

(b) For purposes of paragraph (a), a cause of action accrues upon discovery of the injury or, in the case of an action for contribution or indemnity, upon payment of a final judgment, arbitration award or settlement arising out of the defective and unsafe condition.

(c) 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. 2. Minnesota Statutes 1987 Supplement, section 541.22, subdivision 2, is amended to read:

Subd. 2. **LIMITATION ON CERTAIN ASBESTOS ACTIONS.** Notwithstanding any other law to the contrary, an action ~~against a manufacturer or supplier of asbestos or material containing asbestos~~ to recover for (1) removal of asbestos or materials containing asbestos from a building, (2) other measures taken to locate, correct, or ameliorate any problem related to asbestos in a building, or (3) reimbursement for removal, correction, or amelioration of an asbestos problem that would otherwise be barred before July 1, 1990, as a result of expiration of the applicable period of limitation, is revived or extended. An asbestos action revived or extended under this subdivision may be begun before July 1, 1990.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day following final enactment and apply to matters pending on or instituted on or after the effective date.

Approved April 24, 1988

CHAPTER 608—H.F.No. 1795

An act relating to human services; creating a task force to study building code standards for family and group family day care homes; changing building code requirements concerning certain child care facilities; allowing variance to rules for child care facilities in some circumstances; allowing use of double cylinder dead bolt locks in certain instances; amending Minnesota Statutes 1987 Supplement, sections 16B.61, subdivision 3; 245A.04, by adding a subdivision; and 245A.14, by adding subdivisions.

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

Section 1. Minnesota Statutes 1987 Supplement, section 16B.61, subdivision 3, is amended to read:

Subd. 3. **SPECIAL REQUIREMENTS.** (a) **SPACE FOR COMMUTER VANS.** The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of

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spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) **SMOKE DETECTION DEVICES.** The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) **DOORS IN NURSING HOMES AND HOSPITALS.** The state building code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) **CHILD CARE FACILITIES IN CHURCHES.** A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) FAMILY AND GROUP FAMILY DAY CARE. The commissioner of administration shall establish a task force to determine occupancy standards specific and appropriate to family and group family day care homes and to examine hindrances to establishing day care facilities in rural Minnesota. The task force must include representatives from rural and urban building code inspectors, rural and urban fire code inspectors, rural and urban county day care licensing units, rural and urban family and group family day care providers and consumers, child care advocacy groups, and the departments of administration, human services, and public safety.

By January 1, 1989, the commissioner of administration shall report the task force findings and recommendations to the appropriate legislative committees together with proposals for legislative action on the recommendations.

Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

(e) (f) **MINED UNDERGROUND SPACE.** Nothing in the state building codes shall prevent cities from adopting rules governing the excavation, construction, reconstruction, alteration, and repair of mined underground space pursuant to sections 469.135 to 469.141, or of associated facilities in the space once the space has been created, provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained.

(+) (g) **ENCLOSED STAIRWAYS.** No provision of the code or any appen-

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dix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.

(h) No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger.

Sec. 2. Minnesota Statutes 1987 Supplement, section 245A.04, is amended by adding a subdivision to read:

Subd. 9. VARIANCES. The commissioner may grant variances to rules that do not affect the health or safety of persons in a licensed program if the following conditions are met:

(1) the variance must be requested by an applicant or license holder on a form and in a manner prescribed by the commissioner;

(2) the request for a variance must include the reasons that the applicant or license holder cannot comply with a requirement as stated in the rule and the alternative equivalent measures that the applicant or license holder will follow to comply with the intent of the rule; and

(3) the request must state the period of time for which the variance is requested.

The commissioner's decision to grant or deny a variance request is final and not subject to appeal under the provisions of chapter 14.

Sec. 3. Minnesota Statutes 1987 Supplement, section 245A.14, is amended by adding a subdivision to read:

Subd. 4. SPECIAL FAMILY DAY CARE HOMES. Nonresidential child care programs that are conducted at a location other than the license holder's own residence shall be licensed under the rules governing family day care or group family day care if:

(a) the license holder is the primary provider of care;

(b) the nonresidential child care program is conducted in a dwelling that is located on a residential lot; and

(c) the license holder complies with all other requirements of sections 245A.01 to 245A.15 and the rules governing family day care or group family day care.

Sec. 4. Minnesota Statutes 1987 Supplement, section 245A.14, is amended by adding a subdivision to read:

Subd. 5. RULES GOVERNING STAFF QUALIFICATIONS IN NONRESIDENTIAL CHILD CARE CENTERS. The education and training require-

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ments for nonresidential child care center staff contained in the rules that were in effect on January 1, 1988, shall be the minimum qualifications until July 1, 1991.

Sec. 5. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved April 24, 1988

CHAPTER 609—H.F.No. 1925

An act relating to education; eliminating the cap on the state university system student health service fee; amending Minnesota Statutes 1986, section 136.11, subdivision 7.

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

Section 1. Minnesota Statutes 1986, section 136.11, subdivision 7, is amended to read:

Subd. 7. **STUDENT HEALTH SERVICE.** The state university board shall offer health services for students at each state university. The health services may be offered either on campus or in the community nearby. The board may charge each student a health service fee in an amount not exceeding \$75 per year that the board considers appropriate. The proceeds of the fee shall be used to maintain the health service and equip and construct facilities for it. Proceeds of the fee may be used to contract for health, medical and hospitalization insurance for the students. The proceeds of the fees shall be deposited in the university activity fund and are annually appropriated to the state university board for the purposes of this subdivision.

Sec. 2. **EFFECTIVE DATE.**

Section 1 takes effect the day after its final enactment.

Approved April 24, 1988

CHAPTER 610—H.F.No. 2041

An act relating to agriculture; limiting ownership of agricultural land by certain corporations and limited partnerships; providing for conveyance of certain interests; amending Minnesota Statutes 1986, sections 40.43, by adding a subdivision; 500.24, subdivisions 3, 3a, 3b, 4, and 5; Minnesota Statutes 1987 Supplement, section 500.24, subdivisions 2, 6, and 7.

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