

probable clear and immediate safety hazard, or against any individual determined to be the probable cause of an alleged clear and immediate safety hazard, pending the final determination of the existence of the safety hazard.

Subd. 3. PERMANENT INJUNCTIONS. A court may grant a permanent injunction only against a particular activity or person instead of permanently closing the range unless the court finds that the remaining operations also pose a safety hazard under this section.

Sec. 8. [87A.08] APPLICABILITY OF OTHER LAWS.

Subdivision 1. PUBLIC SAFETY LAWS; ZONING. (a) Nothing in this chapter prohibits enforcement of any federal law. To the extent consistent with this chapter, other state laws regarding the health, safety, and welfare of the public may be enforced. To the extent consistent with this chapter, a local unit of government with zoning authority jurisdiction over a shooting range may enforce its applicable ordinances and permits. Nothing in this chapter shall supersede more restrictive regulation of days and hours of operation imposed by the terms and conditions of ordinances and permits that are in effect on the effective date of this section.

(b) If the operator of the shooting range shows evidence that the range can be brought into compliance with the applicable state law, local ordinance, or permit, the range may not be permanently closed unless the range operator fails to bring the range into compliance with the applicable law, ordinance, or permit under this section by the date that the court determines reasonable. Nothing in this section prohibits a court from granting a preliminary injunction against any activity determined to be a violation of a law, ordinance, or permit under this section or against any individual determined to be causing an alleged violation, pending the final determination of the existence of the violation.

Subd. 2. PERMANENT INJUNCTIONS. A court may grant a permanent injunction only against a particular activity or person instead of permanently closing the range unless the court finds that the remaining operations also create a violation under this section.

Sec. 9. EFFECTIVE DATE.

Sections 1 to 8 are effective the day following final enactment.

Presented to the governor May 24, 2005

Signed by the governor May 27, 2005, 4:50 p.m.

CHAPTER 106—S.F.No. 1579

An act relating to health; modifying the Health Care Administrative Simplification Act of 1994; modifying requirements of federal Drug Enforcement Administration registration numbers;

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modifying provisions for wells, borings, and underground uses; modifying requirements for filing and issuing death records; modifying provisions for disposition of dead bodies; eliminating authority to designate certain morticians; amending Minnesota Statutes 2004, sections 62J.51, subdivisions 17, 18; 62J.52, subdivisions 1, 2, 5; 62J.54, subdivisions 1, 2; 62J.581, subdivision 5; 103I.005, subdivisions 4a, 6, 7, 10, 12, by adding subdivisions; 103I.101, subdivisions 2, 5; 103I.105; 103I.111, subdivisions 1, 3; 103I.115; 103I.205, subdivisions 4, 9; 103I.208, subdivisions 1, 2; 103I.231; 103I.325, subdivision 2; 103I.345, subdivision 2; 103I.401; 103I.501; 103I.505; 103I.525, subdivisions 1, 2, 4, 5, 8, by adding a subdivision; 103I.531, subdivisions 1, 2, 4, 5, 8, by adding a subdivision; 103I.535, subdivisions 1, 2, 4, 5, 7, 8, 9, by adding a subdivision; 103I.541; 103I.545, subdivision 2; 103I.601, subdivisions 4, 9; 144.221, subdivision 1; 144.225, subdivision 7; 149A.93, subdivisions 1, 2, 3, 4, 5; 149A.94, subdivision 3; 149A.96, subdivisions 1, 4, 7; Laws 1998, chapter 316, section 4; repealing Minnesota Statutes 2004, sections 103I.005, subdivision 13; 103I.222; 144.214, subdivision 4.

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

Section 1. Minnesota Statutes 2004, section 62J.51, subdivision 17, is amended to read:

Subd. 17. **UNIFORM BILLING FORM HCFA CMS 1450.** "Uniform billing form HCFA CMS 1450" means the uniform billing form known as the HCFA CMS 1450 or UB92, developed by the National Uniform Billing Committee in 1992 and approved for implementation in October 1993, and any subsequent amendments to the form.

Sec. 2. Minnesota Statutes 2004, section 62J.51, subdivision 18, is amended to read:

Subd. 18. **UNIFORM BILLING FORM HCFA CMS 1500.** "Uniform billing form HCFA CMS 1500" means the 1990 version of the health insurance claim form, HCFA CMS 1500, developed by the National Uniform ~~claims form~~ task force of the federal ~~Health Care Financing Administration~~ Claim Committee and any subsequent amendments to the form.

Sec. 3. Minnesota Statutes 2004, section 62J.52, subdivision 1, is amended to read:

Subdivision 1. **UNIFORM BILLING FORM HCFA CMS 1450.** (a) On and after January 1, 1996, all institutional inpatient hospital services, ancillary services, institutionally owned or operated outpatient services rendered by providers in Minnesota, and institutional or noninstitutional home health services that are not being billed using an equivalent electronic billing format, must be billed using the uniform billing form HCFA CMS 1450, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form HCFA CMS 1450 shall be in accordance with the uniform billing form manual specified by the commissioner. In promulgating these instructions, the commissioner may utilize the manual developed by the National Uniform Billing Committee, as adopted and finalized by the Minnesota Uniform Billing Committee.

(c) Services to be billed using the uniform billing form HCFA CMS 1450 include: institutional inpatient hospital services and distinct units in the hospital such as

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psychiatric unit services, physical therapy unit services, swing bed (SNF) services, inpatient state psychiatric hospital services, inpatient skilled nursing facility services, home health services (Medicare part A), and hospice services; ancillary services, where benefits are exhausted or patient has no Medicare part A, from hospitals, state psychiatric hospitals, skilled nursing facilities, and home health (Medicare part B); institutional owned or operated outpatient services such as waived services, hospital outpatient services, including ambulatory surgical center services, hospital referred laboratory services, hospital-based ambulance services, and other hospital outpatient services, skilled nursing facilities, home health, freestanding renal dialysis centers, comprehensive outpatient rehabilitation facilities (CORF), outpatient rehabilitation facilities (ORF), rural health clinics, and community mental health centers; home health services such as home health intravenous therapy providers, waived services, personal care attendants, and hospice; and any other health care provider certified by the Medicare program to use this form.

(d) On and after January 1, 1996, a mother and newborn child must be billed separately, and must not be combined on one claim form.

Sec. 4. Minnesota Statutes 2004, section 62J.52, subdivision 2, is amended to read:

Subd. 2. **UNIFORM BILLING FORM HCFA CMS 1500.** (a) On and after January 1, 1996, all noninstitutional health care services rendered by providers in Minnesota except dental or pharmacy providers, that are not currently being billed using an equivalent electronic billing format, must be billed using the health insurance claim form HCFA CMS 1500, except as provided in subdivision 5.

(b) The instructions and definitions for the use of the uniform billing form HCFA CMS 1500 shall be in accordance with the manual developed by the Administrative Uniformity Committee entitled standards for the use of the HCFA CMS 1500 form, dated February 1994, as further defined by the commissioner.

