

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3302

- 03/27/2014 Authored by Freiberg and Anderson, M.,
The bill was read for the first time and referred to the Committee on Rules and Legislative Administration
- 05/13/2014 Adoption of Report: Placed on the General Register
Read Second Time
- 05/16/2014 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to legislative enactments; correcting miscellaneous oversights,
1.3 inconsistencies, ambiguities, unintended results, and technical errors; amending
1.4 Minnesota Statutes 2012, sections 58A.12; 477A.20, as added if enacted;
1.5 Minnesota Statutes 2013 Supplement, section 349.166, subdivision 1; Laws
1.6 2014, chapter 241, article 2, section 1, subdivision 8; 2014 S.F. No. 2336,
1.7 section 26, if enacted.

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

1.9 Section 1. Minnesota Statutes 2012, section 58A.12, is amended to read:

1.10 **58A.12 ENFORCEMENT AUTHORITIES, VIOLATIONS, AND PENALTIES.**

1.11 (a) In order to ensure the effective supervision and enforcement of this chapter, the
1.12 commissioner may, pursuant to chapter 14:

1.13 (1) deny, suspend, revoke, condition, or decline to renew a license for a violation of
1.14 this chapter, rules issued under this chapter, or order or directive entered under this chapter;

1.15 (2) deny, suspend, revoke, condition, or decline to renew a license if an applicant
1.16 or licensee fails at anytime to meet the requirements of section 58A.05 or 58A.08, or
1.17 withholds information or makes a material misstatement in an application for a license
1.18 or renewal of a license;

1.19 (3) order restitution against persons subject to this chapter for violations of this
1.20 chapter;

1.21 (4) impose fines on persons subject to this chapter pursuant to paragraphs (b)
1.22 to (d); and

1.23 (5) issue orders or directives under this chapter as follows:

1.24 (i) order or direct persons subject to this chapter to cease and desist from conducting
1.25 business, including immediate temporary orders to cease and desist;

2.1 (ii) order or direct persons subject to this chapter to cease any harmful activities or
2.2 violations of this chapter, including immediate temporary orders to cease and desist;

2.3 (iii) enter immediate temporary orders to cease business under a license ~~or interim~~
2.4 ~~license issued pursuant to the authority granted under section 58A.03, subdivision 4,~~ if
2.5 the commissioner determines that the license was erroneously granted or the licensee is
2.6 currently in violation of this chapter; and

2.7 (iv) order or direct other affirmative action the commissioner considers necessary.

2.8 (b) The commissioner may impose a civil penalty on a mortgage loan originator or
2.9 person subject to this chapter if the commissioner finds, on the record after notice and
2.10 opportunity for hearing, that the mortgage loan originator or person subject to this chapter
2.11 has violated or failed to comply with any requirement of this chapter or any rule prescribed
2.12 by the commissioner under this chapter or order issued under authority of this chapter.

2.13 (c) The maximum amount of penalty for each act or omission described in paragraph
2.14 (b) is \$25,000.

2.15 (d) Each violation or failure to comply with any directive or order of the
2.16 commissioner is a separate and distinct violation or failure.

2.17 Sec. 2. [CORR14-01] 2014 S.F. No. 2336, section 26, if enacted, is amended to read:

2.18 Sec. 26. **REPEALER.**

2.19 Laws 2012, chapter 235, section 11, is repealed.

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

2.21 Sec. 3. [CORR14-02] Laws 2014, chapter 241, article 2, section 1, subdivision 8,
2.22 is amended to read:

2.23 Subd. 8. **Application.** (a) This section does not apply with respect to a wireless
2.24 communications device returned to the store where it was originally purchased pursuant
2.25 to the return policies of the wireless communications device dealer, CMRS provider,
2.26 manufacturer, or retailer.

2.27 (b) This section does not apply with respect to wireless communications devices
2.28 acquired by a: (1) CMRS provider as part of a trade-in ~~or a repair and refurbishment~~
2.29 program; (2) manufacturer as part of a trade-in or a repair and refurbishment program;
2.30 or (3) retailer whose trade-in program: (i) reports records to the Minnesota Automated
2.31 Property System in an interchange file specification format maintained by the system;
2.32 (ii) reports to other national or regional transaction reporting database available to law
2.33 enforcement; or (iii) reports as required by local ordinance.

3.1 (c) This section does not apply to wireless communications device dealers regulated
3.2 under chapter 325J.

