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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 2305

March 22, 2007

Authored by Hilty

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

1.1 A bill for an act
1.2 relating to appropriations; appropriating money to Department of Commerce and
1.3 Public Utilities Commission to finance energy-related activities; providing for
1.4 grants and fund transfers; modifying provisions relating to mortgage companies
1.5 and licensees; increasing registration fee for credit services organizations;
1.6 prohibiting residential mortgage fraud; providing civil penalties; amending
1.7 Minnesota Statutes 2006, sections 58.04, subdivisions 1, 2; 58.05; 58.06,
1.8 subdivision 2, by adding a subdivision; 58.08, subdivision 3; 58.10, subdivision
1.9 1; 80A.28, subdivision 1; 332.54, subdivision 7; proposing coding for new law
1.10 in Minnesota Statutes, chapters 58; 609; repealing Minnesota Statutes 2006,
1.11 section 58.08, subdivision 1.

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

1.13 ARTICLE 1
1.14 ENERGY APPROPRIATIONS

1.15 Section 1. SUMMARY OF APPROPRIATIONS.

1.16 The amounts shown in this section summarize direct appropriations, by fund, made
1.17 in this article.

Table with 4 columns: Category, 2008, 2009, Total. Rows include General, Petroleum Tank Cleanup, Workers' Compensation, Special Revenue, and Total.

1.24 Sec. 2. ENERGY FINANCE APPROPRIATIONS.

1.25 The sums shown in the columns marked "Appropriations" are appropriated to the
1.26 agencies and for the purposes specified in this article. The appropriations are from the
1.27 general fund, or another named fund, and are available for the fiscal years indicated

2.1 for each purpose. The figures "2008" and "2009" used in this article mean that the
 2.2 appropriations listed under them are available for the fiscal year ending June 30, 2008, or
 2.3 June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal
 2.4 year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal
 2.5 year ending June 30, 2007, are effective the day following final enactment.

2.6 **APPROPRIATIONS**
 2.7 **Available for the Year**
 2.8 **Ending June 30**
 2.9 **2008 2009**

2.10 **Sec. 3. DEPARTMENT OF COMMERCE.**

2.11 **Subdivision 1. Total Appropriation** \$ **42,145,000** \$ **30,494,000**

2.12 **Appropriations by Fund**

2.13		<u>2008</u>	<u>2009</u>
2.14	<u>General</u>	<u>32,726,000</u>	<u>21,075,000</u>
2.15	<u>Petroleum Cleanup</u>	<u>1,084,000</u>	<u>1,084,000</u>
2.16	<u>Workers'</u>		
2.17	<u>Compensation</u>	<u>835,000</u>	<u>835,000</u>
2.18	<u>Special Revenue</u>	<u>7,500,000</u>	<u>7,500,000</u>

2.19 The amounts that may be spent for each
 2.20 purpose are specified in the following
 2.21 subdivisions.

2.22 **Subd. 2. Financial Examinations** 6,309,000 6,426,000

2.23 **Subd. 3. Petroleum Tank Release Cleanup**
 2.24 **Board** 1,084,000 1,084,000

2.25 This appropriation is from the petroleum
 2.26 tank release cleanup fund.

2.27 **Subd. 4. Administrative Services** 4,477,000 4,540,000

2.28 **Subd. 5. Market Assurance** 6,894,000 6,991,000

2.29 **Appropriations by Fund**

2.30	<u>General</u>	<u>6,059,000</u>	<u>6,156,000</u>
2.31	<u>Workers'</u>		
2.32	<u>Compensation</u>	<u>835,000</u>	<u>835,000</u>

2.33 **Subd. 6. Energy and Telecommunications** 23,381,000 11,453,000

3.1	<u>Appropriations by Fund</u>		
3.2	<u>General</u>	<u>15,881,000</u>	<u>3,953,000</u>
3.3	<u>Special Revenue</u>	<u>7,500,000</u>	<u>7,500,000</u>

3.4 \$12,000,000 the first year must be spent for
 3.5 E85 cost-share grants. This is a onetime
 3.6 appropriation. Notwithstanding Minnesota
 3.7 Statutes, section 16A.28, this appropriation
 3.8 is available until June 30, 2011.

