

# Minnesota House of Representatives

## Public Information Services

### Agriculture - 2015

#### Regular Session

## Disaster relief included in omnibus agriculture policy bill

Farmers who need financial assistance to recover from loss or damage caused by the confirmed presence of highly pathogenic avian influenza are now eligible for recovery loans from the Rural Finance Authority thanks to a new law.

These funds will come from the expanded disaster recovery loan program that farmers can use to replace lost flocks, improve buildings or open an operating line of credit. That law is one of several provisions in omnibus legislation that makes several changes to the state's agricultural policy.

Sponsored by Rep. Paul Anderson (R-Starbuck) and Sen. Dan Sparks (DFL-Austin), the legislation will modify the contents of the incident response plans required of people licensed to store or produce bulk agricultural chemicals.

Those documents must describe the actions that will be taken to prevent and respond to incidents involving agricultural chemicals. They must be updated every three years, or whenever the information they contain becomes outdated, and employers must make them available to first responders and review them with employees annually. (Sec. 9)

Other provisions of the new law, which has various dates of enactment, include:

- Protections from liability for people who provide agritourism activities. This business brings visitors onto private agriculture lands for events, educational opportunities and other pursuits. But for some farms the threat of a personal injury claim makes agritourism too risky to pursue; (Sec. 36)
- An extension of the sunset date for the Agricultural Growth, Research and Innovation program to June 30, 2025; (Sec. 21)
- Granting the Department of Agriculture the power to restrict the movement of food if there is probable reason to believe the movement may threaten the agriculture economy, spread a disease or threaten the health of animals. An emergency declaration must be issued before this power can be used. (Sec. 20)
- Doubling the limits, from \$100,000 to \$200,000, for the Department of Agriculture's Best Management Practices Loan Program, which encourages work preventing harmful runoff from fields and feedlots by providing low-interest loans to farmers, rural landowners, and businesses; (Sec. 2)
- Prohibiting Internet sales of pesticides labeled for restricted use to residents not licensed or certified as a pesticide applicator. The seller must verify the buyer is licensed or certified; (Sec. 6)
- Removing language requiring a waste pesticide collection opportunity in each county; (Sec. 4)
- Requiring commercial and noncommercial pesticide applicators to record the application rate rather than the dosage, and eliminate the applicator signature requirement; (Sec. 7)
- Changing the wording of the pollinator-friendly plant labeling restriction from a "detectable level" standard to a "no-observed-adverse-effect-level" standard; (Sec. 12)
- Requiring a bee owner who is seeking compensation from the Department of Agriculture for the loss of bees, or bee colonies, to be registered with the agency's designated pesticide registry program; (Sec. 3) and
- Directing the Department of Agriculture to follow the "Rules for Testing Seeds" published by the Association of Official Seed Analysis, when lab testing official seed samples. (Sec. 17)

HF1554\*/SF1459/CH44

### Agriculture - 2015

### New Laws

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**Regular Session****Funds appropriated for response to avian influenza outbreak**

The Department of Agriculture and the Board of Animal Health have each received a one-time appropriation to respond to the avian influenza outbreak.

Sponsored by Rep. David Bly (DFL-Northfield) and Sen. Kevin Dahle (DFL-Northfield), the new law, effective May 2, 2015, appropriates \$514,000 to the Department of Agriculture and \$379,000 to the Board of Animal Health for the costs of emergency response activities that are not covered by federal funding.

The appropriations are available until June 30, 2016.

The law specifies that any federal funds to address avian influenza received in fiscal years 2015 through 2017 are appropriated in the fiscal year they are received. It also requires the commissioner of Minnesota Management & Budget to report anticipated federal funds appropriated, and their intended purpose, to the Legislative Advisory Commission consistent with the urgent federal funds request procedure in statute.

The commissioner must also report the actual federal funds received and appropriated, and their actual use, to the commission by Jan. 15, 2018.

HF2225\*/SF2096/CH12

**Agriculture - 2015****Regular Session****New law provides farmers protections against property swindlers**

Farm owners, whose primary residence is the farm, will receive the same protections against foreclosure reconveyances as residential homeowners under a new law effective May 20, 2015.

Sponsored by Rep. Mary Franson (R-Alexandria) and Sen. Bill Ingebrigtsen (R-Alexandria), the law is meant to provide certain rights to farmers who could become victims of a practice called "equity stripping."

This happens when property owners who have fallen behind on payments and have entered foreclosure and are taken advantage of by speculators who offer help in exchange for signing over the deed to the property. However, the true purpose of this offer is often to take ownership of the property and force the current owner out.

Farmers will benefit from the same protections already provided to residential homeowners under the foreclosure reconveyance protection laws, including requirement that all contracts be written, homeowners be given five days to cancel those contracts, and that the investor pay 82 percent of fair market value if the homeowner is evicted or voluntarily moves out.

HF1187/SF1587\*/CH50

**Bonding - 2015****First Special Session****Capital investment bill appropriates \$373 million for projects across state**

Funding for disaster relief, food and animal safety labs and State Capitol renovations are among the hundreds of millions of dollars in bonding proceeds appropriated to projects across the state in the 2015 capital investment law.

Sponsored by Rep. Paul Torkelson (R-Hanska) and Sen. LeRoy Stumpf (DFL-Plummer), the law will appropriate \$373.4 million in capital investment funding almost entirely from the proceeds of state general obligation bonds to projects large and small across the state, and includes technical corrections related to previously authorized project bonding. The law is effective June 14, 2015.

Included in the law is a \$32.9 million appropriation to the Department of Administration for additional out-of-scope work on the Capitol, recommended by the Capitol Preservation

Commission, including addressing water infiltration, settlement and deterioration issues on the east, west and south steps, and security enhancements. At the close of the regular session on May 18, the restoration project required the 110-year-old building to be completely closed. (Art. 1, Sec. 8)

Funds appropriated to the University of Minnesota include \$18 million toward the cost of replacing a veterinary isolation facility (which represents two-thirds of the total cost – the university is responsible for the estimated remaining \$9 million) and \$8.5 million for full funding of renovations to the university's Willmar-based poultry testing lab. (Art. 1, Sec. 2)

The Minnesota State Colleges and Universities system also receives funding for facilities improvements under the bill. They include \$18.8 million to St. Paul College for a health and science center addition and renovation of current space, \$7.7 million to Dakota County Technical College to equip classroom and lab space for transportation and emerging technologies programs and \$2.1 million to Anoka Technical College for automotive and manufacturing technology training spaces. (Art. 1, Sec. 3)

By law, MnSCU is to pay one-third of the debt service on bonds issued by the state for the projects funded.

### **Disaster relief**

The law appropriates \$25.5 million — \$13.4 million from the bond proceeds fund, \$11.3 million from the General Fund and \$800,000 from the state transportation bond proceeds account — for disaster relief needed because of severe storms and damaging flooding that occurred between June 11 and July 11, 2014 in a federally-declared disaster area (Art. 2, Secs. 1-9).

Projects included in the disaster appropriations include:

- \$10.6 million from the General Fund to the Board of Water and Soil Resources for an erosion, sediment and water quality control cost-share program;
- \$4.7 million from the bond proceeds fund to the Board of Water and Soil Resources for Reinvest in Minnesota conservation easements;
- \$4 million to the Department of Employment and Economic Development for the replacement of a Steele County public works building (this appropriation is related to an earlier disaster); and
- \$800,000 from the state transportation fund for local road and bridge reconstruction related to damage from last summer's storms.

Other key items included in the law appropriate:

- \$140 million in trunk highway bonds for trunk highway projects, primarily a Highway 53 reroute near Virginia (Art. 1, Sec. 10);
- \$23.6 million to the Department of Natural Resources for flood hazard mitigation projects (Art. 1, Sec. 4);
- \$19 million in state appropriation bonds to pay for the next phase of the Lewis and Clark Regional Water System project that includes completion of the pipeline to Magnolia, the extension of the project to the Pipestone Rural Water System connection point, and design, engineering and land acquisition for the project's final phase (Art. 3, Sec. 1);
- \$16.2 million to the Department of Transportation to complete four highway-rail grade separation projects (Art. 1, Sec. 10);
- \$10 million to the Public Facilities Authority for wastewater infrastructure funding (Art. 1, Sec. 4);
- \$8.9 million for local road improvement fund grants (Art. 1, Sec. 10);
- \$7.4 million to the Department of Transportation for local bridge replacement and rehabilitation (Art. 1, Sec. 10)
- \$1.2 million for replacement of the food processing facility at the Northeast Regional Corrections Center in Saginaw (Art. 1, Sec. 13); and
- \$500,000 to the Minnesota Historical Society for predesign of a facility at Fort Snelling (Art. 1, Sec. 16).

2015 Special Session: HF2\*/SF4/CH5

**Regular Session****Stopgap funding law did more than fill a financial hole**

A way to plug a financial hole for several state agencies during the 2015 fiscal year, became mired in debate when lawmakers used it as a vehicle to act out their frustrations over Gov. Mark Dayton's move to increase salaries of state agency heads in early 2015.

Sponsored by Rep. Jim Knoblach (R-St. Cloud) and Sen. Richard Cohen (DFL-St. Paul), the \$15.45 million deficiency law addresses a change to state law made two years ago by a DFL-controlled Legislature so the governor could pay commissioners up to 133 percent of his salary. Previous law capped the limit at 95 percent for most and 85 percent for a few.

The new law specified, the governor would be required to seek legislative approval for future agency head pay raises, effective July 2, 2015. Effective the day after enactment, the salaries would be frozen at the 2014 level. However, on July 1, 2015, only — the start of the new fiscal year — the governor could act on the raises without legislative consent.

**Deficiency spending**

The law also provided the following stop-gap funding:

- \$10.68 million to the Department of Human Services for the Minnesota Food Assistance Program (\$246,000) and the Minnesota Security Hospital in St. Peter (\$10.44 million);
- \$2.89 million to the Department of Health for costs of statewide Ebola activities and for grants to certain hospitals for Ebola-related expenditures;
- \$1.35 million for Minnesota Zoo operations; and
- \$568,000 to the natural resources for law enforcement.

HF264/SF174\*/CH3

**Business and Commerce - 2015****Regular Session****Craft brewers and microdistillers see portions of state's liquor laws loosened**

On Sundays, you can now order a Bloody Mary beginning at 8 a.m. and purchase whiskey at a small distiller and a growler at a small brewery.

Rep. Tim Sanders (R-Blaine) and Sen. James Metzen (DFL-South St. Paul) sponsor a new law that advocates say will help the state's growing craft beer and microdistillery businesses. The law is effective May 2, 2015.

Help for craft brewers, distillers

A brew pub holding a license from a municipality is now allowed to sell intoxicating liquor or 3.2 beer at a restaurant operated in the place of manufacture. It also has the ability to sell malt liquor produced and packaged on the licensed premises. However, a brew pub's total retail sales at on- or off-sale cannot exceed 3,500 barrels a year, provided that off-sales not total more than 500 barrels.

Micro distillers can be issued a license by the local licensing authority, and they can sell one 375-milliliter bottle per customer, per day of the product manufactured on-site.

Other provisions in the bill:

- effective upon local approval, Minneapolis can issue a liquor license for the Norway House, and liquor licenses will be allowed at Inver Wood Golf Course in Inver Grove Heights, Lester Park Golf Course in Duluth and Pebble Creek Golf Club in Becker;
- effective July 1, 2015; a valid instructional permit that includes a person's photograph and date of birth can be used as proof of legal age to purchase alcohol; and,
- a microbrewer is allowed to sell kegs of malt liquor to licensed wholesalers for distribution exclusively to retail licenses of the State Agricultural Society during the Minnesota State Fair.

The new law places a ban on the manufacture or sale of powdered alcohol until June 1, 2016. The provision calls for the director of the Public Safety Department's Division of Alcohol and Gambling Enforcement to research current laws to learn if the product could be adequately

enforced. Additionally, the commissioner will need to address whether there is a potential for greater abuse of, and addiction to, powdered alcohol as compared to malt liquor, wine and distilled spirits. Testimony with the findings would be required to the Legislature by Dec. 7, 2015.

HF1090/SF1238\*/CH9

## Business and Commerce - 2015

### Regular Session

# Worker's compensation procedures will change for the first time since 1993

When someone is hurt on the job, it generally is a catastrophic event that could require surgery and rehabilitation. These expenses are covered by workers' compensation, a type of insurance that all employers are required to purchase unless they become self-insured.