3.3 Sec. 4. [CORR14-04] Minnesota Statutes 2013 Supplement, section 349.166,
3.4 subdivision 1, is amended to read:

3.5 Subdivision 1. **Exclusions.** (a) Bingo, with the exception of linked bingo games, may
3.6 be conducted without a license and without complying with sections 349.168, subdivisions
3.7 1 and 2; 349.17, subdivisions 4 and 5; 349.18, subdivision 1; and 349.19, if it is conducted:

3.8 (1) by an organization in connection with a county fair, the state fair, or a civic
3.9 celebration and is not conducted for more than 12 consecutive days and is limited to no more
3.10 than four separate applications for activities applied for and approved in a calendar year; or

3.11 (2) by an organization that conducts bingo on four or fewer days in a calendar year.

3.12 An organization that holds a license to conduct lawful gambling under this chapter
3.13 may not conduct bingo under this subdivision.

3.14 (b) Bingo may be conducted within a nursing home or a senior citizen housing project
3.15 or by a senior citizen organization if the prizes for a single bingo game do not exceed \$10,
3.16 total prizes awarded at a single bingo occasion do not exceed \$200, no more than ~~two~~ five
3.17 bingo occasions are held by the organization or at the facility each week, only members of
3.18 the organization or residents and their guests of the nursing home or housing project are
3.19 allowed to play in a bingo game, no compensation is paid for any persons who conduct the
3.20 bingo, and a manager is appointed to supervise the bingo. Bingo conducted under this
3.21 paragraph is exempt from sections 349.11 to 349.23, and the board may not require an
3.22 organization that conducts bingo under this paragraph, or the manager who supervises the
3.23 bingo, to register or file a report with the board. The gross receipts from bingo conducted
3.24 under the limitations of this subdivision are exempt from taxation under chapter 297A.

3.25 **EFFECTIVE DATE.** This section is effective the day that S.F. No. 2642, if
3.26 enacted, is effective.

3.27 Sec. 5. [CORR14-05] Minnesota Statutes 2012, section 477A.20, as added by 2014
3.28 H.F. No. 3167, article 7, section 2, if enacted, is amended to read:

3.29 **[477A.20] DEBT SERVICE AID; LEWIS AND CLARK JOINT POWERS**
3.30 **BOARD.**

3.31 (a) The Lewis and Clark Joint Powers Board is eligible to receive an aid distribution
3.32 under this section equal to (1) the principal and interest payable in the succeeding calendar
3.33 year for bonds issued under section 469.352 minus the sum of (2) the combined adjusted

4.1 net tax capacity of Rock County and Nobles County for the assessment year prior to the
4.2 aid payable year multiplied by 1.5 percent and (3) 50 percent of any federal aid received
4.3 to fund the project in the calendar year. The board shall certify to the commissioner of
4.4 revenue any federal aid allocated to the project for the calendar year and the principal
4.5 and interest due in the succeeding calendar year by June 1 of the aid payable year. The
4.6 commissioner of revenue shall calculate the aid payable under this section and certify the
4.7 amount payable before July 1 of the aid distribution year. The commissioner shall pay the
4.8 aid under this section to the board at the times specified for payments of local government
4.9 aid in section 477A.015. An amount sufficient to pay the state aid authorized under this
4.10 section is annually appropriated to the commissioner from the general fund.

4.11 (b) The board must allocate the aid to the municipalities issuing bonds under section
4.12 469.352 in proportion to their principal and interest payments.

4.13 (c) If the deduction under paragraph (a), clause (3), eliminates the aid payment
4.14 under this section in a calendar year, then the excess of the deduction must be carried
4.15 over and used to reduce the principal and interest in the succeeding year or years used to
4.16 calculate aid under paragraph (a).

4.17 (d) If federal grants and aid received for the project, not deducted under paragraph
4.18 (a), clause (3), exceed the total debt service payments for bonds issued under section
4.19 469.352, other than payments made with state aid under this section, the joint powers
4.20 board must repay any excess to the commissioner of revenue for deposit in the general
4.21 fund. The repayment may not exceed the sum of state aid payments under this section and
4.22 any other grants made by the state for the project.

4.23 (e) This section expires at the earlier of January 1, 2039, or when the bonds
4.24 authorized under section 469.352 have been paid or defeased.

4.25 Sec. 6. **EFFECTIVE DATE.**

4.26 Unless otherwise provided, each section of this act takes effect at the time the
4.27 provision being corrected takes effect.