3.9 **Sec. 4. TRANSFER; RENEWABLE**
 3.10 **DEVELOPMENT GRANTS.**

3.11 The utility subject to Minnesota Statutes,
 3.12 section 116C.779, shall transfer \$2,500,000
 3.13 in fiscal year 2008 and \$2,500,000 in fiscal
 3.14 year 2009 to the Department of Commerce
 3.15 on a schedule to be determined by the
 3.16 commissioner of commerce. The funds must
 3.17 be deposited in the special revenue fund
 3.18 and are appropriated to the commissioner
 3.19 for grants to promote renewable energy
 3.20 projects and community energy outreach and
 3.21 assistance. Of the amounts identified:

3.22 (1) \$500,000 each year for capital grants for
 3.23 on-farm biogas recovery facilities; eligible
 3.24 projects will be selected in coordination
 3.25 with the Department of Agriculture and the
 3.26 Pollution Control Agency;

3.27 (2) \$500,000 each year to provide financial
 3.28 rebates to new solar electricity projects;

3.29 (3) \$500,000 each year for continued funding
 3.30 of community energy technical assistance
 3.31 and outreach on renewable energy and
 3.32 energy efficiency; and

3.33 (4) \$1,000,000 each year for technical
 3.34 analysis and demonstration funding for

4.1 automotive technology projects, with a
 4.2 special focus on plug-in hybrid electric
 4.3 vehicles.

4.4 **Sec. 5. TRANSFER; RENEWABLE ENERGY**
 4.5 **RESEARCH.**

4.6 The utility subject to Minnesota Statutes,
 4.7 section 116C.779, shall transfer \$5,000,000
 4.8 in fiscal year 2008 and \$5,000,000 in fiscal
 4.9 year 2009 to the Department of Commerce
 4.10 on a schedule to be determined by the
 4.11 commissioner of commerce. The funds must
 4.12 be deposited in the special revenue fund and
 4.13 are appropriated to the commissioner for
 4.14 grants to provide competitive, cost-share
 4.15 grants to fund renewable energy research in
 4.16 Minnesota.

4.17 These grants must be awarded by a
 4.18 three-member panel made up of the
 4.19 commissioners of commerce, pollution
 4.20 control, and agriculture, or their designees.
 4.21 Grant applications must be ranked and grants
 4.22 issued according to how well the applications
 4.23 meet state energy policy research goals
 4.24 established by the commissioners, the quality
 4.25 and experience of the research teams, the
 4.26 cross-interdisciplinary and cross-institutional
 4.27 nature of the research teams, and the ability
 4.28 of the research team to leverage nonstate
 4.29 funds.

4.30 **Sec. 6. PUBLIC UTILITIES COMMISSION \$ 5,268,000 \$ 5,342,000**

4.31 **ARTICLE 2**
 4.32 **COMMERCE**

4.33 Section 1. Minnesota Statutes 2006, section 58.04, subdivision 1, is amended to read:

5.1 Subdivision 1. **Residential mortgage originator licensing requirements.** (a)
5.2 ~~Beginning August 1, 1999,~~ No person shall act as a residential mortgage originator, or
5.3 make residential mortgage loans without first obtaining a license from the commissioner
5.4 according to the licensing procedures provided in this chapter.

5.5 (b) A licensee must be either a partnership, limited liability partnership, association,
5.6 limited liability company, corporation, or other form of business organization, and must
5.7 have and maintain at all times one of the following: approval as a mortgagee by either the
5.8 federal Department of Housing and Urban Development or the Federal National Mortgage
5.9 Association; a minimum net worth, net of intangibles, of at least \$250,000; or a surety bond
5.10 or irrevocable letter of credit in the amount of \$100,000. Net worth, net of intangibles,
5.11 must be calculated in accordance with generally accepted accounting principles.