(c) Services to be billed using the uniform billing form HCFA CMS 1500 include physician services and supplies, durable medical equipment, noninstitutional ambulance services, independent ancillary services including occupational therapy, physical therapy, speech therapy and audiology, home infusion therapy, podiatry services, optometry services, mental health licensed professional services, substance abuse licensed professional services, nursing practitioner professional services, certified registered nurse anesthetists, chiropractors, physician assistants, laboratories, medical suppliers, and other health care providers such as day activity centers and freestanding ambulatory surgical centers.

Sec. 5. Minnesota Statutes 2004, section 62J.52, subdivision 5, is amended to read:

Subd. 5. **STATE AND FEDERAL HEALTH CARE PROGRAMS.** (a) Skilled nursing facilities and ICF/MR services billed to state and federal health care programs administered by the Department of Human Services shall use the form designated by the Department of Human Services.

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(b) On and after July 1, 1996, state and federal health care programs administered by the Department of Human Services shall accept the HCFA CMS 1450 for community mental health center services and shall accept the HCFA CMS 1500 for freestanding ambulatory surgical center services.

(c) State and federal health care programs administered by the Department of Human Services shall be authorized to use the forms designated by the Department of Human Services for pharmacy services.

(d) State and federal health care programs administered by the Department of Human Services shall accept the form designated by the Department of Human Services, and the HCFA CMS 1500 for supplies, medical supplies, or durable medical equipment. Health care providers may choose which form to submit.

(e) Personal care attendant and waived services billed on a fee-for-service basis directly to state and federal health care programs administered by the Department of Human Services shall use either the HCFA CMS 1450 or the HCFA CMS 1500 form, as designated by the Department of Human Services.

Sec. 6. Minnesota Statutes 2004, section 62J.54, subdivision 1, is amended to read:

Subdivision 1. **UNIQUE IDENTIFICATION NUMBER FOR HEALTH CARE PROVIDER ORGANIZATIONS.** (a) Not later than 24 months after the date on which a unique health national provider identifier for health care providers is adopted or established made effective under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent amendments), all group purchasers and any health care providers in Minnesota provider organization that meets the definition of a health care provider under United States Code, title 42, sections 1320d to 1320d-8, as amended, and regulations adopted thereunder shall use a unique identification number national provider identifier to identify health care provider organizations in Minnesota, according to this section, except as provided in paragraph (b).

(b) Small health plans, as defined by the federal Secretary of Health and Human Services under United States Code, title 42, section 1320d-4 (1996 and subsequent amendments), shall use a unique identification number national provider identifier to identify health provider organizations no later than 36 months after the date on which a unique health national provider identifier for health care providers is adopted or established made effective under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent amendments).

(c) The unique health national provider identifier for health care providers adopted or established by the federal Secretary of Health and Human Services under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent amendments), shall be used as the unique identification number for health care provider organizations in Minnesota under this section.

(d) ~~Provider organizations required to have a unique health identifier are:~~

(1) ~~hospitals licensed under chapter 144;~~

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- (2) nursing homes and hospices licensed under chapter 144A;
- (3) subacute care facilities;
- (4) individual providers organized as a clinic or group practice;
- (5) independent laboratory, pharmacy, surgery, radiology, or outpatient facilities;
- (6) ambulance services licensed under chapter 144;
- (7) special transportation services certified under chapter 174; and
- (8) other provider organizations as required by the federal Secretary of Health and Human Services under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent amendments).

(d) All health care provider organizations in Minnesota that are eligible to obtain a national provider identifier according to United States Code, title 42, sections 1320d to 1320d-8, as amended, and regulations adopted thereunder shall obtain a unique health national provider identifier from the federal Secretary of Health and Human Services using the process prescribed by the Secretary.

(e) Only the unique health care provider organization national provider identifier shall be used for purposes of to identify health care provider organizations when submitting and receiving paper and electronic claims and remittance advice notices, and in conjunction with other data collection and reporting functions.

(f) Health care provider organizations in Minnesota shall make available their national provider identifier to other health care providers when required to be included in the administrative transactions regulated by United States Code, title 42, sections 1320d to 1320d-8, as amended, and regulations adopted thereunder.

(g) The commissioner of health may contract with the federal Secretary of Health and Human Services or the Secretary's agent to implement this subdivision.

Sec. 7. Minnesota Statutes 2004, section 62J.54, subdivision 2, is amended to read:

Subd. 2. UNIQUE IDENTIFICATION NUMBER FOR INDIVIDUAL HEALTH CARE PROVIDERS. (a) Not later than 24 months after the date on which a unique health national provider identifier for health care providers is adopted or established made effective under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent amendments), all group purchasers in Minnesota and any individual health care providers in Minnesota provider that meets the definition of a health care provider under United States Code, title 42, sections 1320d to 1320d-8, as amended, and regulations adopted thereunder shall use a unique identification number the national provider identifier to identify an individual health care provider in Minnesota, according to this section, except as provided in paragraph (b).

(b) Small health plans, as defined by the federal Secretary of Health and Human Services under United States Code, title 42, section 1320d-4 (1996 and subsequent amendments), shall use a unique identification number the national provider identifier

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to identify an individual health care provider no later than 36 months after the date on which a unique health national provider identifier for health care providers is adopted or established made effective under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent amendments).

(c) The unique health national provider identifier for health care providers adopted or established by the federal Secretary of Health and Human Services under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent amendments), shall be used as the unique identification number for individual health care providers.

(d) Individual providers required to have a unique health identifier are:

(1) physicians licensed under chapter 147;

(2) dentists licensed under chapter 150A;

(3) chiropractors licensed under chapter 148;

(4) podiatrists licensed under chapter 153;

(5) physician assistants as defined under section 147A.01;

(6) advanced practice nurses as defined under section 62A.15;

(7) doctors of optometry licensed under section 148.57;

(8) pharmacists licensed under chapter 151;

(9) individual providers who may bill Medicare for medical and other health services as defined in United States Code, title 42, section 1395x(s);

(10) individual providers who are providers for state and federal health care programs administered by the commissioner of human services; and

(11) other individual providers as required by the federal Secretary of Health and Human Services under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent amendments).

(d) All individual health care providers in Minnesota that are eligible to obtain a national provider identifier according to United States Code, title 42, sections 1320d to 1320d-8, as amended, and regulations adopted thereunder shall obtain a unique health national provider identifier from the federal Secretary of Health and Human Services using the process prescribed by the Secretary.

(e) Only the unique individual health care national provider identifier shall be used for purposes of to identify individual health care providers when submitting and receiving paper and electronic claims and remittance advice notices, and in conjunction with other data collection and reporting functions.

(f) Individual health care providers in Minnesota shall make available their national provider identifier to other health care providers when required to be included in the administrative transactions regulated by United States Code, title 42, sections 1320d to 1320d-8, as amended, and regulations adopted thereunder.

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(g) The commissioner of health may contract with the federal Secretary of Health and Human Services or the Secretary's agent to implement this subdivision.

Sec. 8. Minnesota Statutes 2004, section 62J.581, subdivision 5, is amended to read:

Subd. 5. **EFFECTIVE DATE.** The requirements in subdivisions 1 and 2 are effective ~~October 16, 2004~~ June 30, 2007. The requirements in subdivisions 1 and 2 apply regardless of when the health care service was provided to the patient.

EFFECTIVE DATE. This section is effective retroactively to October 16, 2004.

