

1.1 ..... moves to amend H.F. No. .... as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 COMMERCE AND CONSUMER PROTECTION APPROPRIATIONS

1.5 Section 1. SUMMARY OF APPROPRIATIONS.

1.6 The amounts shown in this section summarize direct appropriations, by fund, made  
1.7 in this article.

		<u>2014</u>		<u>2015</u>		<u>Total</u>
1.8						
1.9	<u>General</u>	\$ 43,962,000	\$	44,226,000	\$	88,188,000
1.10	<u>Special Revenue</u>	4,898,000		4,940,000		9,838,000
1.11	<u>Petroleum Tank</u>	1,052,000		1,052,000		2,104,000
1.12	<u>Workers' Compensation</u>	751,000		751,000		1,502,000
1.13	<b><u>Total</u></b>	<b><u>\$ 50,663,000</u></b>	<b>\$</b>	<b><u>50,969,000</u></b>	<b>\$</b>	<b><u>101,632,000</u></b>

1.14 Sec. 2. COMMERCE AND CONSUMER PROTECTION APPROPRIATIONS.

1.15 The sums shown in the columns marked "Appropriations" are appropriated to the  
1.16 agencies and for the purposes specified in this article. The appropriations are from the  
1.17 general fund, or another named fund, and are available for the fiscal years indicated  
1.18 for each purpose. The figures "2014" and "2015" used in this article mean that the  
1.19 appropriations listed under them are available for the fiscal year ending June 30, 2014, or  
1.20 June 30, 2015, respectively. "The first year" is fiscal year 2014. "The second year" is fiscal  
1.21 year 2015. "The biennium" is fiscal years 2014 and 2015.

	<u>APPROPRIATIONS</u>
	<u>Available for the Year</u>
	<u>Ending June 30</u>
	<u>2014</u> <u>2015</u>
1.22	
1.23	
1.24	
1.25	

2.1 **Sec. 3. DEPARTMENT OF COMMERCE**

2.2 **Subdivision 1. Total Appropriation** \$ **25,480,000** \$ **25,656,000**

2.3 Appropriations by Fund

2.4		<u>2014</u>	<u>2015</u>
2.5	<u>General</u>	<u>23,677,000</u>	<u>23,853,000</u>
2.6	<u>Petroleum Tank</u>	<u>1,052,000</u>	<u>1,052,000</u>
2.7	<u>Workers'</u>		
2.8	<u>Compensation</u>	<u>751,000</u>	<u>751,000</u>

2.9 The amounts that may be spent for each  
2.10 purpose are specified in the following  
2.11 subdivisions.

2.12 **Subd. 2. Financial Institutions** 4,885,000 4,885,000

2.13 \$142,000 each year is for the regulation of  
2.14 mortgage originators and servicers under  
2.15 Minnesota Statutes, chapters 58 and 58A.

2.16 **Subd. 3. Petroleum Tank Release**  
2.17 **Compensation Board** 1,052,000 1,052,000

2.18 This appropriation is from the petroleum  
2.19 tank fund.

2.20 **Subd. 4. Administrative Services** 6,689,000 6,865,000

2.21 \$375,000 each year is for additional  
2.22 compliance efforts with unclaimed property.  
2.23 The commissioner may issue contracts for  
2.24 these services.

2.25 \$25,000 each year is for newspaper  
2.26 advertising directed at persons who own or  
2.27 may own unclaimed property. By June 30  
2.28 of each year, the commissioner shall submit  
2.29 a report to the house and senate committees  
2.30 with jurisdiction over the department of the  
2.31 results of the newspaper advertisements in  
2.32 returning property to the owners.

2.33 Fees for the Weights and Measures Unit are  
2.34 increased by 30 percent during fiscal year

3.1 2014. All fees are deposited to the general  
 3.2 fund as nondedicated revenue.

3.3 **Base adjustment.** \$174,000 in fiscal year  
 3.4 2014 and \$350,000 in fiscal year 2015 is  
 3.5 added to the base.

3.6 **Subd. 5. Telecommunications** 1,509,000 1,509,000

3.7 \$500,000 each year is for the Broadband  
 3.8 Development Office.

3.9 The following transfer is from the  
 3.10 telecommunications access Minnesota  
 3.11 fund. \$300,000 the first year and \$300,000  
 3.12 the second year and each year thereafter  
 3.13 are for transfer to the commissioner of  
 3.14 human services to supplement the ongoing  
 3.15 operational expenses of the Commission  
 3.16 of Deaf, DeafBlind, and Hard-of-Hearing  
 3.17 Minnesotans.