Sponsored by Rep. Tony Albright (R-Prior Lake) and Sen. Dan Sparks (DFL-Austin), a new law provides that hospitals and workers' compensation insurers will more closely align their payments to certain Medicare amounts. It also addresses charges that exceed \$175,000 and payment for treatment at Critical Access Hospitals, located in rural areas.

Additionally, the Department of Labor and Industry is required to conduct a study analyzing the impacts of the changes and report back to the Legislature by January 2018.

The law, most of which takes effect Jan. 1, 2016, is the result of attempts over the years to streamline procedures and lower costs. The Workers' Compensation Advisory Council put forward the provisions as they relate to patient hospitalization payments.

HF2193\*/SF2056/CH43

## Business and Commerce - 2015

### Regular Session

# Gambling changes become law without gov's signature

Despite reservations and without his signature, Gov. Mark Dayton allowed a provision to become law that halts the state lottery's ability to sell tickets through ATMs, gas pumps and online. In 2014, he vetoed the measure.

In a letter explaining his decision, Dayton wrote that he had vetoed last year's legislation because of his belief that the Minnesota State Lottery was trying to increase revenue by modernizing its operations. "I continue to believe limiting the Lottery's ability to continue these initiatives will result in less funding for education, transportation, parks, hunting and fishing programs, and programs to protect and preserve our environment. However, I note that the bill again passed both bodies of the legislature by overwhelming majorities."

Retailers who offer so-called play-at-the-pump state lottery tickets have seen sales increase by 3 percent on average during the couple of years the option has been available, according to a Minnesota Management & Budget analysis.

While bringing more money to state coffers and nonprofit organizations, critics question the social cost of making gambling more accessible. Additionally, some think the Minnesota State Lottery overstepped its powers by enacting play-at-the-pump without express authority from the Legislature.

Rep. Tim Sanders (R-Blaine), who sponsors the law with Sen. Lyle Koenen (DFL-Clara City), said the Legislature has always decided the direction gambling would take in the state, and that lottery officials made the move to offer the electronic options on their own.

Other gambling provisions in the law will:

- prohibit the lottery director from offering casino-style games;
- raise the threshold from 32 to 100 tickets for tipboard placards that must be signed by players;
- exempt hot-ball bingo prizes from the prize limit of \$200 for a single bingo game; and
- clarify that the prize for a progressive bingo game may start at an amount less than \$500.

The law is effective May 20, 2015, except for a provision requiring the state lottery director to suspend contracts relating to the sale of lottery tickets through self-service devices or through a website, which takes effect 130 days later.

HF374/SF229\*/CH45

#### **Business and Commerce - 2015**

##### **Regular Session**

## **Self-storage businesses will be allowed to sell content insurance**

People in transition many times use self-storage units for their belongings, but they may carry no homeowners or renters insurance to cover their contents.

Rep. Tim Sanders (R-Blaine) and Sen. Vicki Jensen (DFL-Owatonna) sponsor a new law that will allow self-storage agents to sell insurance to cover belongings stored at the facility.

The law, effective Aug. 1, 2015, requires the facility owner to file an application with the commissioner of commerce and notify the commissioner when they begin to sell self-service storage insurance at any location.

HF177\*/SF26/CH34

#### **Business and Commerce - 2015**

##### **Regular Session**

## **Clarity provided on foreclosure sale notification**

By law, an official public notice regarding mortgage foreclosure sales needs to be published in a newspaper of record.

But the law, as currently written, is ambiguous as to where the newspaper needs to be located, according to Rep. Tim O'Driscoll (R-Sartell), who sponsors the bill along with Sen. Ron Latz (DFL-St. Louis Park).

The law would bring some clarity by specifying that if a qualifying newspaper is not located in the county where the foreclosure sale is to be held, one in an adjacent county would meet the requirements.

"We had similar provisions back in the territorial days and that changed, and we want to go back to the good old days of the way we used to do it with the county newspaper," O'Driscoll previously told the House Commerce and Regulatory Reform Committee.

The law is effective July 1, 2015, and will apply to foreclosures in which the notice of pendency is recorded on or after that date.

CH14/HF953/SF1147\*

#### **Business and Commerce - 2015**

##### **Regular Session**

## **Annual DOLI bill updates labor licensing/bonding requirements**

The Department of Labor and Industry annually requests needed statutory changes for areas the department oversees.

This session's law is sponsored by Rep. Marion O'Neill (R-Maple Lake) and Sen. Dan Sparks (DFL-Austin).

Highlights of the law, which has various effective dates, include:

- changes to bond requirements for licensed contractors (Art. 1, Secs. 3, 8, 11, 15);
- establishment of review procedures for courses intended for licensees (Art. 1, Sec. 4);
- setting a time for review of the state building codes to every six years (Art. 1, Sec. 6);

- changing the definition of martial arts to recognize more disciplines (Art. 3, Secs. 3-14); and
- ratification of the Interstate Compact on Industrialized/Modular Buildings (Art. 5, Sec. 14).

HF1549/ SF1371\*/CH54

## **Business and Commerce - 2015**

### **Regular Session**

## **LLC law, effective in August, needs some clean-up language**

Last year, the Minnesota Revised Uniform Limited Liability Company Act significantly changed the state laws governing the formation and operation of limited liability companies.

Rep. Melissa Hortman (DFL-Brooklyn Park) and Sen. Melisa Franzen (DFL-Edina) sponsor a new law that would make technical corrections and various changes to both the Minnesota Business Corporation Act and the Minnesota Limited Liability Company Act to align these chapters with last year's new law before it takes effect in Aug. 1, 2015. The provisions in the 2015 new law have various effective dates.

There will be needed upgrades to the Office of the Secretary of State's computer programming to accommodate the conversion provisions at a cost estimated at \$7,000 in each of the next four fiscal years.

HF385\*/SF666/CH39

## **Business and Commerce - 2015**

### **Regular Session**

## **Two words changed to make for 'uniform' terminology**

The National Conference of Commissioners on Uniform State Laws was established in 1892 to research, draft and promote enactment of uniform state laws in areas of state law where uniformity is desirable and practical.

Rep. Dennis Smith (R-Maple Grove) and Sen. Richard Cohen (DFL-St. Paul) sponsor a new law that contains provisions put forward by the commission.

For example, the law will change the name of the Uniform Fraudulent Transfer Act to the Uniform Voidable Transaction Act, make some technical changes to language and clarify some terminology.

The law takes effect Aug. 1, 2015.

HF1342/SF1816\*/CH17

## **Business and Commerce - 2015**

### **Regular Session**

## **MNsure agent-of-record issues addressed**

There are some situations where it's not clear who the agent of record is for health policies obtained through MNsure — the state's health insurance exchange.

A new law will define "agent of record" and require health carriers to allow applicants or policy holders to change their agent of record. Additionally, MNsure will be permitted to allow a consumer to retroactively appoint a navigator or agent of record. The law takes effect Aug. 1, 2015.

Rep. Greg Davids (R-Preston), who sponsors the law with Sen. Vicki Jensen (DFL-Owatonna), said it addresses barriers for policy holders who want assistance from an agent and would ensure their ability to select their own agent of record.

HF1268/SF1265\*/CH58

**Business and Commerce - 2015****Regular Session****New law clarifies insurance issues with app-based trip request services**

Using their private vehicles, TNC drivers, with a special phone app, are able to be connected with riders registered with the service who are looking for a ride.

A new law, sponsored by Rep. Chris Swedzinski (R-Ghent) and Sen. Kari Dziedzic (DFL-Mpls), outlines insurance responsibility for the privately-owned vehicles, so riders can be assured there is appropriate insurance coverage.

The law, effective July 1, 2015, will require different levels of liability insurance depending on whether the driver is simply logged onto the app, or is providing a passenger with a ride. Additionally, whenever a driver is either logged onto the app or providing a passenger with a ride, the following coverages are required:

- basic economic loss benefits under the no-fault law; and
- uninsured and underinsured motorist coverage.

HF1783/ SF1679\*/CH48

**Civil Law - 2015****Regular Session****Anti-SLAPP law revised to improve shield against frivolous lawsuits**

People who report a crime or speak their minds in public now have more specific and focused protection from frivolous lawsuits.

The new law adds a list of activities shielded as “public participation” under the existing Anti-SLAPP (Strategic Lawsuit Against Public Participation) statute:

- seeking assistance from, or reporting suspected unlawful conduct to, law enforcement;
- speaking before a zoning board regarding a real estate development project;
- communicating with an elected official concerning a change in law;
- demonstrating peacefully for or against a government action; and
- filing a complaint with a government entity regarding safety, sexual harassment, civil rights, or equal employment rights.

The new law repeals a separate section of statute that similarly provided immunity for those seeking help from or making a report to police. It also requires the anti-SLAPP statute be construed liberally and provides that anti-SLAPP protections don't exempt individuals from other laws obliging confidentiality.

Rep. Kathy Lohmer (R-Stillwater) and Sen. Karin Housley (R-St. Marys Point) are the sponsors.

The law effective May 20, 2015 applies to judicial claims pending or commenced on or after that date.

HF906/SF1025\*/CH49

**Civil Law - 2015****Regular Session****Bonds now optional for conservators of vulnerable adults' and minors' estates**

A new law gives judges more discretion in how they safeguard the assets of minors and vulnerable adults.

The law creates an exception to an existing provision that judges must require a bond from conservators of estates that have a value of \$10,000 or more. Judges may now instead allow



the conservator to block access to certain assets of the estate.

In another change, joint conservators may unite in posting a bond, or post separate bonds.

When judges do require a bond, new language states that it should be "in an amount that the court determines is necessary to reasonably protect the protected person's assets."

Rep. Paul Anderson (R-Starbuck) and Sen. Torrey Westrom (R-Elbow Lake) sponsor the law, effective May 2, 2015. It applies to conservators who judges appoint, and conservatorships that judges review, on or after that date.

HF239\*/SF283/CH11

## Civil Law - 2015

### Regular Session

## All divorcing couples now get certificates

A new law, effective Aug. 1, 2015, will make a simple certificate mandatory when a marriage is dissolved. That changes previous statute, which provided for a certificate if a court or one of the parties to the divorce wanted one.

A certificate of marriage dissolution will no longer contain the Social Security numbers of the parties to the dissolution or the names and Social Security numbers of any living minor or dependent children. It will contain the former and new name of any party to the dissolution who is granted a name change.

The sponsors are Rep. John Persell (DFL-Bemidji) and Senate President Sandy Pappas (DFL-St. Paul).

HF1357\*/SF1539/CH57

## Civil Law - 2015

### Regular Session

## Families can object on religious grounds to optional autopsies

Families will be able to raise objections to autopsies on religious grounds.

An existing statute lists 24 kinds of deaths – from homicide to stillbirth – that must be reported to a coroner or medical examiner for possible investigation that could include an autopsy. It's a non-exclusive list; some other sudden or unexpected deaths are also "reportable."

The new law, effective Aug. 1, 2015, and sponsored by Rep. Steve Green (R-Fosston) and Sen. Tony Lourey (DFL-Kerrick), introduces several new steps in the process of investigating a death after that point.

Within 24 hours of the discovery of a death, coroners or medical examiners must make a good-faith effort to inform a "representative of the decedent" about their intent to perform an autopsy, and about the representative's right to object based on religious beliefs. They must keep a record of verbal communications with representatives. A district court can waive the 24-hour period if a delay would threaten public health or make the autopsy less accurate.

If the coroner or medical examiner can't find a representative, or the representative has no objection, the autopsy may proceed.

On the other hand, if a representative objects to the autopsy on religious grounds, a coroner or medical director who wants to perform an autopsy must determine whether there is a "compelling state interest."

The new law defines that term with a list of 13 factors or circumstances of death ranging from "associated with a police action" to "the body is unidentified." If the death meets the definition of compelling state interest by any one of those 13 reasons, the autopsy may proceed.

In a case that draws a religious objection but does not meet any of the listed criteria for a compelling state interest, a coroner or medical director who believes there is another reason for a compelling state interest may ask a district court for an order authorizing an autopsy.

The coroner or medical examiner may ask the representative of the person who died for an affidavit stating:

- the representative's relationship to the person who died;
- any religious affiliation of the person who died;
- that the person who died had a religious objection to autopsy, and the basis for that belief; and
- that the representative will assume responsibility for the body of the deceased.