Sec. 9. Minnesota Statutes 2004, section 103I.005, is amended by adding a subdivision to read:

Subd. 2a. **CERTIFIED REPRESENTATIVE.** "Certified representative" means a person certified by the commissioner to represent a well contractor, limited well/boring contractor, monitoring well contractor, or elevator boring contractor.

Sec. 10. Minnesota Statutes 2004, section 103I.005, subdivision 4a, is amended to read:

Subd. 4a. **DEWATERING WELL.** "Dewatering well" means a nonpotable well used to lower groundwater levels to allow for construction or use of underground space. A dewatering well does not include:

(1) a well or dewatering well an excavation 25 feet or less in depth for temporary dewatering during construction; or

(2) a well used to lower groundwater levels for control or removal of groundwater contamination.

Sec. 11. Minnesota Statutes 2004, section 103I.005, subdivision 6, is amended to read:

Subd. 6. **ELEVATOR SHAFT BORING.** "Elevator shaft boring" means a bore hole, jack hole, drilled hole, or excavation constructed to install an elevator shaft or hydraulic cylinder.

Sec. 12. Minnesota Statutes 2004, section 103I.005, subdivision 7, is amended to read:

Subd. 7. **ELEVATOR SHAFT BORING CONTRACTOR.** "Elevator shaft boring contractor" means a person with an elevator shaft boring contractor's license issued by the commissioner.

Sec. 13. Minnesota Statutes 2004, section 103I.005, subdivision 10, is amended to read:

Subd. 10. **EXPLORER.** "Explorer" means a person who has the right to drill an exploratory boring with an explorer's license issued by the commissioner.

Sec. 14. Minnesota Statutes 2004, section 103I.005, subdivision 12, is amended to read:

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Subd. 12. **LIMITED WELL/BORING CONTRACTOR.** "Limited well/boring contractor" means a person with a limited well/boring contractor's license issued by the commissioner. Limited well/boring contractor's licenses are issued for constructing, repairing, and sealing vertical heat exchangers; installing, repairing, and modifying pitless units and pitless adaptors, well casings above the pitless unit or pitless adaptor, well screens, or well diameters; constructing, repairing, and sealing drive point wells or dug wells; constructing, repairing, and sealing dewatering wells; sealing wells; and installing well pumps or pumping equipment.

Sec. 15. Minnesota Statutes 2004, section 103I.005, is amended by adding a subdivision to read:

Subd. 20a. WATER SUPPLY WELL. "Water supply well" means a well that is not a dewatering well or monitoring well and includes wells used:

- (1) for potable water supply;
- (2) for irrigation;
- (3) for agricultural, commercial, or industrial water supply;
- (4) for heating or cooling;
- (5) as a remedial well; and
- (6) for testing water yield for irrigation, commercial or industrial uses, residential supply, or public water supply.

Sec. 16. Minnesota Statutes 2004, section 103I.101, subdivision 2, is amended to read:

Subd. 2. **DUTIES.** The commissioner shall:

- (1) regulate the drilling, construction, modification, repair, and sealing of wells and borings;
- (2) examine and license well contractors; persons constructing, repairing, and sealing vertical heat exchangers; persons modifying or repairing well casings, well screens, or well diameters; persons constructing, repairing, and sealing unconventional wells such as drive point wells or dug wells; persons constructing, repairing, and sealing dewatering wells; persons sealing wells; persons installing well pumps or pumping equipment; and persons excavating or drilling holes for the installation of elevator shafts borings or hydraulic cylinders;
- (3) register and examine monitoring well contractors;
- (4) license explorers engaged in exploratory boring and examine individuals who supervise or oversee exploratory boring;
- (5) after consultation with the commissioner of natural resources and the Pollution Control Agency, establish standards for the design, location, construction, repair, and sealing of wells, elevator shafts, and borings within the state; and

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(6) issue permits for wells, groundwater thermal devices, vertical heat exchangers, and excavation for holes to install elevator shafts or hydraulic cylinders borings.

Sec. 17. Minnesota Statutes 2004, section 103I.101, subdivision 5, is amended to read:

Subd. 5. **COMMISSIONER TO ADOPT RULES.** The commissioner shall adopt rules including:

(1) issuance of licenses for:

(i) qualified well contractors, persons modifying or repairing well casings, well screens, or well diameters;

(ii) persons constructing, repairing, and sealing ~~unconventional wells such as drive points~~ point wells or dug wells;

(iii) persons constructing, repairing, and sealing dewatering wells;

(iv) persons sealing wells;

(v) persons installing well pumps or pumping equipment and ~~excavating holes for installing elevator shafts or hydraulic cylinders~~; and

(vi) persons constructing, repairing, and sealing vertical heat exchangers; and

(vii) persons constructing, repairing, and sealing elevator borings;

(2) issuance of registration for monitoring well contractors;

(3) establishment of conditions for examination and review of applications for license and registration;

(4) establishment of conditions for revocation and suspension of license and registration;

(5) establishment of minimum standards for design, location, construction, repair, and sealing of wells and borings to implement the purpose and intent of this chapter;

(6) establishment of a system for reporting on wells and borings drilled and sealed;

(7) establishment of standards for the construction, maintenance, sealing, and water quality monitoring of wells in areas of known or suspected contamination;

(8) establishment of wellhead protection measures for wells serving public water supplies;

(9) establishment of procedures to coordinate collection of well and boring data with other state and local governmental agencies;

(10) establishment of criteria and procedures for submission of well and boring logs, formation samples or well or boring cuttings, water samples, or other special information required for and water resource mapping; and

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(11) establishment of minimum standards for design, location, construction, maintenance, repair, sealing, safety, and resource conservation related to borings, including exploratory borings as defined in section 103I.005, subdivision 9.

Until the commissioner adopts rules under this chapter to replace rules relating to wells and borings that were adopted under chapter 156A, the rules adopted under chapter 156A shall remain in effect.

Sec. 18. Minnesota Statutes 2004, section 103I.105, is amended to read:

103I.105 ADVISORY COUNCIL ON WELLS AND BORINGS.

(a) The Advisory Council on Wells and Borings is established as an advisory council to the commissioner. The advisory council shall consist of 18 voting members. Of the 18 voting members:

(1) one member must be from the Department of Health, appointed by the commissioner of health;

(2) one member must be from the Department of Natural Resources, appointed by the commissioner of natural resources;

(3) one member must be a member of the Minnesota Geological Survey of the University of Minnesota, appointed by the director;

(4) one member must be a responsible individual for a licensed exploratory borer explorer;

(5) one member must be a certified representative of a licensed elevator shaft boring contractor;

(6) two members must be members of the public who are not connected with the business of exploratory boring or the well drilling industry;

(7) one member must be from the Pollution Control Agency, appointed by the commissioner of the Pollution Control Agency;

(8) one member must be from the Department of Transportation, appointed by the commissioner of transportation;

(9) one member must be from the Board of Water and Soil Resources appointed by its chair;

(10) one member must be a certified representative of a monitoring well contractor;

(11) six members must be residents of this state appointed by the commissioner, who are actively engaged in the well drilling industry certified representatives of licensed well contractors, with not more than two from the seven-county metropolitan area and at least four from other areas of the state who represent different geographical regions; and

(12) one member must be a certified representative of a licensed vertical heat exchanger contractor or be certified by the International Ground Source Heat Pump

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Association and appointed by the commissioner.

