

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 2000

 ONE HUNDRED NINTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, APRIL 18, 2000

The House of Representatives convened at 9:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Jerry Strandquist, Bloomington Assemblies of God Church, Bloomington, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Dorn	Holsten	Mahoney	Pelowski	Tingelstad
Abrams	Entenza	Howes	Mares	Peterson	Tomassoni
Anderson, B.	Erhardt	Huntley	Mariani	Pugh	Trimble
Anderson, I.	Erickson	Jaros	Marko	Rest	Tuma
Bakk	Finseth	Jennings	McCollum	Reuter	Tunheim
Biernat	Folliard	Juhnke	McElroy	Rhodes	Van Dellen
Bishop	Fuller	Kahn	McGuire	Rifenberg	Vandever
Boudreau	Gerlach	Kalis	Molnau	Rostberg	Wagenius
Bradley	Gleason	Kelliher	Mulder	Schumacher	Wejcmán
Broecker	Goodno	Kielkucki	Mullery	Seagren	Wenzel
Buesgens	Gray	Knoblach	Murphy	Seifert, J.	Westerberg
Carlson	Greenfield	Koskinen	Ness	Seifert, M.	Westfall
Carruthers	Greiling	Krinkie	Nornes	Skoe	Westrom
Cassell	Gunther	Kubly	Opatz	Skoglund	Wilkin
Chaudhary	Haake	Kuisle	Orfield	Smith	Winter
Clark, J.	Haas	Larson, D.	Osskopp	Solberg	Wolf
Clark, K.	Hackbarth	Leighton	Osthoff	Stanek	Spk. Sviggum
Daggett	Harder	Lenczewski	Otremba	Stang	
Davids	Hasskamp	Leppik	Ozment	Storm	
Dawkins	Hausman	Lieder	Paulsen	Swapinski	
Dehler	Hilty	Lindner	Pawlenty	Swenson	
Dorman	Holberg	Luther	Paymar	Sykora	

A quorum was present.

Dempsey; Johnson; Larsen, P.; Milbert and Workman were excused.

Rukavina was excused until 9:30 a.m. Olson was excused until 10:10 a.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Holberg moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 13, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 3331, relating to crime prevention; creating the position of director of domestic violence and sexual assault prevention and an interagency task force on domestic violence and sexual assault prevention; specifying the powers, duties, and organization of the director and task force.

H. F. No. 1326, relating to human services; regulating the implementation and administration of community social services plans; providing exemptions from liabilities.

H. F. No. 3576, relating to the environment; modifying reporting requirements for solid waste and wastewater treatment facilities; extending exemption period for certain toxics in packaging; modifying exemptions from toxics in packaging provisions; requiring a report on a recommendation for changing the name of the pollution control agency.

H. F. No. 3109, relating to commerce; enacting the Uniform Electronic Transactions Act adopted by the National Conference of Commissioners on Uniform State Laws.

H. F. No. 2888, relating to natural resources; authorizing the marking of canoe and boating routes on a portion of the Chippewa river.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2000</i>	<i>Date Filed 2000</i>
3566		366	4:42 p.m. April 13	April 13
3423		367	4:51 p.m. April 13	April 13
	3331	368	4:41 p.m. April 13	April 13
	1326	369	4:25 p.m. April 13	April 13
	3576	370	4:44 p.m. April 13	April 13
	3109	371	4:52 p.m. April 13	April 13
2742		372	4:27 p.m. April 13	April 13
3307		373	4:53 p.m. April 13	April 13
2514		374	4:54 p.m. April 13	April 13
2949		375	4:55 p.m. April 13	April 13
3290		376	4:45 p.m. April 13	April 13
3154		377	4:45 p.m. April 13	April 13
3348		378	4:30 p.m. April 13	April 13
2987		379	4:56 p.m. April 13	April 13
2547		380	4:46 p.m. April 13	April 13
	2888	381	4:57 p.m. April 13	April 13
83		382	4:58 p.m. April 13	April 13
3701		384	4:47 p.m. April 13	April 13
3195		385	4:50 p.m. April 13	April 13
3150		386	4:25 p.m. April 13	April 13
2848		387	4:49 p.m. April 13	April 13
619		389	5:00 p.m. April 13	April 13
3259		407	4:39 p.m. April 13	April 13

Sincerely,

MARY KIFFMEYER
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 14, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 2731, relating to commerce; motor vehicle sales and distribution; regulating unfair practices by manufacturers, distributors, and factory branches.

H. F. No. 3633, relating to state observances; designating Mighty Eighth Air Force Week.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2000</i>	<i>Date Filed 2000</i>
3138		390	2:04 p.m. April 14	April 14
3346		391	2:09 p.m. April 14	April 14
2795		392	2:10 p.m. April 14	April 14
2877		393	2:10 p.m. April 14	April 14
2655		394	2:11 p.m. April 14	April 14
2783		395	2:54 p.m. April 14	April 14
2968		396	2:20 p.m. April 14	April 14
3626		398	2:43 p.m. April 14	April 14
1495		399	2:12 p.m. April 14	April 14
1896		400	2:45 p.m. April 14	April 14
3410		401	2:46 p.m. April 14	April 14
3082		402	2:05 p.m. April 14	April 14
2794		403	2:50 p.m. April 14	April 14
3018		404	2:52 p.m. April 14	April 14
3116		405	2:13 p.m. April 14	April 14
173		406	2:14 p.m. April 14	April 14
3108		408	2:07 p.m. April 14	April 14
	2731	409	2:15 p.m. April 14	April 14
2363		410	2:53 p.m. April 14	April 14
3338		411	2:27 p.m. April 14	April 14
1231		413	2:54 p.m. April 14	April 14
	3633	414	2:08 p.m. April 14	April 14

Sincerely,

MARY KIFFMEYER
Secretary of State

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Wenzel, Otremba, Hackbarth, Howes, Schumacher and Kielkucki introduced:

H. F. No. 4157, A bill for an act relating to crime; providing the penalty of life imprisonment without possibility of release for a person who causes the death of another while committing or attempting to commit a drive-by shooting; amending Minnesota Statutes 1998, sections 609.106, subdivision 2; 609.185; and 609.19, subdivision 1.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Wenzel, Winter, Otremba, Schumacher, Juhnke, Westrom, Davids, Swenson, Lieder, Skoe, Kalis, Peterson, Gunther, Finseth and Ness introduced:

H. F. No. 4158, A bill for an act relating to taxation; property; providing for state-paid agricultural property taxes for taxes payable in 2000 and 2001; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Mulder and Bradley introduced:

H. F. No. 4159, A bill for an act relating to insurance; eliminating the requirement that health plans cover high-dosage chemotherapy with autologous bone marrow transplant as treatment for breast cancer; repealing Minnesota Statutes 1998, section 62A.309.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Abeler; McElroy; Rhodes; Kahn; Hausman; Clark, J.; Davids; Gunther; Jaros and Dempsey introduced:

H. F. No. 4160, A bill for an act relating to the state building code; directing the department of administration to adopt a building code for rehabilitation of historic structures; proposing coding for new law in Minnesota Statutes, chapter 16B.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 2451, A bill for an act relating to telecommunications; modifying telephone company property depreciation provisions; amending Minnesota Statutes 1998, section 237.22; repealing Minnesota Statutes 1998, section 237.773, subdivision 5; Minnesota Rules, parts 7810.7000; 7810.7100; 7810.7200; 7810.7300; 7810.7400; 7810.7500; 7810.7600; 7810.7700; 7810.7800; 7810.7900; and 7810.8000.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

H. F. No. 3692, A bill for an act relating to agriculture; amending feedlot permit provisions; providing specific requirements for feedlot permit rules; adding requirements for administrative penalty orders; requiring a report; amending Minnesota Statutes 1998, sections 116.06, by adding a subdivision; 116.07, subdivision 7c; and 116.0713; Minnesota Statutes 1999 Supplement, sections 116.07, subdivision 7; and 116.072, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 18B.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 3839, A bill for an act relating to health; modifying provisions for speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing instrument dispensers; requiring a study; extending a board; amending Minnesota Statutes 1998, sections 148.512, subdivision 5; 148.515, subdivision 3; 148.517, by adding a subdivision; 148.518, subdivision 2; 148.5193, subdivisions 1, 2, 4, 6, and by adding a subdivision; 148.5196, subdivision 3; 148B.60, subdivision 3; 148B.68, subdivision 1; 148B.69, by adding a subdivision; 148B.71, subdivision 1; 148C.01, subdivisions 2, 7, 9, 10, and by adding a subdivision; 148C.03, subdivision 1; 148C.04, by adding subdivisions; 148C.06, subdivisions 1 and 2; 148C.09, subdivisions 1 and 1a; 148C.10, by adding a subdivision; 148C.11, subdivision 1; 153A.13, subdivision 9, and by adding subdivisions; 153A.14, subdivisions 1, 2a, 2h, 4, 4a, and by adding subdivisions; and 153A.15, subdivision 1; Laws 99, chapter 223, article 2, section 81, as amended; repealing Minnesota Statutes 1998, sections 148.5193, subdivisions 3 and 5; and 148C.04, subdivision 5.

The Senate has appointed as such committee:

Senators Kiscaden, Samuelson and Ring.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the repassage by the Senate of the following House File, notwithstanding the veto by the Governor:

H. F. No. 2809, A bill for an act relating to human services; clarifying admissions criteria for the Ah-Gwah-Ching center; requiring the center to provide information on and promote the use of the geriatric rapid assessment stabilization program; proposing coding for new law in Minnesota Statutes, chapter 251.