3.18 **Subd. 6. Enforcement** 4,178,000 4,178,000

3.19	<u>Appropriations by Fund</u>		
3.20	<u>General</u>	<u>3,980,000</u>	<u>3,980,000</u>
3.21	<u>Workers'</u>		
3.22	<u>Compensation</u>	<u>198,000</u>	<u>198,000</u>

3.23 **Subd. 7. Energy Resources** 3,252,000 3,252,000

3.24 **Subd. 8. Insurance** 3,915,000 3,915,000

3.25	<u>Appropriations by Fund</u>		
3.26	<u>General</u>	<u>3,362,000</u>	<u>3,362,000</u>
3.27	<u>Workers'</u>		
3.28	<u>Compensation</u>	<u>553,000</u>	<u>553,000</u>

3.29 **Sec. 4. PUBLIC UTILITIES COMMISSION** \$ 6,226,000 \$ 6,277,000

3.30 **Base adjustment.** \$48,000 in fiscal year  
 3.31 2014 and \$99,000 in fiscal year 2015 is  
 3.32 added to the base.

3.33 **Sec. 5. GAMBLING CONTROL** \$ 3,989,000 \$ 4,021,000



5.1 may be in-kind or soft match. The incentive  
5.2 in fiscal year 2014 shall be based on fiscal  
5.3 year 2013 private sector contributions. The  
5.4 incentive in fiscal year 2015 shall be based on  
5.5 fiscal year 2014 private sector contributions.  
5.6 This incentive is ongoing.

5.7 (2) Funding for the marketing grants is  
5.8 available either year of the biennium.  
5.9 Unexpended grant funds from the first year  
5.10 are available in the second year.

5.11 (3) Unexpended money from the general  
5.12 fund appropriations made under this section  
5.13 does not cancel but must be placed in a  
5.14 special marketing account for use by Explore  
5.15 Minnesota Tourism for additional marketing  
5.16 activities.

5.17 (c) \$325,000 in fiscal year 2014 and \$325,000  
5.18 in fiscal year 2015 are for the Minnesota  
5.19 Film and TV Board. The appropriation in  
5.20 each year is available only upon receipt by  
5.21 the board of \$1 in matching contributions  
5.22 of money or in-kind contributions from  
5.23 nonstate sources for every \$3 provided by  
5.24 this appropriation, except that each year up  
5.25 to \$50,000 is available on July 1 even if the  
5.26 required matching contribution has not been  
5.27 received by that date.

5.28 (d) **Base adjustment.** \$34,000 in fiscal  
5.29 year 2014 and \$71,000 in fiscal year 2015  
5.30 is added to the base.

## ARTICLE 2

### COMMERCE AND CONSUMER PROTECTION POLICY

5.33 Section 1. Minnesota Statutes 2012, section 60A.14, subdivision 1, is amended to read:

6.1           Subdivision 1. **Fees other than examination fees.** In addition to the fees and  
6.2 charges provided for examinations, the following fees must be paid to the commissioner  
6.3 for deposit in the general fund:

6.4           (a) by township mutual fire insurance companies;

6.5           (1) for filing certificate of incorporation \$25 and amendments thereto, \$10;

6.6           (2) for filing annual statements, \$15;

6.7           (3) for each annual certificate of authority, \$15;

6.8           (4) for filing bylaws \$25 and amendments thereto, \$10;

6.9           (b) by other domestic and foreign companies including fraternal and reciprocal  
6.10 exchanges;

6.11           (1) for filing an application for an initial certification of authority to be admitted  
6.12 to transact business in this state, \$1,500;

6.13           (2) for filing certified copy of certificate of articles of incorporation, \$100;

6.14           (3) for filing annual statement, \$225;

6.15           (4) for filing certified copy of amendment to certificate or articles of incorporation,  
6.16 \$100;

6.17           (5) for filing bylaws, \$75 or amendments thereto, \$75;

6.18           (6) for each company's certificate of authority, \$575, annually;

6.19           (c) the following general fees apply:

6.20           (1) for each certificate, including certified copy of certificate of authority, renewal,  
6.21 valuation of life policies, corporate condition or qualification, \$25;

6.22           (2) for each copy of paper on file in the commissioner's office 50 cents per page,  
6.23 and \$2.50 for certifying the same;

6.24           (3) for license to procure insurance in unadmitted foreign companies, \$575;

6.25           (4) for valuing the policies of life insurance companies, one cent per \$1,000 of  
6.26 insurance so valued, provided that the fee shall not exceed \$13,000 per year for any  
6.27 company. The commissioner may, in lieu of a valuation of the policies of any foreign life  
6.28 insurance company admitted, or applying for admission, to do business in this state, accept  
6.29 a certificate of valuation from the company's own actuary or from the commissioner of  
6.30 insurance of the state or territory in which the company is domiciled;