Evidence submitted to the district court is under seal, unless the court grants an exception. The proceeding is conducted summarily, with a prompt decision by the court.

If the court denies the petition without a stay, the coroner or medical director must release the body immediately.

If the court finds that evidence submitted by the coroner or medical director demonstrates a necessity for an autopsy outweighing the state's interest in observing the dead person's religious beliefs, the autopsy may proceed – but the coroner or medical examiner must use the least intrusive procedure consistent with the state's need for the autopsy.

HF1935/SF1694\*/CH60

## Civil Law - 2015

### Regular Session

## New law puts limits on license plate readers

A contentious issue involving privacy and police reached a point of resolution with a new law on automated license plate readers (ALPRs).

It's the first Minnesota law regulating use of the devices, which several local law enforcement agencies have been using for some time. A temporary rule classifying the data they gather as private or nonpublic is set to expire on Aug. 1, 2015 — the same day the new law will take effect, continuing that classification.

A key provision of the law, sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Ron Latz (DFL-St. Louis Park), will require agencies to destroy ALPR data not related to an active criminal investigation after 60 days. Privacy advocates, including Rep. Peggy Scott (R-Andover), wanted immediate destruction of the data or "zero retention," while law enforcement representatives argued for 90 days or more.

Law enforcement agencies holding ALPR data on Aug. 1, 2015, will be required to destroy it within 15 days.

What are automated license plate readers?

ALPRs are electronic devices that photograph or otherwise record data on vehicles and license plates. Police mount the devices on their vehicles or position them in stationary locations.

When operated by law enforcement agencies, the devices compare those images and data to existing databases for investigative purposes. The most commonly cited use is comparing the recorded license plates to plate numbers associated with people who have outstanding arrest warrants. That kind of match and others, such as to stolen vehicles or plates, or to a vehicle owner with a suspended or revoked driver's license, are often called "hits."

### Restrictions on use

The new law limits the data that ALPRs may gather to:

- vehicle license plate numbers;
- date, time and location data on vehicles; and
- pictures of license plates, vehicles and areas around vehicles.

Police will be able to match the data they gather with ALPRs only to the Minnesota license plate data file, unless they need to access additional databases in the course of an active criminal investigation. The law will prohibit a statewide database of ALPR data.

Police will only be able to use ALPRs to monitor or track a person who is the subject of an active criminal investigation if they first seek and obtain a warrant from a judge, with probable cause as the standard.

One exception is that in exigent, or emergency, circumstances police will be able to track a person with ALPRs without first obtaining a warrant. A commonly used example of such a

circumstance is the kidnapping of a child.

### **Exceptions to 60 days**

The law allows police to keep ALPR “hits” and “non-hits” alike for 60 days, but it also includes a couple exceptions.

Police will be required preserve the data beyond 60 days whenever a person who is the subject of criminal charges or complaints asks them to preserve the data because it might exonerate him or her.

Police will have to destroy the data earlier than 60 days if a participant in the Safe at Home address-confidentiality program requests it.

Law enforcement agencies will have to follow their established data-retention schedules for ALPR data that is related to an inactive criminal investigation.

### **Limits on access**

The law will require law enforcement agencies to restrict access to the ALPR data they collect. Only personnel who receive written authority from an agency head will have access — and then only for “a legitimate, specified, and documented law enforcement purpose” when they have “a reasonable suspicion that the data are pertinent to an active criminal investigation.”

Access will also be subject to standard data-practices procedures such as notifications about security breaches, as well as each agency’s own policies and procedures, including a written policy on ALPRs that the law will require each agency using the devices to create and adopt no later than Jan. 15, 2016.

Other law enforcement agencies seeking access will have to meet the same standards and comply with the same restrictions. The law will prohibit sharing data with any other entities.

### **Audit trail**

A number of provisions outline the audit trail and public records that law enforcement agencies will be required to keep regarding their use of ALPR data.

The law will require an independent audit every two years of each agency’s compliance with provisions on ALPR data classification, destruction and access.

Agencies will have to:

- include in public arrest records that they used ALPR data as part of the arrest;
- list in public data all electronic-recording technology they maintain; and
- keep a public log of their use of ALPRs.

Their public logs will have to include the time of day the agencies used the devices, the number of vehicles or license plates they recorded, the number of “hits” they recorded, and the locations of stationary ALPRs.

Law enforcement agencies will also be required to notify the Bureau of Criminal Apprehension within 10 days of any ALPR use, along with the location of any stationary ALPR. The law will require the BCA, in turn, to maintain on its website a public list of agencies using ALPRs, including stationary locations.

The agency or BCA may keep its use of ALPRs or the location of stationary out of the public record but a judge may be asked to review if the information meets the standard of “security data.”

HF222/SF86\*/CH67

## **Civil Law - 2015**

### **Regular Session**

## **MNow it’s easier to cancel a contract for deed**

Minnesota will no longer require a costly petition when owners of Torrens property wish to cancel a contract for deed.

As long as the contract for deed is five or more years old, a new law will allow such property owners to file a letter to the examiner of titles instead.

The sponsors are Rep. Dennis Smith (R-Maple Grove) and Sen. Dave Thompson (R-Lakeville).

Other provisions of the law will loosen rules on the types of evidence of title, besides abstracts, that local governments may use in platting land. In addition, the law changes how estate taxes are allocated to estates with qualified terminable interest property (QTIP) when the will or trust does not specify which heirs pay. Under the law, QTIP interests will be responsible for estate taxes according to the amount they contribute to the taxable estate.

The property tax provisions take effect Aug. 1, 2015. The estate tax provision is effective in the case of people who die after Dec. 31, 2015.

HF262/SF72\*/CH32

#### Civil Law - 2015

##### Regular Session

## Counties can go after non-resident debtors in their own courts

If you owe money to a county, you will not have to live there to get sued there.

Under a new law, counties may seek to recover debts from non-residents in their own conciliation courts.

It adds "debts owed to the county" to a short list of kinds of debt (including student loans, rent and bad checks) for which a county may take legal action against non-residents in the county's own courts.

The new law takes effect Aug. 1, 2015.

The sponsors are Rep. Dennis Smith (R-Maple Grove) and Sen. Matt Schmit (DFL-Red Wing).

HF1770\*/SF440/CH27

#### Civil Law - 2015

##### Regular Session

## Family-law reforms come after two years of consensus building

A process set in motion by Gov. Mark Dayton's pocket veto four years ago reached a successful conclusion this session with his signature enacting a suite of reforms to family law.

After his veto in 2011, Dayton asked both sides battling over contentious questions involving children and divorce to work together. The result was a child custody dialogue group that worked for more than two years to come to consensus on reform legislation.

Effective Aug. 1, 2015, the law:

- clarifies how either parent may take the child income tax dependency exemption;
- integrates parenting rights that previously took the form of a separate appendix into the body of a court order,
- lets judges set interest rates for certain awards in family law actions;
- revises the child's best interest standards for custody decisions;
- clarifies that 25 percent is a presumed minimum amount of parenting time in a child support determination; and
- makes a variety of changes to laws concerning custody and visitation as they apply to parents who are deployed with the armed services.

The law incorporates language from five bills: HF446 and HF464, sponsored by Rep. Tim Mahoney (DFL-St. Paul); HF465 and HF518, sponsored by Rep. Peggy Scott (R-Andover); and HF260, sponsored by Rep. John Lesch (DFL-St. Paul).

The law is sponsored by Scott and Sen. Scott Newman (R-Hutchinson).

READ HOUSE RESEARCH DEPARTMENT [CHAPTER SUMMARY](#)

HF465/SF1191\* /CH30

**Consumers - 2015****Regular Session****Raffles' aim would be to help more people save money**

In an effort to increase the practice of savings, credit unions and banks will be allowed to offer raffle participation to their customers.

Rep. Jenifer Loon (R-Eden Prairie) and Sen. Vicki Jensen (DFL-Owatonna) sponsor the law that takes effect Aug. 1, 2015.

"Our savings institutions would be allowed to offer to folks when they put some money into their own savings account that their names would be put into drawings, and they could win something. It is an incentive for people to save money," Loon said.

HF1127\*/SF1043/CH29

**Consumers - 2015****Regular Session****Four chemicals banned from furniture, children's products**

Manufacturers and sellers of children's products and upholstered residential furniture have three years to stop using four chemicals as flame-retardants.

Effective July 1, 2018, the following chemicals will be banned:

- TDCPP (tris(1,3-dichloro-2-propyl)phosphate)
- decabromodiphenyl ether
- hexabromocyclododecane
- TCEP (tris(2-chloroethyl)phosphate)

The law, sponsored by Rep. Jeff Howe (R-Rockville) and Sen. John Marty (DFL-Roseville), also bans components of children's products and upholstered residential furniture from containing the chemicals on or after July 1, 2019.

In each case, the ban limits the allowable concentration of the chemicals to 1,000 parts per million.

Previously owned products will be exempt.

Manufacturers may not replace the banned chemicals with other chemicals that are known or suspected of:

- harming the normal development of a fetus or child or cause other developmental toxicity;
- causing cancer, genetic damage or reproductive harm;
- disrupting the endocrine or hormone system; or
- damaging the nervous system, immune system, or organs or cause other systemic toxicity.

A deadline in the law that looms much sooner is Jan. 15, 2016 — the date by which the commissioner of health, working with the state fire marshal, must submit a report to the Legislature on flame retardant chemicals.

The study will cover:

- federal, international and other state laws on flame retardants in upholstered furniture, mattresses and carpet pads;
- fire safety standards and practices in residential settings;
- other studies on any link between the four flame retardants named in this law and negative effects on firefighters; and

- information about input from state agencies, manufacturers, firefighters, public health experts and independent scientists.

HF1100/SF1215\*/CH62

#### Consumers - 2015

##### Regular Session

## Homeowners can get 'payoff number' for halting foreclosure

You can now find out how much you need to pay the holder of your mortgage to get your home out of foreclosure.

Effective May 2, 2015, a mortgage holder will be required to tell a homeowner the payoff number (also called a redemption amount) within three days of receiving the homeowner's request. To reinstate the mortgage, the homeowner will then have to pay that amount within seven days or by the foreclosure sale if it takes place earlier.

Another part of the new law, effective Aug. 1, 2015, provides that a foreclosure by advertisement remains valid even in the case of an untimely or improperly mailed notice of postponement.

Under a third provision, the new law clarifies that homeowners who have succeeded in getting a postponement on a foreclosure sale do not have that postponement period counted against the statutory redemption period if the same property is foreclosed on again.

That part of the new law is effective May 2, 2015, and covers mortgages executed before, on or after that date.

The new law's sponsors are Rep. Tim O'Driscoll (R-Sartell) and Sen. Dan Sparks (DFL-Austin).

HF1472/SF1444\*/CH13

#### Consumers - 2015

##### Regular Session

## More transparency called for on hospital financial aid policies

The IRS has recently enacted rules requiring nonprofit hospitals to tell patients of any financial assistance policy they may have before they undertake extraordinary collection efforts. However, there is no recourse in the state for a patient who thinks they were harmed by violation of these rules.

Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Kevin Dahle (DFL-Northfield) sponsor a new law that will provide some ability for patients caught in this situation.

The law, effective Jan. 1, 2016, will allow a patient to bring an action against a hospital which used extraordinary collection efforts and has not provided, in plain language, a summary of their financial assistance policy.

HF1647/SF1741\*/CH20

#### Consumers - 2015

##### Regular Session

## New law allows more time for bingo in nursing homes

Rep. Joe Atkins (DFL-Inver Grove Heights) noted that probably the most important provision of a law that he sponsors with Sen. Bev Scalze (DFL-Little Canada) is that it "allows for extended hours for bingo in nursing homes."

A new law, effective July 1, 2015, will clarify and simplify statutes related to gambling, including bar bingo; gambling equipment; merged gambling organizations; license suspensions; off-site permits; and expenditure reporting; and progressive bingo.

The law will:

- clarify licensing for organizations sponsoring gambling events;
- modify the definition of "gambling equipment" to add software and programs that support electronic pull-tabs and electronic bingo games;
- permit the prize for a progressive linked bingo game to start at any amount up to \$500, and that it can be increased by up to \$100 for each game or occasion;
- modify the locations where bar bingo can be conducted lawfully; and
- permit nursing homes, senior citizen housing projects or senior citizen organizations to conduct bingo more than two times each week.
- prevents two or more exempted organizations from conducting a raffle together, combining raffle tickets, or selling raffle tickets together.