The enrolled copy of H. F. No. 2809 with all of the signatures of the officers of the Senate and the House together with the Governor's objections, is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2686.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2686

A bill for an act relating to health; establishing requirements for the sale of funeral goods and services and preneed funeral arrangements; modifying the enforcement authority of the commissioner of health; modifying licensing requirements for funeral establishments; prohibiting certain solicitations of sales by funeral providers; requiring certain disclosures by funeral providers; prohibiting certain deceptive acts and practices for funeral providers; establishing requirements for preneed funeral agreements; amending Minnesota Statutes 1998, sections 149A.02, subdivision 22, and by adding subdivisions; 149A.08, subdivisions 1, 3, 4, and by adding a subdivision; 149A.70, by adding subdivisions; 149A.71, subdivisions 1, 2, 3, and 4; 149A.72, subdivisions 5, 6, 7, 9, 10, 11, 12, and 13; 149A.73, subdivisions 1, 3, 4, and by adding a subdivision; 149A.75; and 149A.97, subdivisions 1, 2, 3, 6, 9, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 149A.

April 12, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2686, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2686 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 149A.02, is amended by adding a subdivision to read:

Subd. 3a. [BURIAL SITE GOODS.] "Burial site goods" means any goods sold or offered for sale or rental directly to the public for use in connection with the final disposition of a dead human body.

Sec. 2. Minnesota Statutes 1998, section 149A.02, is amended by adding a subdivision to read:

Subd. 3b. [BURIAL SITE SERVICES.] "Burial site services" means any services sold or offered for sale directly to the public for use in connection with the final disposition of a dead human body.

Sec. 3. Minnesota Statutes 1998, section 149A.02, subdivision 22, is amended to read:

Subd. 22. [FUNERAL PROVIDER.] "Funeral provider" means any person that sells or offers to sell funeral goods or funeral services, burial site goods, or burial site services to the public. "Funeral provider" does not include monument builders who sell and install markers and headstones, with or without foundations, at retail to the public, but do not sell any other funeral good, funeral service, burial good, or burial site service.

Sec. 4. Minnesota Statutes 1998, section 149A.02, is amended by adding a subdivision to read:

Subd. 33a. [PRENEED CONSUMER.] "Preneed consumer" means an individual who arranges for funeral goods, funeral services, burial site goods, or burial site services prior to the death of that individual or another individual, and who funds those goods or services through prepayment to a funeral provider or through purchase of an insurance policy.

Sec. 5. Minnesota Statutes 1998, section 149A.08, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] In addition to any other remedy provided by law, the commissioner may issue a cease and desist order to:

(1) stop a person from violating or threatening to violate any law, rule, order, stipulation agreement, settlement, compliance agreement, license, or permit which the commissioner is empowered to regulate, enforce, or issue; or

(2) prohibit a funeral provider from engaging in the sale of preneed funeral goods, funeral services, burial site goods, or burial site services if the funeral provider has been found in violation of any provision of this chapter.

Sec. 6. Minnesota Statutes 1998, section 149A.08, is amended by adding a subdivision to read:

Subd. 2a. [SALE OF PRENEED GOODS OR SERVICES; CONTENTS OF ORDER, HEARING, WHEN EFFECTIVE.] (a) This subdivision applies to cease and desist orders issued pursuant to subdivision 1, clause (2).

(b) In addition to the requirements of subdivision 2, a cease and desist order must also specify that the hearing to which the funeral provider has a right occurs, if requested, before the order goes into effect and that a timely request for a hearing automatically stays the cease and desist order.

(c) A request for a hearing must be in writing, must be delivered to the commissioner by certified mail within 20 calendar days after the funeral provider receives the order, and must specifically state the reasons for seeking review of the order. If the funeral provider fails to request a hearing in writing within 20 calendar days of receipt of the order, the cease and desist order becomes the final order of the commissioner. If a funeral provider makes a timely request for a hearing, the cease and desist order is automatically stayed pending the outcome of the hearing. The commissioner must initiate a hearing within 30 calendar days from the date of receiving the written request for hearing. The hearing shall be conducted pursuant to sections 14.57 to 14.62. No earlier than ten calendar days but within 30 calendar days of receiving the presiding administrative law judge's report, the commissioner shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require.

Sec. 7. Minnesota Statutes 1998, section 149A.08, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR HEARING; HEARING; AND FINAL ORDER.] This subdivision applies to cease and desist orders issued pursuant to subdivision 1, clause (1). A request for hearing must be in writing, delivered to the commissioner by certified mail within 20 calendar days after the receipt of the cease and desist order, and specifically

state the reasons for seeking review of the order. The commissioner must initiate a hearing within 30 calendar days from the date of receipt of the written request for hearing. The hearing shall be conducted pursuant to sections 14.57 to 14.62. No earlier than ten calendar days but within 30 calendar days of receipt of the presiding administrative law judge's report, the commissioner shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. If, within 20 calendar days of receipt of the cease and desist order, the subject of the order fails to request a hearing in writing, the cease and desist order becomes the final order of the commissioner.

Sec. 8. Minnesota Statutes 1998, section 149A.08, subdivision 4, is amended to read:

Subd. 4. [REQUEST FOR STAY.] This subdivision applies to cease and desist orders issued pursuant to subdivision 1, clause (1). When a request for a stay accompanies a timely hearing request, the commissioner may, in the commissioner's discretion, grant the stay. If the commissioner does not grant a requested stay, the commissioner shall refer the request to the office of administrative hearings within three working days from the receipt of the request. Within ten calendar days after receiving the request from the commissioner, an administrative law judge shall issue a recommendation to grant or deny the stay. The commissioner shall grant or deny the stay within five calendar days of receiving the administrative law judge's recommendation.

Sec. 9. Minnesota Statutes 1998, section 149A.70, is amended by adding a subdivision to read:

Subd. 5a. [SOLICITATIONS PROHIBITED IN CERTAIN SITUATIONS.] No funeral provider may directly or indirectly:

(1) call upon an individual at a grave site, in a hospital, nursing home, hospice, or similar institution or facility, or at a visitation, wake, or reviewal for the purpose of soliciting the sale of funeral goods, funeral services, burial site goods, or burial site services or for the purpose of making arrangements for a funeral or the final disposition of a dead human body, without a specific request for solicitation from that individual;

(2) solicit the sale of funeral goods, funeral services, burial site goods, or burial site services from an individual whose impending death is readily apparent, without a specific request for solicitation from that individual; or

(3) engage in telephone solicitation of an individual who has the right to control the final disposition of a dead human body within ten days after the death of the individual whose body is being disposed, without a specific request for solicitation from that individual.

This subdivision does not apply to communications between an individual and a funeral provider who is related to the individual by blood, adoption, or marriage.

Sec. 10. Minnesota Statutes 1998, section 149A.70, is amended by adding a subdivision to read:

Subd. 8. [DISCLOSURE OF OWNERSHIP.] All funeral establishments and funeral providers must clearly state by whom they are owned in all business literature, correspondence, and contracts.

Sec. 11. Minnesota Statutes 1998, section 149A.70, is amended by adding a subdivision to read:

Subd. 9. [DISCLOSURE OF CHANGE OF OWNERSHIP.] (a) Within 15 days of a change in ownership of a funeral establishment or funeral provider, the funeral establishment or funeral provider shall notify all preneed consumers by first class mail of the change in ownership. The notification shall advise the preneed consumers of their right to transfer all preneed trust funds to a new funeral provider and shall advise all preneed consumers who have revocable preneed trusts of their right to terminate the trust and receive a refund of all principal paid into the trust, plus interest accrued.

(b) For purposes of this subdivision:

(1) "change in ownership" means:

(i) the sale or transfer of all or substantially all of the assets of a funeral establishment or funeral provider;

(ii) the sale or transfer of a controlling interest of a funeral establishment or funeral provider; or

(iii) the termination of the business of a funeral establishment or funeral provider where there is no transfer of assets or stock; and

(2) "controlling interest" means:

(i) an interest in a partnership of greater than 50 percent; or

(ii) greater than 50 percent of the issued and outstanding shares of a stock of a corporation.

Sec. 12. Minnesota Statutes 1998, section 149A.71, subdivision 1, is amended to read:

Subdivision 1. [UNFAIR OR DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods ~~or~~ funeral services, burial site goods, or burial site services to the public, it is an unfair or deceptive act or practice for a funeral provider to fail to furnish accurate price information disclosing the cost to the purchaser for each of the specific funeral goods ~~and~~ funeral services, burial site goods, or burial site services used in connection with the disposition of dead human bodies to persons inquiring about the purchase of funerals. Any funeral provider who complies with the preventive requirements in subdivision 2 is not engaged in the unfair or deceptive acts or practices defined in this section.

Sec. 13. Minnesota Statutes 1998, section 149A.71, subdivision 2, is amended to read:

Subd. 2. [PREVENTIVE REQUIREMENTS.] (a) To prevent unfair or deceptive acts or practices, the requirements of this subdivision must be met.

(b) Funeral providers must tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in paragraphs (c) to (e) and any other readily available information that reasonably answers the questions asked.

(c) Funeral providers must make available for viewing to people who inquire in person about the offerings or prices of funeral goods or burial site goods, separate printed or typewritten price lists. Each funeral provider must have a separate price list for each of the following types of goods that are sold or offered for sale:

(1) caskets;

(2) alternative containers;

(3) outer burial containers; ~~and~~

(4) cremation containers and cremated remains containers;

(5) markers; and

(6) headstones.

(d) Each separate price list must contain the name of the funeral provider's place of business and a caption describing the list as a price list for one of the types of funeral goods or burial site goods described in paragraph (c), clauses (1) to ~~(4)~~ (6). The funeral provider must offer the list upon beginning discussion of, but in any event before showing, the specific funeral goods or burial site goods and must provide a photocopy of the price list, for retention, if so asked by the consumer. The list must contain, at least, the retail prices of all the specific funeral goods and burial site goods offered which do not require special ordering, enough information to identify each, and the effective date for the price list. In lieu of a written price list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner. However, funeral providers are not required to make a specific price list available if the funeral providers place the information required by this paragraph on the general price list described in paragraph (e).