6.31           (5) for receiving and filing certificates of policies by the company's actuary, or by  
6.32 the commissioner of insurance of any other state or territory, \$50;

6.33           (6) for each appointment of an agent filed with the commissioner, ~~\$10~~ \$30;

6.34           (7) for filing forms, rates, and compliance certifications under section 60A.315, \$140  
6.35 per filing, or \$125 per filing when submitted via electronic filing system. Filing fees

7.1 may be paid on a quarterly basis in response to an invoice. Billing and payment may  
7.2 be made electronically;

7.3 (8) for annual renewal of surplus lines insurer license, \$300.

7.4 The commissioner shall adopt rules to define filings that are subject to a fee.

7.5 **Sec. 2. [161.462] FIBER COLLABORATION DATABASE.**

7.6 Subdivision 1. **Purpose.** The purpose of the fiber collaboration database is  
7.7 to provide broadband providers with advance notice of upcoming Department of  
7.8 Transportation construction projects, so that they may notify the department of their  
7.9 interest in installing broadband infrastructure within the right-of-way during construction  
7.10 in order to minimize installation costs.

7.11 Subd. 2. **Database.** (a) The Department of Transportation shall post on its Web site,  
7.12 and update annually, the list of upcoming construction projects contained in its statewide  
7.13 transportation improvement program, including, for each project:

7.14 (1) the geographical location where construction will occur;

7.15 (2) the estimated start and end dates of construction; and

7.16 (3) a description of the nature of the construction project.

7.17 (b) The department shall post this information as far in advance of the beginning of  
7.18 construction as is feasible.

7.19 (c) The department's Web site shall allow a provider of broadband service to register  
7.20 to receive from the department electronic information on proposed construction projects  
7.21 added to the database in specific geographical areas of the state as soon as it is updated.

7.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.23 Sec. 3. Minnesota Statutes 2012, section 237.012, subdivision 3, is amended to read:

7.24 Subd. 3. **Annual reports.** The commissioner of commerce must annually by  
7.25 February 10 report on the achievement of the goals under subdivisions 1 and 2 to the chairs  
7.26 and ranking minority members of the legislative committees with primary jurisdiction  
7.27 over telecommunication issues. The report must also suggest policies, incentives, and  
7.28 legislation designed to accelerate the achievement of the goals. The report on goals under  
7.29 subdivision 1 must be made through 2015.

7.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

7.31 **Sec. 4. [237.85] OFFICE OF BROADBAND DEVELOPMENT.**

8.1 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms  
8.2 have the meanings given them.

8.3 (b) "Broadband" or "broadband service" means any service providing advanced  
8.4 telecommunications capability and Internet access with transmission speeds that, at a  
8.5 minimum, meet the Federal Communications Commission definition for broadband.

8.6 (c) "Local unit of government" has the meaning given in section 116G.03,  
8.7 subdivision 3.

8.8 (d) "Office" means the Office of Broadband Development established in subdivision  
8.9 2, paragraph (a).

8.10 Subd. 2. **Office established; purpose.** (a) An Office of Broadband Development is  
8.11 established within the Department of Commerce.

8.12 (b) The purpose of the office is to encourage, foster, develop, and improve broadband  
8.13 within the state in order to:

8.14 (1) drive job creation, promote innovation, and expand markets for Minnesota  
8.15 businesses;

8.16 (2) serve the ongoing and growing needs of Minnesota's education systems, health  
8.17 care system, public safety system, industries and businesses, governmental operations,  
8.18 and citizens; and

8.19 (3) improve accessibility for underserved communities and populations.

8.20 Subd. 3. **Organization.** The office shall consist of a director of the Office of  
8.21 Broadband Development, as well as any staff necessary to carry out the office's duties  
8.22 under subdivision 4.