(b) An appointee of the well drilling industry may not serve more than two consecutive terms.

(c) The appointees to the advisory council from the well drilling industry must:

(1) have been residents of this state for at least three years before appointment; and

(2) have at least five years' experience in the well drilling business.

(d) The terms of the appointed members and the compensation and removal of all members are governed by section 15.059, except section 15.059, subdivision 5, relating to expiration of the advisory council does not apply.

Sec. 19. Minnesota Statutes 2004, section 103I.111, subdivision 1, is amended to read:

Subdivision 1. **DELEGATION OF DUTIES OF COMMISSIONER.** (a) The commissioner of health may enter into an agreement with a board of health to delegate all or part of the inspection, reporting, and enforcement duties authorized under provisions of this chapter pertaining to permitting, construction, repair, and sealing of wells and elevator shafts borings.

(b) A board of health may delegate its powers and duties to other boards of health within its jurisdiction. An agreement to delegate powers and duties of a board of health must be approved by the commissioner and is subject to subdivision 3.

Sec. 20. Minnesota Statutes 2004, section 103I.111, subdivision 3, is amended to read:

Subd. 3. **PREEMPTION UNLESS DELEGATION.** Notwithstanding any other law, a political subdivision may not regulate the construction, repair, or sealing of wells or elevator shafts borings unless the commissioner delegates authority under subdivisions 1 and 2.

Sec. 21. Minnesota Statutes 2004, section 103I.115, is amended to read:

103I.115 COMPLIANCE WITH THIS CHAPTER REQUIRED.

(a) ~~Except as provided in paragraph (b),~~ A person may not construct, repair, or seal a well or boring, except as provided under the provisions of this chapter.

(b) ~~Until June 30, 1994, this chapter does not apply to dewatering wells 45 feet or less in depth.~~

Sec. 22. Minnesota Statutes 2004, section 103I.205, subdivision 4, is amended to read:

Subd. 4. **LICENSE REQUIRED.** (a) Except as provided in paragraph (b), (c), ~~or (d), or (e),~~ section 103I.401, subdivision 2, or section 103I.601, subdivision 2, a person may not drill, construct, repair, or seal a well or boring unless the person has a well contractor's license in possession.

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(b) A person may construct, repair, and seal a monitoring well if the person:

(1) is a professional engineer registered licensed under sections 326.02 to 326.15 in the branches of civil or geological engineering;

(2) is a hydrologist or hydrogeologist certified by the American Institute of Hydrology;

(3) is a professional engineer registered with the Board of Architecture, Engineering, Land Surveying, Landscape Architecture, and Interior Design geoscientist licensed under sections 326.02 to 326.15;

(4) is a geologist certified by the American Institute of Professional Geologists; or

(5) meets the qualifications established by the commissioner in rule.

A person must register with the commissioner as a monitoring well contractor on forms provided by the commissioner.

(c) A person may do the following work with a limited well/boring contractor's license in possession. A separate license is required for each of the six activities:

(1) installing or repairing well screens or pitless units or pitless adaptors and well casings from the pitless adaptor or pitless unit to the upper termination of the well casing;

(2) constructing, repairing, and sealing drive point wells or dug wells;

(3) installing well pumps or pumping equipment;

(4) sealing wells;

(5) constructing, repairing, or sealing dewatering wells; or

(6) constructing, repairing, or sealing vertical heat exchangers.

(d) A person may construct, repair, and seal an elevator boring with an elevator boring contractor's license.

~~(d)~~ (e) Notwithstanding other provisions of this chapter requiring a license or registration, a license or registration is not required for a person who complies with the other provisions of this chapter if the person is:

(1) an individual who constructs a well on land that is owned or leased by the individual and is used by the individual for farming or agricultural purposes or as the individual's place of abode; or

(2) an individual who performs labor or services for a contractor licensed or registered under the provisions of this chapter in connection with the construction, sealing, or repair of a well or boring at the direction and under the personal supervision of a contractor licensed or registered under the provisions of this chapter.

Sec. 23. Minnesota Statutes 2004, section 103I.205, subdivision 9, is amended to read:

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Subd. 9. **REPORT OF WORK.** Within 30 days after completion or sealing of a well or boring, the person doing the work must submit a verified report to the commissioner containing the information specified by rules adopted under this chapter.

Within 30 days after receiving the report, the commissioner shall send or otherwise provide access to a copy of the report to the commissioner of natural resources, to the local soil and water conservation district where the well is located; and to the director of the Minnesota Geological Survey.

Sec. 24. Minnesota Statutes 2004, section 103I.208, subdivision 1, is amended to read:

Subdivision 1. **WELL NOTIFICATION FEE.** The well notification fee to be paid by a property owner is:

- (1) for a new water supply well, \$150, which includes the state core function fee;
- (2) for a well sealing, \$30 for each well, which includes the state core function fee, except that for monitoring wells constructed on a single property, having depths within a 25 foot range, and sealed within 48 hours of start of construction, a single fee of \$30; and
- (3) for construction of a dewatering well, \$150, which includes the state core function fee, for each dewatering well except a dewatering project comprising five or more dewatering wells shall be assessed a single fee of \$750 for the dewatering wells recorded on the notification.

Sec. 25. Minnesota Statutes 2004, section 103I.208, subdivision 2, is amended to read:

Subd. 2. **PERMIT FEE.** The permit fee to be paid by a property owner is:

- (1) for a water supply well that is not in use under a maintenance permit, \$125 annually;
- (2) for construction of a monitoring well, \$150, which includes the state core function fee;
- (3) for a monitoring well that is unsealed under a maintenance permit, \$125 annually;
- (4) for monitoring wells used as a leak detection device at a single motor fuel retail outlet, a single petroleum bulk storage site excluding tank farms, or a single agricultural chemical facility site, the construction permit fee is \$150, which includes the state core function fee, per site regardless of the number of wells constructed on the site, and the annual fee for a maintenance permit for unsealed monitoring wells is \$125 per site regardless of the number of monitoring wells located on site;
- (5) for a groundwater thermal exchange device, in addition to the notification fee for water supply wells, \$150, which includes the state core function fee;
- (6) for a vertical heat exchanger, \$150;

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(7) for a dewatering well that is unsealed under a maintenance permit, \$125 annually for each dewatering well, except a dewatering project comprising more than five dewatering wells shall be issued a single permit for \$625 annually for dewatering wells recorded on the permit; and

(8) for ~~excavating holes for the purpose of installing an elevator shafts~~ boring, \$150 for each hole boring.

Sec. 26. Minnesota Statutes 2004, section 103I.231, is amended to read:

103I.231 COMMISSIONER MAY ORDER REPAIRS.

(a) The commissioner may order a property owner to take remedial measures, including making repairs, reconstructing, or sealing a well or boring according to provisions of this chapter. The order may be issued if the commissioner determines, based on inspection of the water or the well or boring site or an analysis of water from the well or boring, that the well or boring:

(1) is contaminated or may contribute to the spread of contamination;

(2) is required to be sealed under this chapter and has not been sealed according to provisions of this chapter;

(3) is in a state of disrepair so that its continued existence endangers the quality of the groundwater;

(4) is a health or safety hazard; or

(5) is located in a place or constructed in a manner that its continued use or existence endangers the quality of the groundwater.

