

collection only, or a transfer of a contract right to an assignee who is also to do the performance under the contract; or

(g) to a transfer of an interest or claim in or under any policy of insurance; or

(h) to a right represented by a judgment; or

(i) to any right of setoff; or

(j) except to the extent that provision is made for fixtures in section 336.9-313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) to a transfer in whole or in part of any of the following: Any claim arising out of tort; any deposit, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization.

(l) except to the extent this article is not superseded by sections 1 to 7 of this act, to the repossession of a mobile home meeting the definition contained in section 1 of this act.

Approved April 13, 1976.

CHAPTER 251—H.F.No.1056

An act relating to crimes; prohibiting occupying or entering buildings without a claim of right or the owner's consent except in the case of an emergency; amending Minnesota Statutes 1974, Section 609.605.

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

Section 1. Minnesota Statutes 1974, Section 609.605, is amended to read:

609.605 **CRIMES; TRESPASSES AND OTHER ACTS.** Whoever intentionally does any of the following is guilty of a misdemeanor:

(1) Smokes in a building, area, or common carrier in which "no smoking" notices have been prominently posted, or when requested not to by the operator of the common carrier; or

(2) Trespasses or permits animals under his control to trespass upon a railroad track; or

(3) Permits domestic animals or fowls under his control to go upon the lands of another within a city; or

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(4) Interferes unlawfully with any monument, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land; or

(5) Trespasses upon the premises of another and, without claim of right, refuses to depart therefrom on demand of the lawful possessor thereof; or

(6) Occupies or enters the dwelling of another, without claim of right or consent of the owner or the consent of one who has the right to give consent, except in an emergency situation. As used in this clause, "dwelling" means the building or part of the building used by an individual as a place of residence on either a full-time or a part-time basis. The dwelling may be part of a multi-dwelling or multi-purpose building, or a mobile home as defined in section 168.011, subdivision 8; or

~~(6)-(7)~~ Enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing thereon without the permission of the owner or occupant; or

~~(7)-(8)~~ Refuses the request of the operator of a public conveyance to either pay the required fare or leave the conveyance; or

~~(8)-(9)~~ Takes any animal on a public conveyance without the consent of the operator; or

~~(9)-(10)~~ Without the permission of the owner, tampers with or gets into or upon a motor vehicle as defined in section 609.55, subdivision 1, or rides in or upon such motor vehicle knowing it was taken and is being driven by another without the permission of the owner.

Approved April 13, 1976.

CHAPTER 252—H.F.No.1069

An act relating to the operation of state government; state employees; adoption of rules by state commissioner of personnel; providing for agreement of rules with employment contracts; amending Minnesota Statutes 1974, Section 43.323, Subdivision 1.

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

Section 1. Minnesota Statutes 1974, Section 43.323, Subdivision 1, is amended to read:

43.323 STATE GOVERNMENT; PERSONNEL RULE; PROCEDURE. Subdivision 1. When so authorized by law, the commissioner of

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