5.12 (c) The following persons are exempt from the residential mortgage originator
5.13 licensing requirements:

5.14 ~~(1) an employee of one mortgage originator licensee or one person holding a~~
5.15 ~~certificate of exemption;~~

5.16 ~~(2) a person licensed as a real estate broker under chapter 82 who is not licensed to~~
5.17 ~~another real estate broker;~~

5.18 ~~(3) an individual real estate licensee who is licensed to a real estate broker as~~
5.19 ~~described in clause (2) if:~~

5.20 ~~(i) the individual licensee acts only under the name, authority, and supervision of the~~
5.21 ~~broker to whom the licensee is licensed;~~

5.22 ~~(ii) the broker to whom the licensee is licensed obtains a certificate of exemption~~
5.23 ~~according to section 58.05, subdivision 2;~~

5.24 ~~(iii) the broker does not collect an advance fee for its residential mortgage-related~~
5.25 ~~activities; and~~

5.26 ~~(iv) the residential mortgage origination activities are incidental to the real estate~~
5.27 ~~licensee's primary activities as a real estate broker or salesperson;~~

5.28 ~~(4) an individual licensed as a property/casualty or life/health insurance agent under~~
5.29 ~~chapter 60K if:~~

5.30 ~~(i) the insurance agent acts on behalf of only one residential mortgage originator;~~
5.31 ~~which is in compliance with chapter 58;~~

5.32 ~~(ii) the insurance agent has entered into a written contract with the mortgage~~
5.33 ~~originator under the terms of which the mortgage originator agrees to accept responsibility~~
5.34 ~~for the insurance agent's residential mortgage-related activities;~~

5.35 ~~(iii) the insurance agent obtains a certificate of exemption under section 58.05;~~
5.36 ~~subdivision 2; and~~

6.1 ~~(iv) the insurance agent does not collect an advance fee for the insurance agent's~~
 6.2 ~~residential mortgage-related activities;~~

6.3 ~~(5) (1) a person who is not in the business of making residential mortgage loans and~~
 6.4 ~~who makes no more than three such loans, with its own funds, during any 12-month period;~~

6.5 ~~(6) (2) a financial institution as defined in section 58.02, subdivision 10;~~

6.6 ~~(7) (3) an agency of the federal government, or of a state or municipal government;~~

6.7 ~~(8) (4) an employee or employer pension plan making loans only to its participants;~~

6.8 ~~(9) (5) a person acting in a fiduciary capacity, such as a trustee or receiver, as a result~~
 6.9 ~~of a specific order issued by a court of competent jurisdiction; or~~

6.10 ~~(10) (6) a person exempted by order of the commissioner.~~

6.11 Sec. 2. Minnesota Statutes 2006, section 58.04, subdivision 2, is amended to read:

6.12 Subd. 2. **Residential mortgage servicer licensing requirements.** (a) ~~Beginning~~
 6.13 ~~August 1, 1999,~~ No person shall engage in activities or practices that fall within the
 6.14 definition of "servicing a residential mortgage loan" under section 58.02, subdivision
 6.15 22, without first obtaining a license from the commissioner according to the licensing
 6.16 procedures provided in this chapter.