(b) The order of the commissioner may be enforced in an action to seek compliance brought by the commissioner in the district court of the county where the well or boring is located.

Sec. 27. Minnesota Statutes 2004, section 103I.325, subdivision 2, is amended to read:

Subd. 2. **LIABILITY AFTER SEALING.** The owner of a well or boring is not liable for contamination of groundwater from the well or boring that occurs after the well or boring has been sealed by a licensed contractor in compliance with this chapter if a report of sealing has been filed with the commissioner of health by the contractor who performed the work, and if the owner has not disturbed or disrupted the sealed well or boring.

Sec. 28. Minnesota Statutes 2004, section 103I.345, subdivision 2, is amended to read:

Subd. 2. **EXPENDITURES.** (a) Subject to appropriation by law, money in the account established under subdivision 1 may be used by the commissioner for sealing wells and borings.

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(b) In spending money under this subdivision, the commissioner shall give priority to the sealing by July 1, 1997, of all multiaquifer wells and borings entering the Mt. Simon-Hinckley aquifer that the commissioner has authority to seal under section 103I.315, subdivision 2.

Sec. 29. Minnesota Statutes 2004, section 103I.401, is amended to read:

103I.401 ELEVATOR SHAFT BORINGS.

Subdivision 1. **PERMIT REQUIRED.** (a) A person may not construct an elevator shaft boring until a permit for the hole or excavation is issued by the commissioner.

(b) The elevator shaft boring permit preempts local permits except local building permits, and counties and home rule charter or statutory cities may not require a permit for elevator shaft holes or excavations borings.

Subd. 2. **LICENSE REQUIRED.** A person may not construct an elevator shaft boring unless the person possesses a well contractor's license or an elevator shaft boring contractor's license issued by the commissioner.

Subd. 3. **SEALING.** A well contractor or elevator shaft boring contractor must seal a hole or excavation that is no longer used for an elevator shaft boring. The sealing must be done according to rules adopted by the commissioner.

Subd. 4. **REPORT.** Within 30 days after completion or sealing of a hole or excavation for an elevator shaft boring, the person doing the work must submit a report to the commissioner on forms provided by the commissioner.

Sec. 30. Minnesota Statutes 2004, section 103I.501, is amended to read:

103I.501 LICENSING AND REGULATION OF WELLS AND BORINGS.

(a) The commissioner shall regulate and license:

- (1) drilling, constructing, and repair of wells;
- (2) sealing of wells;
- (3) installing of well pumps and pumping equipment;
- (4) excavating, drilling, repairing, and sealing of holes for the installation of elevator shafts and hydraulic cylinders borings;
- (5) construction, repair, and sealing of environmental bore holes; and
- (6) construction, repair, and sealing of vertical heat exchangers.

(b) The commissioner shall examine and license well contractors, limited well/boring contractors, and elevator shaft boring contractors, and examine and register monitoring well contractors.

(c) The commissioner shall license explorers engaged in exploratory boring and shall examine persons who supervise or oversee exploratory boring.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 31. Minnesota Statutes 2004, section 103I.505, is amended to read:

103I.505 RECIPROCITY OF LICENSES AND REGISTRATIONS.

Subdivision 1. **RECIPROCITY AUTHORIZED.** The commissioner may issue a license or register a person under this chapter, without giving an examination, if the person is licensed or registered in another state and:

(1) the requirements for licensing or registration under which the well or boring contractor was licensed or registered do not conflict with this chapter;

(2) the requirements are of a standard not lower than that specified by the rules adopted under this chapter; and

(3) equal reciprocal privileges are granted to licensees or registrants of this state.

Subd. 2. **LICENSE FEE REQUIRED.** A well or boring contractor must apply for the license or registration and pay the fees under the provisions of this chapter to receive a license or registration under this section.

Sec. 32. Minnesota Statutes 2004, section 103I.525, subdivision 1, is amended to read:

Subdivision 1. **CERTIFICATION APPLICATION.** (a) A person must file an application and application fee with the commissioner to apply for represent a well contractor's license contractor.

(b) The application must state the applicant's qualifications for the license, the equipment the applicant will use in the contracting certification as a representative, and other information required by the commissioner. The application must be on forms prescribed by the commissioner.

(c) A person may apply as an individual if the person:

(1) is not ~~the licensed well contractor~~ representing a firm, sole proprietorship, partnership, association, corporation, or other entity including the United States government, any interstate body, the state, and an agency, department, or political subdivision of the state; and

(2) meets the well contractor certification and license requirements under provisions of this chapter.

Sec. 33. Minnesota Statutes 2004, section 103I.525, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATION APPLICATION FEE.** The application fee for certification as a ~~well contractor's license~~ representative of a well contractor is \$75. The commissioner may not act on an application until the application fee is paid.

Sec. 34. Minnesota Statutes 2004, section 103I.525, is amended by adding a subdivision to read:

Subd. 3a. **ISSUANCE OF CERTIFICATION.** If an applicant meets the experience requirements established by rule and passes the examination as determined

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by the commissioner, the commissioner shall issue the applicant a certification to represent a well contractor.

Sec. 35. Minnesota Statutes 2004, section 103I.525, subdivision 4, is amended to read:

Subd. 4. **ISSUANCE OF LICENSE.** If an applicant meets the experience requirements established by rule, passes the examination as determined by the commissioner, a person employs a certified representative, submits the bond under subdivision 5, and pays the license fee under subdivision 6, the commissioner shall issue a well contractor's license.

Sec. 36. Minnesota Statutes 2004, section 103I.525, subdivision 5, is amended to read:

Subd. 5. **BOND.** (a) As a condition of being issued a well contractor's license, the applicant, except a person applying for an individual well contractor's license, must submit a corporate surety bond for \$10,000 approved by the commissioner. The bond must be conditioned to pay the state on unlawful performance of work regulated by in this state that is not in compliance with this chapter in this state or rules adopted under this chapter. The bond is in lieu of other license bonds required by a political subdivision of the state.

(b) From proceeds of the bond, the commissioner may compensate persons injured or suffering financial loss because of a failure of the applicant to properly perform work or duties in compliance with this chapter or rules adopted under this chapter.

Sec. 37. Minnesota Statutes 2004, section 103I.525, subdivision 8, is amended to read:

Subd. 8. **RENEWAL.** (a) A licensee must file an application and a renewal application fee to renew the license by the date stated in the license.

(b) The renewal application fee for a well contractor's license is \$250, except the fee for an individual well contractor's license is \$75.

(c) The renewal application must include information that the certified representative of the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of the renewal, the commissioner must have on file all properly completed well and boring construction reports, well and boring sealing reports, reports of excavations to construct elevator shafts borings, water sample analysis reports, well and boring permits, and well notifications for work conducted by the licensee since the last license renewal.

Sec. 38. Minnesota Statutes 2004, section 103I.531, subdivision 1, is amended to read:

Subdivision 1. **CERTIFICATION APPLICATION.** (a) A person must file an application and an application fee with the commissioner to apply for represent a

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limited well/boring contractor's license contractor.

