

CHAPTER 95 — S.F.No. 921

An act relating to consumer protection; regulating prepayments of certain funeral and burial goods and services; amending Minnesota Statutes 1984, section 149.11.

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

Section 1. Minnesota Statutes 1984, section 149.11, is amended to read:

149.11 PREARRANGED FUNERAL PLANS; CONTRACTS; TRUST FUNDS.

(a) ~~When prior to the death of any person, he or someone in his behalf, that person or another enters into any transaction, makes a contract, or any series or combination of transactions or contracts with another person, partnership, association or corporation, other than an insurance company licensed to do business in the state of Minnesota, for or related to the disposition of his body, by the terms of which, certain personal property related to the funeral services or the burial, cremation, or other disposition of human remains will be delivered upon his death used upon the death of the person for whom the property is to be used, or when the professional services of a funeral director or embalmer will then be furnished, or both, then the total of all money so paid by the terms of such the transaction, contract or series or combination of transactions or contracts shall be held in trust for the purpose for which it has been paid until the obligation of the transaction, contract or series or combination of transactions or contracts is fulfilled according to its terms the death of the person for whose benefit the money was paid, or refunded to the person who made the payment or payments, upon his demand. Accruals of interest or dividends declared upon the sum of money so held in trust are subject to the same trust. The person, partnership, association or corporation holding the money in trust shall inform the person on whose behalf the money is held that all money paid plus all accrued earnings will be held in trust until the death of that person or until a request for a refund is made if made prior to death.~~

The personal property shall include but not be limited to a casket, burial vault not interred in a grave, combination casket-vault or other receptacle not described in paragraph (b) for the internment, entombment, cremation, or other disposition of human remains.

(b) Nothing in this section shall prevent the sale and delivery of cemetery lots, graves, burial vaults preinterred in a grave, cremation urns, crypt spaces, niches, columbaria, or grave or lot markers or monuments before their use is required. Nothing in this section prevents the preconstruction sale of crypt spaces to be permanently installed.

(c) It is the intent of the legislature that the provisions of this section shall be construed as a limitation upon the manner in which a person or legal entity is

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permitted to accept funds in prepayment of funeral services to be performed in the future or in prepayment of funeral or burial goods to be used in connection with the funeral or final disposition of human remains. It is further intended to allow members of the public to arrange and pay for funerals, final dispositions, funeral services, and funeral and burial goods for themselves and their families in advance of need while at the same time providing all possible safeguards so that the prepaid funds cannot be dissipated, whether intentionally or not, so as to be available for the payment of the services and goods selected.

Approved May 9, 1985

CHAPTER 96 — S.F.No. 994

An act relating to education; authorizing the transfer of certain state land unneeded for community college purposes to certain cities to be used for student housing; authorizing the sale of certain community college land in Worthington; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

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

Section 1. [136.651] SURPLUS COMMUNITY COLLEGE LAND.

At the request of the state board for community colleges, the commissioner of administration shall transfer and convey, or lease for a term of years, state land under the control of but no longer needed by a community college to the city where the community college is located. The land must be used by the city for student housing. The conveyance must be made for no monetary consideration, and by quitclaim deed in a form approved by the attorney general. The deed must provide that the land reverts to the state if it is no longer used for student housing unless the owner of improvements on the land agrees before the reversion to pay the state the value of the unimproved land. For purposes of determining the value, the commissioner shall designate two or more of the regularly appointed and qualified state appraisers to determine the value of the land.

Sec. 2. WORTHINGTON.

Notwithstanding section 1 and Minnesota Statutes, section 94.16, at the request of the state board for community colleges, the commissioner of administration shall offer for sale and sell land in the city of Worthington no longer needed for community college purposes. The proceeds from the sale are appropriated to the state board for community colleges. This section applies only to the sale of two parcels of land, under the control of the state board for community colleges, legally described as follows:

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