6.17 (b) The following persons are exempt from the residential mortgage servicer
 6.18 licensing requirements:

6.19 (1) a person licensed as a residential mortgage originator;

6.20 ~~(2) an employee of one licensee or one person holding a certificate of exemption~~
 6.21 ~~based on an exemption under this subdivision;~~

6.22 ~~(3) (2) a person servicing loans made with its the person's own funds, if no more~~
 6.23 ~~than three such loans are made in any 12-month period;~~

6.24 ~~(4) (3) a financial institution as defined in section 58.02, subdivision 10;~~

6.25 ~~(5) (4) an agency of the federal government, or of a state or municipal government;~~

6.26 ~~(6) (5) an employee or employer pension plan making loans only to its participants;~~

6.27 ~~(7) (6) a person acting in a fiduciary capacity, such as a trustee or receiver, as a result~~
 6.28 ~~of a specific order issued by a court of competent jurisdiction; or~~

6.29 ~~(8) (7) a person exempted by order of the commissioner.~~

6.30 Sec. 3. Minnesota Statutes 2006, section 58.05, is amended to read:

6.31 **58.05 EXEMPTIONS FROM LICENSE.**

6.32 Subdivision 1. **Exempt person.** An exempt person as defined by section 58.04,
 6.33 subdivision 1, paragraph ~~(b)~~ (c), and subdivision 2, paragraph (b), is exempt from the
 6.34 licensing requirements of this chapter, but is subject to all other provisions of this chapter.

7.1 Subd. 3. **Certificate of exemption.** A person must obtain a certificate of exemption
 7.2 from the commissioner to qualify as an exempt person under section 58.04, subdivision
 7.3 1, paragraph ~~(b)~~ (c), ~~as a real estate broker under clause (2), an insurance agent under~~
 7.4 ~~clause (4)~~; a financial institution under clause ~~(6)~~ (2), or by order of the commissioner
 7.5 under clause ~~(10)~~ (6); or under section 58.04, subdivision 2, paragraph (b), as a financial
 7.6 institution under clause ~~(4)~~ (3), or by order of the commissioner under clause ~~(8)~~ (7).

7.7 Sec. 4. Minnesota Statutes 2006, section 58.06, subdivision 2, is amended to read:

7.8 Subd. 2. **Application contents.** (a) The application must contain the name and
 7.9 complete business address or addresses of the license applicant. ~~If~~ The license applicant ~~is~~
 7.10 must be a partnership, limited liability partnership, association, limited liability company,
 7.11 corporation, or other form of business organization, and the application must contain the
 7.12 names and complete business addresses of each partner, member, director, and principal
 7.13 officer. The application must also include a description of the activities of the license
 7.14 applicant, in the detail and for the periods the commissioner may require.

7.15 (b) An applicant must submit one of the following:

7.16 (1) evidence which shows, to the commissioner's satisfaction, that either the federal
 7.17 Department of Housing and Urban Development or the Federal National Mortgage
 7.18 Association has approved the applicant as a mortgagee;

7.19 (2) a surety bond or irrevocable letter of credit in the amount of not less than
 7.20 \$100,000 in a form approved by the commissioner, issued by an insurance company
 7.21 or bank authorized to do so in this state. The bond or irrevocable letter of credit must
 7.22 be available for the recovery of expenses, fines, and fees levied by the commissioner
 7.23 under this chapter and for losses incurred by borrowers. The bond or letter of credit must
 7.24 be submitted with the license application, and evidence of continued coverage must be
 7.25 submitted with each renewal. Any change in the bond or letter of credit must be submitted
 7.26 for approval by the commissioner within ten days of its execution; or

7.27 (3) a copy of the applicant's most recent audited financial statement, including
 7.28 balance sheet, statement of income or loss, statements of changes in shareholder equity,
 7.29 and statement of changes in financial position. Financial statements must be as of a date
 7.30 within 12 months of the date of application.