8.23 Subd. 4. **Duties.** The office shall have the power and duty to:

8.24 (1) serve as the central broadband planning body for the state of Minnesota;

8.25 (2) coordinate with state, regional, local, and private entities to develop, to the  
8.26 maximum extent practicable, a uniform statewide broadband access and usage policy;

8.27 (3) develop, recommend, and implement a statewide plan to encourage cost-effective  
8.28 broadband access, and to make recommendations for increased usage, particularly in  
8.29 rural and other underserved areas;

8.30 (4) coordinate efforts, in consultation and cooperation with the commissioner of  
8.31 commerce, local units of government, and private entities, to meet the state's broadband  
8.32 goals in section 237.012;

8.33 (5) develop, coordinate, and implement the state's broadband infrastructure  
8.34 development program under section 237.90;



9.1 (6) provide consultation services to local units of government or other project  
9.2 sponsors in connection with the planning, acquisition, improvement, construction, or  
9.3 development of any broadband deployment project;

9.4 (7) encourage public-private partnerships to increase deployment and adoption  
9.5 of broadband services and applications, including recommending funding options and  
9.6 possible incentives to encourage investment in broadband expansion;

9.7 (8) monitor the broadband development efforts of other states and nations in areas  
9.8 such as business, education, public safety, and health;

9.9 (9) monitor broadband-related activities at the federal level, including regulatory and  
9.10 policy changes and the potential impact on broadband deployment and sustainability in  
9.11 the state;

9.12 (10) serve as an information clearinghouse for federal programs providing financial  
9.13 assistance to institutions located in rural areas seeking to obtain access to high speed  
9.14 broadband service, and use this information as an outreach tool to make institutions  
9.15 located in rural areas that are unserved or underserved with respect to broadband service  
9.16 aware of the existence of federal assistance;

9.17 (11) coordinate an ongoing collaborative effort of stakeholders to evaluate and  
9.18 address security, vulnerability, and redundancy issues important to ensure the reliability  
9.19 of broadband networks;

9.20 (12) provide an annual report, as required by subdivision 5; and

9.21 (13) perform any other activities consistent with the office's purpose.

9.22 Subd. 5. **Reporting.** (a) Beginning on January 15, 2014, and each year thereafter,  
9.23 the Office of Broadband Development shall report to the legislative committees having  
9.24 jurisdiction over telecommunications policy and finance on the office's activities during  
9.25 the previous year.

9.26 (b) The report shall contain, at a minimum:

9.27 (1) an analysis of the current availability and use of broadband, including average  
9.28 broadband speeds, within the state;

9.29 (2) information gathered from schools, libraries, hospitals, and public safety  
9.30 facilities across the state, determining the actual speed and capacity of broadband currently  
9.31 in use and the need, if any, for increases in speed and capacity to meet basic needs;

9.32 (3) an analysis of incumbent broadband infrastructure within the state and its ability  
9.33 to spur economic development;

9.34 (4) an analysis of the degree to which new, additional, or improved broadband  
9.35 infrastructure would spur economic development in the state;

10.1 (5) a summary of the office's activities in coordinating broadband infrastructure  
 10.2 development under section 237.90;

10.3 (6) any proposed legislative and policy initiatives; and

10.4 (7) any other information requested by the legislative committees having jurisdiction  
 10.5 over telecommunications policy and finance, or that the office deems necessary.

10.6 (c) The report may be submitted electronically and is subject to section 3.195,  
 10.7 subdivision 1.

10.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.9 **Sec. 5. [237.90] COORDINATION OF BROADBAND INFRASTRUCTURE**  
 10.10 **DEVELOPMENT.**

10.11 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms  
 10.12 have the meanings given them.

10.13 (b) "Broadband" or "broadband service" has the meaning given in section 237.85,  
 10.14 subdivision 1, paragraph (b).

10.15 (c) "Broadband conduit" means a conduit, pipe, innerduct, or microduct for fiber  
 10.16 optic or other cables that support broadband and wireless facilities for broadband service.

10.17 (d) "Local unit of government" has the meaning given in section 116G.03,  
 10.18 subdivision 3.

10.19 (e) "Office" means the Office of Broadband Development established in section  
 10.20 237.85.

10.21 Subd. 2. **Broadband infrastructure development.** (a) The office shall, in  
 10.22 collaboration with the Department of Transportation and private entities, encourage and  
 10.23 coordinate "dig once" efforts for the planning, relocation, installation, or improvement of  
 10.24 broadband conduit within the right-of-way in conjunction with any current or planned  
 10.25 construction, including, but not limited to, trunk highways and bridges. To the extent  
 10.26 necessary, the office shall, in collaboration with the Department of Transportation,  
 10.27 evaluate engineering and design standards, procedures and criteria for contracts or lease  
 10.28 agreements with private entities, and pricing requirements, and provide for allocation  
 10.29 of risk, costs, and any revenue generated.

10.30 (b) The office shall, in collaboration with other state departments and agencies as the  
 10.31 office deems necessary, develop a strategy to facilitate the timely and efficient deployment  
 10.32 of broadband conduit or other broadband facilities on state-owned lands and buildings.