HF948/SF634\*/CH52

## Education - 2015

### First Special Session

## Gov. Dayton signs education \$17 billion education spending bill

A \$17.23 billion education spending plan materialized out of a special session agreement among the House and Senate leaders and Gov. Mark Dayton.

Rep. Jenifer Loon (R-Eden Prairie) and Sen. Chuck Wiger (DFL-Maplewood) sponsor the law, which increases spending on K-12 and early learning programs by \$525 million over the next two fiscal years.

The bulk of new spending in the law – \$346.31 million – is dedicated to a per-pupil formula increase of 2 percent in Fiscal Year 2016 and an additional 2 percent in Fiscal Year 2017 and later. Those additional investments bring per-pupil funding from \$5,831 in 2015 to \$6,067 by 2017. (Art. 1, Sec. 6)

Fiscal provisions of the law are effective July 1, 2015, unless otherwise stated.

### New dollars for existing Pre-K programs

The law includes more than \$95 million in additional funding for several existing prekindergarten and early learning programs that target children from low-income families. Those pre-K initiatives receiving a boost include:

- \$48.3 million increase to the Early Learning Scholarship program;
- \$30.8 million increase to School Readiness program;
- \$10 million increase for Head Start;
- \$3.5 million increase for Parent Aware, the state's recently developed rating system for participating early learning child care providers;
- \$2.8 million increase for Early Childhood and Family Education programs; and
- \$200,000 increase for a parent-child home visiting program. (Art. 9, Sec. 8)

### More aid for American Indian students

An additional \$12.5 million is invested in American Indian education funding, along with a major change in how that funding is allocated to more than 19,000 American Indian students across the state. "Success For the Future," an existing grant-based program is phased out, and replaced by a formula-based aid system, a change recommended by a Department of Education-appointed American Indian education working group had recommended. (Art. 2, Secs. 57, 70)

Also, four tribal contract schools — which primarily receive funding from the federal Bureau of Indian Education — will receive \$5 million in additional state support over the next two fiscal years. (Art. 2, Secs. 58, 70)

Other fiscal aspects of the bill include:

- \$31.9 million increase in long-term facilities maintenance aid; (Art. 6, Sec. 4)

- \$9.5 million increase to the Q Comp program that gives schools funding to award teachers for performance; (Art. 2, Sec. 35)
- \$4.3 million increase to the English Language Learner program. This allows the program to extend from six to seven year the length of eligibility from six to seven years for students to receive aid; (Art. 1, Sec. 4)
- \$4 million increase to fund high school concurrent enrollment programs; (Art. 2, Sec. 69)
- \$3.5 million new additional funding for the Minnesota Reading Corps program; (Art. 2, Sec. 69)
- \$2.4 million increase for extended support programs in public schools; (Art. 1, Sec. 7)
- \$2 million increase for extended support programs in charter schools. (Art. 1, Sec. 1) and
- \$2 million increase in state support to each of the federally-funded "Promise Neighborhood" programs in Minneapolis and St. Paul. (Art. 10, Sec. 3)

### Policy Provisions

The law includes several provisions to streamline the teacher licensure process for out-of-state applicants. The enactment date for these section varies. (Art. 2, Secs. 9, 14, 15, 17-18, 20-22)

Several provisions, effective June 14, 2015, focus on reforming standardized testing in schools and expanding opportunities for students to earn college credits while in high school – via concurrent enrollment and post-secondary enrollment options programs beginning in the 2015-16 school year. (Art. 2, Sec. 39; Art. 3, Secs. 12-13)

Other policy provisions, effective June 14, 2015, unless otherwise noted, include:

- Prohibits school administrators from placing a student for two consecutive school years in the classroom of a teacher who is in the improvement process or had not had a summative evaluation unless no other teacher at the school teaches that grade or subject area; (Art. 2, Secs. 23, 25)
- repeals a 2014 law requiring students to take a college entrance exam in order to graduate from high school. This change applies to students entering eighth grade in the 2012-13 school year and later; (Art. 3, Sec. 1)
- limits the time students spend on standardized tests to 10 hours per school year for grades 1 through 6 and to 11 hours for grades 7 thru 12; (Art. 3, Sec. 12)
- effective for the 2015-16 school year, requires all institutions in the Minnesota State Colleges and Universities system to give full credit to a student enrolling in any MnSCU institution who, as a high school PSEO student, completed a PSEO course or program for postsecondary credit that is part or all of a goal area or transfer curriculum at a MnSCU institution; (Art. 2, Sec. 43)
- allows a school district that has a four-day week plan during the current school year to continue with a four-day week through the 2019-2020 school year. Requires the education commissioner to give a year's notice before revoking approval of a district's flexible learning year program; (Art. 1, Sec. 2)
- requires the Department of Education, when public reporting student's test results, to include data on student homelessness in demographic factors that strongly correlate with student performance. (Art. 2, Secs. 6-8)
- allows school districts to begin the 2015-2016 school year on Sept. 1; (Art. 2, Sec. 67) and
- beginning with the upcoming school year and subject to district approval, allows agricultural science and career and technical education credits to fulfill graduation requirements in science; computer science credit to fulfill a mathematics graduation requirement; and 'Project Lead the Way' credit to fulfill a science or mathematics credit. (Art. 3, Sec. 4)

2015 Special Session: HF1\*/SF3/CH3

### Elections - 2015

#### Regular Session

## Dozens of tweaks made to state election policies

Dozens of tweaks to the way Minnesota manages its contests for public office are part of a new law.



Sponsored by Rep. Tim Sanders (R-Blaine) and Sen. Katie Sieben (DFL-Newport), the omnibus elections policy law contains dozens of largely technical changes to statutes that govern things like absentee balloting, recounts, voter registration and election administration.

Key provisions in the law include a measure that removes a requirement of county attorneys to automatically proceed with prosecutions of alleged voter fraud if a complaint or evidence is brought forward. Effective May 23, 2015, county attorneys are allowed to proceed with investigations and prosecutions according to normal standards regarding the functions and duties of a county attorney (Art. 1, Sec. 10).

Local officials will also have more control over the fees candidates will pay to file for office, effective Aug. 1, 2015. Home rule charter or statutory cities will be permitted to adopt, by ordinance, filing fees different from those laid out in state statutes but not to exceed \$80 in cities of the first class, \$40 in cities of the second and third classes and \$15 in fourth-class cities. Home rule charter cities that set filing fees through authority granted in that city's charter won't be subject to the fee limits. (Art. 1, Sec. 49)

Other notable provisions included in the law (effective Aug. 1, 2015, unless noted):

- allow children of residents living permanently overseas to vote in federal elections in Minnesota if a parent resided in the state prior to leaving the country (Art. 1, Secs. 17-19);
- update language relating to voting booths and ballot marking procedure (Art. 1, Secs. 27-30; 35-41);
- allow absentee voters to return their own ballot, in person, on Election Day (Art. 1, Sec. 13);
- clarify that the existing right of voters to take time off from work to cast a ballot extends to all regularly scheduled elections, including local contests (Art. 1, Sec. 34);
- prohibit townships from holding special elections on the date of a town's annual meeting (Art. 1, Sec. 50);
- effective May 23, 2015, changes policy governing vacancies in contests for partisan office by not opening a new filing period if a candidate withdraws during the 48-hour withdrawal period after filing for office (Art. 1, Sec. 21);
- provide that signatures provided on a petition for major and minor political party status must have been obtained no earlier than Jan. 1 of the year the petition is submitted (Art. 1, Secs. 4-5);
- prohibit someone who lives with, either permanently or temporarily, any candidate on the ballot in that election to serve as an election judge (Art. 1, Sec. 25);
- permit high school students to serve as trainee election judges in any county adjacent to their home county, not just the county in which they live (Art. 1, Sec. 26);
- include Minnesota National Guard members under special voting procedures for members of the military and other citizens residing overseas (Art. 1, Sec. 11);
- effective May 23, 2015, establish a task force to study preparations for potential emergencies prior to an Election Day and report back to the Legislature by Jan. 1, 2016 (Art. 1, Sec. 61); and
- conform technical aspects of existing election law to statute requiring Minnesota's presidential electors to the Electoral College to cast their vote for president and vice-president for the candidates to whom they are pledged (Art. 2, Secs. 1-13).

The law also provides a more specific deadline for candidates to make a written request for a publicly funded recount in a federal or state election. Previously, state statute required a request be made within 48 hours of the election results being canvassed; the law creates a deadline of 5 p.m. on the second day after the results are canvassed (Art. 1, Sec. 44).

Additional procedures are added to clarify procedures for discretionary candidate recounts requested by candidates in local, state and federal races. The law specifies that a recount of a primary election is not to delay the delivery of a notice of nomination to a winning candidate, and that the results of any recount must be made official by the canvassing board "as soon as possible." (Art. 1, Sec. 43, 45)

HF840/SF455\*/CH70

**Elections - 2015**

**Regular Session**

## Modifications to campaign finance standards in new law

Modified fees for late filing, the exemption of some small items from disclaimer requirements and modified investigation procedures are part of the omnibus campaign finance policy law.

Sponsored by Rep. Tim Sanders (R-Blaine) and Sen. Jim Carlson (DFL-Eagan) and effective May 23, 2015, the law makes a number of tweaks to state campaign finance law, including changes to what campaign materials must contain a disclaimer indicating who prepared or disseminated the literature. The law exempts from the disclaimer requirement the following campaign items:

- bumper stickers, pins, buttons, pens or other small items on which the disclaimer can't be conveniently printed;
- skywriting, apparel or other advertising where inclusion of the disclaimer is considered impracticable; and
- online banner ads and similar digital advertisements that link directly to a Web page that includes the required disclaimer. (Sec. 22)

Another change will impact deadlines and late fees for disclosure filings for lobbyists and paid representation. The law eliminates a 10-day filing grace period for lobbyists and public officials representing certain clients, and increases the fee for registering late to \$25 per day, with a maximum of \$1,000. Treasurers of political committees, political funds, principal campaign committees and party units will also see penalties for failure to file on time increase to \$25 per day, up to \$1,000 maximum, and a 10-day grace period is eliminated (Secs. 2-3, 8).

Other provisions of the law include:

- a new trigger date for requiring the registration of a political committee, mandating that both the registration documentation and accompanying report need to be filed by the report due date if the \$750 reporting threshold is met (Sec. 6);
- independent expenditure or ballot question political committees and funds must register by the earliest of three dates and a new triggering date that requires both registration and report to be filed by the report due date if the \$750 threshold is met (Sec. 7);
- an increase in the individual contribution limit to a candidate for judicial office to \$2,500 in the non-election segment of the election cycle (Sec. 14);
- addition of political committees, political funds and party units to an existing exception that allows certain entities to contribute more than \$100 to a charity if the committee dissolves within one year after the contribution (Sec. 23); and
- the requirement that costs of complaints related to statewide ballot questions or elections for statewide or legislative offices be paid from appropriations to the Office of Administrative Hearings, rather than from the state's elections campaign funds. The change brings the payment procedure for those types of complaints in line with standards for other fair campaign practices complaints (Sec. 25).

The law also modifies standards for Campaign Finance Board investigation procedures related to when the board receives a complaint. The board is now required to issue findings within 60 days after determining there is probable cause of a violation; formerly, the board was required to issue findings within 60 days of a complaint being filed. Individuals and groups related to a complaint are now also required to preserve evidence once they have been notified of an ongoing investigation (Sec. 1).

HF337/SF205\*/CH70

### Environment and Natural Resources - 2015

#### Regular Session

## LCCMR appropriations approved for Fiscal Year 2016

More than \$46 million in appropriations to protect, conserve, preserve and enhance the state's natural resources are provided in a new law that takes effect July 1, 2015.

Sponsored by Rep. Paul Torkelson (R-Hanska) and Sen. Kari Dziedzic (DFL-Mpls), the law allocates money based on recommendations made by the Legislative-Citizen Commission on Minnesota Resources for expenditures from the Environment and Natural Resources Trust Fund. This fund was established through a constitutional amendment approved by voters in 1988 to direct proceeds from the state lottery and investment income to benefit natural resources.