(e) Funeral providers must give a printed or typewritten price list, for retention, to persons who inquire in person about the funeral goods or funeral services, burial site goods, or burial site services or prices offered by the funeral provider. The funeral provider must give the list upon beginning discussion of either the prices of or the overall type of funeral service or disposition or specific funeral goods or funeral services, burial site goods, or burial site services offered by the provider. This requirement applies whether the discussion takes place in the funeral establishment or elsewhere. However, when the deceased is removed for transportation to the funeral establishment, an in-person request for authorization to embalm does not, by itself, trigger the requirement to offer the general price list. If the provider, in making an in-person request for authorization to embalm, discloses that embalming is not required by law except in certain special cases, the provider is not required to offer the general price list. Any other discussion during that time about prices or the selection of funeral goods or funeral services, burial site goods, or burial site services triggers the requirement to give the consumer a general price list. The general price list must contain the following information:

- (1) the name, address, and telephone number of the funeral provider's place of business;
- (2) a caption describing the list as a "general price list";
- (3) the effective date for the price list;
- (4) the retail prices, in any order, expressed either as a flat fee or as the prices per hour, mile, or other unit of computation, and other information described as follows:
 - (i) forwarding of remains to another funeral establishment, together with a list of the services provided for any quoted price;
 - (ii) receiving remains from another funeral establishment, together with a list of the services provided for any quoted price;
 - (iii) separate prices for each cremation offered by the funeral provider, with the price including an alternative or cremation container, any crematory charges, and a description of the services and container included in the price, where applicable, and the price of cremation where the purchaser provides the container;
 - (iv) separate prices for each immediate burial offered by the funeral provider, including a casket or alternative container, and a description of the services and container included in that price, and the price of immediate burial where the purchaser provides the casket or alternative container;
- (v) transfer of remains to the funeral establishment;
- (vi) embalming;
- (vii) other preparation of the body;
- (viii) use of facilities, equipment, or staff for viewing;

(ix) use of facilities, equipment, or staff for funeral ceremony;

(x) use of facilities, equipment, or staff for memorial service;

(xi) use of equipment or staff for graveside service;

(xii) hearse or funeral coach; ~~and~~

(xiii) limousine; and

(xiv) separate prices for all cemetery-specific goods and services, including all goods and services associated with interment and burial site goods and services and excluding markers and headstones;

(5) the price range for the caskets offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or casket sale location." or the prices of individual caskets, as disclosed in the manner described in paragraphs (c) and (d);

(6) the price range for the alternative containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or alternative container sale location." or the prices of individual alternative containers, as disclosed in the manner described in paragraphs (c) and (d);

(7) the price range for the outer burial containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or outer burial container sale location." or the prices of individual outer burial containers, as disclosed in the manner described in paragraphs (c) and (d);

(8) the price range for the cremation containers and cremated remains containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or cremation container sale location." or the prices of individual cremation containers and cremated remains containers, as disclosed in the manner described in paragraphs (c) and (d);

(9) the price for the basic services of funeral ~~director~~ provider and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)" If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law;

(10) if the price for basic services, as described in clause (9), is not applicable, the statement "Please note that a fee for the use of our basic services is included in the price of our caskets. Our services include (specify services provided)." The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list, together with the casket price range or the prices of individual caskets. This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law; and

(11) the price range for the markers and headstones offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or marker or headstone sale location." or the prices of individual markers and headstones, as disclosed in the manner described in paragraphs (c) and (d).

(f) Funeral providers must give an itemized written statement, for retention, to each consumer who arranges a funeral or other disposition of human remains at the conclusion of the discussion of the arrangements. The itemized written statement must be signed by the consumer selecting the goods and services ~~and~~. If the statement is provided

at a funeral establishment, the statement must be signed by the licensed funeral director or mortician planning the arrangements. If the statement is provided by any other funeral provider, the statement must be signed by an authorized agent of the funeral provider. The statement must list the funeral goods ~~and~~, funeral services, burial site goods, or burial site services selected by that consumer and the prices to be paid for each item, specifically itemized cash advance items (these prices must be given to the extent then known or reasonably ascertainable if the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid), and the total cost of goods and services selected. The information required by this paragraph may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.

(g) Funeral providers must give any other price information, in any other format, in addition to that required by paragraphs (c) to (e) so long as the written statement required by paragraph (f) is given when required.

(h) Upon receiving actual notice of the death of an individual with whom a funeral provider has entered a preneed funeral agreement, the funeral provider must provide a copy of all preneed funeral agreement documents to the person who controls final disposition of the human remains or to the designee of the person controlling disposition. The person controlling disposition shall be provided with these documents at the time of the person's first contact with the funeral provider, if the first contact occurs in person at a funeral establishment, crematory, or other place of business of the funeral provider. If the contact occurs by other means or at another location, the documents must be provided within 24 hours of the first contact.

Sec. 14. Minnesota Statutes 1998, section 149A.71, subdivision 3, is amended to read:

Subd. 3. [PRICES DISPLAYED.] Any funeral provider who sells or offers to sell funeral goods or burial site goods to the public shall, at all times, display the retail price of all displayed funeral goods or burial site goods in a conspicuous place on the goods. "Conspicuous place" means a place where any consumer viewing the funeral goods or burial site goods would be able to see and read the price and reasonably understand that the price seen is the price of the funeral goods or burial site goods viewed. Displayed funeral goods or burial site goods are those goods that the funeral provider regularly maintains in inventory and makes available for viewing and purchase by the consumer.

Sec. 15. Minnesota Statutes 1998, section 149A.71, subdivision 4, is amended to read:

Subd. 4. [CASKET, ALTERNATE CONTAINER, AND CREMATION CONTAINER SALES; RECORDS; REQUIRED DISCLOSURES.] Any funeral provider who sells or offers to sell a casket, alternate container, or cremation container to the public must maintain a record of each sale that includes the name of the purchaser, the purchaser's mailing address, the name of the decedent, the date of the decedent's death, and the place of death. These records shall be open to inspection by the commissioner and reported to the commissioner. Any funeral provider selling a casket, alternate container, or cremation container to the public, and not having charge of the final disposition of the dead human body, shall enclose within the casket, alternate container, or cremation container information provided by the commissioner that includes a blank certificate of death, and a copy of the statutes and rules controlling the removal, preparation, transportation, arrangements for disposition, and final disposition of a dead human body. This ~~section~~ subdivision does not apply to morticians, funeral directors, funeral establishments, crematories, or wholesale distributors of caskets, alternate containers, or cremation containers.

Sec. 16. Minnesota Statutes 1998, section 149A.72, subdivision 5, is amended to read:

Subd. 5. [RENTAL CASKETS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods ~~or~~, funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to fail to disclose that a casket has been used in a previous funeral ceremony when that is the case.

Sec. 17. Minnesota Statutes 1998, section 149A.72, subdivision 6, is amended to read:

Subd. 6. [RENTAL CASKETS; PREVENTIVE MEASURES.] To prevent deceptive acts or practices, funeral providers must place the following disclosure in immediate conjunction with the prices shown for funeral goods or funeral services where a casket may be rented rather than purchased: "If you choose a funeral service

where a rental casket is provided, the casket used for the funeral service may have been used in a previous funeral service. If the casket has been used in a previous funeral service, the interior lining has either been replaced or thoroughly cleaned."

Sec. 18. Minnesota Statutes 1998, section 149A.72, subdivision 7, is amended to read:

Subd. 7. [OUTER BURIAL CONTAINER PROVISIONS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods ~~or~~₂ funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to represent that state or local laws or regulations, or particular cemeteries, require outer burial containers when that is not the case or to fail to disclose to consumers arranging funerals that state law or local law does not require the purchase of an outer burial container.

Sec. 19. Minnesota Statutes 1998, section 149A.72, subdivision 9, is amended to read:

Subd. 9. [GENERAL PROVISIONS ON LEGAL AND CEMETERY REQUIREMENTS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods ~~or~~₂ funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to represent that federal, state, or local laws, or particular cemeteries or crematories, require the purchase of any funeral goods ~~or~~₂ funeral services, burial site goods, or burial site services when that is not the case.

Sec. 20. Minnesota Statutes 1998, section 149A.72, subdivision 10, is amended to read:

Subd. 10. [GENERAL PROVISIONS ON LEGAL AND CEMETERY REQUIREMENTS; PREVENTIVE REQUIREMENTS.] To prevent deceptive acts or practices, funeral providers must identify and briefly describe in writing on the statement of funeral goods ~~and~~₂ funeral services, burial site goods, and burial site services selected, as described in section 149A.71, subdivision 2, paragraph (f), any legal, cemetery, or crematory requirement which the funeral provider represents to consumers as compelling the purchase of funeral goods ~~or~~₂ funeral services, burial site goods, or burial site services for the funeral which that consumer is arranging.

Sec. 21. Minnesota Statutes 1998, section 149A.72, subdivision 11, is amended to read:

Subd. 11. [PROVISIONS ON PRESERVATIVE AND PROTECTIVE VALUE CLAIMS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods ~~or~~₂ funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to represent that funeral goods ~~or~~₂ funeral services, burial site goods, or burial site services will delay the natural decomposition of human remains for a long term or indefinite time or to represent that funeral goods or burial site goods have protective features, beyond a lid sealing casket, or will protect the body from grave site substances, when that is not the case.

Sec. 22. Minnesota Statutes 1998, section 149A.72, subdivision 12, is amended to read:

Subd. 12. [CASH ADVANCE PROVISIONS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods ~~or~~₂ funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to represent that the price charged for a cash advance item is the same as the cost to the funeral provider for the item when that is not the case or to fail to disclose to the consumer arranging the funeral that the price charged for a cash advance item is not the same as the cost to the funeral provider when that is not the case.

Sec. 23. Minnesota Statutes 1998, section 149A.72, subdivision 13, is amended to read:

Subd. 13. [CASH ADVANCE PROVISIONS; PREVENTIVE REQUIREMENTS.] To prevent deceptive acts or practices, funeral providers must place the following sentence in the itemized statement of funeral goods ~~and~~₂ funeral services, burial site goods, and burial site services selected, in immediate conjunction with the list of itemized cash advance items required by section 149A.71, subdivision 2, paragraph (f): "We charge you for our services in obtaining (specify cash advance items provided).", if the funeral provider makes a charge upon, or receives and retains a rebate, commission, or trade or volume discount upon a cash advance item.