10.33 (c) To the extent practicable, the office shall encourage and assist local units of  
 10.34 government to adopt and implement policies similar to those under paragraphs (a) and (b)  
 10.35 for construction or other improvements to county state-aid highways, municipal state-aid

11.1 roads, and any other rights-of-way under the local unit of government's jurisdiction, and to  
 11.2 other lands or buildings owned by the local unit of government.

11.3 (d) Special consideration must be paid to projects under this subdivision that will  
 11.4 likely improve access to broadband by rural or underserved communities.

11.5 Subd. 3. **Reporting.** As part of its annual report under section 237.85, subdivision  
 11.6 5, the office shall report on activities taken under this section, including, but not limited to,  
 11.7 the number of current and planned projects using the "dig once" approach, any gains in  
 11.8 broadband speed or access associated with the project, and any costs or cost savings to  
 11.9 the state, private entity, or end user of broadband services.

11.10 Subd. 4. **No right of action.** Nothing in this section shall be construed to create  
 11.11 any right or benefit, substantive or procedural, enforceable at law or in equity by any  
 11.12 party against the state of Minnesota, its departments, agencies, or entities, its officers,  
 11.13 employees, or agents, or any other person.

11.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.15 Sec. 6. Minnesota Statutes 2012, section 239.101, subdivision 3, is amended to read:

11.16 Subd. 3. **Petroleum inspection fee; appropriation, uses.** (a) An inspection fee  
 11.17 is imposed (1) on petroleum products when received by the first licensed distributor,  
 11.18 and (2) on petroleum products received and held for sale or use by any person when the  
 11.19 petroleum products have not previously been received by a licensed distributor. The  
 11.20 petroleum inspection fee is \$1 for every 1,000 gallons received. The commissioner of  
 11.21 revenue shall collect the fee. The revenue from ~~84~~ 89 cents of the fee is appropriated to  
 11.22 the commissioner of commerce for the cost of operations of the Division of Weights and  
 11.23 Measures, petroleum supply monitoring, and to make grants to providers of low-income  
 11.24 weatherization services to install renewable energy equipment in households that are  
 11.25 eligible for weatherization assistance under Minnesota's weatherization assistance  
 11.26 program state plan. The remainder of the fee must be deposited in the general fund.

11.27 (b) The commissioner of revenue shall credit a person for inspection fees previously  
 11.28 paid in error or for any material exported or sold for export from the state upon filing of a  
 11.29 report as prescribed by the commissioner of revenue.

11.30 (c) The commissioner of revenue may collect the inspection fee along with any  
 11.31 taxes due under chapter 296A.

11.32 Sec. 7. **[297L.11] AUTOMOBILE THEFT PREVENTION SURCHARGE.**

11.33 Subdivision 1. **Surcharge.** Each insurer engaged in the writing of policies of  
 11.34 automobile insurance shall collect a surcharge, at the rate of 50 cents per vehicle

12.1 for every six months of coverage, on each policy of automobile insurance providing  
12.2 comprehensive insurance coverage issued or renewed in this state. The surcharge may not  
12.3 be considered premium for any purpose, including the computation of premium tax or  
12.4 agents' commissions. The amount of the surcharge must be separately stated on either a  
12.5 billing or policy declaration sent to an insured. Insurers shall remit the revenue derived  
12.6 from this surcharge to the commissioner of revenue for purposes of the automobile theft  
12.7 prevention program described in section 65B.84. For purposes of this subdivision, "policy  
12.8 of automobile insurance" has the meaning given it in section 65B.14, covering only the  
12.9 following types of vehicles as defined in section 168.002:

12.10 (1) a passenger automobile;

12.11 (2) a pickup truck;

12.12 (3) a van but not commuter vans as defined in section 168.126; or

12.13 (4) a motorcycle,

12.14 except that no vehicle with a gross vehicle weight in excess of 10,000 pounds is included  
12.15 within this definition.

12.16 Subd. 2. **Automobile theft prevention account.** A special revenue account in  
12.17 the state treasury shall be credited with the proceeds of the surcharge imposed under  
12.18 subdivision 1. Of the revenue in the account, \$1,300,000 each year must be transferred to  
12.19 the general fund. Revenues in excess of \$1,300,000 each year may be used only for the  
12.20 automobile theft prevention program described in section 65B.84.

12.21 Subd. 3. **Collection and administration.** The commissioner shall collect and  
12.22 administer the surcharge imposed by this section in the same manner as the taxes imposed  
12.23 by this chapter.

12.24 **EFFECTIVE DATE.** This section is effective for premiums collected after June  
12.25 30, 2013.