The appropriations are divided into nine general categories:

- Land Acquisition for Habitat and Recreation – \$14.19 million
- Foundational Natural Resource Data – \$12.93 million
- Aquatic and Terrestrial Invasive Species – \$6.07 million
- Methods to Protect, Restore, and Enhance Land, Water, and Habitat - \$4.64 million
- Water Resources – \$3.06 million
- Air Quality, Climate Change, and Renewable Energy - \$2.26 million
- Administration and Contract Agreement Reimbursement – \$1.20 million
- Environmental Education – \$1.004 million
- Emerging Issues Account – \$1 million

The law also implements a few policy changes, including a modification of the process used to evaluate research proposals that come before the LCCMR.

In the past, a peer review panel was used to evaluate each proposal before it could receive an appropriation. The review panel requirement has now been eliminated and replaced by “reviewers” who are knowledgeable in general research methods in areas of environment and natural resources.

Another change allows the LCCMR to choose to appoint a technical advisory committee to review funding proposals and evaluate project outcomes. In the past, the law required the use of this technical advisory committee.

HF390/SF698\*/CH76

## **Environment and Natural Resources - 2015**

### **Regular Session**

## **Sale of certain state lands authorized**

The Department of Natural Resources can meet its conservation mission after a new law effective May 15, 2015, authorizes the sale of certain state lands and the sale and conveyance of some tax-forfeited lands.

Sponsored by Rep. David Dill (DFL-Crane Lake) and Sen. Founj Hawj (DFL-St. Paul), the new law also allows St. Louis County to add county fee land to certain lots offered for sale to permit conformance with zoning requirements or when the county board determines that to be in the best interest of the county.

HF1429/SF1406\*/CH25

## **Environment and Natural Resources - 2015**

### **First Special Session**

## **Environment, agriculture law allocates \$900 million for next biennium**

More than \$900 million in biennial appropriations for the environment and agriculture are included in a new law that funds dozens of programs and government agencies around the state for Fiscal Years 2016 and 2017.

Sponsored by Rep. Denny McNamara (R-Hastings) and David Tomassoni (DFL-Chisholm), the omnibus environment, natural resources and agriculture policy and finance law addresses a number of important issues with policy changes and appropriations that have various effective dates.

The environment and natural resources appropriations for the biennium, by state agency, are:

- Department of Natural Resources – \$525.9 million
- Pollution Control Agency – \$186.9 million
- Department of Agriculture – \$87 million

- Board of Water and Soil Resources – \$26.7 million
- Met Council – \$17.5 million
- Minnesota Zoo Board – \$16.8 million
- Science Museum – \$2.15 million
- Conservation Corps – \$1.89 million
- Administration – \$600,000

One of the most notable provisions of the law are new guidelines for buffers on riparian lands. They mandate a 16.5-foot wide buffer of perennial vegetation on all public ditches by November 2018. Landowners found in violation will have 11 months to correct the issue before being subject to a \$500 fine. Counties and municipalities will be required to ensure public shore lands have an average buffer of 50 feet by November 2017. (Art. 4, Secs. 72, 79)

Another provision repeals a law, set to take effect in July 2015, which would have required boaters to display a trailer decal certifying they've taken an education course teaching best practices to stop the spread of aquatic invasive species. Instead, new language is to be added to applications for all watercraft and nonresident fishing licenses asking applicants to affirm they profess awareness of invasive species prevention. (Art. 4, Secs. 19, 26, 30, 39, 71)

### **Avian flu**

The new law funds the activities needed to respond to the avian influenza outbreak. The Agriculture Department receives \$3.62 million, the Board of Animal Health \$1.85 million and the Department of Health \$103,000 for this purpose. The DNR will receive \$350,000 for detection and monitoring of the virus in wild animals and the Department of Public Safety will receive \$544,000 to operate the State Emergency Operations Center in coordination with the response.

There is also a provision that requires \$4.4 million to be transferred from the closing balance in the General Fund to the Disaster Assistance Contingency Account for avian response activities. Another provision appropriates \$2 million to the University of Minnesota to research the causes of avian flu, and how to prevent it, and there is a \$10 million appropriation for revolving loans that those impacted by avian flu can draw from as they work to recover from the outbreak. (Art. 1, Secs. 2, 5)

Other provisions in the law will:

- eliminate the nine-member Pollution Control Agency's Citizens' Board that had authority to make environmental permitting decisions; (Art. 4, Secs. 114-117)
- direct the PCA to call for and provide certain information when external peer review is used when changes to certain water quality standards are proposed or state the reason such a panel will not be convened; (Art. 4, Sec. 100)
- require the PCA to defer enforcement of minor environmental violations for at least 60 days if the regulated entity notifies the agency within two business days of the violation coming to its attention; (Art. 4, Sec. 99)
- require the PCA and DNR to provide notification by certified mail at least 14 days before ordering preparation of a discretionary environmental impact statement or discretionary environmental assessment worksheet; (Art. 4, Sec. 122)
- create new stewardship accounts to cover the costs of managing conservation easements held by the DNR and the State Board of Investment Board of Water and Soil Resources; (Art. 4, Sec. 5)
- provide a mechanism to extinguish the school trust interest in lands that are not generating long-term economic return; (Art. 4, Sec. 65)
- establish a grant program promoting more recycling in rural parts of the state by awarding grants for recycling efforts in cities and townships outside the seven-county metro area with a population of less than 45,000; (Art. 4, Sec. 110)
- obtain cost estimates for augmenting water levels in White Bear Lake; (Art. 3, Sec. 3)
- allow ATV riders between the ages of 12 to 15 to ride on public roads or streets to access a business in counties or cities with ordinances permitting that; (Art. 4, Sec. 17)
- create a framework to begin a pilot project studying industrial hemp as an agricultural crop; (Art. 2, Sec. 46)

- change the income limit for home cooks and gardeners who sell their products to the public from \$5,000 to \$18,000; (Art. 2, Sec. 53)
- create three new production-based bioenergy grant programs, to be administered by the department, to encourage advanced biofuel, renewable chemical and biomass thermal production; (Art. 2, Secs. 57-61)
- form an Agriculture, Research, Education, Extension, and Technology Transfer grant program to award projects that help Minnesota achieve long-term agricultural productivity; (Art. 2, Sec. 56)
- start a new loan program to help farmers add value to crop or livestock, improve efficiency, achieve environmental improvements and increase on-farm energy production; (Art. 2, Secs. 76-77)
- create a pilot program at the Northeast Regional Corrections Center to train inmates for careers as butchers upon release; (Art. 2, Sec. 84) and
- work to identify emerging opportunities for agriculture producers and processors in Cuba (Art. 1, Sec. 2).

2015 Special Session: HF4/SF5\*/CH4

## Environment and Natural Resources - 2015

### First Special Session

## Omnibus legacy law distributes \$540 million to benefit natural and cultural resources

The omnibus legacy law is sponsored by Rep. Dean Urdahl (R-Grove City) and Sen. Richard Cohen (DFL-St. Paul), and will appropriate \$540 million in the following manner:

- Clean Water Fund: \$228.3 million
- Arts & Cultural Heritage Fund: \$124.8 million
- Outdoor Heritage Fund: \$97.2 million
- Parks & Trails Fund: \$89.3 million

Those funds were created by the Clean Water, Land and Legacy Amendment in 2008 to benefit the environment, arts, parks, trails and other state resources.

The appropriations and policy provisions in the law have various effective dates.

Among the appropriations is money to fund new riparian buffer initiatives meant to reduce water pollution around the state. The law appropriates \$11 million each year of the biennium to give each of Minnesota's 89 Soil and Water Conservation District's a \$100,000 per year increase in its base funding. The remaining money would be available for matching grants based on county allocations to the SWCD's. (Art. 2, Sec. 7)

Another provision calls for a study of alternatives to the current payment-in-lieu of taxes system for reimbursing counties for lost tax revenue when the state purchases land in their jurisdiction. The study must include examination of a trust-fund approach that would create accounts counties could use to pay for the ongoing costs associated with those land acquisitions. (Art. 1, Sec. 10)

There is also a requirement that the Lessard-Sams Outdoor Heritage Council prepare a report on land acquisitions made by the Outdoor Heritage Fund. The report must include the total number of acres acquired in each county; the average price paid per acre; the total PILT payments made for the lands acquired; and an estimate of future PILT payments based on the estimated total number of acres acquired over the life of the fund. (Art. 1, Sec. 2)

Other provisions in the law will:

- prohibit previous legacy fund recipients from receiving future funds if found to have failed to comply with laws, rules or regulations by the legislative auditor; (Art. 5, Secs. 2-5)
- require the owner of land previously purchased with money from the Outdoor Heritage Fund to submit any profits made if the land is subsequently transferred to the state; (Art. 1, Sec. 4)
- direct the Board of Water and Soil Resources to work with local, state and federal agencies, groups and stakeholders to "foster mutual understanding" and provide standardized

specifications for water quality, soil conservation protections and improvement; (Art. 2, Sec. 11)

- require the Greater Minnesota Regional Parks and Trails Commission to submit a ranked list of projects to legislative leaders containing recommendations for funding from the Parks and Trails Fund for Fiscal Year 2017; (Art. 3, Sec. 3)
- require the Greater Minnesota Regional Parks and Trails Commission to submit a report to legislative leaders with criteria for funding from the Parks and Trails Fund, including criteria used to determine if a park or trail is of regional significance; (Art. 3, Sec. 3)
- require a comprehensive watershed management plan program to align local water planning on watershed boundaries to create a systematic, science-based approach to watershed management; (Art. 2, Sec. 12)
- prohibit emergency haying or grazing on lands acquired with money from the Outdoor Heritage Fund in response to a federal or state disaster declaration; (Art. 1, Sec. 6)
- appropriate \$16.7 million for completion of 20 percent of the needed statewide assessments of surface water quality and trends; (Art. 4, Sec. 5)
- appropriate \$3.5 million for the Minnesota Zoo for programs, development of a zoological garden and to provide access and education related to the state's cultural heritage; (Art. 4, Sec. 2)
- appropriate \$3.25 million for the restoration and preservation of fine art in the State Capitol complex; (Art. 4, Sec. 2)
- appropriate \$2.5 million to implement the Agricultural Water Quality Program statewide; (Art. 2, Sec. 3)
- appropriate \$2 million for the Como Zoo to develop educational programs, enhance habitat and historical garden access and create special exhibits; (Art. 4, Sec. 2)
- appropriate \$1.2 million to the Science Museum of Minnesota for arts, arts education, arts access and to preserve the state's heritage; (Art. 4, Sec. 2)
- appropriate \$250,000 to fund arts education, mentor programs and community presentations designed to engage Somali youth in communities around the state; (Art. 4, Sec. 2)
- appropriate \$20,000 for the Minnesota State Band, and provide free rehearsal and storage space for the band in the State Capitol area; (Art. 4, Sec. 2 and Art. 5, Sec. 1) and
- direct that, when feasible, recipients of legacy funds are encouraged to use conservation practices that promote monarch butterfly habitat, including planting and maintaining vegetation beneficial to monarchs and minimizing the use of pesticides. (Art. 1, Sec. 2)

2015 Special Session: HF5/SF1\*/CH2

## Health and Human Services - 2015

### Regular Session

## Lower inflation hikes help with long-term care policies affordability

Smaller increases for inflation on long-term care insurance policies are part of a new law that attempts to make the insurance more affordable so the elderly can pay for services not otherwise covered by insurance.

Helping older adults stay in their homes longer often requires help with personal care needs and household chores, but Medicare and health insurance do not cover these types of care. Long-term care insurance does, but few people can afford to buy it.

The law takes effect July 1, 2015, unless otherwise noted. Rep. Joe Schomacker (R-Luverne) and Sen. Vicki Jensen (DFL-Owatonna) are the sponsors.

To help lower policy costs, the annual 3 percent inflation rider on partnership policies will be lowered to no more than 1 percent per year. Supporters say policyholders could save \$1,400 a year on average. (Sec. 2)

A partnership policy allows the insured to disregard assets equal to the coverage in a qualified insurance policy for Medicaid eligibility purposes. For example, if a policy pays \$150,000 in claim benefits, the insured keeps an additional \$150,000 over the asset level they would otherwise have to meet in order to be eligible for Medicaid coverage.

