

In the event it is difficult to determine the daily wage as herein provided, then the trier of fact may determine the wage upon which the compensation is payable.

Approved March 28, 1978.

CHAPTER 703-S.F.No.823

[Coded in Part]

An act relating to mechanics liens; increasing the period in which notice must be given to the owner of improved real estate; amending the definition of owner; enlarging the circumstances in which notice is not required to be given; providing penalties; amending Minnesota Statutes 1976, Section 514.011, Subdivisions 2, 3 and 4, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1976, Section 514.011, Subdivision 2, is amended to read:

Subd. 2. **SUBCONTRACTOR TO GIVE NOTICE.** Every person who contributes to the improvement of real property so as to be entitled to a lien pursuant to section 514.01 except a party under direct contract with the owner must, as a necessary prerequisite to the validity of any claim or lien, cause to be given to the owner or his authorized agent, either by personal delivery or by certified mail, not later than 20 45 days after the lien claimant has first furnished labor, skill or materials for the improvement, a written notice in at least 10-point bold type, if printed, or in capital letters, if typewritten, which shall state:

"NOTICE OF OWNER

TO: (name and address of owner)

We are authorized by law to provide you with this NOTICE. Your failure to read it carefully could result in unnecessary expense to you or in the loss of your

..... at
(type of property) (address of property)

We,, have been hired by
(name and address)
(of subcontractor)

your CONTRACTOR, to provide
(name of contractor)

..... for use in
(type of service) (or material)
improving your property. We estimate our charges
will be If we are not paid
(value of service)
(or material)

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by your CONTRACTOR, we can file a claim against your property for the price of our services unless you have ALREADY paid your CONTRACTOR in full. ENFORCEMENT OF OUR CLAIM COULD MEAN THE LOSS OF YOUR PROPERTY IF YOU ARE UNABLE TO PAY US FOR OUR SERVICES.

To protect yourself, Minnesota law allows you to either:

1. Withhold payment to your CONTRACTOR for up to 90 days from the completion of the improvement or until he provides you with a waiver of claim from us which states that we will not file a claim against your property; or

2. Pay us directly and deduct the amount paid from the amount you owe your CONTRACTOR."

Sec. 2. Minnesota Statutes 1976, Section 514.011, Subdivision 3, is amended to read:

Subd. 3. **MATERIALMEN, MAY REQUEST INFORMATION; OWNER DEFINED.** A contractor who contracts with any subcontractors or materialmen to provide labor, skill or materials for the improvement shall upon request provide the subcontractor or materialman with the name and address of the owner within 10 days of the initial request. Any contractor who fails to supply the information requested pursuant to this subdivision, is liable for any actual damages sustained or expenses incurred by the subcontractor or material supplier because of the contractor's failure to provide the information, plus reasonable attorney fees and costs. For purposes of this section "owner" means the owner of any legal or equitable interest in real property who enters into a contract for the improvement of such real property.

Sec. 3. Minnesota Statutes 1976, Section 514.011, Subdivision 4, is amended to read:

Subd. 4. **EXCEPTIONS TO NOTICE REQUIREMENT.** The notice required under this section shall not be required to be given where the contractor is managed or controlled by substantially the same persons who manage or control the owner of the improved real estate or in connection with an improvement to real property ~~consisting of or providing (i)~~

(1) consisting of or providing more than four family units and the improvement is wholly residential in character; or (ii) more than; or

(2) which is partially or wholly nonresidential in character and

(a) the work or improvement is to provide or add more than 5,000 total usable square feet of floor space; or

(b) is an improvement to real property 10,000 total usable square feet of floor space

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and the improvement is partly or wholly nonresidential in character where the existing property contains more than 5,000 total usable square feet of floor space; or

(c) is an improvement to real property which contains more than 5,000 square feet and does not involve the construction of a new building or an addition to or the improvement of an existing building. For the purposes of clause (c), improvements include, but are not limited to, clearing, excavating, grading, filling in, landscaping, well digging, drilling or repairing, paving, surfacing or striping parking lots, digging or repairing a ditch, drain or reservoir. -

Sec. 4. Minnesota Statutes 1976, Section 514.011, is amended by adding a subdivision to read:

Subd. 5. OWNER DEFINED. For the purposes of this section, "owner" means the owner of any legal or equitable interest in real property who enters into a contract for the improvement of the real property.

Sec. 5. This act shall apply to contracts for improvements entered into by an owner on or after August 1, 1978.

Approved March 28, 1978.

CHAPTER 704-S.F.No.861

[Coded]

An act relating to public welfare; providing for allocation of fees collected by community mental health programs.

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

Section 1. **[245.651] ALLOCATION OF FEES.** Subdivision 1. All fees for services collected by a community mental health program may be retained by the program until the total of the fees collected and the state grant to the program pursuant to sections 245.61 to 245.69 equals 70 percent of the program budget approved by the commissioner of public welfare. One-half of the additional fees collected by the center in excess of the 70 percent shall be deducted from the state grant. For the purpose of this section, "fees for services" or "fees" shall mean income derived from clinical services and paid to the community mental health program by the patient or on his behalf pursuant to Minnesota Statutes, Section 62A.152.

Subd. 2. The amount of any reductions in state grants pursuant to subdivision 1 shall revert to the general fund.

Approved March 28, 1978.

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