12.26 Sec. 8. Minnesota Statutes 2012, section 297I.30, is amended by adding a subdivision  
12.27 to read:

12.28 Subd. 10. **Automobile theft prevention surcharge.** On or before May 1, August  
12.29 1, November 1, and February 1 of each year, every insurer required to pay the surcharge  
12.30 under section 297I.11 shall file a return with the commissioner for the preceding  
12.31 three-month period ending March 31, June 30, September 30, and December 31, in the  
12.32 form prescribed by the commissioner.

12.33 **EFFECTIVE DATE.** This section is effective for premiums collected after June  
12.34 30, 2013.

13.1 Sec. 9. Minnesota Statutes 2012, section 507.235, subdivision 2, is amended to read:

13.2 Subd. 2. **Penalty for failure to file.** (a) A vendee who fails to record a contract for  
13.3 deed, as required by subdivision 1, is subject to a civil penalty, payable under subdivision  
13.4 5, equal to two percent of the principal amount of the contract debt, unless the vendee  
13.5 has not received a copy of the contract for deed in recordable form, as required under  
13.6 subdivision 1a. Payments of the penalty shall be deposited in the general fund of the  
13.7 county. The penalty may be enforced as a lien against the vendee's interest in the property.

13.8 (b) A person receiving an assignment of a vendee's interest in a contract for deed  
13.9 who fails to record the assignment as required by subdivision 1 is subject to a civil penalty,  
13.10 payable under subdivision 5, equal to two percent of the original principal amount of the  
13.11 contract debt. Payments of the penalty must be deposited in the general fund of the county.  
13.12 The penalty may be enforced as a lien against the vendee's interest in the property.

13.13 Sec. 10. **[559.201] DEFINITIONS.**

13.14 Subdivision 1. **Application.** The definitions in this section apply to section 559.202.

13.15 Subd. 2. **Business day.** "Business day" means any day other than a Saturday,  
13.16 Sunday, or holiday as defined in section 645.44, subdivision 5.

13.17 Subd. 3. **Family farm security loan.** "Family farm security loan" has the meaning  
13.18 given in Minnesota Statutes 2008, section 41.52, subdivision 5.

13.19 Subd. 4. **Multiple seller.** "Multiple seller" means a person that has acted as the  
13.20 seller during the 12-month period that precedes either: (1) the date on which the purchaser  
13.21 executes a purchase agreement under section 559.202; or (2) if there is no purchase  
13.22 agreement, the date on which the purchaser executes a contract for deed under section  
13.23 559.202.

13.24 Subd. 5. **Person.** "Person" means a natural person, partnership, corporation, limited  
13.25 liability company, association, trust, or other legal entity, however organized.

13.26 Subd. 6. **Purchase agreement.** "Purchase agreement" means a purchase agreement  
13.27 for a contract for deed, an earnest money contract, or an executed option contemplating  
13.28 that, at closing, the seller and the purchaser will enter into a contract for deed.

13.29 Subd. 7. **Purchaser.** "Purchaser" means a natural person who enters into a contract  
13.30 for deed to purchase residential real property. Purchaser includes all purchasers who enter  
13.31 into the same contract for deed to purchase residential real property.

13.32 Subd. 8. **Residential real property.** "Residential real property" means real property  
13.33 improved or intended to be improved by a structure designed principally for the occupancy  
13.34 of one to four families, whether or not the owner occupies the real property. Residential  
13.35 real property does not include property subject to sections 583.20 to 583.32.

14.1 Sec. 11. **[559.202] CONTRACTS FOR DEED INVOLVING RESIDENTIAL**  
 14.2 **PROPERTY.**

14.3 Subdivision 1. **Notice required.** (a) A multiple seller must deliver the notice  
 14.4 specified under subdivision 3 to a prospective purchaser as provided under this subdivision.

14.5 (b) If there is a purchase agreement, the notice required by subdivision 2 must be  
 14.6 affixed to the front of the purchase agreement. A contract for deed for which notice is  
 14.7 required under this subdivision may not be executed for five business days following  
 14.8 the execution of the purchase agreement and delivery of the notice and instructions for  
 14.9 cancellation.

14.10 (c) If there is no purchase agreement, a multiple seller must deliver the notice in a  
 14.11 document separate from any other document or writing to a prospective purchaser no less  
 14.12 than five business days before the prospective purchaser executes the contract for deed.

14.13 (d) The notice must be:

14.14 (1) written in at least 12-point type; and

14.15 (2) signed and dated by the purchaser.

14.16 (e) If a dispute arises concerning whether or when the notice required by this  
 14.17 subdivision was provided to the purchaser, there is a rebuttable presumption that the notice  
 14.18 was not provided unless the original executed contract for deed contains the following  
 14.19 statement: "By initialing here ..... purchaser acknowledges receipt at least five business  
 14.20 days before signing this contract for deed of the disclosure statement entitled "Important  
 14.21 Information About Contracts for Deed" required by Minnesota Statutes, section 559.202,  
 14.22 subdivision 3."