However, at the other end of the pendulum, long-term care insurance policies sold prior to 2002 have bankrupted providers due to high claims and they need to have a method for increasing rates, if needed. So the law allows the commerce commissioner to recommend justified rate increases. In developing his recommendations to the Legislature, the commerce commissioner may submit progress reports Oct. 15, 2015, and Feb. 1, 2016. (Sec. 4)

Policies sold prior to July 1, 2006, that meet all requirements of a partnership policy will qualify as such, provided no benefits have been paid out yet. If a previously insured person writes to the insurance carrier to find out if their policy qualifies as a partnership policy, the carrier has 30 days to reply. Also, a rider, amendment or disclosure statement must be added to the policy if it does qualify for partnership status. (Sec. 3)

Policy providers with a standard of review will no longer be allowed to indiscriminately deny claims for services for which the enrollee otherwise is entitled. This disability income coverage provision applies to policies issued or renewed on or after Jan. 1, 2016. (Sec. 1)

HF954/ SF997\*/CH59

## Health and Human Services - 2015

### Regular Session

## Protocols required for stroke patient transport

Emergency Medical Service responders and licensed ambulance units will need to develop protocols for transporting a stroke victim, according to a new law that takes effect Aug. 1, 2015.

Rep. Nick Zerwas (R-Elk River) and Sen. Kathy Sheran (DFL-Mankato) sponsor the law, which will require EMS units to follow a set of standards for triage and transport of a person suffering a stroke.

Standards of care have been under development for treating a stroke victim. The first step identified 67 facilities as stroke-designated hospitals. This law will set protocols from the onset of symptoms until the person is taken to a designated acute stroke-ready hospital, primary stroke center or comprehensive stroke center.

HF513/SF495\*/CH56

## Health and Human Services - 2015

### Regular Session

## Minnesota will join compact for expedited multi-state licensing for doctors

Minnesota physicians will be able to gain expedited licensure to work across state lines, under a new law sponsored by Rep. Tara Mack (R-Apple Valley) and Sen. Kathy Sheran (DFL-Mankato).

Doctors can be licensed in multiple states now, however, the process can be burdensome and time consuming to acquire licensing in other states, according to Mack.

Effective July 1, 2015, or as soon as six other states join the compact with Minnesota, the state will become a member of the interstate medical licensure compact whose member states have all agreed to expedite the licensing process for qualifying physicians. The law also applies to osteopaths, who provide drug-free medical care emphasizing the physical manipulation of the muscle tissue and bones.

The compact recognizes the need for improved access to doctors, especially in rural areas. It also supports advances in medicine that allow a doctor to work remotely via telemedicine.

Participation in the compact is voluntary. Logistically, the practice of medicine will occur where the patient is located, which puts the physician under the jurisdiction of the state medical board where the patient is treated. State medical boards that participate in the compact retain the jurisdiction to take action against a license holder through the compact.

If the state wishes to withdraw from the compact at a later date, legislators would need to repeal the law and wait one year.

HF321/SF253\*/CH55

READ HOUSE RESEARCH DEPARTMENT [CHAPTER SUMMARY](#)

**Health and Human Services - 2015****Regular Session****Health advisory groups will be extended, one may study stillbirths**

Three medical advisory groups will not sunset this year as previously scheduled, according to a new law effective Aug. 1, 2015.

Rep. Nels Pierson (R-Rochester) and Sen. John Marty (DFL-Roseville) sponsor the law, which also recommends that one of the task forces review data on stillbirths.

The Maternal and Child Health Advisory Task Force, which was set to expire on June 30, 2015, will continue indefinitely. The task force, created in 1982, advises the health commissioner on the health care services and needs of women and children. The law also urges the task force to review how data is collected on stillbirths, prenatal protocols to prevent stillbirths and support services for those experiencing a stillbirth.

The expiration date of the e-Health Advisory Committee changes from this year to June 30, 2021. Established in 2004, the committee has 25 representatives who are appointed by the health commissioner. Appointees are those interested in developing and implementing a plan for meeting Minnesota's 2015 interoperable electronic health record mandate.

The State Trauma Advisory Task Force sunset date moves from June 30, 2015, to June 30, 2025. The council was established to make recommendations to the Department of Health regarding the development, maintenance and improvement of a statewide trauma system.

HF1714/SF1504\*/CH42

**Health and Human Services - 2015****Regular Session****Education required for moms with prenatal diagnosis of chromosome disorders**

Prenatal mothers of babies diagnosed with a specific trisomy conditions, including Edwards, Patau, or Down syndromes, will be required to receive more evidence-based education about giving birth to a baby diagnosed with the disorder.

Referred to as the Prenatal Trisomy Diagnosis Awareness Act, the law will require those who order a trisomy screening test to provide a woman whose tests results are positive with more information about the diagnosis, including current, evidence-based information, which has been reviewed by medical experts and national trisomy organizations.

Sponsored by Rep. Kathy Lohmer (R-Stillwater) and Sen. John Hoffman (DFL-Champlin), the law, effective Aug. 1, 2015, also will require medical professionals to inform their patients about how to contact nonprofit support groups for trisomy conditions.

The Department of Health will be required to post trisomy condition education information on its website in cultural and linguistically-appropriate languages. To comply, providers can simply direct the patient to the department's website.

HF439/SF462\*/CH28

**Health and Human Services - 2015****Regular Session****Working group will consider need for statewide Silver Alert system**

Minnesota is taking a more cautious approach to implementing the Silver Alert system by assembling a working group to study whether Minnesota should create a similar system.

Rep. Cheryl Youakim (DFL-Hopkins) and Sen. Kathy Sheran (DFL-Mankato) sponsor the law, which is effective Aug. 1, 2015.



The 11-member group will include designees of the public safety commissioner, Bureau of Criminal Apprehension superintendent, the Amber Alert coordinator, and transportation commissioner. In addition, public safety appointees will include representatives from Tubman elder care, the state chiefs of police and sheriff's associations, the Minnesota Broadcasters Association and the state Brain Injury Alliance.

The group will meet between Aug. 15, 2015, and Feb. 15, 2016, and must submit a report to the Legislature summarizing their recommendations. The group will sunset the following day or Feb. 15, 2016, whichever is earlier.

The Department of Public Safety will serve as the group's supportive services administrator.

HF805/SF857\*/CH36

## Health and Human Services - 2015

### Regular Session

## School-age child-care licensing exemptions create more options for kids

Rep. Roz Peterson (R-Lakeville) and Sen. Melissa Wiklund (DFL-Bloomington) sponsor the law, which exempts a program operated by a nonprofit that serves children in kindergarten through grade 12 from obtaining a license, as long as the program includes youth development activities and offers learning before and after school, and during weekends and school calendar breaks.

There are now more than two-dozen exemptions for such programs but many don't fit neatly within the parameters, so a moratorium has been in place until those seeking exemptions could figure out a compromise.

To qualify for the licensing exemption, a nonprofit program will need to have a director or supervisor on site, obtain written consent from a parent or legal guardian for each child and inform the guardian that the program is not licensed or supervised by the state. Eligible programs will not be allowed to receive child care assistance payments.

The law also repeals the licensing moratorium that was in effect through July 1, 2015.

READ HOUSE RESEARCH DEPARTMENT [CHAPTER SUMMARY](#)

HF1193\*/SF814/CH37

## Health and Human Services - 2015

### Regular Session

## Health and human services reforms aimed at children, individuals with mental illness, stopping welfare fraud

Health and human services reforms passed into law in 2015 are aimed at protecting children, expanding mental health services and tightening mental health regulations, and curbing welfare fraud and abuse.

Rep. Tara Mack (R-Apple Valley) and Sen. Kathy Sheran (DFL-Mankato) sponsor the new law, which contains reforms requested by the Department of Human Services. It is effective Aug. 1, 2015, unless otherwise noted.

### Looking out for children, families

Child care providers who work in the child's home were not defined in law as Child Care Assistance Program providers. These types of providers are added to the definition so they can be reimbursed with public assistance payments. Also, weekends and holidays will not count as filing days for when submitting timely documentation.

Clearer state requirements and definitions are included in the new law in order to clearly set out the requirements counties must meet to comply with the federal Indian Child Welfare Act and the Minnesota Indian Family Preservation Act. Department representatives said uniform compliance will hopefully reduce disparities in the foster care system. American Indian children are 15 times more likely to be removed from the home than a white child when neglect or maltreatment is alleged. The law requires that solid evidence be presented that an American Indian child will be harmed before removing the child from the family, as that term is defined in

ICWA. Tribes also will be provided with notice that an Indian child is the subject of a child maltreatment report, that a child has been placed in an out-of-home placement, or that a permanency plan is being developed for the child. This notice allows an Indian tribe to participate in the proceedings and for a tribal court to exercise its jurisdiction over the Indian child and family.

The law also clarifies what child fatality information may be disclosed to the public and broadening the circumstances under which child fatality and near-fatality information can be disclosed to the public.

The sunset date for the Cultural and Ethnic Communities Leadership Council is extended. The purpose of the council, within the Department of Human Services, advises the commissioner on reducing disparities that affect racial and ethnic groups. Initial appointees will serve until Jan. 15, 2016. The council sunsets by June 30, 2020. (Art. 4, Sec. 50)

### **Chemical, mental health services**

Vehicles used in tobacco sting operations will not have to use a state vehicle license plate, which can jeopardize the operation. Instead, a standard license plate will ensure that compliance checks are unannounced.

Several mental health initiatives are part of the law. Certified peer specialists (those in recovery) may help alleviate workforce shortages by assisting case managers with their daily duties. The Department of Human Services will study this process to see if the specialists could be used in more settings, such as hospitals and residential treatment facilities. In addition to in-person services, treatment provided through emerging telemedicine sessions will now qualify for Medical Assistance reimbursement.

Chemical dependency treatment centers that offer on-site child care for their clients will need to assess a client's parenting skills upon entering a program. Two children died this past year after one mother fell asleep while bathing her child; the child drowned. Another mother rolled over her child in bed, smothering the child. Other covered services besides the mental health may be ordered as part of the client's rehabilitation.

One new provision seeks to increase access to applied behavior analysis services, an intensive therapy for children with autism. Clarifying language is intended to help service providers better understand standards for best practice and to make enforcement of those standards clearer, thereby improving children's mental health services. (Art. 2)

DHS will be able to contract with, and receive payment from, the federal Indian Health Service for the care and treatment of tribal members treated for mental illness, developmental disability, or chemical dependency. Local tribes will be able to contract directly with the department for the services, as well. (Art. 3)

### **Curbing fraud and abuse**

Curbing welfare fraud and abuse was a bipartisan priority and one fraudulent scheme was particularly troubling. Child care providers are recruiting women with children to "work" at a child care center and after enrolling their children in public-assistance child care, the parent is given a cash payment to stay home with their child and the center continues to bill for child care public assistance.

Several new policies will enable the Office of the Inspector General at the Department of Human Services to uncover fraudulent billing and to subpoena records to support their case. A child care provider's failure to produce attendance records as requested on more than one occasion constitutes grounds for disqualification as a provider. Effective Aug. 1, 2015, determination of child care payment fraud will be a criminal offense.

The office also wants to get a better handle on doctors who prescribe methadone. Physicians will need to be on a list with the department, who will then investigate whether the physician is properly credentialed.

As a condition for payment, nonemergency medical transportation providers will be required to document service provided to a recipient, including odometer readings sufficient to distinguish individual trips with specific vehicles and drivers. (Art. 4, Sec. 52)

Agencies that provide personal care attendant services also will be required to document and be able to verify PCA services were provided. (Art. 4, Sec. 53)

### **Medical supplies and services**

Electronic health records is mandated for medical providers, but individual health care providers in private practice who do not accept reimbursement from a group purchaser, will be excluded from the mandate to provide a patient's record in electronic format.

Prior authorization for some medical supplies, such as durable medical equipment, prostheses and orthoses, will no longer be required as a condition of Medical Assistance payment. (Art. 5)

#### Long-term and vulnerable adult protections

When a person is discharged from a nursing home, the facility will be required to provide contact information of discharged residents to the Senior LinkAge Line as part of the Return to Community Initiative. The goal is to ensure they have all of the supportive services to live in the least restrictive environment in their community, which is part of the state's Olmstead Plan.

Policies reflect an emphasis on person-centered care that allows a Community First Services and Supports program recipient to have more choice over their care and treatment decisions. Previously called personal care attendants, CFSS employees will be reviewed by their agencies to ensure they are competent to meet the client's assessed needs, goals, and additional requirements as written in a CFSS service delivery plan. (Art. 6, Sec. 22)

Alternative care program eligibility was modified to require that the recipient is a United States citizen or a United States national, among other already established requirements.

