the commissioner, or  
10 the officer designated by him, there to produce documentary  
11 evidence if so ordered or to give evidence touching the  
12 matter under investigation or in question. Failure to obey  
13 the order of the court may be punished by the court as a  
14 contempt of court.

15 Subd. 4. No person is excused from attending and  
16 testifying or from producing any document or record before  
17 the commissioner, or in obedience to the subpoena of the  
18 commissioner or any officer designated by him, or in any  
19 proceeding instituted by the commissioner, on the ground  
20 that the testimony or evidence required of him may tend to  
21 incriminate him or subject him to a penalty or forfeiture;  
22 but no individual may be prosecuted or subjected to any  
23 penalty or forfeiture for or on account of a transaction,  
24 matter, or thing concerning which he is compelled, after  
25 claiming his privilege against self incrimination, to  
26 testify or produce evidence, documentary or otherwise,  
27 except that the individual testifying is not exempt from  
28 prosecution and punishment for perjury or contempt committed  
29 in testifying.

30 Sec. 56. [ENFORCEMENT; POWERS OF THE COMMISSIONER.]  
31 Subdivision 1. Whenever it appears to the commissioner that  
32 any person has engaged or is about to engage in any act or

1364

1 practice constituting a violation of sections 1 to 64 or any  
2 rule or order thereunder in reference to a registration, the  
3 commissioner may suspend or revoke a registration if he  
4 finds that the developer has:

5 (a) Violated any of the provisions of sections 1 to 64,  
6 or any rule or order of the commissioner;

7 (b) Directly or through an agent or employee knowingly  
8 engaged in any false, deceptive, or misleading advertising,  
9 promotional, or sales methods to offer or dispose of an  
10 interest in a unit in a multiple housing project;

11 (c) Made any material change in the plan of disposition  
12 or development of the mutiple housing project subsequent to  
13 the order of registration without obtaining prior approval  
14 from the commissioner;

15 (d) Offered or disposed of any unit in a multiple  
16 housing project which has not been registered with the  
17 commissioner unless the unit or disposition thereof is  
18 exempt from registration pursuant to section 45;

19 (e) Been convicted, or if any of the developer's  
20 officers, directors, partners, principals or agents has been  
21 convicted, of a crime involving fraud, deception, false  
22 pretenses, misrepresentation, false advertising or dishonest  
23 dealing in real estate transactions, subsequent to the time  
24 of the filing of the application for registration;

25 (f) Disposed of, concealed, or diverted any funds or  
26 assets of any person so as to defeat the rights of unit  
27 purchasers;

28 (g) Failed to faithfully perform any stipulation or  
29 agreement made with the commissioner as an inducement to  
30 grant any registration, to reinstate any registration or to  
31 permit any promotional plan or public offering statement;

32 (h) Made misrepresentations or concealed material facts

1364

1 in an application for registration;

2 (1) Permanently or temporarily been enjoined by any  
3 court of competent jurisdiction from engaging in or  
4 continuing any conduct or practice involving any aspect of  
5 multiple housing project sales;

6 (1) Failed to pay any filing or other fee required by  
7 sections 1 to 64.

8 Subd. 2. When initiating a proceeding under  
9 subdivision 1, the commissioner shall issue an order  
10 requiring the developer to show cause why the registration  
11 should not be suspended or revoked. The order shall be  
12 calculated to give reasonable notice of the time and place  
13 for hearing thereon and shall state the reasons for the  
14 entry of the order. All hearings shall be conducted in  
15 accordance with the provisions of Minnesota Statutes,  
16 Chapter 15. After the hearing, the commissioner shall enter  
17 an order making such disposition of the order as the facts  
18 require. If the person to whom the order to show cause has  
19 been issued fails to appear at the hearing after being duly  
20 notified, such person shall be deemed in default, and the  
21 proceeding may be determined against him upon consideration  
22 of the order, the allegations of which may be deemed to be  
23 true.

24 Subd. 3. If at any time subsequent to the issuance of  
25 the order of registration, a change occurs affecting any  
26 material fact required to be contained in the application,  
27 the developer shall file an amendment thereto within 30  
28 days. Upon receipt of any amendment or other information  
29 indicating such a material change, if the commissioner  
30 determines such action to be necessary or appropriate in the  
31 public interest or for the protection of purchasers, he may  
32 suspend the registration until such time as he is satisfied



1364

1 that the developer or his agent has made the proper changes  
2 in the public offering statement, advertising, and  
3 promotional plan to provide full and fair disclosure of the  
4 material change to the public.

5 Subd. 4. In the event the commissioner issues an order  
6 under subdivisions 2 or 3, the order shall include in its  
7 terms a provision for a hearing within 20 days of the date  
8 of the order, specifying a date, time and place for the  
9 hearing. Unless otherwise agreed, within 20 days of the  
10 close of the hearing record, the commissioner shall issue an  
11 order either vacating, modifying, or continuing the  
12 temporary order. If the temporary order is continued or  
13 modified he shall state his reasons therefor.