14.23 Subd. 2. **Exception.** This section does not apply if the purchaser is represented  
 14.24 throughout the transaction by either:

14.25 (1) a person licensed to practice law in this state; or

14.26 (2) a person licensed as a real estate broker or salesperson under chapter 82,  
 14.27 provided that the representation does not create a dual agency, as that term is defined  
 14.28 in section 82.55, subdivision 6.

14.29 Subd. 3. **Content of the notice.** The notice must contain the following verbatim  
 14.30 language:

14.31 **"IMPORTANT INFORMATION ABOUT CONTRACTS FOR DEED**  
 14.32 **Know What You Are Getting Into**

14.33 (1) A contract for deed is a complex legal agreement. You are NOT a tenant. The  
 14.34 foreclosure laws don't apply.

14.35 (2) You should know ALL of your obligations and rights before you sign a purchase  
 14.36 agreement or contract for deed.

15.1 (3) You (seller must circle one):

15.2 (a) DO DO NOT have to pay homeowner's insurance.

15.3 (b) DO DO NOT have to pay property taxes.

15.4 (c) DO DO NOT have to make and pay for some or all of the repairs or  
 15.5 maintenance.

15.6 (4) After some time, you may need to make a large lump sum payment (called a "balloon  
 15.7 payment"). Know when it is due and how much it will be. You'll probably need to get a  
 15.8 new mortgage loan from a bank at that time.

15.9 (5) If you miss just a single payment or can't make the balloon payment, the seller can  
 15.10 cancel your contract. You will likely lose all the money you have already paid. You will  
 15.11 likely lose your ability to purchase the home. The seller can begin an eviction action  
 15.12 against you in just a few months.

15.13 **Key Things to Do Before You Sign**

15.14 (1) Get advice from a lawyer or the Minnesota Home Ownership Center at  
 15.15 1-866-462-6466. To find a lawyer through the Minnesota State Bar Association, go to  
 15.16 www.mnfindalawyer.com.

15.17 (2) Get an independent, professional appraisal of the property to learn what it is worth.

15.18 (3) Get an independent, professional inspection of the property.

15.19 (4) Buy title insurance or ask a real estate lawyer for a "title opinion."

15.20 (5) Check with the city or county to find out if there are inspection reports or unpaid  
 15.21 utility bills.

15.22 (6) Check with a title company or the county where the property is located to find out if  
 15.23 there is a mortgage or other lien on the property and if the property taxes have been paid.

15.24 **If You Are Entering into a Purchase Agreement**

15.25 (1) If you haven't already signed the contract for deed, you can cancel the purchase  
 15.26 agreement (and get all your money back) if you do so within five business days after  
 15.27 getting this notice.

15.28 (2) To cancel the purchase agreement, you must follow the provisions of Minnesota  
 15.29 Statutes, section 559.217, subdivision 4. Ask a lawyer for help."

15.30 Subd. 4. **Right to cancel purchase agreement.** (a) A prospective purchaser may  
 15.31 cancel a purchase agreement within five business days after actually receiving the notice  
 15.32 required under subdivision 1 if a multiple seller fails to timely deliver the notice, provided  
 15.33 that the contract for deed has not been executed by all parties.

15.34 (b) A prospective purchaser may cancel the purchase agreement in accordance with  
 15.35 the provisions of section 559.217, subdivision 4.

15.36 (c) In the event of cancellation, the multiple seller may not impose a penalty and must  
 15.37 promptly refund all payments made by the prospective purchaser prior to cancellation.

16.1            Subd. 5. Remedies for failure to timely deliver notices. (a) Notwithstanding  
16.2 any contrary provision in the purchase agreement or contract for deed, a purchaser has  
16.3 a private right of action against a multiple seller who fails to timely deliver the notice  
16.4 required under subdivision 1. The multiple seller is liable to the purchaser for:  
16.5            (1) the greater of actual damages or statutory damages of \$2,500; and  
16.6            (2) reasonable attorney fees and court costs.  
16.7            (b) At the purchaser's option an amount not to exceed \$2,500 may be applied  
16.8 to offset outstanding contract installment payments past due or next due under the  
16.9 contract for deed. The right to offset expires upon cancellation of the contract for deed in  
16.10 accordance with applicable law. Recording of the documents specified in section 559.213  
16.11 constitutes prima facie evidence that any right to offset under this subdivision has expired.  
16.12            (c) A multiple seller who knowingly fails to timely deliver the notice required  
16.13 under subdivision 1 is liable to the purchaser for triple the actual or statutory damages  
16.14 available under paragraph (a), whichever is greater, provided that the purchaser must elect  
16.15 the remedy provided under either paragraph (b) or this paragraph and may not recover  
16.16 damages under both paragraphs.  
16.17            (d) The rights and remedies provided in this subdivision are cumulative to, and not  
16.18 a limitation of, any other rights and remedies provided under law. Any action brought  
16.19 pursuant to this subdivision must be commenced within four years from the date of the  
16.20 alleged violation.