(b) The application must state the applicant's qualifications for the license, the equipment the applicant will use in the contracting certification, and other information required by the commissioner. The application must be on forms prescribed by the commissioner.

Sec. 39. Minnesota Statutes 2004, section 103I.531, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATION APPLICATION FEE.** The application fee for certification as a representative of a limited well/boring contractor's license contractor is \$75. The commissioner may not act on an application until the application fee is paid.

Sec. 40. Minnesota Statutes 2004, section 103I.531, is amended by adding a subdivision to read:

Subd. 3a. **ISSUANCE OF CERTIFICATION.** If an applicant meets the experience requirements established by rule and passes the examination as determined by the commissioner, the commissioner shall issue the applicant a certification to represent a limited well/boring contractor.

Sec. 41. Minnesota Statutes 2004, section 103I.531, subdivision 4, is amended to read:

Subd. 4. **ISSUANCE OF LICENSE.** If an applicant meets the experience requirements established in rule, passes the examination as determined by the commissioner, a person employs a certified representative, submits the bond under subdivision 5, and pays the license fee under subdivision 6, the commissioner shall issue a limited well/boring contractor's license. If the other conditions of this section are satisfied, the commissioner may not withhold issuance of a dewatering limited license based on the applicant's lack of prior experience under a licensed well contractor.

Sec. 42. Minnesota Statutes 2004, section 103I.531, subdivision 5, is amended to read:

Subd. 5. **BOND.** (a) As a condition of being issued a limited well/boring contractor's license for constructing, repairing, and sealing drive point wells or dug wells, sealing wells or borings, constructing, repairing, and sealing dewatering wells, or constructing, repairing, and sealing vertical heat exchangers, the applicant must submit a corporate surety bond for \$10,000 approved by the commissioner. As a condition of being issued a limited well/boring contractor's license for installing or repairing well screens or pitless units or pitless adaptors and well casings from the pitless adaptor or pitless unit to the upper termination of the well casing, or installing well pumps or pumping equipment, the applicant must submit a corporate surety bond for \$2,000 approved by the commissioner. The bonds required in this paragraph must be conditioned to pay the state on unlawful performance of work regulated by in this state that is not in compliance with this chapter in this state or rules adopted under this

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chapter. The bonds are in lieu of other license bonds required by a political subdivision of the state.

(b) From proceeds of a bond required in paragraph (a), the commissioner may compensate persons injured or suffering financial loss because of a failure of the applicant to properly perform work or duties in compliance with this chapter or rules adopted under this chapter.

Sec. 43. Minnesota Statutes 2004, section 103I.531, subdivision 8, is amended to read:

Subd. 8. **RENEWAL.** (a) A person must file an application and a renewal application fee to renew the limited well/boring contractor's license by the date stated in the license.

(b) The renewal application fee for a limited well/boring contractor's license is \$75.

(c) The renewal application must include information that the certified representative of the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of the renewal, the commissioner must have on file all properly completed well and boring construction reports, well and boring sealing reports, well and boring permits, vertical heat exchanger permits, water quality sample reports, and well notifications for work conducted by the licensee since the last license renewal.

Sec. 44. Minnesota Statutes 2004, section 103I.535, subdivision 1, is amended to read:

Subdivision 1. **CERTIFICATION APPLICATION.** (a) An individual must file an application and application fee with the commissioner to apply for represent an elevator shaft contractor's license boring contractor.

(b) The application must state the applicant's qualifications for the license, the equipment the applicant will use in the contracting certification, and other information required by the commissioner. The application must be on forms prescribed by the commissioner.

Sec. 45. Minnesota Statutes 2004, section 103I.535, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATION APPLICATION FEE.** The application fee for certification as a representative of an elevator shaft contractor's license boring contractor is \$75. The commissioner may not act on an application until the application fee is paid.

Sec. 46. Minnesota Statutes 2004, section 103I.535, is amended by adding a subdivision to read:

Subd. 3a. **ISSUANCE OF CERTIFICATION.** If the applicant meets the experience requirements established by rule and passes the examination as determined

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by the commissioner, the commissioner shall issue the applicant a certification to represent an elevator boring contractor.

Sec. 47. Minnesota Statutes 2004, section 103I.535, subdivision 4, is amended to read:

Subd. 4. **ISSUANCE OF LICENSE.** If an applicant passes the examination as determined by the ~~commissioner~~ a person employs a certified representative, submits the bond under subdivision 5, and pays the license fee under subdivision 6, the commissioner shall issue an elevator ~~shaft~~ boring contractor's license to the applicant.

Sec. 48. Minnesota Statutes 2004, section 103I.535, subdivision 5, is amended to read:

Subd. 5. **BOND.** (a) As a condition of being issued an elevator ~~shaft~~ boring contractor's license, the applicant must submit a corporate surety bond for \$10,000 approved by the commissioner. The bond must be conditioned to pay the state on ~~unlawful performance of work regulated by in this state that is not in compliance with this chapter in this state or rules adopted under this chapter.~~

(b) From proceeds of the bond, the commissioner may compensate persons injured or suffering financial loss because of a failure of the applicant to ~~properly~~ perform work or duties in compliance with this chapter or rules adopted under this chapter.

Sec. 49. Minnesota Statutes 2004, section 103I.535, subdivision 7, is amended to read:

Subd. 7. **VALIDITY.** An elevator ~~shaft~~ boring contractor's license is valid until the date prescribed in the license by the commissioner.

Sec. 50. Minnesota Statutes 2004, section 103I.535, subdivision 8, is amended to read:

Subd. 8. **RENEWAL.** (a) A person must file an application and a renewal application fee to renew the license by the date stated in the license.

(b) The renewal application fee for an elevator ~~shaft~~ boring contractor's license is \$75.

(c) The renewal application must include information that the certified representative of the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of renewal, the commissioner must have on file all reports and permits for elevator ~~shaft~~ boring work conducted by the licensee since the last license renewal.

Sec. 51. Minnesota Statutes 2004, section 103I.535, subdivision 9, is amended to read:

Subd. 9. **INCOMPLETE OR LATE RENEWAL.** If a licensee fails to submit all information required for renewal in subdivision 8 or submits the application and

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information after the required renewal date:

(1) the licensee must include a late fee of \$75; and

(2) the licensee may not conduct activities authorized by the elevator shaft boring contractor's license until the renewal application, renewal application fee, and late fee, and all other information required in subdivision 8 are submitted.

Sec. 52. Minnesota Statutes 2004, section 103I.541, is amended to read:

103I.541 MONITORING WELL CONTRACTORS CONTRACTOR'S REGISTRATION; REPRESENTATIVE'S CERTIFICATION.

Subdivision 1. ~~INITIAL REGISTRATION AFTER JULY 1, 1990.~~ After July 1, 1990, A person seeking initial registration as a monitoring well contractor must meet examination and experience requirements adopted by the commissioner by rule.

Subd. 2. **VALIDITY.** A monitoring well contractor's registration is valid until the date prescribed in the registration by the commissioner.

Subd. 2a. **CERTIFICATION APPLICATION.** (a) An individual must submit an application and application fee to the commissioner to apply for certification as a representative of a monitoring well contractor registration.