14 Sec. 57. [INJUNCTIONS; RECEIVERS.] If it appears that  
15 a person has engaged or is about to engage in an act or  
16 practice constituting a violation of sections 1 to 64 or a  
17 rule or order hereunder, the commissioner, with or without  
18 prior administrative proceedings, may bring an action in  
19 district court to enjoin the acts or practices and to  
20 enforce compliance with sections 1 to 64 or any rule or  
21 order hereunder. Upon proper showing, injunctive relief or  
22 temporary restraining orders shall be granted and a receiver  
23 or conservator may be appointed. The commissioner shall not  
24 be required to post a bond in any court proceedings.

25 Sec. 58. [PENALTIES; CIVIL REMEDIES.] Subdivision 1.  
26 Any person who, in connection with the disposition of any  
27 interest in a multiple housing project, violates section 46  
28 or makes an untrue statement of material fact, or omits to  
29 state a material fact necessary to make the statements made,  
30 in the light of the circumstances under which they are made,  
31 not misleading, is liable as provided in this section to the  
32 purchaser unless in the case of an untruth or omission it is

1364

1 proved that the purchaser knew of the untruth or omission or  
2 that the person offering or disposing of any interest in a  
3 multiple housing project did not know and in the exercise of  
4 reasonable care could not have known of the untruth or  
5 ommission.

6 Subd. 2. In addition to any other remedies, the  
7 purchaser may recover the consideration paid for an interest  
8 in a multiple housing project where the offer or sale  
9 occurred absent registration in violation of section 46,  
10 together with interest at the rate of six percent per annum  
11 from the date of payment plus costs and reasonable  
12 attorneys' fees upon tender of appropriate instruments of  
13 reconveyance. If the purchaser no longer owns the unit, the  
14 purchaser may recover the amount that would be recoverable  
15 upon a tender of reconveyance, less the value of the unit  
16 when disposed of and less interest at the rate of six  
17 percent per annum on that amount from the date of  
18 disposition. A tender of reconveyance may be made at any  
19 time before the entry of judgment.

20 Subd. 3. An action shall not be commenced pursuant to  
21 this section later than three years from the date of  
22 disposition by the developer or the developer's agent.

23 Subd. 4. (a) Any person violating any provisions of  
24 section 46 or subdivision 1 of this section may be fined not  
25 more than \$5,000 or imprisoned not more than five years or  
26 both. Each of the acts specified shall constitute a  
27 separate offense and a prosecution or conviction for any one  
28 of such offenses shall not bar prosecution or conviction for  
29 any other offense.

30 (b) Any violation of sections 1 to 64 and any failure  
31 to comply with any provisions of sections 1 to 64 not  
32 enumerated in paragraph (a) shall be a gross misdemeanor.

1364

1        Subd. 5. Any person who fails to pay the filing or  
2        inspection fees required by sections 1 to 64 and continues  
3        to dispose of or offers to dispose of units in a multiple  
4        housing project is liable civilly in an action brought by  
5        the attorney general on behalf of the commissioner for a  
6        penalty in an amount equal to treble the unpaid fees.

7        Sec. 59. [RULES AND REGULATIONS.] The commissioner may  
8        adopt rules and regulations to implement the provisions of  
9        sections 1 to 64. The rules may include but shall not be  
10       limited to:

11       (a) Provisions for advertising standards to assure full  
12       and fair disclosure;

13       (b) Provisions requiring instruments to be executed in  
14       recordable form and as otherwise provided for by law;

15       (c) Provisions for the public offering statement to  
16       assure full and fair disclosure.

17       Sec. 60. [ADMINISTRATIVE FILES.] Subdivision 1. A  
18       document is filed when it is received by the commissioner.

19       Subd. 2. All information contained in or filed with  
20       any registration statement, application, or report shall be  
21       a matter of public record and shall be made available to the  
22       public, except for reports of sales made pursuant to section  
23       55, subdivision 1, clause (f).

24       Subd. 3. Upon request and at such reasonable charges  
25       as he prescribes, the commissioner shall furnish to any  
26       person photostatic or other copies, certified if requested,  
27       of any document which is a matter of public record. In any  
28       proceeding or prosecution under sections 1 to 64, any copy  
29       so certified is prima facie evidence of the contents of the  
30       document so certified.

31       Subd. 4. The commissioner may, upon request and upon  
32       payment of the sum of \$20, grant a request for a written

1364

1 advisory opinion concerning the availability of any  
2 exemption in section 45, or interpreting any provisions of  
3 sections 1 through 64.

4       Sec. 61. [SERVICE OF PROCESS.] Subdivision 1. In  
5 addition to the methods of service provided for in any other  
6 provisions of law, service may be made by delivering a copy  
7 of the process to the office of the commissioner if the  
8 plaintiff, which may be the commissioner in a proceeding  
9 instituted by him, does both of the following:

10       (a) Sends a copy of the process and of the pleading or  
11 order by certified mail to the defendant or respondent at  
12 his last known address;

13       (b) Files with the court an affidavit of compliance  
14 with this section at the time of the filing of the complaint  
15 or other pleading or order.

