

by the filing wholesaler or brand owner is sold. The commissioner shall maintain such filings in such a manner as to make their contents easily accessible to the public. The filings required under this section shall be made not later than the first day of each month, and the schedule of filed prices shall be effective from that day until the first day of the next month, provided that any filing may be amended within five days after its filing. The commissioner shall provide copies of such filings to any person requesting them, and may charge a reasonable fee therefor. Any person may examine such filings in the office of the commissioner, and no charge shall be made for such examination.

No volume price filed pursuant to this section shall be for a quantity in excess of 300 quarts.

Sec. 6. Laws 1982, chapter 528, section 9, is amended to read:

Sec. 9. **EFFECTIVE DATE.**

Sections 2 to 4 are effective ~~March 1~~ August 1, 1983. Sections 1, 5, 6, 7 and 8 are effective the day following final enactment and apply to all causes of action arising on and after that day, except that any changes in notice requirements in section 8 are not effective until 30 days following final enactment.

Sec. 7. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Approved June 14, 1983

CHAPTER 321 — H.F.No. 435

An act relating to crimes; establishing degrees of burglary; prescribing penalties; providing a presumptive term of incarceration in certain instances; proposing new law coded in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1982, section 609.58.

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

Section 1. **[609.581] DEFINITIONS.**

Subdivision 1. TERMS DEFINED. For purpose of sections 2 to 4 the terms defined in this section have the meanings given them.

Subd. 2. BUILDING. "Building" means a structure suitable for affording shelter for human beings including any appurtenant or connected structure.

Subd. 3. DWELLING. "Dwelling" means a building used as a permanent or temporary residence.

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

Subd. 4. ENTERS A BUILDING WITHOUT CONSENT. “Enters a building without consent” means:

(a) to enter a building without the consent of the person in lawful possession;

(b) to enter a building by using artifice, trick, or misrepresentation to obtain consent to enter from the person in lawful possession; or

(c) to remain within a building without the consent of the person in lawful possession.

Whoever enters a building while open to the general public does so with consent except when consent was expressly withdrawn before entry.

Sec. 2. [609.582] BURGLARY.

Subdivision 1. BURGLARY IN THE FIRST DEGREE. Whoever enters a building without consent and with intent to commit a crime commits burglary in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both, if:

(a) the building is a dwelling and another person not an accomplice is present in it;

(b) the burglar possesses a dangerous weapon or explosive when entering or at any time while in the building; or

(c) the burglar assaults a person within the building.

Subd. 2. BURGLARY IN THE SECOND DEGREE. Whoever enters a building without consent and with intent to commit a crime commits burglary in the second degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if:

(a) the building is a dwelling;

(b) the portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safekeeping and the entry is with force or threat of force;

(c) the portion of the building entered contains a pharmacy or other lawful business or practice in which controlled substances are routinely held or stored, and the entry is forcible; or

(d) when entering or while in the building, the burglar possesses a tool to gain access to money or property.

Subd. 3. BURGLARY IN THE THIRD DEGREE. Whoever enters a building without consent and with intent to steal or commit any felony or gross misdemeanor commits burglary in the third degree and may be sentenced to

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imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Subd. 4. BURGLARY IN THE FOURTH DEGREE. Whoever enters a building without consent and with intent to commit a misdemeanor other than to steal commits burglary in the fourth degree and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

Sec. 3. [609.583] SENTENCING; FIRST BURGLARY OF A DWELLING.

In determining an appropriate sentence for a first offense of burglary of a dwelling, the court shall presume that a stay of execution with a 120-day period of incarceration as a condition of probation shall be imposed unless the defendant's criminal history score determined according to the sentencing guidelines indicates a presumptive executed sentence, in which case the presumptive executed sentence shall be imposed unless the court departs from the sentencing guidelines pursuant to section 244.10. A stay of imposition of sentence may be granted only if accompanied by a statement on the record of the reasons for it. The presumptive period of incarceration may be waived in whole or in part by the court if the defendant provides restitution or performs community work service.

Sec. 4. REPEALER.

Minnesota Statutes 1982, section 609.58, is repealed.

Sec. 5. EFFECTIVE DATE.

Sections 1 to 4 are effective August 1, 1983, and apply to all crimes committed on or after that date.

Approved June 14, 1983

CHAPTER 322 — H.F.No. 537

An act relating to education; providing for the inclusion of certain community college and state university faculty members in the definition of an employee under the Public Employment Labor Relations Act; continuing final offer arbitration for certain public employees; amending Minnesota Statutes 1982, section 179.63, subdivision 7; amending Laws 1979, chapter 332, article I, section 116, as amended.

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