

A single waiver agreed to pursuant to this subdivision may not apply to more than one major construction defect in a dwelling.

The waiver shall not be effective unless filed for recording with the county recorder or registrar of titles who shall file the waiver for record.

Sec. 5. [327A.05] REMEDIES. Upon breach of any warranty imposed by section 2, the vendee shall have a cause of action against the vendor for damages arising out of the breach, or for specific performance. Damages shall be limited to:

(a) The amount necessary to remedy the defect or breach; or

(b) The difference between the value of the dwelling without the defect and the value of the dwelling with the defect.

Sec. 6. [327A.06] OTHER WARRANTIES. The statutory warranties provided for in section 2 shall be in addition to all other warranties imposed by law or agreement. The remedies provided in section 5 shall not be construed as limiting the remedies in any action not predicated upon breach of the statutory warranties imposed by section 2.

Sec. 7. [327A.07] VARIATIONS. The commissioner of administration may approve pursuant to Minnesota Statutes, Section 15.0412, variations from the provisions of sections 2 and 3 if the warranty program of the vendor requesting the variation offers at least substantially the same protections to the vendee as provided by the statutory warranties set forth in section 2.

Sec. 8. Minnesota Statutes 1976, Section 541.051, is amended by adding a subdivision to read:

Subd. 4. Section 541.051 shall not apply to actions based on breach of the statutory warranties set forth in section 2.

Sec. 9. EFFECTIVE DATE. This act shall be effective January 1, 1978, and shall apply to all contracts for the sale of a dwelling signed on or after that date.

Approved May 5, 1977.

CHAPTER 66—S.F.No.651

[Coded in Part]

An act relating to health; developing standards for safe drinking water; providing penalties; defining terms; amending Minnesota Statutes 1976, Sections 115.71, Subdivision 7; and 144.12, Subdivision 1.

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

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Section 1. [144.381] HEALTH; SAFE DRINKING WATER; CITATION. Sections 1 to 7 may be cited as the "Safe Drinking Water Act of 1977".

Sec. 2. [144.382] DEFINITIONS. Subdivision 1. For the purposes of sections 1 to 7, the following terms have the meanings given.

Subd. 2. "Board" means the state board of health.

Subd. 3. "Federal regulations" means rules promulgated by the federal environmental protection agency, or its successor agencies.

Subd. 4. "Public water supply" means a system providing piped water for human consumption, and either containing a minimum of 15 service connections or 15 living units, or serving an average of 25 persons daily for 60 days of the year. "Public water supply" includes a collection, treatment, storage, and distribution facility under control of an operator and used primarily in connection with the system, and a collection or pretreatment storage facility used primarily in connection with the system but not under control of an operator.

Subd. 5. "Supplier" means a person who owns, manages or operates a public water supply.

Sec. 3. [144.383] AUTHORITY OF BOARD OF HEALTH. In order to insure safe drinking water in all public water supplies, the board has the following powers:

(a) To approve the site, design, and construction and alteration of public water supply;

(b) To enter the premises of a public water supply, or part thereof, to inspect the facilities and records kept pursuant to rules promulgated by the board, to conduct sanitary surveys and investigate the standard of operation and service delivered by public water supplies;

(c) To contract with local boards of health, created pursuant to section 145.913, for routine surveys, inspections, and testing of public water supply quality;

(d) To develop an emergency plan to protect the public when a decline in water quality or quantity creates a serious health risk, and to issue emergency orders if a health risk is imminent;

(e) To promulgate rules, pursuant to chapter 15 but no less stringent than federal regulation, which may include the granting of variances and exemptions.

Sec. 4. [144.384] NOTIFICATION OF VIOLATION. Upon discovery of a violation of a maximum contaminant level or treatment technique, the board shall promptly notify the supplier of the violation, state the rule violated, and state a date by which the violation must be corrected or by which a request for variance or exemption must be submitted.

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Sec. 5. **[144.385] PUBLIC NOTIFICATION.** If a public water system has violated a rule of the board, has a variance or exemption granted, or fails to comply with the terms of the variance or exemption, the supplier shall provide public notice of the fact pursuant to the rules of the board.

Sec. 6. **[144.386] PENALTIES AND REMEDIES.** Subdivision 1. A person who violates a rule of the board, fails to comply with the terms of a variance or exemption, or fails to request a variance or exemption by the date specified in the notice from the board, may be fined up to \$1,000 for each day the offense continues, in a civil action brought by the board in district court. All fines shall be deposited in the general fund of the state treasury.

Subd. 2. A person who intentionally or repeatedly violates a rule of the board, or fails to comply with an emergency order of the board, is guilty of a gross misdemeanor, and may be fined not more than \$5,000, imprisoned not more than one year, or both.

Subd. 3. A supplier who fails to comply with the provisions of section 5, or disseminates false or misleading information relating to the notice required in section 5, is subject to the penalties described in subdivision 2.

Subd. 4. In addition to other remedies, the board may institute an action to enjoin further violations of sections 1 to 5.

Sec. 7. **[144.387] COSTS.** If the state prevails in any civil action under section 6, the court may award reasonable costs and expenses to the state.