Sec. 24. Minnesota Statutes 1998, section 149A.73, subdivision 1, is amended to read:

Subdivision 1. [CASKET FOR CREMATION PROVISIONS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods ~~or~~ funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to require that a casket be purchased for cremation.

Sec. 25. Minnesota Statutes 1998, section 149A.73, subdivision 3, is amended to read:

Subd. 3. [OTHER REQUIRED PURCHASES OF FUNERAL GOODS ~~OR~~ FUNERAL SERVICES, BURIAL SITE GOODS, OR BURIAL SITE SERVICES; DECEPTIVE ACTS OR PRACTICES.] (a) In selling or offering to sell funeral goods ~~or~~ funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to condition the furnishing of any funeral good ~~or~~ funeral service, burial site good, or burial site service to a consumer arranging a funeral upon the purchase of any other funeral good ~~or~~ funeral service, burial site good, or burial site service, except as may be otherwise required by law or to charge any fee as a condition to furnishing any funeral goods ~~or~~ funeral services, burial site goods, or burial site services to a consumer arranging a funeral, other than the fees for services of funeral director and staff, other funeral services ~~and~~ funeral goods, burial site goods, and burial site services selected by the purchaser, and other funeral goods ~~or~~ funeral services, burial site goods, or burial site services required to be purchased, as explained on the itemized statement in accordance with section 149A.72, subdivision 10.

(b) In selling or offering to sell funeral goods, funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to charge an increased price for the handling, placing, or setting of a funeral good or burial site good based upon the fact that the good was not purchased from that funeral provider.

Sec. 26. Minnesota Statutes 1998, section 149A.73, subdivision 4, is amended to read:

Subd. 4. [OTHER REQUIRED PURCHASES OF FUNERAL GOODS ~~OR~~ FUNERAL SERVICES, BURIAL SITE GOODS, OR BURIAL SITE SERVICES; PREVENTIVE REQUIREMENTS.] To prevent unfair or deceptive acts or practices, funeral providers must place the following disclosure in the general price list, immediately above the prices required by section 149A.71, subdivision 2, paragraph (e), clauses (4) to (10): "The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean that you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods ~~and~~ funeral services, burial site goods, and burial site services you selected." However, if the charge for "services of funeral director and staff" cannot be declined by the purchaser, the statement shall include the sentence "However, any funeral arrangements you select will include a charge for our basic services." between the second and third sentences of the sentences specified in this subdivision. The statement may include the phrase "and overhead" after the word "services" if the fee includes a charge for the recovery of unallocated funeral overhead. If the funeral provider does not include this disclosure statement, then the following disclosure statement must be placed in the statement of funeral goods ~~and~~ funeral services, burial site goods, and burial site services selected, as described in section 149A.71, subdivision 2, paragraph (f): "Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below." A funeral provider is not in violation of this subdivision by failing to comply with a request for a combination of goods or services which would be impossible, impractical, or excessively burdensome to provide.

Sec. 27. Minnesota Statutes 1998, section 149A.73, is amended by adding a subdivision to read:

Subd. 5. [RENTAL OF FUNERAL GOODS.] It is a deceptive act or practice for a funeral provider to require as a condition of providing any funeral good or burial site good that the funeral good or burial site good be purchased by a consumer when rental of the good is practicable.

Sec. 28. [149A.745] [FUNERAL INDUSTRY PRACTICES; PROHIBITION ON PREINTERMENT OF OUTER BURIAL CONTAINERS.]

A funeral provider is prohibited from interring a lined and sealed outer burial container until the death of the beneficiary.

Sec. 29. Minnesota Statutes 1998, section 149A.75, is amended to read:

149A.75 [FUNERAL INDUSTRY PRACTICES; RETENTION OF DOCUMENTS.]

Funeral providers must retain and make available for inspection true and accurate copies of the applicable price lists specified in section 149A.71, subdivision 2, paragraphs (c) to (e), for a minimum of one calendar year after the date of their last distribution to customers. In addition, funeral providers must retain a copy of each statement of funeral goods ~~and~~, funeral services, burial site goods, and burial site services selected, as described in section 149A.71, subdivision 2, paragraph (f), for a minimum of three calendar years from the date of the arrangement conference. Following this period and subject to any other laws requiring retention of records, the funeral provider may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of the arrangement conference. At the end of this period and subject to any other laws requiring retention of records, the funeral provider may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified in the records.

Sec. 30. Minnesota Statutes 1998, section 149A.97, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE AND INTENT.] It is the intent of the legislature that this section be construed as a limitation upon the manner in which a funeral provider is permitted to accept funds in prepayment of funeral services or burial site services to be performed in the future or in prepayment of funeral or burial goods to be used in connection with the final disposition of human remains. It is further intended to allow members of the public to arrange and pay for ~~funerals, funeral services, funeral or burial goods, or final dispositions~~ funeral goods, funeral services, burial site goods, or burial site services for themselves and their families in advance of need while at the same time providing all possible safeguards so that the prepaid funds cannot be dissipated, whether intentionally or not, so as to be available for the payment of the services and goods selected.

Sec. 31. Minnesota Statutes 1998, section 149A.97, subdivision 2, is amended to read:

Subd. 2. [SCOPE AND REQUIREMENTS.] This section shall not apply to any funeral goods or burial site goods purchased and delivered, either at purchase or within a commercially reasonable amount of time thereafter. When prior to the death of any person, that person or another, on behalf of that person, enters into any transaction, makes a contract, or any series or combination of transactions or contracts with a funeral provider lawfully doing business in Minnesota, other than an insurance company licensed to do business in Minnesota selling approved insurance or annuity products, by the terms of which, goods or services related to the final disposition of that person will be furnished at-need, then the total of all money paid by the terms of the transaction, contract, or series or combination of transactions or contracts shall be held in trust for the purpose for which it has been paid. The person for whose benefit the money was paid shall be known as the beneficiary, the person or persons who paid the money shall be known as the purchaser, and the funeral provider shall be known as the depositor.

Sec. 32. Minnesota Statutes 1998, section 149A.97, subdivision 3, is amended to read:

Subd. 3. [NATURE OF TRUST.] Except as provided in this section, nothing in this section shall abate the rights, duties, and powers granted under chapters 501B and 520. A trust created for the holding of preneed arrangement funds shall be revocable, in its entirety, unless specifically limited by the person purchasing the preneed funeral goods ~~and or services, funeral services, burial site goods, or burial site services~~. If the purchaser chooses to limit the revocability of the trust funds, the limitation must be declared in the trust instrument and must be limited to an amount equivalent to the allowable supplemental security income asset exclusion used for determining eligibility for public assistance at the time the trust is created.

Sec. 33. Minnesota Statutes 1998, section 149A.97, is amended by adding a subdivision to read:

Subd. 3a. [REQUIREMENTS FOR PRENEED FUNERAL AGREEMENTS.] It is unlawful for any person residing or doing business in this state to enter a preneed funeral agreement unless the agreement:

(1) is written in clear, understandable language and printed in a type that is easy to read in size and style;

(2) contains a complete, itemized description of the funeral goods, funeral services, burial site goods, or burial site services selected or purchased, including, when appropriate, manufacturer's name, model numbers, style numbers, and description of the type of material used in construction;

(3) discloses clearly and conspicuously whether the prices of the goods and services selected are guaranteed;

(4) discloses that funding options for a preneed funeral agreement consist of either prepayment to the funeral provider or the purchase of an insurance policy;

(5) discloses whether the funds received from the purchaser are required to be placed in a trust and, if the funds are required to be placed in a trust, provides the following information:

(i) lists the location of the trust account, including the name, address, and telephone number of the institution where the money will be held and any identifying account numbers, the amount of money to be trusted, and the names of the trustees; and

(ii) advises the purchaser as to the disposition of the interest from the trust and as to responsibility for taxes owed on the interest;

(6) contains the names, addresses, and telephone numbers of the Minnesota department of health as the regulatory agency for preneed trust accounts and the Minnesota attorney general's office as the regulatory agency that handles consumer complaints;

(7) discloses clearly and conspicuously that any person who makes payment under a preneed funeral agreement may cancel the agreement subject to the procedures for cancellation specified in subdivision 6a;

(8) contains the following statement, in bold-faced type and a minimum size of ten points:

"Within 15 calendar days after receipt of any money required to be held in trust, all such money must be deposited in a banking institution, savings association, or credit union, organized under state or federal laws, the accounts of which are insured by an instrumentality of the federal government. The person for whose benefit the money was paid according to this agreement shall be known as the beneficiary; the person or persons who paid the money shall be known as the purchaser; and the funeral provider shall be known as the depositor. The money must be carried in a separate account with the names of the depositor and the purchaser as trustees for the beneficiary.

