

## CHAPTER 517—S.F.No. 797

*An act relating to game and fish; authorizing, licensing and regulating nonresidents' fish houses; amending Minnesota Statutes 1978, Section 98.46, Subdivision 15.*

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

Section 1. Minnesota Statutes 1978, Section 98.46, Subdivision 15, is amended to read:

Subd. 15. Fees for the following licenses, to be issued to nonresidents, shall be:

- (1) To take fish by angling, \$10;
- (2) A short term individual license to take fish by angling for three consecutive days, \$5;
- (3) Combination husband and wife, to take fish by angling, \$15 ;

(4) For any fish house used during the winter fishing season, \$15. A fish house licensed pursuant to this subdivision shall be identified as prescribed in subdivision 5. The house shall be collapsible and portable, and shall at no time be left unattended while on the ice. The provisions of section 101.42 not inconsistent herewith shall also apply to fish houses licensed pursuant to this subdivision .

Approved April 7, 1980

## CHAPTER 518—S.F.No. 919

*An act relating to the town of Winona; providing for the employment of a building official by the town of Winona; setting forth time limits for the accrual of certain actions involving construction and improvements to real property; amending Minnesota Statutes 1978, Section 541.051, Subdivisions 1, 2, and 4.*

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

Section 1. **TOWN OF WINONA; EMPLOYMENT OF A BUILDING OFFICIAL.** The town of Winona in Winona County may employ a building official to administer the provisions of the state building code within the town. Any building official appointed by the town of Winona shall serve at the pleasure of the town board and shall exercise the duties and authority of a building official notwithstanding the provisions of Minnesota Statutes, Section 16.861, relating to the qualifications and certification of a building official.

Sec. 2. Minnesota Statutes 1978, Section 541.051, Subdivision 1, is amended to read:

Changes or additions indicated by underline deletions by ~~strikeout~~

**541.051 LIMITATION OF ACTION FOR DAMAGES BASED ON SERVICES OR CONSTRUCTION TO IMPROVE REAL PROPERTY.** Subdivision 1. Except where fraud is involved, no action by any person in contract, tort, or otherwise to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to real property, nor any action for contribution or indemnity for damages sustained on account of ~~such the~~ injury, shall be brought against any person performing or furnishing the design, planning, supervision, materials, or observation of construction or construction of ~~such the~~ improvement to real property or against the owner of the real property more than two years after discovery thereof, nor, in any event shall such a cause of action accrue more than ~~ten~~ 15 years after the substantial completion of ~~such the~~ construction. ~~This limitation shall not be applied in favor of any person in actual possession and control as owner, tenant, or otherwise, of the improvement at the time the defective and unsafe conditions of such improvement constitutes the proximate cause of the injury for which it is proposed to bring an action.~~ Date of substantial completion shall be determined by the date when construction is sufficiently completed so that the owner or his representative can occupy or use the improvement for the intended purpose.

Nothing in this section shall apply to actions for damages resulting from negligence in the maintenance, operation or inspection of the real property improvement against the owner or other person in possession.

Sec. 3. Minnesota Statutes 1978, Section 541.051, Subdivision 2, is amended to read:

Subd. 2. Notwithstanding the provisions of subdivision 1, in the case of ~~such an injury to property of the person, or such an injury causing wrongful death, action which injury occurred~~ accrues during the ~~tenth~~ 14th or 15th year after the substantial completion of ~~such the~~ construction, an action to recover damages ~~for such an injury or wrongful death~~ may be brought within ~~one year~~ two years after the date on which ~~such injury occurred, irrespective of the date of death the action accrued,~~ but in no event may ~~such an~~ action be brought more than ~~44~~ 17 years after the substantial completion of ~~such the~~ construction.

Sec. 4. Minnesota Statutes 1978, Section 541.051, Subdivision 4, is amended to read:

Subd. 4. This section shall not apply to actions based on breach of the statutory warranties set forth in section 327A.02, or to actions based on breach of an express written warranty, provided such actions shall be brought within two years of the discovery of the breach.

Sec. 5. **EFFECTIVE DATE.** Section 1 is effective upon the approval of the town board of supervisors of the town of Winona and upon compliance with Minnesota Statutes, Section 645.021.

Approved April 7, 1980

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