Sec. 8. **[144.388] EXPIRATION.** The provisions of sections 1 to 7 shall expire 30 days after the conclusion of any fiscal year in which the federal government pays for less than 40 percent of the cost of administering sections 1 to 7.

Sec. 9. Minnesota Statutes 1976, Section 115.71, Subdivision 7, is amended to read:

Subd. 7. "Water supply system" means the facilities, including the source, for the collection, conditioning, purification and distribution of water for use by the public or for the use of any considerable number of persons a public water supply pursuant to section 2, subdivision 4.

Sec. 10. Minnesota Statutes 1976, Section 144.12, Subdivision 1, is amended to read:

144.12 REGULATION, ENFORCEMENT, LICENSES, FEES. Subdivision 1. The board may adopt, alter, and enforce reasonable regulations of permanent application throughout the whole or any portion of the state, or for specified periods in parts thereof, for the preservation of the public health. Upon the approval of the attorney general and the due publication thereof, such regulations shall have the force of law, except insofar as they may conflict with a statute or with the charter or ordinance of a city of the first class upon the same subject. The board may control, by adoption of regulations, by requiring the taking out of licenses or permits, or by other appropriate means, any of the following

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matters:

(1) The manufacture into articles of commerce, other than food, of diseased, tainted, or decayed animal or vegetable matter;

(2) The business of scavenging and the disposal of sewage;

(3) The location of mortuaries and cemeteries and the removal and burial of the dead;

(4) The management of lying-in houses and boarding places for infants and the treatment of infants therein;

(5) The pollution of streams and other waters and the distribution of water by ~~private~~ persons for drinking or domestic use;

(6) The construction and equipment, in respect to sanitary conditions, of schools, hospitals, almshouses, prisons, and other public institutions, and of lodging houses and other public sleeping places kept for gain;

(7) The treatment, in hospitals and elsewhere, of persons suffering from communicable diseases, including all manner of venereal disease and infection, the disinfection and quarantine of persons and places in case of such disease, and the reporting of sicknesses and deaths therefrom;

Provided, that neither the board nor any local board of health nor director of public health shall have authority to make or adopt any rule or regulation for the treatment in any penal or correctional institution of any person suffering from any such communicable disease or venereal disease or infection, which rule or regulation requires the involuntary detention therein of any person after the expiration of his period of sentence to such penal or correctional institution, or after the expiration of the period to which the sentence may be reduced by good time allowance or by the lawful order of any judge or magistrate, or of any parole board;

(8) The prevention of infant blindness and infection of the eyes of the newly born by the designation, from time to time, of one or more prophylactics to be used in such cases and in such manner as the board may direct, unless specifically objected to by the parents or a parent of such infant;

(9) The furnishing of vaccine matter; the assembling, during epidemics of smallpox, with other persons not vaccinated, but no rule of the board or of any public board or officer shall at any time compel the vaccination of a child, or exclude, except during epidemics of smallpox and when approved by the local board of education, a child from the public schools for the reason that such child has not been vaccinated; any person thus required to be vaccinated may select for that purpose any licensed physician and no rule shall require the vaccination of any child whose physician shall certify that by reason of his physical condition vaccination would be dangerous;

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(10) The accumulation of filthy and unwholesome matter to the injury of the public health and the removal thereof;

(11) The collection, recording, and reporting of vital statistics by public officers and the furnishing of information to such officers by physicians, undertakers, and others of births, deaths, causes of death, and other pertinent facts;

(12) The construction, equipment, and maintenance in respect to sanitary conditions of lumber camps, migratory or migrant labor camps, and other industrial camps;

(13) The general sanitation of tourist camps, summer hotels, and resorts in respect to water supplies, disposal of sewage, garbage, and other wastes and the prevention and control of communicable diseases; and, to that end, may prescribe the respective duties of county and local health officers; and all county and local boards of health shall make such investigations and reports and obey such directions as the board may require or give and, under the supervision of the board, enforce such regulations;

(14) Atmospheric pollution which may be injurious or detrimental to public health; and

(15) Sources of radiation, and the handling, storage, transportation, use and disposal of radioactive isotopes and fissionable materials.

Sec. 11. This act is effective the day following final enactment.

Approved May 5, 1977.

CHAPTER 67—S.F.No.362

[Coded in Part]

An act relating to retirement; miscellaneous amendments to the teachers retirement law; amending Minnesota Statutes 1976, Sections 354.05, Subdivision 2; 354.06, Subdivision 2, and by adding a subdivision; 354.07, by adding a subdivision; 354.10; 354.41, Subdivision 6; 354.43, Subdivision 4; 354.44, Subdivision 1a; 354.49, Subdivision 5; 354.50, Subdivision 2; 354.53, Subdivision 1; and 354.58.

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

Section 1, Minnesota Statutes 1976, Section 354.05, Subdivision 2, is amended to read:

Subd. 2. **TEACHERS RETIREMENT; EXECUTIVE DIRECTOR; TEACHER.** The word "teacher" includes any person who has rendered, is rendering, or shall hereafter render, service as a teacher, supervisor, principal, superintendent, or librarian in the public schools of the state, located outside of the corporate limits of the cities of the first

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