The preneed arrangement trust shall be considered an asset of the purchaser until the death of the beneficiary. At the death of the beneficiary, the money in the trust shall be considered an asset of the beneficiary's estate, to the extent that the value of the trust exceeds the actual value for the goods and services provided at-need. This does not alter any asset exclusion requirements that exist under federal law. The depositor as trustee must disclose in writing the location of the trust account, including the name and address of the institution where the money is being held and any identifying account numbers, to the beneficiary when the money is deposited and when there are any subsequent changes to the location of the trust account.";

(9) for agreements with revocable trusts, contains the following statement, in bold-faced type and a minimum size of ten points:

"REVOCABLE TRUST:

The preneed arrangement trust being created by the purchaser is revocable. These trust funds, including all principal and accrued interest, are the purchaser's assets. The purchaser may withdraw the principal and accrued interest at any time prior to the death of the beneficiary. At the death of the beneficiary, the funds shall be distributed in their entirety, principal plus accrued interest, with no fees retained by the trustees as administrative fees. The funds shall be distributed for the payment of the at-need funeral goods, funeral services, burial site goods, or burial site services selected, with any excess funds distributed to the beneficiary's estate. At any time before or at the time of the beneficiary's death, the purchaser may transfer the preneed arrangements and related trust funds for use in the payment of funeral goods, funeral services, burial site goods, or burial site services. The purchaser may not be charged any fee in connection with the transfer of a preneed arrangement and trust funds.";

(10) for agreements with irrevocable trusts, contains the following statement, in bold-faced type and a minimum size of ten points:

"IRREVOCABLE TRUST:

A trust created to hold preneed arrangement funds is revocable in its entirety unless specifically limited by the purchaser. The purchaser has chosen to create an irrevocable trust in the amount of \$ (insert the dollar amount of the purchaser's irrevocable trust). The revocable portion of this trust fund is limited to that amount that exceeds the allowable supplemental security income asset exclusion used for determining eligibility for public assistance at the time the trust is created. The principal and accrued interest may not be withdrawn from the trust prior to the beneficiary's death, except to the extent that the trust funds exceed the irrevocable trust limitation. At the time of the beneficiary's death, the funds shall be distributed in their entirety, principal plus accrued interest, with no fees retained by the trustees as administrative fees. The funds shall be distributed for the payment of the at-need funeral goods, funeral services, burial site goods, or burial site services selected, with any excess funds distributed to the beneficiary's estate. At any time prior to or at the time of the beneficiary's death, the purchaser may transfer the preneed arrangements and trust funds for use in the payment of funeral goods, funeral services, burial site goods, or burial site services. The purchaser may not be charged any fee in connection with the transfer of a preneed arrangement and trust funds.";

(11) provides that if the particular funeral goods, funeral services, burial site goods, or burial site services specified in the agreement are unavailable at the time of delivery, the funeral provider must furnish goods and services similar in style and at least equal in quality to the material and workmanship of the goods or services specified and that the representative of the beneficiary has the right to choose the goods or services to be substituted; and

(12) contains an itemization of the sale of grave lots, spaces, lawn crypts, niches, or mausoleum crypts separate from all other goods and services selected.

Sec. 34. Minnesota Statutes 1998, section 149A.97, is amended by adding a subdivision to read:

Subd. 4a. [FINANCE CHARGES ON PRENEED ARRANGEMENTS PROHIBITED.] Funeral providers are prohibited from assessing finance charges on preneed arrangements.

Sec. 35. Minnesota Statutes 1998, section 149A.97, subdivision 6, is amended to read:

Subd. 6. [DISBURSEMENT OF TRUST FUNDS.] The funds held in trust, including principal and accrued interest, may be distributed prior to the death of the beneficiary upon demand by the purchaser as specified in subdivision 6a, to the extent that the trust is designated revocable. At the death of the beneficiary and with satisfactory proof of death provided to the institution holding the trust funds, the funds, including principal and accrued interest, may be distributed by either the depositor as trustee or the purchaser as trustee, subject to

section 149A.80. The funds shall be distributed in their entirety, with no fees to be retained by the trustees as administrative fees. The funds shall be distributed for the payment of the actual at-need value of the funeral goods ~~and/or, funeral~~ services, burial site goods, or burial site services selected with any excess funds distributed to the estate of the decedent.

Sec. 36. Minnesota Statutes 1998, section 149A.97, is amended by adding a subdivision to read:

Subd. 6a. [CANCELLATION OF AGREEMENT FOR PRENEED ARRANGEMENTS.] (a) If a purchaser cancels an agreement for an irrevocable trust for preneed arrangements at any time before midnight of the third business day after the date of the agreement, the purchaser shall receive a refund of all consideration paid according to the agreement. The refund must be distributed to the purchaser within 15 business days following receipt by the funeral provider of the cancellation notice from the purchaser.

(b) If the purchaser cancels an agreement for a revocable trust for preneed arrangements at any time after the date of the agreement, all funds held in a revocable trust, including all principal and accrued interest, must be distributed to the purchaser within 15 business days following receipt by the funeral provider of the cancellation notice.

(c) Cancellation is evidenced by the purchaser giving written notice of cancellation to the funeral provider at the address provided in the agreement. Notice of cancellation, if given by mail, is effective upon deposit in a mailbox, properly addressed to the funeral provider and postage prepaid. Notice of cancellation need not take any specific form and is sufficient if it indicates, by any form of written expression, the intention of the purchaser not to be bound by the agreement.

Sec. 37. Minnesota Statutes 1998, section 149A.97, subdivision 9, is amended to read:

Subd. 9. [REQUIRED RECORDS.] Every funeral provider lawfully doing business in Minnesota that accepts funds under subdivision 2 must create and maintain on its premises or other business location in Minnesota an accurate record of every trust fund established with the funeral provider as trustee. The record must contain the following information:

- (1) the names of the purchaser, beneficiary, and depositor;
- (2) the date, location, identifying account numbers, and amount of the funds originally deposited;
- (3) any subsequent changes to the location of the account, identifying account number, or trustee designation;
- (4) the date, amount, and payee of any distributions from the account; and
- (5) all supporting documentation, including a copy of the original trust agreement, copies of any contracts for the purchase of preneed ~~funeral~~ goods and services, and any other appropriate documentation.

Sec. 38. [RECOMMENDATIONS.]

The commissioner of health shall make recommendations by January 15, 2001, to the chairs of the senate health and family security budget division and the house health and human services finance division on whether there is a need for additional funding for ongoing implementation of the regulatory provisions of Minnesota Statutes, chapter 149A, and if so, proposals for an alternative funding source other than the general fund.

Sec. 39. [EFFECTIVE DATE.]

Section 10 is effective January 1, 2001."

Delete the title and insert:

"A bill for an act relating to health; establishing requirements for the sale of funeral goods and services and preneed funeral arrangements; modifying the enforcement authority of the commissioner of health; prohibiting certain solicitations of sales by funeral providers; requiring certain disclosures by funeral providers; prohibiting certain deceptive acts and practices for funeral providers; establishing requirements for preneed funeral agreements; amending Minnesota Statutes 1998, sections 149A.02, subdivision 22, and by adding subdivisions; 149A.08, subdivisions 1, 3, 4, and by adding a subdivision; 149A.70, by adding subdivisions; 149A.71, subdivisions 1, 2, 3, and 4; 149A.72, subdivisions 5, 6, 7, 9, 10, 11, 12, and 13; 149A.73, subdivisions 1, 3, 4, and by adding a subdivision; 149A.75; and 149A.97, subdivisions 1, 2, 3, 6, 9, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 149A."

We request adoption of this report and repassage of the bill.

Senate Conferees: CLAIRE A. ROBLING, DEANNA L. WIENER AND WILLIAM V. BELANGER, JR.

House Conferees: ANN H. REST, DAN MCELROY AND GREGORY M. DAVIDS.

Rest moved that the report of the Conference Committee on S. F. No. 2686 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2686, A bill for an act relating to health; establishing requirements for the sale of funeral goods and services and preneed funeral arrangements; modifying the enforcement authority of the commissioner of health; modifying licensing requirements for funeral establishments; prohibiting certain solicitations of sales by funeral providers; requiring certain disclosures by funeral providers; prohibiting certain deceptive acts and practices for funeral providers; establishing requirements for preneed funeral agreements; amending Minnesota Statutes 1998, sections 149A.02, subdivision 22, and by adding subdivisions; 149A.08, subdivisions 1, 3, 4, and by adding a subdivision; 149A.70, by adding subdivisions; 149A.71, subdivisions 1, 2, 3, and 4; 149A.72, subdivisions 5, 6, 7, 9, 10, 11, 12, and 13; 149A.73, subdivisions 1, 3, 4, and by adding a subdivision; 149A.75; and 149A.97, subdivisions 1, 2, 3, 6, 9, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 149A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 117 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Chaudhary	Fuller	Hausman	Knoblach	Marko
Abrams	Clark, J.	Gerlach	Hilty	Koskinen	McCollum
Anderson, B.	Daggett	Gleason	Holberg	Kubly	McElroy
Anderson, I.	Dauids	Goodno	Holsten	Kuisle	McGuire
Bakk	Dawkins	Gray	Howes	Larson, D.	Molnau
Biernat	Dehler	Greenfield	Huntley	Leighton	Mulder
Boudreau	Dorman	Greiling	Jaros	Lenczewski	Mullery
Bradley	Dorn	Gunther	Jennings	Leppik	Murphy
Broecker	Entenza	Haake	Juhnke	Lieder	Ness
Buesgens	Erhardt	Haas	Kahn	Lindner	Nornes
Carlson	Erickson	Hackbarth	Kalis	Luther	Opatz
Carruthers	Finseth	Harder	Kelliher	Mahoney	Orfield
Cassell	Folliard	Hasskamp	Kielkucki	Mares	Osskopp

Osthoff	Pugh	Seifert, J.	Stang	Tunheim	Wilkin
Ozment	Rest	Seifert, M.	Storm	Vandever	Winter
Paulsen	Reuter	Skoe	Swapinski	Wagenius	Wolf
Pawlenty	Rhodes	Skoglund	Swenson	Wenzel	Spk. Sviggum
Paymar	Rifenberg	Smith	Sykora	Westerberg	
Pelowski	Rostberg	Solberg	Tomassoni	Westfall	
Peterson	Schumacher	Stanek	Tuma	Westrom	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3497, A bill for an act relating to state government; regulating the recovery of costs and attorney fees from the state of Minnesota; conforming certain provisions of state law to analogous federal law; clarifying existing law; establishing specific procedures for application of fees; correcting miscellaneous noncontroversial oversights, inconsistencies, ambiguities, and technical errors; amending Minnesota Statutes 1998, sections 15.471, subdivisions 4, 5, and 6; and 15.472.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Tuma moved that the House concur in the Senate amendments to H. F. No. 3497 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3497, A bill for an act relating to state government; regulating the recovery of costs and attorney fees from the state of Minnesota; establishing specific procedures for application of fees; amending Minnesota Statutes 1998, sections 15.471, subdivisions 4, 5, and 6; and 15.472.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Dorman	Goodno	Hausman	Kalis
Abrams	Carruthers	Dorn	Gray	Hilty	Kelliher
Anderson, B.	Cassell	Entenza	Greenfield	Holberg	Kielkucki
Anderson, I.	Chaudhary	Erhardt	Greiling	Holsten	Knobloch
Bakk	Clark, J.	Erickson	Gunther	Howes	Koskinen
Biernat	Clark, K.	Finseth	Haake	Huntley	Krinkie
Boudreau	Daggett	Folliard	Haas	Jaros	Kubly
Bradley	Davids	Fuller	Hackbarth	Jennings	Kuisle
Broecker	Dawkins	Gerlach	Harder	Juhnke	Larson, D.
Buesgens	Dehler	Gleason	Hasskamp	Kahn	Leighton