(b) The application must be on forms prescribed by the commissioner. The application must state the applicant's qualifications for the registration certification, the equipment the applicant will use in the contracting, and other information required by the commissioner.

Subd. 2b. **APPLICATION FEE ISSUANCE OF REGISTRATION.** The application If a person employs a certified representative, submits the bond under subdivision 3, and pays the registration fee of \$75 for a monitoring well contractor registration is \$75, the commissioner shall issue a monitoring well contractor registration to the applicant. The fee for an individual registration is \$75. The commissioner may not act on an application until the application fee is paid.

Subd. 2c. **CERTIFICATION APPLICATION FEE.** The application fee for certification as a representative of a monitoring well contractor is \$75. The commissioner may not act on an application until the application fee is paid.

Subd. 2d. **EXAMINATION.** After the commissioner has approved an application, the applicant must take an examination given by the commissioner.

Subd. 2e. **ISSUANCE OF CERTIFICATION.** If the applicant meets the experience requirements established by rule and passes the examination as determined by the commissioner, the commissioner shall issue the applicant a certification to represent a monitoring well contractor.

Subd. 3. **BOND.** (a) As a condition of being issued a monitoring well contractor's registration, the applicant must submit a corporate surety bond for \$10,000 approved by the commissioner. The bond must be conditioned to pay the state on ~~unlawful~~ performance of work regulated by in this state that is not in compliance with this

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chapter in this state or rules adopted under this chapter. The bond is in lieu of other license bonds required by a political subdivision of the state.

(b) From proceeds of the bond, the commissioner may compensate persons injured or suffering financial loss because of a failure of the applicant to ~~properly~~ perform work or duties in compliance with this chapter or rules adopted under this chapter.

Subd. 4. **RENEWAL.** (a) A person must file an application and a renewal application fee to renew the registration by the date stated in the registration.

(b) The renewal application fee for a monitoring well contractor's registration is \$75.

(c) The renewal application must include information that the certified representative of the applicant has met continuing education requirements established by the commissioner by rule.

(d) At the time of the renewal, the commissioner must have on file all well and boring construction reports, well and boring sealing reports, well permits, and notifications for work conducted by the registered person since the last registration renewal.

Subd. 5. **INCOMPLETE OR LATE RENEWAL.** If a registered person submits a renewal application after the required renewal date:

(1) the registered person must include a late fee of \$75; and

(2) the registered person may not conduct activities authorized by the monitoring well contractor's registration until the renewal application, renewal application fee, late fee, and all other information required in subdivision 4 are submitted.

Sec. 53. Minnesota Statutes 2004, section 103I.545, subdivision 2, is amended to read:

Subd. 2. **PUMP HOIST.** (a) A person may not use a machine such as a pump hoist for an activity requiring a license or registration under this chapter to repair wells or borings, seal wells or borings, or install pumps unless the machine is registered with the commissioner.

(b) A person must apply for the registration on forms prescribed by the commissioner and submit a \$75 registration fee.

(c) A registration is valid for one year.

Sec. 54. Minnesota Statutes 2004, section 103I.601, subdivision 4, is amended to read:

Subd. 4. **MAP OF BORINGS.** By ten days before beginning exploratory boring, an explorer must submit to the commissioners of health and natural resources a county road map having a scale of one-half inch equal to one mile, as prepared by the Department of Transportation, or a 7.5 minute series topographic map (1:24,000 scale), as prepared by the United States Geological Survey, showing the location of each

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proposed exploratory boring to the nearest estimated 40 acre parcel. Exploratory boring that is proposed on the map may not be commenced later than 180 days after submission of the map, unless a new map is submitted.

Sec. 55. Minnesota Statutes 2004, section 103I.601, subdivision 9, is amended to read:

Subd. 9. **SEALING REPORT.** (a) By 30 days after permanent or temporary sealing of an exploratory boring, the explorer must submit a report to the commissioners of health and natural resources.

(b) The report must be on forms provided by the commissioner of health and include:

(1) the location of each drill hole in as large a scale as possible, which is normally prepared as part of the explorer's record;

(2) the type and thickness of overburden and rock encountered;

(3) identification of water bearing formations encountered;

(4) identification of hydrologic conditions encountered;

(5) method of sealing used;

(6) methods of construction and drilling used; and

(7) average scintillometer reading of waste drill cuttings from uranium or other radioactive mineral exploratory borings before backfilling of the recirculation pits.

Sec. 56. Minnesota Statutes 2004, section 144.221, subdivision 1, is amended to read:

Subdivision 1. **WHEN AND WHERE TO FILE.** A death record for each death which occurs in the state shall be filed with the state registrar or local registrar or with a mortician designated pursuant to section ~~144.214~~, subdivision 4, within five days after death and prior to final disposition.

Sec. 57. Minnesota Statutes 2004, section 144.225, subdivision 7, is amended to read:

Subd. 7. **CERTIFIED BIRTH OR DEATH RECORD.** (a) The state or local registrar shall issue a certified birth or death record or a statement of no vital record found to an individual upon the individual's proper completion of an attestation provided by the commissioner:

(1) to a person who has a tangible interest in the requested vital record. A person who has a tangible interest is:

(i) the subject of the vital record;

(ii) a child of the subject;

(iii) the spouse of the subject;

(iv) a parent of the subject;

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- (v) the grandparent or grandchild of the subject;
 - (vi) the party responsible for filing the vital record;
 - (vii) the legal custodian or guardian or conservator of the subject;
 - (viii) a personal representative, by sworn affidavit of the fact that the certified copy is required for administration of the estate;
 - (ix) a successor of the subject, as defined in section 524.1-201, if the subject is deceased, by sworn affidavit of the fact that the certified copy is required for administration of the estate;
 - (x) if the requested record is a death record, a trustee of a trust by sworn affidavit of the fact that the certified copy is needed for the proper administration of the trust;
 - (xi) a person or entity who demonstrates that a certified vital record is necessary for the determination or protection of a personal or property right, pursuant to rules adopted by the commissioner; or
 - (xii) adoption agencies in order to complete confidential postadoption searches as required by section 259.83;
- (2) to any local, state, or federal governmental agency upon request if the certified vital record is necessary for the governmental agency to perform its authorized duties. An authorized governmental agency includes the Department of Human Services, the Department of Revenue, and the United States Immigration and Naturalization Service;
- (3) to an attorney upon evidence of the attorney's license;
 - (4) pursuant to a court order issued by a court of competent jurisdiction. For purposes of this section, a subpoena does not constitute a court order; or
 - (5) to a representative authorized by a person under clauses (1) to (4).

(b) The state or local registrar shall also issue a certified death record to an individual described in paragraph (a), clause (1), items (ii) to (vii), if, on behalf of the individual, a licensed mortician designated to receive death records under section 144.214, subdivision 4, furnishes the registrar with a properly completed attestation in the form provided by the commissioner within 180 days of the time of death of the subject of the death record. This paragraph is not subject to the requirements specified in Minnesota Rules, part 4601.2600, subpart 5, item B.