7.31 (c) The application must also include all of the following:

7.32 ~~(a)~~ (1) an affirmation under oath that the applicant:

7.33 ~~(1) will maintain competent staff and adequate staffing levels, through direct~~
 7.34 ~~employees or otherwise, to meet the requirements of this chapter;~~ (i) is in compliance
 7.35 with the requirements of section 58.125;

8.1 (ii) will maintain a perpetual roster of individuals employed as residential mortgage
 8.2 originators, including employees and independent contractors, which includes the date that
 8.3 mandatory initial education was completed. In addition, the roster must be made available
 8.4 to the commissioner on demand, within three business days of the commissioner's request;

8.5 ~~(2)~~ (iii) will advise the commissioner of any material changes to the information
 8.6 submitted in the most recent application within ten days of the change;

8.7 ~~(3)~~ (iv) will advise the commissioner in writing immediately of any bankruptcy
 8.8 petitions filed against or by the applicant or licensee;

8.9 ~~(4) is financially solvent;~~ (v) will maintain at all times either a net worth, net of
 8.10 intangibles, of at least \$250,000 or a surety bond or irrevocable letter of credit in the
 8.11 amount of at least \$100,000;

8.12 ~~(5)~~ (vi) complies with federal and state tax laws; and

8.13 ~~(6)~~ (vii) complies with sections 345.31 to 345.60, the Minnesota unclaimed property
 8.14 law; and

8.15 ~~(7) is, or that a person in control of the license applicant is, at least 18 years of age;~~

8.16 ~~(b)~~ (2) information as to the mortgage lending, servicing, or brokering experience
 8.17 of the applicant and persons in control of the applicant;

8.18 ~~(c)~~ (3) information as to criminal convictions, excluding traffic violations, of persons
 8.19 in control of the license applicant;

8.20 ~~(d)~~ (4) whether a court of competent jurisdiction has found that the applicant or
 8.21 persons in control of the applicant have engaged in conduct evidencing gross negligence,
 8.22 fraud, misrepresentation, or deceit in performing an act for which a license is required
 8.23 under this chapter;

8.24 ~~(e)~~ (5) whether the applicant or persons in control of the applicant have been the
 8.25 subject of: an order of suspension or revocation, cease and desist order, or injunctive
 8.26 order, or order barring involvement in an industry or profession issued by this or another
 8.27 state or federal regulatory agency or by the Secretary of Housing and Urban Development
 8.28 within the ten-year period immediately preceding submission of the application; and

8.29 ~~(f)~~ (6) other information required by the commissioner.

8.30 Sec. 5. Minnesota Statutes 2006, section 58.06, is amended by adding a subdivision to
 8.31 read:

8.32 Subd. 3. **Waiver.** The commissioner may, for good cause shown, waive any
 8.33 requirement of this section with respect to any license application or to permit a license
 8.34 applicant to submit substituted information in its license application in lieu of the
 8.35 information required by this section.

9.1 Sec. 6. Minnesota Statutes 2006, section 58.08, subdivision 3, is amended to read:

9.2 Subd. 3. **Exemption.** ~~Subdivisions 1 and Subdivision 2 do~~ does not apply to
 9.3 mortgage originators or mortgage servicers who are approved as seller/servicers by the
 9.4 Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

9.5 Sec. 7. Minnesota Statutes 2006, section 58.10, subdivision 1, is amended to read:

9.6 Subdivision 1. **Amounts.** The following fees must be paid to the commissioner:

9.7 (1) for an initial residential mortgage originator license, ~~\$850~~ \$5,000, \$50 of which
 9.8 is credited to the consumer education account in the special revenue fund;

9.9 (2) for a renewal license, ~~\$450~~ \$2,500, \$50 of which is credited to the consumer
 9.10 education account in the special revenue fund;

9.11 (3) for an initial residential mortgage servicer's license, \$1,000;

9.12 (4) for a renewal license, \$500; and

9.13 (5) for a certificate of exemption, \$100.

9.14 Sec. 8. **[58.115] EXAMINATIONS.**

9.15 The commissioner has under this chapter the same powers with respect to
 9.16 examinations that the commissioner has under section 46.04, including the authority to
 9.17 charge for the direct costs of the examination, including travel and per diem expenses.

9.18 Sec. 9. **[58.126] EDUCATION REQUIREMENT.**

9.19 No person shall serve as a residential mortgage originator before the completion
 9.20 of 16 hours of educational training which has been approved by the commissioner, and
 9.21 covering state and federal laws concerning residential mortgage lending.