HF1535\*/SF1356/CH78

#### Health and Human Services - 2015

##### Regular Session

### Child neglect reports will remain in files

Mandatory reporters and others who suspect a child is being abused or neglected will have their report documented and kept in the subject's file for future consideration by social workers or law enforcement, under a new law sponsored by Rep. Ron Kresha (R-Little Falls) and Sen. Kathy Sheran (DFL-Mankato).

It was effective March 18, 2015.

Following the death of 4-year-old Eric Dean, who was repeatedly abused by his step-mother and consequently died from his injuries in February 2013, the Governor's Task Force on the Protection of Children was formed to review child protection laws and to recommend changes.

Two of the task force's preliminary recommendations are contained in the law.

Section 1 amends the public policy statement to emphasize that Rather than focusing on the needs of the family, screeners must consider the health and safety of the child above all else.

Previously, if an agency made the determination not to investigate a case, a report was considered "screened out" and could not be used for any reason other than offering social services. Section 2 of the law removes that restriction and allows a report, whether screened in or out by an agency, to remain part of the subject's file.

Proponents of the law said screened-out reports are valuable bits of information that may demonstrate a pattern of abuse.

HF8\*/SF807/CH4

#### Health and Human Services - 2015

##### Regular Session

### Terminal patients have 'Right to Try' FDA investigational drugs beginning Aug. 1

A terminally ill patient who has exhausted all conventional forms of recovery will be able to have their physician write a prescription for an experimental treatment as a last resort.

The so-called "Right to Try Act," effective Aug. 1, 2015, applies to drugs or devices.

The experimental drug or device will need to have passed the first phase of a clinical trial, but has yet to be approved for general use by the federal Food and Drug Administration.

The patient or legal guardian must give informed consent. Manufacturers of qualifying experimental drugs or devices will be able to provide the product free of charge and insurance companies will not be required to cover the cost.

Rep. Nick Zerwas (R-Elk River) and Sen. Branden Petersen (R-Andover) sponsor the law.

HF236/SF100\*/CH15

**Health and Human Services - 2015****Regular Session****Nursing home policies change for state receivership, medical cannabis use**

The Department of Health will be better equipped to protect the welfare of nursing home residents if a facility falls into state receivership and with the handling and delivery of medical cannabis.

The law will expedite when the Department of Health can step in with new management for a nursing home in state receivership. Used as a last resort, the process can take up to a week to go through the courts and to hire a company to take over operations. Effective Aug. 1, 2015, a judge will have two days, rather than five, to issue the receivership order, enabling the state to step in quicker. The Health Department also will be able to pre-qualify companies available to take over the operations, if needed.

Policies regarding payments to failing nursing homes are repealed. New payment reform is part of a different new law.

The medical cannabis policies, effective May 23, 2015, provide possession protection for specified medical staff while administering medical cannabis to their patients. Possession protections for plant cannabis are also provided to employees of a manufacturer or laboratory while that employee is engaged in job duties. Provisions also require manufacturers to reregister with the Health Department every two years, rather than annually. The department has up to 60 days to approve or deny a patient's medical cannabis registry enrollment application until Jan. 1, 2016, when the approval or denial period changes to 30 days. A report submitted by the Department of Health on adding intractable pain as a qualified medical condition is required to be submitted by January 1, 2016, rather than July 1, 2016.

Rep. Dave Baker (R-Willmar) and Sen. Kent Eken (DFL-Twin Valley) sponsor the law.

HF1792\*/SF1471/CH74

**Health and Human Services - 2015****Regular Session****New law enables rural ambulances to be ready to roll**

Rural ambulance services will no longer need a variance from the Emergency Medical Services Regulatory Board to replace one of two Emergency Medical Technicians during an on-call shift with a registered emergency medical responder, under a new law that applies to services based in communities outside the metropolitan area with populations of 2,500 or less.

Instead, the ambulance medical director will be able to authorize staffing levels, which is expected to shorten ambulance response times. The law, sponsored by Rep. Jeff Backer (R-Browns Valley) and Sen. Kent Eken (DFL-Twin Valley), was signed March 27 by Gov. Mark Dayton. The law became effective March 28, 2015.

"There's nothing worse than sitting in rural Minnesota and hearing four or five pages for the ambulance and nobody shows up at the garage," Buck McAlpin, director of government affairs for North Memorial Health Care and Ambulance service, said during a committee hearing.

Rural communities offer ambulance services to each other during emergencies but trying to schedule emergency medical technicians around the clock is sometimes difficult, said Backer, who served as an EMT in Brown's Valley for 19 years.

A second provision will allow a neighboring ambulance service to be from another state and to provide mutual aid for up to 12 hours per day. Many rural ambulance services rely on volunteers to staff their units.

HF423\*/SF379/CH6

**Health and Human Services - 2015****Regular Session**

## Nursing homes, child protection reforms heralded as bi-partisan progress

For the first time in 30 years, the Legislature passed major reforms to the way licensed nursing homes will be reimbursed, so that facilities are less apt to fall into receivership or continue to lose skilled employees due to low wages. Most facilities should see a payment increase as a result of the new law. Additionally, significant child protection measures are directed at closing the disparity gap in out-of-home placements and early identification of child abuse and maltreatment.

Rep. Matt Dean (R-Dellwood) and Sen. Tony Lourey (DFL-Kerrick) sponsor the new law, which spends \$12.54 billion over the next biennium and is effective July 1, 2015, unless otherwise noted.

HF1638/SF1458\*/CH71

### Nursing home payment reform

Rep. Joe Schomacker (R-Luverne) sponsors the statewide nursing home payment reforms that were rolled into the legislation.

Provisions will create more equity between payments to nursing homes and those working in home and community-based settings.

A new home and community-based services scholarship program will fund employee education scholarships for nursing and other health care degrees. Likewise, nursing homes will be allowed a payment to offer scholarships for newly hired employees who work at least 10 hours a week.

In addition, a nursing home will be reimbursed based on a new formula that incorporates both costs and quality in the calculations. (Art. 6, Secs. 1-44)

The elderly also will be served through community grants to help educate and identify residents with Alzheimer's and other dementia-related illnesses. (Art. 7, Sec. 26)

### Helping children and families

The Achieving a Better Life Experience Act will allow disabled or blind Minnesotans to set up a tax-free ABLE savings account, where they may save up to \$100,000 without losing government benefits, and to make withdrawals for expenses such as housing, health care and employment training. (Art. 7, Sec. 45)

Children at risk of becoming or who are homeless will be eligible for specialized services for their age-appropriate needs. Rather than aging out of those services at age 21, services may now be extended until the youth reaches age 24. (Art. 1, Sec. 44)

Individuals with disabilities have income limitations to qualify for some public services. If they earn more than allowed, it discourages people with disabilities from seeking employment advancement. The new law will allow them to earn more without penalties to their public assistance services. (Art. 1, Sec. 31)

A new formula will go into effect for determining grant allocations to counties for hiring additional child protection staff. Based on recent demographics, 50 percent will be distributed on the basis of the each county's child population; 25 percent will be based on the number of screened-in reports of child maltreatment; and 25 percent will be distributed based on the number of open child protection case management cases in the county. The minimum grant amount will be \$75,000. (Art. 1, Sec. 46)

Family law reform sponsored by Rep. Carolyn Laine (DFL-Columbia Heights) clarifies the effects of executing a recognition of parenting form in establishing child support, parenting time, and custody. (Art. 1, Secs. 52-53)

Other provisions make federal compliance adjustments to the Northstar Care for Children program, which was implemented in January. It is designed to provide stable benefits for children who cannot safely return to their home and are placed in an out-of-home placement setting. In addition, new laws require social services agencies to become involved when a foster child is missing and believed to be involved in sex trafficking. (Art. 1, Secs. 58-59)

Rep. Kim Norton (DFL-Rochester) sponsors a provision to establish a child support work group to review the child support parenting expense adjustment and to identify and recommend changes to the adjustment. (Art. 1, Sec. 121)

A separate provision will allow parents who receive child support to disregard up to \$100 in child support payments for one child, or up to \$200 for two or more children, when determining eligibility for the Minnesota Family Investment Program. MFIP enrollees are expected to work and are supported with both cash and food assistance for up to 60 months. (Art. 1, Sec. 41)

A new category of emergency responders will create licensing for Community Medical Response Emergency Medical Technicians, whose role, among other things, will be to help to prevent hospitalizations. The law also requires proposals to be developed on a pilot project for a community-based support system that coordinates services between child protection and CEMTs and whether or not CEMT services should be covered by medical assistance. (Art. 9, Secs. 8-10 and 17-18)

A new \$2 million program to combat hunger will establish guidelines for mobile food shelf trucks that will deliver food to rural homebound Minnesotans. (Art. 14, Sec. 2)

### **Chemical and mental health**

It will become state policy to treat individuals with drug or alcohol addictions in withdrawal management programs, regardless of their ability to pay. Within 12 hours of being admitted, clients will have a plan to address their individual needs and goals toward sobriety. (Art. 3, Sec. 1)

Several new treatments for people with chemical dependence or mental health disorders are funded. Up to 150 new beds at up to six sites throughout the state will be used to treat children with mental illness. The psychiatric residential treatment facilities will be chosen through a request for proposals process. Other programs include a \$1 million statewide program using text messaging for the prevention of teen suicides and \$2 million for Beltrami County to divert minor offenders with mental illness to treatment rather than incarcerating them. Also, a statewide opioid prescribing program is created to help reduce opioid dependency and substance abuse. (Art. 2, Secs. 6, 34, 41; Art. 11, Sec. 30)

Chemical dependency workers will see increased Medical Assistance reimbursement rates and young adults who receive services at a psychiatric residential treatment facility will be covered by MA. (Art. 2, Sec. 36)

Welfare agencies will be able to share private data between agencies that is collected on mental health welfare recipients to the extent necessary to coordinate care for the recipient. (Art. 2, Sec. 2)

In order to improve conditions for those civilly committed to a state institution, the special review board must review a client's petition for release, if the petition is denied. The board must identify obstacles that prevent clients from advancing in their treatment and make recommendations for achieving progress. In addition, the head of the treatment facility must schedule a hearing before the special review board for each patient who has not had a hearing within the previous three years. These changes do not affect individuals receiving treatment at the Minnesota Sex Offender Program. (Art. 2, Secs. 18-19)

Staff at the facilities have suffered permanent injuries resulting from assaults by inmates, clients or patients. The new law requires the state to continue contributions to the former employee's retirement plan when the individual has been totally and permanently disabled. (Art. 4, Sec. 1)

By Jan. 15, 2016, all hospitals will be required to design and implement action plans regarding acts of violence against health care workers and to review the plan annually. (Art. 8, Sec. 25)

The Excellence in Mental Health demonstration project is a federal program to increase access to community mental health centers and to improve the quality of care. This law allows Minnesota to apply for participation in the project, which establishes strategies for developing behavioral health clinics and a formula reimburse health providers. (Art. 2, Sec. 16)

### **Oversight**

A package of reforms will provide more oversight of managed care organizations in order to control their reimbursable expenses. The new law will prohibit certain expenses, such as alcoholic beverages, from being an allowable administrative expense when setting rates. (Art. 11)

State and county authorities will be authorized to go back six years to look at records in alleged child care payment fraud cases. (Art. 1, Sec. 1)

Group residential housing service providers and child protection workers/social services staff having responsibility for child protective duties will now undergo background checks. (Art. 1, Secs. 2-7)

Additionally, stricter regulations regarding group residential housing facilities and their employees also will result in background checks and inspections. (Art. 1, Secs. 15-24)

Grants will become available to certain groups that can address racial disparities in child protection cases. For example, American Indian children are more likely to be removed from the home when allegations are raised. (Art. 1, Sec. 12)

Housing for persons experiencing long-term homelessness will have new guidelines, including that residents have access to three nutritional meals a day on site, a bed, clothing storage, linen, bedding, laundering service or supplies, housekeeping, and maintenance and operation of the building and grounds. (Art. 1, Sec. 31)

New Human Services Department policies will serve dual purposes: to streamline enrollment in public assistance programs and to correct under or over payment of benefits. (Art. 5)

Non-emergency transportation providers will be subject to regulations, including background studies, driving the most direct route and maintaining trip logs signed by the medical provider or client. Funding was also provided to implement new modes of non-emergency medical transportation. (Art. 11)

### **Telemedicine**

Modern technology enables health care providers to deliver health care in non-patient settings. Rep. Tara Mack (R-Apple Valley) sponsors the Telemedicine Act provisions enacted by the new law, which will allow for insurance coverage of this emerging medical delivery service. (Art. 9, Secs. 1-3)

### **MNsure**

A federal waiver will be requested to allow individuals to purchase health plans outside of MNsure, yet still qualify for the premium tax credits. Another federal waiver will be requested to allow small employers to receive the small business health care tax credit when the employer pays the premium on behalf of the employee. (Art. 12, Sec. 7-8)

A task force on health care financing will convene to study alternatives to MNsure, and the accessibility and affordability of health care through state and/or federal financing. (Art. 11, Sec. 62)

Besides the work group, a pilot program will be created to test alternative and innovative integrated health care delivery networks, including accountable care organizations or a community-based collaborative care network. North Memorial Health Care and individuals eligible for Medical Assistance will work together on an integrated health care delivery network. (Art. 11, Sec. 32) (Note: this pilot project provision is not considered a major or new change, you may want to consider leaving out this text.)