Lenczewski	Molnau	Ozment	Rostberg	Swapinski	Westerberg
Leppik	Mulder	Paulsen	Schumacher	Swenson	Westfall
Lieder	Mullery	Pawlenty	Seifert, J.	Sykora	Westrom
Lindner	Murphy	Paymar	Seifert, M.	Tingelstad	Wilkin
Luther	Ness	Pelowski	Skoe	Tomassoni	Winter
Mahoney	Nornes	Peterson	Skoglund	Trimble	Wolf
Mares	Opatz	Pugh	Smith	Tuma	Spk. Sviggum
Marko	Orfield	Rest	Solberg	Tunheim	
McCollum	Osskopp	Reuter	Stanek	Vandever	
McElroy	Osthoff	Rhodes	Stang	Wagenius	
McGuire	Otremba	Rifenberg	Storm	Wenzel	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 3581.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3581

A bill for an act relating to liquor; authorizing the city of Minneapolis to issue an on-sale wine and malt liquor license for the Illusion Theatre and the Hollywood Theatre; authorizing winemaking on premises stores; authorizing the city of St. Paul to issue an on-sale wine and malt liquor license to the Great American History Theater; exempting an on-sale intoxicating liquor license in Bemidji from statutory restrictions on proximity to a state university; authorizing the cities of Duluth, Springfield, and Eveleth, to issue on-sale intoxicating liquor licenses; authorizing the city of Anoka to issue an on-sale wine license; amending Minnesota Statutes 1999 Supplement, section 340A.404, subdivisions 2 and 2b; Laws 1999, chapter 202, section 15; proposing coding for new law in Minnesota Statutes, chapter 340A.

April 12, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3581, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 3581 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 37.21, is amended to read:

37.21 [SALE OF LIQUORS.]

Subdivision 1. [LIQUOR PROHIBITED.] No person may sell, barter, give away, or otherwise dispose of or introduce, have, or keep for barter, gift, or sale, any intoxicating liquors of any kind upon or within one-half mile of the state fairgrounds, or aid and abet any of those acts. The presence and possession of any kind of these liquors, in any quantity, upon the person or upon the premises leased or occupied by any person within these limits is a public nuisance and is prima facie evidence of the purpose of the person to barter, give away, or sell the liquor. Any person who violates this section is guilty of a misdemeanor.

Subd. 2. [EXCEPTIONS.] Notwithstanding subdivision 1, the state agricultural society may authorize, under terms and conditions it chooses, the sale, possession, and consumption of intoxicating liquors at special events taking place on the fairgrounds at times other than during the annual fair including, but not limited to, family reunions, class reunions, weddings, conventions, and similar events. This section does not authorize the society to issue retail licenses for the sale of alcoholic beverages.

Sec. 2. Minnesota Statutes 1998, section 340A.101, subdivision 7, is amended to read:

Subd. 7. [CLUB.] "Club" is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

(1) has more than ~~50~~ 30 members;

(2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;

(3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

Sec. 3. Minnesota Statutes 1999 Supplement, section 340A.404, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; CITY OF MINNEAPOLIS.] (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theater, the Cricket Theatre, the Orpheum Theatre, and the State Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theaters and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) The city of Minneapolis may issue an on-sale intoxicating liquor license to Zuhrah Shrine Temple for use on the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances.

(d) The city of Minneapolis may issue an on-sale intoxicating liquor license to the American Association of University Women, Minneapolis branch, for use on the premises owned by the American Association of University Women, Minneapolis branch, at 2115 Stevens Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provisions relating to zoning or school or church distances.

(e) The city of Minneapolis may issue an on-sale wine license and an on-sale 3.2 percent malt liquor license to a restaurant located at 5000 Penn Avenue South, and an on-sale wine license and an on-sale malt liquor license to a restaurant located at 1931 Nicollet Avenue South, notwithstanding any law or local ordinance or charter provision.

(f) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Brave New Workshop Theatre located at 3001 Hennepin Avenue South, ~~and to the Theatre de la Jeune Lune, the Illusion Theatre located at 528 Hennepin Avenue South, and the Hollywood Theatre located at 2815 Johnson Street Northeast,~~ notwithstanding any law or local ordinance or charter provision. The license authorizes sales on all days of the week.

(g) The city of Minneapolis may issue an on-sale intoxicating liquor license to University Gateway Corporation, a Minnesota nonprofit corporation, for use by a restaurant or catering operator at the building owned and operated by the University Gateway Corporation on the University of Minnesota campus, notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week.

Sec. 4. [340A.34] [WINEMAKING ON PREMISES STORE.]

A commercial establishment in which individuals make wine on the premises for personal and family use only and not for resale, using ingredients or materials or both supplied by the establishment, is not required to be licensed under this chapter if the establishment is operated in accordance with Code of Federal Regulations, title 27, section 24.75. No person under the age of 21 years may participate in the making of wine in such an establishment. Alcoholic beverages may not be sold or otherwise provided to customers of an establishment described in this section unless the establishment holds the appropriate license for such sale or provision.

Sec. 5. [340A.419] [WINE TASTINGS CONDUCTED BY EXCLUSIVE LIQUOR STORE.]

Subdivision 1. [DEFINITION.] For purposes of this section, a "wine tasting" is an event of not more than four hours' duration at which persons pay a fee to participate and are allowed to consume wine by the glass without paying a separate charge for each glass.

Subd. 2. [TASTINGS.] (a) Notwithstanding any other law, an exclusive liquor store may conduct a wine tasting on the premises of a holder of an on-sale intoxicating liquor license that is not a temporary license if the exclusive liquor store complies with this section.

(b) No wine at a wine tasting under this section may be sold for off-premises consumption. A participant in the tasting may fill out a form indicating preferences for wine. The form may be held on the premises of the exclusive liquor store to assist the participant in making an off-sale purchase at a later date.

(c) Notwithstanding any other law, an exclusive liquor store may purchase or otherwise obtain wine for a wine tasting conducted under this section from a wholesaler licensed to sell wine. The wholesaler may sell or give wine to an exclusive liquor store for a wine tasting conducted under this section and may provide personnel to assist in the wine tasting.

(d) An exclusive liquor store that conducts a wine tasting under this section must use any fees collected from participants in the tasting only to defray the cost of conducting the tasting.

Sec. 6. Laws 1999, chapter 202, section 15, is amended to read:

Sec. 15. [CITY OF BEMIDJI; LIQUOR LICENSE.]

The city of Bemidji may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, other than Minnesota Statutes, section 340A.412, subdivision 4, paragraph (a), clause (8), apply to the ~~licenses~~ license authorized under this section.

Sec. 7. [CITY OF DULUTH; LAKE SUPERIOR CENTER AUTHORITY.]

Notwithstanding any law, ordinance, or charter provision to the contrary, the city of Duluth may issue an on-sale intoxicating liquor license to the Lake Superior Center authority for certain events at the Lake Superior Center. The license shall limit the sale of intoxicating liquor to persons leasing space in the Lake Superior Center and their guests for the purpose of conducting any convention, banquet, conference, meeting, or social affair. The fee for the license shall be set by the Duluth city council. The license must be issued in accordance with laws governing issuance of on-sale intoxicating liquor licenses in cities of the first class not inconsistent with this section and with city charter provisions and ordinances not inconsistent with this section.

Sec. 8. [CITY OF SPRINGFIELD; AUTHORIZATION.]

The city of Springfield may authorize a holder of a retail on-sale intoxicating liquor license issued by the city to dispense intoxicating liquor at an event on December 31, 2000, and January 1, 2001, at a facility owned by the city, notwithstanding Minnesota Statutes, section 340A.504, subdivision 3. All provisions of Minnesota Statutes, section 340A.404, subdivision 4, paragraph (a), apply to the authority granted under this section. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 9. [CITY OF EVELETH; LIQUOR LICENSE.]

Notwithstanding other law, the city of Eveleth may issue one on-sale intoxicating liquor license to the Quad Cities Joint Recreational Center authority. The authority may, but shall not be required to, contract with an independent contractor to operate the on-sale liquor establishment. The independent contractor need not hold a license in its own name. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 10. [WINE LICENSE; MAIN STREET STAGE THEATRE.]

The city of Anoka may issue an on-sale wine license to the Lyric Arts Company of Anoka, Inc. for the Main Street Stage Theatre. The license authorizes sales on all days of the week to holders of tickets for performances at the theater. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 11. [CITY OF COTTAGE GROVE; LIQUOR LICENSE.]

The city of Cottage Grove may issue to the Cottage Grove economic development authority, and the Cottage Grove economic development authority may hold, an on-sale intoxicating liquor license for the River Oaks golf course grounds, clubhouse, and restaurant located in the city of Cottage Grove. The provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license issued under this section. The provisions of Minnesota Statutes, sections 340A.603 and 340A.604, apply to the establishment licensed under this section as if the establishment were a municipal liquor store, provided that the commissioner of public safety may not impose any penalty on the establishment under those sections if the city has imposed a comparable or greater penalty on the licensee for the same offense.

Sec. 12. [CITY OF COTTAGE GROVE; LIABILITY.]

