

governmental subdivision in a position in the same department in which the person was employed on that date, to continue membership in the fund whether or not that person has the power of arrest by warrant after that date. Any other employee serving on a full-time basis as a police officer or fire fighter on or after July 1, 1961, shall become a member of the public employees police and fire fund. Any employee serving on less than a full-time basis as a police officer or fire fighter, as determined by the rules prescribed by the board of trustees, shall become a member of the public employees police and fire fund only after a resolution is adopted by the governing body of the governmental subdivision employing such person declaring that the position such person holds is either that of a police officer or fire fighter. Any police officer or fire fighter who by virtue of his employment is required to contribute to any other pension, relief, or retirement fund established for the benefit of officers and employees of a governmental subdivision shall not be a member of this fund.

Sec. 3. Notwithstanding section 11 of H. F. No. 746, section 9 of H. F. No. 746 as finally enacted by the 1979 legislature shall be effective August 1, 1979.

Approved May 29, 1979.

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CHAPTER 263—H.F.No.1238

*An act relating to crimes; prohibiting taking, detaining, or failing to return a child in violation of a court order; prescribing penalties; amending Minnesota Statutes 1978, Section 609.26.*

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

Section 1. Minnesota Statutes 1978, Section 609.26, is amended to read:

609.26 **OBTAINING OR RETAINING A CHILD.** Subdivision 1. Whoever intentionally takes, detains or fails to return his own child under the age of 18 years outside the state of Minnesota, with intent to deny another's rights under in violation of an existing court order which grants another person rights of custody may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$2,000, or both as provided in subdivision 5.

Subd. 2. Whoever detains or fails to return a child under the age of 18 years knowing that the physical custody of the child has been obtained or retained by another in violation of subdivision 1 may be sentenced as provided in subdivision 5.

Subd. 3. A person who violates this section may be prosecuted and tried either in the county in which the child was taken, concealed or detained or in the county of lawful residence of the child.

Subd. 4. A child who has been obtained or retained in violation of this section shall be returned to the person having lawful custody of the child. In addition to any sentence

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imposed, the court may assess any expense incurred in returning the child against any person convicted of violating this section.

Subd. 5. Whoever violates this section may be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both, if he voluntarily returns the child within 14 days after he takes, detains or fails to return the child in violation of this section; or

(2) Otherwise to imprisonment for not more than one year and one day or to payment of a fine of \$1,000, or both.

Sec. 2. EFFECTIVE DATE. This act is effective on the day following final enactment and applies to all crimes committed on or after that date.

Approved May 29, 1979.

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**CHAPTER 264—H.F.No.1309**

*An act relating to mobile homes; regulating space and lot rentals and leases; regulation of mobile home parks; prohibiting unreasonable park rules and regulations; requiring notice; specifying grounds for eviction and access; prohibiting retaliatory conduct; amending Minnesota Statutes 1978, Sections 327.20, by adding a subdivision; 327.42, Subdivision 2, and by adding subdivisions; 327.43, Subdivision 2, and by adding a subdivision; 327.44; and Chapter 327, by adding sections.*

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

Section 1. Minnesota Statutes 1978, Section 327.20, is amended by adding a subdivision to read:

Subd. 3. A mobile home park owner shall maintain streets and roadways in the park so as to permit passage of emergency vehicles and normal resident travel.

Sec. 2. Minnesota Statutes 1978, Section 327.42, Subdivision 2, is amended to read:

Subd. 2. The lessor shall give the tenant at least 60 days notice in writing of any change in the terms and conditions of a lease or rental agreement. A rule or regulation adopted or amended after the tenant enters into a lease or rental agreement may be enforced against the tenant only if the new or amended rule is reasonable and does not substantially modify the agreement. A reasonable rent increase or a modification of the lease or rental agreement resulting from governmental action shall not be construed as a substantial modification of the lease or rental agreement.

Sec. 3. Minnesota Statutes 1978, Section 327.42, is amended by adding a subdivision to read:

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