Sec. 58. Minnesota Statutes 2004, section 149A.93, subdivision 1, is amended to read:

Subdivision 1. **PERMITS REQUIRED.** After removal from the place of death to any location where the body is held awaiting final disposition, further transportation of the body shall require a disposition or transit permit issued by the local registrar of the place of death, a subregistrar as defined by Minnesota Rules, part 4600.0100, subpart 5, or, if necessary to avoid delay, the commissioner a licensed mortician. Permits shall contain the information required on the permit form as furnished by the commissioner

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and shall be signed by the local registrar or subregistrar and the person in legal custody of the body, and, where appropriate, the mortician, intern, or practicum student who embalmed the body, the person in charge of the conveyance in which the body will be moved, or the person in charge of the place of final disposition. Where a funeral establishment name is used in signing a permit, it must be supported by the personal signature of a licensee employed by the funeral establishment.

Sec. 59. Minnesota Statutes 2004, section 149A.93, subdivision 2, is amended to read:

Subd. 2. **TRANSIT PERMIT.** A transit permit shall be is required when a body is to be:

(1) ~~moved within a registration district and legal and physical custody of the body is transferred;~~

(2) ~~removed from a registration district;~~

(3) ~~removed from the county where the death occurred;~~

(4) a body is transported by public transportation; or

(5) ~~(3)~~ a body is removed from the state.

Sec. 60. Minnesota Statutes 2004, section 149A.93, subdivision 3, is amended to read:

Subd. 3. **DISPOSITION PERMIT.** A disposition permit shall be is required before a body can be buried, entombed, or cremated; or when a body will be retained for more than five calendar days. No disposition permit shall be issued until a fact of death record has been completed or the issuing authority receives firm assurances that the death record will be completed within a reasonable amount of time not to exceed seven calendar days from the issuance of the permit.

Sec. 61. Minnesota Statutes 2004, section 149A.93, subdivision 4, is amended to read:

Subd. 4. **POSSESSION OF PERMIT.** Until the body is delivered for final disposition, the disposition permit shall be in possession of the person in physical or legal custody of the body, or attached to the transportation container which holds the body. At the place of final disposition, legal custody of the body shall pass with the filing of the disposition permit with the person in charge of that place, the health board authorized under section 145A.04, ~~where local disposition permits are required, or the commissioner where there is no legal entity in charge of the place of final disposition.~~

Sec. 62. Minnesota Statutes 2004, section 149A.93, subdivision 5, is amended to read:

Subd. 5. **DEATH OUTSIDE STATE; DISPOSITION PERMIT.** When a death occurs outside of the state and the body travels into or through this state, the body must be accompanied by a permit for burial, removal, or other disposition issued in accordance with the laws and rules of the state where the death occurred. ~~The properly~~

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issued permit from the state where the death occurred shall authorize the transportation of the body into or through this state, but before final disposition in this state, a separate Minnesota disposition permit must be issued and filed, together with the foreign permit, according to subdivision 4.

Sec. 63. Minnesota Statutes 2004, section 149A.94, subdivision 3, is amended to read:

Subd. 3. **PERMIT REQUIRED.** No dead human body shall be buried, entombed, or cremated without the filing of a properly issued disposition permit. The disposition permit must be filed with the person in charge of the place of final disposition. Where a dead human body will be transported out of this state for final disposition, the body must be accompanied by a properly issued disposition transit permit.

Sec. 64. Minnesota Statutes 2004, section 149A.96, subdivision 1, is amended to read:

Subdivision 1. **WRITTEN AUTHORIZATION.** Except as provided in this section, no dead human body or human remains shall be disinterred and reinterred without the written authorization of the person or persons legally entitled to control the body or remains and a disinterment-transit-reinterment permit properly issued by the local state registrar or subregistrar a licensed mortician. Permits shall contain the information required on the permit form as furnished by the commissioner and shall be signed by the local registrar or subregistrar and the person in legal custody of the body, and, where appropriate, the mortician, intern, or practicum student who embalmed the body, the person in charge of the conveyance in which the body will be moved, or the person in charge of the place of final disposition. Where a funeral establishment name is used in signing a permit, it must be supported by the personal signature of a licensee employed by the funeral establishment.

Sec. 65. Minnesota Statutes 2004, section 149A.96, subdivision 4, is amended to read:

Subd. 4. **DISINTERMENT PROCEDURE; REMOVAL FROM DEDICATED CEMETERY OPPOSED.** No dead human body or human remains shall be disinterred and removed from a dedicated cemetery for reinterment elsewhere without a written and notarized authorization from the person or persons with the legal right to control the disposition and a disinterment-transit-reinterment permit issued by the local registrar or subregistrar. The person or persons requesting the disinterment and reinterment must obtain a copy of the death record showing the manner and location of final disposition. The copy of the death record along with written and notarized authorization to disinter and reinter obtained from the person or persons with legal right to control the body as expressed in section 149A.80, and a written and notarized statement of the reasons for requesting disinterment, the manner in which the body or remains will be disinterred and transported, the location of reinterment, and whether there are any known parties who oppose the disinterment shall be submitted to the registrar or a subregistrar in the registration district or county where the body or remains are interred. If the request for disinterment is unopposed, the registrar or

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~~subregistrar shall issue a disinterment-transit-reinterment permit. If the disinterment is opposed, no disinterment-reinterment permit shall issue be issued until the state registrar or subregistrar licensed mortician receives a certified copy of a court order showing reasonable cause to disinter that specifically orders the disinterment and reinterment.~~

Sec. 66. Minnesota Statutes 2004, section 149A.96, subdivision 7, is amended to read:

Subd. 7. FILING OF DOCUMENTATION OF DISINTERMENT AND REINTERMENT. The cemetery where the body or remains were originally interred shall retain a copy of the ~~disinterment-transit-reinterment permit~~, the authorization to ~~disinter, the death record,~~ and, if applicable, the court order showing reasonable cause to disinter. Until the body or remains are reinterred the original permit and other documentation shall be in the possession of the person in physical or legal custody of the body or remains, or attached to the transportation container which holds the body or remains. At the time of reinterment, the permit and other documentation shall be filed according to the laws, rules, or regulations of the state or country where reinterment occurs. ~~Where the body or remains are to be removed from a dedicated cemetery for reinterment elsewhere, the authority issuing the disinterment-transit-reinterment permit shall forward a photocopy of the issued permit to the commissioner to be filed with the original death record. If the death occurred in Minnesota, the state registrar or a licensed mortician shall inform the person requesting the disinterment and reinterment of the right to request an amendment to the death record according to Minnesota Rules, chapter 4601.~~

Sec. 67. Laws 1998, chapter 316, section 4, is amended to read:

Sec. 4. EFFECTIVE DATE.

Sections 1 to 3 are effective 24 months after the date on which a unique health national provider identifier is adopted or established made effective under United States Code, title 42, sections 1320d to 1320d-8 (1996 and subsequent amendments).

Sec. 68. REPEALER.

Minnesota Statutes 2004, sections 103I.005, subdivision 13; 103I.222; and 144.214, subdivision 4, are repealed.

Presented to the governor May 24, 2005

Signed by the governor May 26, 2005, 9:25 p.m.

CHAPTER 107—H.F.No. 1385

An act relating to higher education; allocating money for educational and related purposes with certain conditions; modifying various loan, grant, and financial aid provisions; requiring

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