9.22 Sec. 10. Minnesota Statutes 2006, section 80A.28, subdivision 1, is amended to read:

9.23 Subdivision 1. **Registration or notice filing fee.** (a) There shall be a filing fee of
 9.24 \$100 for every application for registration or notice filing. There shall be an additional fee
 9.25 of one-tenth of one percent of the maximum aggregate offering price at which the securities
 9.26 are to be offered in this state, and the maximum combined fees shall not exceed \$300.

9.27 (b) When an application for registration is withdrawn before the effective date or a
 9.28 preeffective stop order is entered under section 80A.13, subdivision 1, all but the \$100
 9.29 filing fee shall be returned. If an application to register securities is denied, the total of all
 9.30 fees received shall be retained.

9.31 (c) Where a filing is made in connection with a federal covered security under
 9.32 section 18(b)(2) of the Securities Act of 1933, there is a fee of \$100 for every initial filing.

10.1 If the filing is made in connection with redeemable securities issued by an open end
 10.2 management company or unit investment trust, as defined in the Investment Company
 10.3 Act of 1940, there is an additional annual fee of 1/20 of one percent of the maximum
 10.4 aggregate offering price at which the securities are to be offered in this state during the
 10.5 notice filing period. The fee must be paid at the time of the initial filing and thereafter
 10.6 in connection with each renewal no later than July 1 of each year and must be sufficient
 10.7 to cover the shares the issuer expects to sell in this state over the next 12 months. If
 10.8 during a current notice filing the issuer determines it is likely to sell shares in excess of
 10.9 the shares for which fees have been paid to the commissioner, the issuer shall submit an
 10.10 amended notice filing to the commissioner under section 80A.122, subdivision 1, clause
 10.11 (3), together with a fee of 1/20 of one percent of the maximum aggregate offering price
 10.12 of the additional shares. Shares for which a fee has been paid, but which have not been
 10.13 sold at the time of expiration of the notice filing, may not be sold unless an additional fee
 10.14 to cover the shares has been paid to the commissioner as provided in this section and
 10.15 section 80A.122, subdivision 4a. If the filing is made in connection with redeemable
 10.16 securities issued by such a company or trust, there is no maximum fee for securities filings
 10.17 made according to this paragraph. If the filing is made in connection with any other
 10.18 federal covered security under Section 18(b)(2) of the Securities Act of 1933, there is an
 10.19 additional fee of one-tenth of one percent of the maximum aggregate offering price at
 10.20 which the securities are to be offered in this state, and the combined fees shall not exceed
 10.21 \$300. Beginning with fiscal year 2001 and continuing each fiscal year thereafter, as of the
 10.22 last day of each fiscal year, the commissioner shall determine the total amount of all fees
 10.23 that were collected under this paragraph in connection with any filings made for that fiscal
 10.24 year for securities of an open-end investment company on behalf of a security that is a
 10.25 federal covered security pursuant to section 18(b)(2) of the Securities Act of 1933. To the
 10.26 extent the total fees collected by the commissioner in connection with these filings exceed
 10.27 ~~\$25,000,000~~ \$25,600,000 in a fiscal year, the commissioner shall refund, on a pro rata
 10.28 basis, to all persons who paid any fees for that fiscal year, the amount of fees collected by
 10.29 the commissioner in excess of ~~\$25,000,000~~ \$25,600,000. No individual refund is required
 10.30 of amounts of \$100 or less for a fiscal year.

10.31 Sec. 11. Minnesota Statutes 2006, section 332.54, subdivision 7, is amended to read:

10.32 Subd. 7. **Fees.** The fee for a credit services organization's registration is ~~\$100~~
 10.33 \$1,000 for issuance or renewal for each location of business.