16       Subd. 2. If any person, including any nonresident of  
17 this state, engages in conduct prohibited by sections 1 to  
18 64 or any rule or order hereunder and has not filed a  
19 consent to service of process, and personal jurisdiction  
20 over him cannot otherwise be obtained, the conduct  
21 authorizes the commissioner to receive service of process in  
22 any civil proceeding against him or his successor which  
23 grows out of the conduct and which is brought under sections  
24 1 to 64 or any rule or order hereunder, with the same force  
25 and validity as if served on him personally. Notice shall  
26 be given as provided in subdivision 1.

27       Sec. 62. [SCOPE.] Subdivision 1. The provisions of  
28 sections 1 to 64 concerning offers and dispositions of units  
29 apply when an offer or disposition is made in this state.

30       Subd. 2. For the purpose of sections 1 to 64, an offer  
31 or disposition is made in this state, whether or not either  
32 party is then present in this state, when the multiple



1364

1 housing project is located in this state.

2 Notwithstanding any provision of sections 1 through 64  
3 to the contrary, sections 1 through 64 do not apply to nor  
4 invalidate the lien of a mortgagee when the said lien  
5 attaches to a unit pledged as security in a loan transaction  
6 consummated directly between the mortgagee and purchaser.

7 Sec. 63. [STATUTE OF LIMITATIONS.] Except as provided  
8 for in section 58, subdivision 3, the statute of limitations  
9 shall not begin to run with respect to any civil or criminal  
10 cause of action arising out of the disposition of a unit in  
11 violation of sections 1 to 64 until a conveyance describing  
12 such unit is recorded with the appropriate recording  
13 authority. This section does not prohibit the maintenance  
14 of any action before the recording of such conveyance.

15 Sec. 64. [EXISTING CONDOMINIA NOT EFFECTED.]  
16 Subdivision 1. Prior law exclusively governs all suits,  
17 actions, or proceedings which are pending or may be  
18 initiated on the basis of circumstances occurring before  
19 August 1, 1975.

20 Subd. 2. Sections 1 to 64 do not apply to condominium,  
21 nor to the offers or sale of condominium units, where the  
22 declaration has been recorded in accordance with Minnesota  
23 Statutes 1974, Chapter 515, prior to August 1, 1975.

24 Subd. 3. Sections 1 to 64 do not apply to the offer or  
25 sale of multiple housing projects or units therein prior to  
26 August 1, 1975.

27 Sec. 65. Minnesota Statutes 1974, Section 83.26,  
28 subdivision 1, is amended to read:

29 83.26 [EXEMPTIONS.] Subdivision 1. Unless the method  
30 of disposition is adopted for the purpose of evasion of  
31 sections 83.20 to 83.42, sections 83.20 to 83.42 do not  
32 apply to offers or dispositions of interests in land:

1364

1 (a) By a purchaser of subdivided lands for his own  
2 account in a single or isolated transaction;

3 (b) To any person who acquires such land for the  
4 purpose of engaging in and who does use such land to engage  
5 in the business of constructing residential, commercial or  
6 industrial buildings thereon for the purpose of resale or  
7 constructing commercial or industrial buildings for his own  
8 use;

9 (c) Pursuant to an order of a court of competent  
10 jurisdiction of this state;

11 (d) As cemetery lots or interests;

12 (e) If they are leases of apartments, stores, offices,  
13 or similar space in a building;

14 (f) If they are mortgages or deeds of trust of real  
15 estate securing evidences of indebtedness ~~—~~ ;

16 (g) If the land is located within the corporate limits  
17 of a municipality as defined in section 462.352, subdivision  
18 2, or within any subdivision located within a town or  
19 municipality located within 20 miles of the city limits of a  
20 city of the first class or within three miles of the city  
21 limits of a city of the second class, or within two miles of  
22 the city limits of a city of the third or fourth class in  
23 this state. The commissioner may, by written rule or order,  
24 suspend, wholly revoke, or further condition this exemption,  
25 or may require, prior to the first disposition of subdivided  
26 lands, such further information with respect thereto as may  
27 be necessary for the protection of purchasers consistent  
28 with the provisions hereof ;

29 (h) If the land is used or to be used in connection  
30 with a multiple housing project registered pursuant to this  
31 act. The commissioner may, by written rule or order,  
32 suspend, wholly revoke, or further condition this exemption,

1364

1 or may require, prior to the first disposition of subdivided  
2 lands, such further information with respect thereto as may  
3 be necessary for the protection of purchasers consistent  
4 with the provisions hereof .

5       Sec. 66. [REPEALER.] Minnesota Statutes 1974, Chapter  
6 515, is repealed.

7       Sec. 67. [EFFECTIVE DATE.] All provisions of sections  
8 1 through 65, with the exception of section 59, shall take  
9 effect on August 1, 1975. Section 59 shall take effect on  
10 the day following enactment, provided however, that no rules  
11 promulgated or filed pursuant to section 59 shall become  
12 effective until August 1, 1975.