The city of Cottage Grove is the licensee under section 11 for purposes of compliance with Minnesota Statutes, section 340A.409. The city of Cottage Grove is deemed the seller of alcoholic beverages under the license authorized by section 11 for purposes of Minnesota Statutes, sections 340A.801 and 340A.802.

Sec. 13. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE; SHERMAN TOWNSHIP.]

An election conducted in Sherman township in Redwood county on the question of the issuance by the county of Sunday sales licenses to establishments located in the town may be held on the day of the annual election of town officers or at a special election called and conducted by the town board. The cost of the election must be borne by the applicant for the Sunday sales license.

Sec. 14. [EFFECTIVE DATE; LOCAL APPROVAL.]

Section 3 is effective the day after the governing body of Minneapolis and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 6 is effective the day after the governing body of Bemidji and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 7 is effective the day after the governing body of Duluth and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 8 is effective the day after the governing body of Springfield and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 9 is effective the day after the governing body of Eveleth and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 10 is effective the day after the governing body of Anoka and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Sections 11 and 12 are effective on approval by the Cottage Grove city council and compliance with Minnesota Statutes, section 645.021. Section 13 is effective the day after the governing body of Sherman township in Redwood county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Delete the title and insert:

"A bill for an act relating to liquor; providing exceptions to the prohibition on intoxicating liquors at the state fairgrounds; modifying the definition of club; authorizing the city of Minneapolis to issue an on-sale wine and malt liquor license for the Illusion Theatre and the Hollywood Theatre; exempting winemaking-on-premises stores from state licensing with certain restrictions; authorizing exclusive liquor stores to conduct wine tastings; exempting an on-sale intoxicating liquor license in Bemidji from statutory restrictions on proximity to a state university; authorizing the cities of Duluth, Springfield, Eveleth, and Cottage Grove to issue on-sale intoxicating liquor licenses; authorizing the city of Anoka to issue an on-sale wine license; authorizing an election on Sunday liquor sales in Sherman township; amending Minnesota Statutes 1998, sections 37.21; and 340A.101, subdivision 7; Minnesota Statutes 1999 Supplement, section 340A.404, subdivision 2; Laws 1999, chapter 202, section 15; proposing coding for new law in Minnesota Statutes, chapter 340A."

We request adoption of this report and repassage of the bill.

Senate Conferees: SAM G. SOLON, JAMES P. METZEN AND CAL LARSON.

House Conferees: ERIK PAULSEN, GREGORY M. DAVIDS AND MATT ENTENZA.

Paulsen moved that the report of the Conference Committee on S. F. No. 3581 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3581, A bill for an act relating to liquor; authorizing the city of Minneapolis to issue an on-sale wine and malt liquor license for the Illusion Theatre and the Hollywood Theatre; authorizing winemaking on premises stores; authorizing the city of St. Paul to issue an on-sale wine and malt liquor license to the Great American History Theater; exempting an on-sale intoxicating liquor license in Bemidji from statutory restrictions on proximity to a state university; authorizing the cities of Duluth, Springfield, and Eveleth, to issue on-sale intoxicating liquor

licenses; authorizing the city of Anoka to issue an on-sale wine license; amending Minnesota Statutes 1999 Supplement, section 340A.404, subdivisions 2 and 2b; Laws 1999, chapter 202, section 15; proposing coding for new law in Minnesota Statutes, chapter 340A.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 107 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Hilty	Leppik	Paulsen	Swapinski
Abrams	Erhardt	Holsten	Lieder	Pawlenty	Swenson
Anderson, I.	Erickson	Howes	Luther	Paymar	Sykora
Bakk	Finseth	Huntley	Mahoney	Pelowski	Tingelstad
Biernat	Folliard	Jaros	Mares	Peterson	Tomassoni
Boudreau	Fuller	Jennings	Marko	Pugh	Trimble
Bradley	Gerlach	Juhnke	McCollum	Rest	Tuma
Carlson	Gleason	Kahn	McGuire	Rhodes	Tunheim
Carruthers	Goodno	Kalis	Molnau	Rostberg	Vandever
Chaudhary	Gray	Kelliher	Mullery	Schumacher	Wagenius
Clark, J.	Greenfield	Kielkucki	Murphy	Seifert, J.	Wenzel
Clark, K.	Gunther	Knoblach	Ness	Seifert, M.	Westerberg
Daggett	Haake	Koskinen	Nornes	Skoe	Westfall
Davids	Haas	Kubly	Opatz	Smith	Westrom
Dawkins	Hackbarth	Kuisle	Orfield	Solberg	Wilkin
Dehler	Harder	Larson, D.	Osthoff	Stanek	Wolf
Dorman	Hasskamp	Leighton	Otremba	Stang	Spk. Sviggum
Dorn	Hausman	Lenczewski	Ozment	Storm	

Those who voted in the negative were:

Anderson, B.	Cassell	Krinkie	Mulder	Seagren
Broecker	Greiling	Lindner	Reuter	Skoglund
Buesgens	Holberg	McElroy	Rifenberg	

The bill was repassed, as amended by Conference, and its title agreed to.

McElroy was excused for the remainder of today's session.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 11, A senate concurrent resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Pawlenty moved that the rules be so far suspended that Senate Concurrent Resolution No. 11 be now considered and be placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 11

A senate concurrent resolution relating to adjournment for more than three days.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments on April 19, 2000, the Senate and House of Representatives may each set its next day of meeting for April 25, 2000.

2. Each house consents to adjournment of the other house for more than three days.

Pawlenty moved that Senate Concurrent Resolution No. 11 be now adopted.

Krinkie moved to amend Senate Concurrent Resolution No. 11 as follows:

Page 1, line 8, delete "April 25" and insert "May 1"

A roll call was requested and properly seconded.

LAY ON THE TABLE

Pawlenty moved to lay Senate Concurrent Resolution No. 11 and the Message from the Senate relating to Senate Concurrent Resolution No. 11 on the table.

A roll call was requested and properly seconded.

The question was taken on the Pawlenty motion and the roll was called. There were 65 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Haas	Lindner	Rifenberg	Tingelstad
Abrams	Dehler	Hackbarth	Mares	Rostberg	Tuma
Anderson, B.	Dorman	Harder	Molnau	Seagren	Van Dellen
Bishop	Erhardt	Holberg	Mulder	Seifert, J.	Vandever
Boudreau	Erickson	Holsten	Ness	Seifert, M.	Westerberg
Bradley	Finseth	Howes	Nornes	Smith	Westfall
Broecker	Fuller	Kielkucki	Osskopp	Stanek	Westrom
Buesgens	Gerlach	Knoblach	Ozment	Stang	Wilkin
Cassell	Goodno	Krinkie	Paulsen	Storm	Wolf
Clark, J.	Gunther	Kuisele	Pawlenty	Swenson	Spk. Sviggum
Daggett	Haake	Leppik	Rhodes	Sykora	

Those who voted in the negative were:

Anderson, I.	Gleason	Kahn	Mariani	Pelowski	Tomassoni
Bakk	Gray	Kalis	Marko	Peterson	Trimble
Biernat	Greenfield	Kelliher	McCollum	Pugh	Tunheim
Carlson	Greiling	Koskinen	McGuire	Rest	Wagenius
Carruthers	Hasskamp	Kubly	Mullery	Reuter	Wejcman
Chaudhary	Hausman	Larson, D.	Murphy	Rukavina	Wenzel
Clark, K.	Hilty	Leighton	Opatz	Schumacher	Winter
Dawkins	Huntley	Lenczewski	Orfield	Skoe	
Dorn	Jaros	Lieder	Osthoff	Skoglund	
Entenza	Jennings	Luther	Otremba	Solberg	
Folliard	Juhnke	Mahoney	Paymar	Swapinski	

The motion prevailed and Senate Concurrent Resolution No. 11 and the Message from the Senate relating to Senate Concurrent Resolution No. 11 were laid on the table.

CALENDAR FOR THE DAY

S. F. No. 2827 was reported to the House.

Holberg moved that S. F. No. 2827 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3730 was reported to the House.

Abrams moved that S. F. No. 3730 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2385 was reported to the House.

Stang moved that S. F. No. 2385 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 3046 was reported to the House.

Murphy moved that S. F. No. 3046 be returned to the General Register. The motion prevailed.

H. F. No. 2516 was reported to the House.

Skoglund; Gray; Larson, D.; Marko; Mullery; Rukavina; Swapinski; Tomassoni; Koskinen; Otremba; Pelowski; Mahoney; Bakk; Orfield; Dorn; Mariani; Rest; Tunheim; Carlson; Paymar; Murphy; Hilty; Luther; Opatz; Skoe; Chaudhary; Wejcman; Entenza; Kahn; Anderson, I.; Trimble; Peterson; Gleason; Clark, K.; Leighton; Wagenius; Schumacher; Lieder; Folliard; McCollum; Kelliher; Kalis; Greenfield; Biernat; Dawkins; Pugh; Hausman and Jaros moved to amend H. F. No. 2516, the first engrossment, as follows:

Page 3, lines 17 to 19, restore the stricken language

Page 3, line 20, restore the stricken language and delete the new language

Page 3, line 21, delete the new language

A roll call was requested and properly seconded.

Smith moved that H. F. No. 2516 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2302 was reported to the House.

Boudreau moved to amend S. F. No. 2302 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 609.21, subdivision 5, is amended to read:

Subd. 5. [DEFINITIONS.] For purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes attached trailers, as defined in section 169.01, subdivision 10, but does not include farm trailers which are used by their owners to:

(1) transport from the farm to the market agricultural, horticultural, dairy, or other farm products, including livestock produced or finished by the trailer owner; or

(2) transport farm supplies or farm equipment to and from the farm of the trailer owner.

(b) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(c) "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182.