10.34 Sec. 12. **[609.614] RESIDENTIAL MORTGAGE FRAUD.**

11.1 Subdivision 1. Residential mortgage fraud prohibited. Whoever with the intent to
11.2 defraud for the purpose of depriving another of property or for pecuniary gain, commits,
11.3 or permits its employees or its agents to commit, any of the following acts, is guilty of
11.4 residential mortgage fraud and may be sentenced as provided in subdivision 2:

11.5 (1) knowingly makes any deliberate misstatement, misrepresentation, or omission
11.6 during the mortgage lending process with the intention that it be relied on by a mortgage
11.7 lender, borrower, or any other party to the mortgage lending process;

11.8 (2) knowingly uses or facilitates the use of any deliberate misstatement,
11.9 misrepresentation, or omission, knowing the same to contain a misstatement,
11.10 misrepresentation, or omission, during the mortgage lending process with the intention
11.11 that it be relied on by a mortgage lender, borrower, or any other party to the mortgage
11.12 lending process;

11.13 (3) receives any proceeds or any other funds in connection with a residential
11.14 mortgage closing that such person knew resulted from a violation of clause (1) or (2);

11.15 (4) conspires to violate any of the provisions of clause (1), (2), or (3); or

11.16 (5) files or causes to be filed with the official registrar of deeds of any county
11.17 of this state any document such person knows to contain a deliberate misstatement,
11.18 misrepresentation, or omission. An offense of residential mortgage fraud must not be
11.19 predicated solely upon information lawfully disclosed under federal disclosure laws,
11.20 regulations, and interpretations related to the mortgage lending process.

11.21 Subd. 2. Sentence. Whoever violates this provision may be sentenced as provided
11.22 in section 609.52, subdivision 3, based on the greater of (1) the value of property, services,
11.23 or other benefit wrongfully obtained or attempted to obtain, or (2) the aggregate economic
11.24 loss suffered by any person as a result of the violation. A person convicted of a violation
11.25 of this section must be ordered to pay restitution to persons aggrieved by the violation.
11.26 Restitution must be ordered in addition to a fine or imprisonment but not in lieu of a
11.27 fine or imprisonment.

11.28 Subd. 3. Definitions. (a) "Mortgage lending process" means the process through
11.29 which a person seeks or obtains a residential mortgage loan including, but not limited
11.30 to, solicitation, application, or origination, negotiation of terms, third-party provider
11.31 services, underwriting, signing and closing, and funding of the loan. Documents involved
11.32 in the mortgage lending process include, but are not limited to, uniform residential loan
11.33 applications or other loan applications; appraisal reports; HUD-1 settlement statements;
11.34 supporting personal documentation for loan applications such as W-2 forms, verifications
11.35 of income and employment, bank statements, tax returns, and payroll stubs; and any
11.36 required disclosures.

12.1 **(b) "Pattern of residential mortgage fraud" means one or more misstatements,**
12.2 **misrepresentations, or omissions made during the mortgage lending process that involve**
12.3 **two or more residential properties, which have the same or similar intents, results,**
12.4 **accomplices, victims, or methods of commission or otherwise are interrelated by**
12.5 **distinguishing characteristics.**

12.6 **(c) "Person" means a natural person, corporation, company, limited liability**
12.7 **company, partnership, trustee, association, or any other entity.**

12.8 **(d) "Residential mortgage loan" means a loan or agreement to extend credit made to**
12.9 **a person, which loan is secured by a deed to secure debt, security deed, mortgage, security**
12.10 **interest, deed of trust, or other document representing a security interest or lien upon any**
12.11 **interest in one-to-four family residential property located in Minnesota including the**
12.12 **renewal or refinancing of any such loan.**

12.13 **Sec. 13. LICENSE RENEWAL EXTENSION.**

12.14 **The July 31, 2007, renewal date for mortgage originators is extended to October 30,**
12.15 **2007, because of the changes to the licensing requirements made by this act.**

12.16 **Sec. 14. REPEALER.**

12.17 **Minnesota Statutes 2006, section 58.08, subdivision 1, is repealed.**