

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred during the psychotherapy session. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a patient or former patient of the psychotherapist and the patient or former patient is emotionally dependent upon the psychotherapist; or

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense; or

(k) the actor accomplishes the sexual contact by means of false representation that the contact is for a bona fide medical purpose by a health care professional. Consent by the complainant is not a defense.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective August 1, 1987, and apply to crimes committed on or after that date.

Approved May 13, 1987

CHAPTER 95—H.F.No. 1031

An act relating to liens; labor and material; regulating the attachment of these liens; providing that visible staking of the premises does not constitute the actual and visible beginning of the improvement; amending Minnesota Statutes 1986, section 514.05.

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

Section 1. Minnesota Statutes 1986, section 514.05, is amended to read:

514.05 WHEN LIEN ATTACHES; NOTICE.

Subdivision 1. GENERALLY. All ~~such~~ liens, as against the owner of the land, shall attach and take effect from the time the first item of material or labor is furnished upon the premises for the beginning of the improvement, and shall be preferred to any mortgage or other encumbrance not then of record, unless the lienholder had actual notice thereof. As against a bona fide purchaser, mortgagee, or encumbrancer without actual or record notice, no lien shall attach prior to the actual and visible beginning of the improvement on the ground, but a person having a contract for the furnishing of labor, skill, material, or machinery for ~~such~~ the improvement, may file for record with the county recorder of the county within which the premises are situated, or, if claimed under section 514.04, with the secretary of state, a brief statement of the nature of ~~such~~ the contract, which statement shall be notice of that person's lien only. ~~Engineering or land surveying services with respect to real estate shall not constitute the actual and visible beginning of the improvement on the ground referred to in this section; except when such engineering or land surveying services include a visible staking of the premises. No lien shall attach for engineering or land~~

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

surveying services rendered with respect to a purchaser for value if the value of those services does not exceed \$250.

Subd. 2. EXCEPTION. Visible staking, engineering, land surveying, and soil testing services do not constitute the actual and visible beginning of the improvement on the ground referred to in this section. This subdivision does not affect the validity of the liens of a person or the notice provision provided in this chapter and affects only the determination of when the actual and visible beginning of the improvement on the ground, as the term is used in subdivision 1, has commenced.

Approved May 13, 1987

CHAPTER 96—H.F.No. 1193

An act relating to independent school district No. 206, Alexandria; providing for elections of the school board.

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

Section 1. INDEPENDENT SCHOOL DISTRICT NO. 206; ELECTIONS.

In independent school district No. 206, Alexandria, election districts may at any time be established in the manner provided by this act or the school board of the district may by resolution at any time provide that the board members be elected at large. If the members are elected at large, the notice of election must include substantially the following form:

“Position number 3 and Position number 5 must be filled by election. A candidate must not file for more than one position.”

If the members are elected at large the ballots must read substantially as follows:

“For school board position number 3 of Independent School District Number 206” or “For school board position number 5 of Independent School District Number 206.”

The names of the candidates for each seat must be rotated on the ballots to avoid any appearance of preference for incumbents, and incumbency must not be indicated on the ballot.

A newly elected school board member shall take office at the next regularly scheduled meeting of the board after receiving a certificate of election. If the school district changes from election by district to election at large or from election at large to election by district, an incumbent shall serve the entire term to which the incumbent was elected under the earlier system. If the school

Changes or additions are indicated by underline, deletions by ~~strikeout~~.