16.21            Subd. 6. Duty of multiple seller to account. Upon reasonable request by the  
16.22 purchaser and no more than once every 12-month period, a multiple seller must provide an  
16.23 accounting of all payments made pursuant to the contract for deed, the amount of interest  
16.24 paid, and the amount remaining to satisfy the principal balance under the contract.

16.25            Subd. 7. No waiver. The provisions of this section may not be waived.

16.26            EFFECTIVE DATE. This section is effective August 1, 2013, and applies to  
16.27 transactions in which the contract for deed and the purchase agreement for the contract  
16.28 for deed, if any, were both executed on or after that date.

16.29            Sec. 12. Minnesota Statutes 2012, section 559.211, subdivision 2, is amended to read:

16.30            Subd. 2. Remedies additional. The remedies provided in this section are in  
16.31 addition to and do not limit other rights or remedies available to purchasers or vendors of  
16.32 real estate. Subject to the provisions of sections 559.213 and 559.217, subdivision 7, this  
16.33 section shall not be construed to bar a court from determining the validity, effectiveness,  
16.34 or consequences of proceeding under section 559.21 or 559.217, or granting other relief in



17.1 connection therewith, by reason of the failure of a purchaser to seek or obtain relief under  
 17.2 this section prior to the purported effective date of the termination of the contract.

17.3 **Sec. 13. STATE BROADBAND STRATEGY; REPORT.**

17.4 The Office of Broadband Development shall conduct research and produce a report  
 17.5 recommending a set of programs and strategies the state can pursue to promote the  
 17.6 improvement, more efficient and effective use, and expansion of broadband services in  
 17.7 ways that will have the greatest impact on the state's economic development, by which is  
 17.8 meant enhancing the ability of Minnesota citizens and businesses to develop their skills,  
 17.9 to expand businesses to new markets, develop new products, reach more customers, and  
 17.10 lower costs. While the state's broadband goals in section 237.012 address the universal  
 17.11 provision of greater broadband access and speed statewide, this report must consider  
 17.12 broadband as an economic development tool and must examine and analyze:

17.13 (1) how the state can best use its limited resources to adopt strategies and make  
 17.14 investments to improve the use of broadband services by subgroups of broadband users,  
 17.15 including mobile broadband users, that promise to deliver the greatest economic impact  
 17.16 per dollar of state investment;

17.17 (2) roles the state can play in addition to financial assistance for broadband  
 17.18 infrastructure, including supporting education and training for Minnesotans to enable  
 17.19 them to use broadband more effectively; and

17.20 (3) strategies and opportunities for state investment to leverage additional amounts  
 17.21 of private capital and financial assistance from the federal government in order to achieve  
 17.22 these goals.

17.23 By January 15, 2014, the office shall submit the report to the chairs and ranking minority  
 17.24 members of the senate and house committees with jurisdiction over telecommunications  
 17.25 issues.

17.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.27 **Sec. 14. REPEALER.**

17.28 Minnesota Statutes 2012, section 507.235, subdivision 4, is repealed effective the  
 17.29 day following final enactment."

17.30 Delete the title and insert:

17.31 "A bill for an act  
 17.32 relating to commerce; appropriating money for commerce and consumer  
 17.33 protection; modifying and providing for certain fees and surcharges; establishing  
 17.34 notice for contracts for deed involving residential property; providing remedies;  
 17.35 establishing the Office of Broadband Development in the Department of  
 17.36 Commerce and assigning it duties; requiring the Department of Transportation

18.1 to post a database on its Web site; requiring reports; amending Minnesota  
18.2 Statutes 2012, sections 60A.14, subdivision 1; 237.012, subdivision 3; 239.101,  
18.3 subdivision 3; 297I.30, by adding a subdivision; 507.235, subdivision 2; 559.211,  
18.4 subdivision 2; proposing coding for new law in Minnesota Statutes, chapters  
18.5 161; 237; 297I; 559; repealing Minnesota Statutes 2012, section 507.235,  
18.6 subdivision 4."