

(1) for conduct which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of; or

(2) for injury suffered in any case where the owner charges the persons who enter or go on the land for the recreational purpose, except that in the case of land leased or dedicated to the state or a political subdivision, any consideration received from the state or political subdivision by the owner for the lease or dedication is not considered a charge within the meaning of this section.

Except for conduct set forth in section 604A.22, clause (3), a person may not maintain an action and obtain relief at law for conduct referred to by clause (1) in this section if the entry upon the land is incidental to or arises from access granted for the recreational trail use of land dedicated, leased, or permitted by the owners for recreational trail use.

Presented to the governor May 15, 1999

Signed by the governor May 19, 1999, 4:18 p.m.

#### CHAPTER 184—S.F.No. 233

*An act relating to real property; providing for definite and specific descriptions for certain easements; applying the requirement retroactively to all easements whenever created; providing that certain deficiency judgment requirements do not apply to property that is not used for agricultural production by the mortgagor; amending Minnesota Statutes 1998, sections 300.045; and 582.30, subdivision 1.*

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

Section 1. Minnesota Statutes 1998, section 300.045, is amended to read:

#### 300.045 EASEMENTS OVER PRIVATE PROPERTY, LIMITATIONS.

(a) When public service corporations, including pipeline companies, acquire easements over private property by purchase, gift, or eminent domain proceedings, except temporary easements for construction, they must definitely and specifically describe the easement being acquired, and may not acquire an easement greater than the minimum in a width necessary for the safe conduct of their business.

(b) For the purposes of this section, a public service corporation may meet the requirement of a definite and specific description of an easement by:

(1) including in the recorded description of the easement the specific legal reference points as to the location of the easement in relation to the corners of the specific property involved at the points the easement enters and departs from the property, the width of the easement, and each change of course as the easement crosses the property; or

(2) appending to the recorded description of the easement a drawing that identifies by means of a scale or specific measurements the location of the easement in relation to the corners of the specific property involved at the points the easement enters and departs from the property, the width of the easement, and each change of course as the easement crosses the property.

New language is indicated by underline, deletions by ~~strikeout~~.

(c) When a question arises as to the location, width, or course of an easement across specific property and the recorded description of the easement does not include a definite and specific description of the location, width, or course of the easement by a method identified in paragraph (b), clause (1) or (2), the public service corporation holding the easement shall, upon written request by the specific property owner, produce and record in a timely manner an instrument that provides a definite and specific description using a method described in paragraph (b), clause (1) or (2). The definite and specific description must be the minimum width necessary for the safe conduct of the business of the public service corporation with respect to the language of the original easement. In the partial release or other instrument, a public service corporation may reserve:

(1) the right of reasonable ingress and egress over and across the released property, provided that it shall agree to pay any damages caused by the exercise of such rights; and

(2) additional conditions and restrictions permitted in the original easement.

Thirty days after a public service corporation has produced and delivered to the property owner a definite and specific description, and provided that the property owner has not within 30 days responded to the public service corporation with a written objection to the terms of the property description, it may record the description and is not thereafter required to again produce or record under this section for the same property or a part of the same property.

This section applies to every easement over private property acquired by a public service corporation, regardless of when the easement was acquired or created.

(d) This section does not require a public service corporation to physically locate, establish, and monument by means of a land survey prepared by a licensed land surveyor the corners of the specific property involved.

(e) This section does not limit direct access to a public service corporation easement in an emergency situation. The public service corporation affected by the emergency must compensate the property owner for damages caused by directly accessing the easement.

Sec. 2. Minnesota Statutes 1998, section 582.30, subdivision 1, is amended to read:

Subdivision 1. **DEFICIENCY ALLOWED.** (a) Except as provided in this section, a person holding a mortgage may obtain a deficiency judgment against the mortgagor if the amount a person holding a mortgage receives from a foreclosure sale is less than:

(1) the amount remaining unpaid on the mortgage under chapter 580; or

(2) the amount of the judgment entered under chapter 581.

(b) Except as provided in subdivisions 3 and 5, the judgment may not be for more than the difference between the amount received from the foreclosure sale less expenses and costs and:

(1) for a foreclosure by advertisement, the total amount that attaches to the sale proceeds under chapter 580; or

(2) for a foreclosure by action, the amount of the judgment entered under chapter 581.

New language is indicated by underline, deletions by ~~strikeout~~.

(c) Subdivisions 3 to 9 do not apply to mortgages entered or amended on or after the day following final enactment, if the mortgaged property is used in agricultural production only by a tenant who is not the mortgagor.

**Sec. 3. EFFECTIVE DATE.**

This act is effective the day after its final enactment. Section 1 applies retroactively to all easements whenever created except that section 1 does not apply to litigation pending on the effective date.

Presented to the governor May 18, 1999

Signed by the governor May 21, 1999, 10:02 a.m.

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**CHAPTER 185—S.F.No. 1204**

*An act relating to the state building code; clarifying the supervision of the state fire marshal; modifying elevator installation provisions; amending Minnesota Statutes 1998, sections 16B.61, subdivision 2; and 16B.745, subdivision 3.*

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

Section 1. Minnesota Statutes 1998, section 16B.61, subdivision 2, is amended to read:

Subd. 2. **ENFORCEMENT BY CERTAIN BODIES.** Under the direction and supervision of the commissioner, the provisions of the code relating to electrical installations shall be enforced by the state board of electricity, pursuant to the Minnesota Electrical Act, the provisions relating to plumbing shall be enforced by the commissioner of health, ~~the provisions relating to the Minnesota Uniform Fire Code shall be enforced by the state fire marshal,~~ the provisions relating to high pressure steam piping and appurtenances shall be enforced by the department of labor and industry. Fees for inspections conducted by the state board of electricity shall be paid in accordance with the rules of the state board of electricity. Under direction of the commissioner of public safety, the state fire marshal shall enforce the Minnesota uniform fire code as provided in chapter 299F.

Sec. 2. Minnesota Statutes 1998, section 16B.745, subdivision 3, is amended to read:

Subd. 3. **MINIMUM REQUIREMENTS.** No person, firm, or corporation may construct, install, alter, remove, or repair an elevator that does not meet the minimum requirements of this chapter, adopted rules, or national codes adopted by rule. Notwithstanding any provision of rule or national code adopted by rule to the contrary, however, a stairway chair lift that is not hard-wired to the building's electrical system, but is instead plugged into an electrical outlet, may be installed in a private residence for the use of its occupants.

**Sec. 3. EFFECTIVE DATE.**

Section 2 is effective the day following final enactment.

Presented to the governor May 18, 1999

Signed by the governor May 21, 1999, 10:05 a.m.

New language is indicated by underline, deletions by ~~strikeout~~.