(d) Operating a motor vehicle in a "grossly negligent manner" includes, but is not limited to, operating the vehicle with actual knowledge that the vehicle is maintained in a manner that creates a significant risk of death or great bodily harm to another person. "Actual knowledge" may be established by, but is not limited to, evidence that the operator had received a traffic citation or warning on one or more prior occasions for failure to maintain the vehicle in a lawful manner if the accident was directly attributable to the same maintenance failure.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 2000, and applies to crimes committed on or after that date."

Boudreau moved that S. F. No. 2302 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3730, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Abrams moved to amend S. F. No. 3730, the second unofficial engrossment, as follows:

Page 17, delete section 20

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kuisle, Davids and Jennings moved to amend S. F. No. 3730, the second unofficial engrossment, as amended, as follows:

Page 10, line 12, delete "Minneapolis-St. Paul" and delete ", as defined"

Page 10, delete line 13

Page 10, line 14, delete "Commerce,"

The motion prevailed and the amendment was adopted.

Rukavina moved to amend S. F. No. 3730, the second unofficial engrossment, as amended, as follows:

Page 15, after line 22, insert:

"Sec. 17. [APPROPRIATION AVAILABILITY EXTENDED.]

The appropriation in Laws 1995, chapter 220, section 19, subdivision 4, paragraph (g), clause (2), as amended in Laws 1996, chapter 407, section 50, is available until June 30, 2001.

EFFECTIVE DATE: This section is effective retroactively from December 31, 1999."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Anderson, I., moved to amend S. F. No. 3730, the second unofficial engrossment, as amended, as follows:

Page 1, after line 29, insert:

"ARTICLE 1"

Page 17, after line 28, insert:

"ARTICLE 2"

Section 1. Minnesota Statutes 1998, section 298.17, is amended to read:

298.17 [OCCUPATION TAXES TO BE APPORTIONED.]

All occupation taxes paid by persons, copartnerships, companies, joint stock companies, corporations, and associations, however or for whatever purpose organized, engaged in the business of mining or producing iron ore or other ores, when collected shall be apportioned and distributed in accordance with the Constitution of the state of Minnesota, article X, section 3, in the manner following: 90 percent shall be deposited in the state treasury and credited to the general fund of which four-ninths shall be used for the support of elementary and secondary schools; and ten percent of the proceeds of the tax imposed by this section shall be deposited in the state treasury and credited to the general fund for the general support of the university. Of the moneys apportioned to the general fund by this section there is annually appropriated and credited to the iron range resources and rehabilitation board account in the special revenue fund an amount equal to that which would have been generated by a 1.5 cent tax imposed by section 298.24 on each taxable ton produced in the preceding calendar year, to be expended for the purposes of section 298.22. The money appropriated pursuant to this section shall be used (1) to provide environmental development grants to local governments located within any county in region 3 as defined in governor's executive order number 60, issued on June 12, 1970, which does not contain a municipality qualifying pursuant to section 273.134 or (2) to provide economic development loans or grants to businesses located within any such county, provided that the county board or an advisory group appointed by the county board to provide recommendations on economic development shall make recommendations to the iron range resources and rehabilitation board regarding the loans. Payment to the iron range resources and rehabilitation board account shall be made by May 15 annually.

Of the money allocated to Koochiching county, one-third must be paid to the ~~small business development center/economic development office currently located at the Rainy River community college for its operations~~ Koochiching county economic development commission.

Sec. 2. [ECONOMIC DEVELOPMENT COMMISSION.]

Subdivision 1. [CREATION.] The Koochiching county economic development commission consists of:

- (1) two Koochiching county commissioners, appointed by the chair of the commission;
- (2) two members of the International Falls city council, appointed by the mayor;
- (3) two residents of Koochiching county, appointed by the other members of the commission;
- (4) one state legislator representing Koochiching county, appointed by the other members of the board.

Members serve at the pleasure of the appointing authority.

Subd. 2. [DUTIES.] The commission shall:

- (1) hire economic development staff;
- (2) establish economic development priorities for Koochiching county; and
- (3) approve economic development projects for Koochiching county.

Subd. 3. [CLOSED MEETINGS; RECORDING.] The commission may, by a majority vote in a public meeting, decide to hold a closed meeting for purposes of discussing data described in subdivision 4 or security information, trade secret information, or labor relations information, as defined in Minnesota Statutes, section 13.37, subdivision 1. The time and place of the closed meeting must be announced at the public meeting. A written roll of members present at the closed meeting must be made available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded. The data on the tape are nonpublic data or private data on individuals as defined in Minnesota Statutes, section 13.02, subdivision 9 or 12, whichever is applicable.

Subd. 4. [APPLICATION AND INVESTIGATIVE DATA.] Financial data, statistics, and information furnished to the commission in connection with assistance or proposed assistance, including credit reports; financial statements; statements of net worth; income tax returns, either personal or corporate; and any other business and personal financial records, are private data with regard to data on individuals under Minnesota Statutes, section 13.02, subdivision 12, or nonpublic data with regard to data not on individuals under Minnesota Statutes, section 13.02, subdivision 9.

Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective upon approval of the Koochiching county board and compliance with Minnesota Statutes, section 645.021, subdivision 3."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

McCollum moved to amend S. F. No. 3730, the second unofficial engrossment, as amended, as follows:

Page 16, delete lines 17 to 29

A roll call was requested and properly seconded.

The question was taken on the McCollum amendment and the roll was called. There were 59 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Bakk	Gray	Kahn	Mahoney	Otremba	Swapinski
Biernat	Greenfield	Kalis	Mariani	Paymar	Tomassoni
Carlson	Greiling	Kelliher	Marko	Peterson	Trimble
Carruthers	Hasskamp	Koskinen	McCollum	Pugh	Tunheim
Chaudhary	Hausman	Kubly	McGuire	Rest	Vandever
Clark, K.	Hilty	Larson, D.	Mullery	Rukavina	Wagenius
Dawkins	Huntley	Leighton	Murphy	Schumacher	Wejeman
Dorn	Jaros	Lenczewski	Opatz	Skoe	Wenzel
Entenza	Jennings	Lieder	Orfield	Skoglund	Winter
Gleason	Juhnke	Luther	Osthoff	Solberg	

Those who voted in the negative were:

Abeler	Clark, J.	Fuller	Holsten	Mulder	Reuter
Abrams	Daggett	Gerlach	Howes	Ness	Rhodes
Anderson, B.	Davids	Goodno	Kielkucki	Nornes	Rifenberg
Bishop	Dehler	Gunther	Knoblach	Olson	Rostberg
Boudreau	Dorman	Haake	Krinkie	Osskopp	Seagren
Bradley	Erhardt	Haas	Kuisle	Ozment	Seifert, J.
Broecker	Erickson	Hackbarth	Lindner	Paulsen	Seifert, M.
Buesgens	Finseth	Harder	Mares	Pawlenty	Smith
Cassell	Folliard	Holberg	Molnau	Pelowski	Stanek

Stang	Sykora	Van Dellen	Westrom	Spk. Sviggum
Storm	Tingelstad	Westerberg	Wilkin	
Swenson	Tuma	Westfall	Wolf	

The motion did not prevail and the amendment was not adopted.

S. F. No. 3730, A bill for an act relating to public finance; exempting certain bonds from the definition of business subsidy; authorizing certain investments by joint powers investment trusts; exempting certain airport obligations from the public sale requirement; providing for state payment of county debt obligations upon potential default; extending sunsets for self-executing special service district and housing improvement district laws; authorizing special assessments for communications facilities; modifying interest rate requirements; increasing bonding authority for the financing of metropolitan area transit and paratransit capital expenditures; altering qualifications for residential rental bonds; providing that the Uniform Commercial Code does not apply to government security interests; appropriating money; amending Minnesota Statutes 1998, sections 118A.05, subdivision 4; 360.036, subdivision 2; 428A.101; 428A.21; 429.021, subdivision 1; 474A.047, subdivision 1; and 475.78; Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 473.39, subdivision 1g; and 475.56; proposing coding for new law in Minnesota Statutes, chapter 373.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 97 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Abeler	Dawkins	Hasskamp	Mares	Rhodes	Tomassoni
Abrams	Dehler	Hilty	Molnau	Rifenberg	Tuma
Anderson, B.	Dorman	Holberg	Mulder	Rostberg	Tunheim
Anderson, I.	Dorn	Holsten	Murphy	Rukavina	Van Dellen
Bakk	Entenza	Howes	Ness	Schumacher	Vandev eer
Bishop	Erhardt	Jennings	Nornes	Seagren	Wenzel
Boudreau	Erickson	Juhnke	Olson	Seifert, J.	Westerberg
Bradley	Finseth	Kalis	Opatz	Seifert, M.	Westfall
Broecker	Folliard	Kielkucki	Osskopp	Skoe	Westrom
Buesgens	Fuller	Knoblach	Otremba	Smith	Wilkin
Carlson	Gerlach	Krinkie	Ozment	Solberg	Wolf
Carruthers	Goodno	Kubly	Paulsen	Stanek	Spk. Sviggum
Cassell	Gunther	Kuisle	Pawlenty	Stang	
Chaudhary	Haake	Lenczewski	Pelowski	Storm	
Clark, J.	Haas	Leppik	Peterson	Swenson	
Daggett	Hackbarth	Lieder	Rest	Sykora	
Davids	Harder	Lindner	Reuter	Tingelstad	

Those who voted in the negative were:

Biernat	Greiling	Kelliher	Mahoney	Mullery	Skoglund
Clark, K.	Hausman	Koskinen	Mariani	Orfield	Swapinski
Gleason	Huntley	Larson, D.	Marko	Osthoff	Trimble
Gray	Jaros	Leighton	McCollum	Paymar	Wagenius
Greenfield	Kahn	Luther	McGuire	Pugh	Wejcman

The bill was passed, as amended, and its title agreed to.

Pawlenty moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Dempsey moved that the name of Olson be added as an author on H. F. No. 4151. The motion prevailed.

Seifert, M., moved that H. F. No. 3436 be recalled from the Senate for further consideration by the House. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 9:00 a.m., Wednesday, April 19, 2000. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:00 a.m., Wednesday, April 19, 2000.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