### **Health Department/Licensing Boards**

Health Department workers will study costs related to obesity, tobacco use, hypertension, diabetes, dementia and chronic diseases and compare preventative costs to actual outcomes over a 10-year period. (Art. 8, Sec. 9)

The law defines "born alive infant" and extends existing law so that medical professionals who do not take medically necessary actions to save the life of a born alive infant, as they are required to do under existing law, may be held civilly liable. The law also requires that information relating to born alive infants be included in other abortion information transferred by a provider to the Health Department. (Art. 8, Secs. 43 - 44)

The department will issue primary care residency expansion grants and more students may take advantage of education loan forgiveness if they agree to work in certain settings for a designated time period. Advanced dental therapists, dental therapists, mental health professionals and public health nurses will be able to apply for student loan forgiveness. (Art. 8, Secs. 12 - 16)

A provision to help foreign-trained physicians become eligible to work in Minnesota is funded. The international medical graduate's assistance program will provide grants to nonprofit organizations that provide career and support services to immigrant medical professionals. (Art. 8, Sec. 17)

A revolving international medical graduate residency account will receive \$1 million in initial funding for the 2016-2017 biennium. (Art. 14)

Together with the Human Services Department, the health department will establish a program for the early prevention and intervention in children's dental care, particularly among immigrant communities. (Art. 8, Sec. 23)

People with severe allergies who are at risk of experiencing anaphylaxis could have expanded access to non-patient specific epinephrine, a life-saving drug that is auto-injected into the thigh when a reaction occurs. Places where a person is likely to experience an initial reaction, such as summer camps, restaurants and day cares, may store and administer epinephrine upon completion of training. (Art. 8, Sec. 34)

A collaborative initiative between three state agencies and the Council on Asian-Pacific Minnesotans will create a multidisciplinary working group to address violence against Asian

women and children by July 1, 2015. (Art. 8, Sec. 58)

Another department initiative establishes the Minnesota Radon Licensing Act, which will require radon testing companies or individuals to be licensed. (Art. 8, Sec. 24)

Established fees and operation of the health licensing boards is outlined in law, including an allowance for retired social workers to reactivate their license within four years of being granted an emeritus inactive license. (Art. 10, Sec. 15)

## Higher Education - 2015

### Regular Session

## Higher Ed bill provides some tuition relief

All students at public colleges and universities in Minnesota will feel some tuition relief over the next two years, but those who attend two-year schools will receive the most assistance, according to a new higher education spending package.

Sponsored by Rep. Bud Nornes (R-Fergus Falls) and Sen. Terri Bonoff (DFL-Minnetonka), the law will increase by \$166 million state funding in the 2016-17 biennium for the University of Minnesota, Minnesota State Colleges and Universities and the Office of Higher Education. The bulk of that increase – \$101 million – will be allocated to freezing tuition for students attending two-year MnSCU colleges in the first year of the biennium, and a tuition freeze and 1 percent reduction in tuition to all MnSCU students (including those who attend four-year universities) in the second year.

The University of Minnesota will receive what amounts to a \$52 million increase to its budget, with \$30 million dedicated to expansion of its medical school and \$22 million slotted to help with tuition relief for students at all five of its campuses. (Art. 1, Sec. 5)

Included in a \$19 million boost to the Office of Higher Education is a \$7 million increase to the state grant program and \$5 million for creation of a MnSCU College Occupational Scholarship pilot program that will provide free tuition for select students. The program, effective July 1, 2016, will require participating students to achieve certain academic goals and to engage in mentorship activities. (Art. 1, Sec. 3; Art. 3, Sec. 20)

Total increased spending for higher education over the 2016-2017 biennium amounts to \$174.4 million, with \$8.3 million in dedicated carry-forward money from the previous biennium.

Provisions of the law take effect July 1, 2015, unless otherwise stated.

### New sexual violence reporting policy on college campuses

One of the more notable policy provisions in the law requires all accredited post-secondary institutions in Minnesota develop uniform campus sexual violence and harassment policies, which will regulate how colleges and universities deal with allegations of sexual violence or harassment involving students.

The state will dedicate \$80,000 to assist MnSCU schools with development and implementation of the program, which will require educational institutions to make a trained victim's advocate available, coordinate with local enforcement and make it possible for students to report incidents online. The program will also require schools with health centers and clinics to screen students for sexual violence. This provision is effective Aug. 1, 2016. (Art. 1, Sec. 3; Art. 4, Secs. 1-3)

Other appropriations in the law include:

- \$3 million for creation of a Dual Training Competency Grant program that will allow employers to apply for funding to train their employees in the "competency standards" identified through the Minnesota PIPELINE project administered by the Department of Labor and Industry. Training programs operated by the MnSCU will be eligible to receive grants;
- \$1 million for the University of Minnesota to engage in Alzheimer's disease and other dementia research;
- \$1 million increase for the University of Minnesota and Mayo Foundation Partnership;
- \$1 million for a spinal cord research grant program;
- \$800,000 increase for American Indian Scholarships;
- \$400,000 for a newly created Teacher Shortage Loan Forgiveness program;
- \$450,000 concurrent enrollment course development grants;



- \$300,000 for newly created student loan debt counseling program; and
- \$230,000 for expansion of concurrent enrollment grants. (Art. 1, Secs. 3, 5; Art. 3, Secs. 10-11, 13, 24)

Additional policy provisions in the law include:

- Remedial course assignment regulation that will prohibit state colleges and universities from requiring an individual to take a remedial, non-credit course in a subject area if the students has received a college ready ACT score in that subject area. Public post-secondary institutions will also be required to administer a testing process used to determine whether an individual should be placed in a remedial, non-credit course;
- A requirement that MnSCU's Board of Trustees implement new transfer pathways for associate of arts degrees, associate of science degrees and associate of fine arts degrees toward baccalaureate degree programs. This provision will also encourage the board to consult with each of its colleges and universities to create a plan to enhance or develop new bachelor of applied science degree programs in areas of high employment need in the state to facilitate transfer pathways for students with associate of applied science degrees;
- Establishment of a Concurrent Enrollment Advisory Board made up of stakeholders to develop new content and strategies for expansion of concurrent enrollment at high schools;
- The Board of Regents of the University of Minnesota shall report monthly, commencing July 1, 2015, to the Legislature describing progress in developing and implementing a plan to conduct human subject research at the university. This provision is effective May 23, 2015;
- Requirement that the MnSCU Board of Trustees report to the Legislature by Oct. 1, 2015, its schedule for adopting a presidential selection process as a comprehensive formal written policy;
- Requirement that the Board of Regents of the University of Minnesota shall report to the Legislature by Feb. 1, 2016, the factors it considers to allocate funds to separate campuses. The report must address the issue of whether non-Twin Cities campuses are treated as single units for budget allocation purposes or treated as comprised of multiple units; and
- Requirement that the Office of the Secretary of State website publish links to U.S. Department of State's Consular Information program which informs the public of conditions abroad that may affect safety and security. The secretary of state will also be required to publish links to the publicly available reports on sexual assaults and other criminal acts affecting study abroad program participants. (Art. 1, Secs. 7-8; Art. 3, Secs. 2-3, 15, 21, 26)

HF845/SF5\*/CH69

## Local Government - 2015

### Regular Session

## Three-year terms for Houston County EDA

Members of the Houston County Economic Development Authority will serve shorter terms than those mandated by state law.

EDA members in the southeastern Minnesota county home to Caledonia and La Crescent will serve out three-year terms instead of the six years standard under state law.

Rep. Greg Davids (R-Preston), who sponsors the law with Sen. Jeremy Miller (R-Winona), said the change was needed because county officials were struggling to find residents willing to serve the full six years.

The change is effective upon local approval.

HF417\*/SF408/CH31

## Local Government - 2015

### Regular Session

## New law makes technical fix to 2009 Hennepin County HR provision

Hennepin County is given the chance to fix A technical issue in approving a 2009 law that allowed Hennepin County to streamline its human resources policies under a new law sponsored by Rep. Cindy Pugh (R-Chanhassen) and Sen. Ann Rest (DFL-New Hope).

Effective May 2, 2015, the law allows the county to fix the clerical error and provides that if the county fixes the error, Hennepin County's actions are retroactively effective.

The 2009 special law gave the county the flexibility to change its internal human resources policies and procedures and required the county to complete local approval by December 31, 2010. Although the county adopted a resolution to approve the law, the county failed to complete local approval of the 2009 law because it did not file the certificate of local approval with the secretary of state in time. Under the 2015 law, if the county files the certificate of local approval by June 30, 2015, the county's authority takes effect retroactively.

HF510\*/SF110/CH10

#### Local Government - 2015

##### Regular Session

## Filing deadline extended for Cedar Lake Area Water and Sanitary Sewer District

A new law grants an extension to a water and sewer district that missed a deadline to file a certificate of approval.

Effective May 8, 2015, the law extends the permissible time period for the Cedar Lake Area Water and Sanitary Sewer District to file a certificate of approval of a 2014 law. District officials have until June 30, 2015, to file the required certificate of approval. If filed by that date the law would be retroactive to Jan. 6, 2014.

Rep. Bob Vogel (R-Elko New Market) and Sen. Kevin Dahle (DFL-Northfield) are the sponsors.

HF1541/SF1499\*/CH1

#### Local Government - 2015

##### Regular Session

## Pair of elected Crow Wing County offices can become appointive

A pair of currently elected Crow Wing County positions will become appointed.

A new exemption to state law will allow the Crow Wing County Board to appoint individuals to the offices of auditor-treasurer and recorder rather than filling them through elections. The change is allowed contingent upon the approval of 80 percent of the county's governing body and is subject to a reverse referendum.

Current office holders will complete their elected terms before the offices would be made appointed. The law also includes procedures to allow the county to revert the positions to elected offices.

Sponsored by Rep. Josh Heintzeman (R-Nisswa) and Sen. Carrie Ruud (R-Breezy Point), the law is effective after the county completes approval.

HF916\*/SF753/CH38

#### Local Government - 2015

##### Regular Session

## Fewer meetings for board governing Faribault hospital

A Greater Minnesota hospital board can meet as few as two times per year under a recent change to state law.

The law governing the District One Hospital in Faribault was amended by a new law to require its governing board to meet just twice per year. The law that established the District One Hospital Board in 1963 required it to meet monthly.

The board consists of nine members appointed by a committee of elected officials representing the municipalities in the hospital district: the cities of Faribault, Nerstrand and Morristown; and

the townships of Wheeling, Cannon City, Wells, Shieldsville, Morristown, Warsaw, Walcott and Richland.

Sponsored by Rep. Brian Daniels (R-Faribault) and Sen. Vicki Jensen (DFL-Owatonna), the law is effective May 15, 2015.

HF1427\*/SF1315/CH33

#### **Military and Veterans Affairs - 2015**

##### **Regular Session**

## **Law aims to create sentinel landscape areas around Camp Ripley**

Encouraging landowners near Camp Ripley, with the aid of incentives, to voluntarily manage the land in a manner consistent with the camp's military mission is the goal of a new law.

Sponsored by Rep. Ron Kresha (R-Little Falls) and Sen. Paul Gazelka (R-Nisswa), the law, effective May 12, 2015, will establish a coordinating committee and a process to ensure certain lands near the central Minnesota regional military and civilian training installation do not get developed.

The committee must convene its first meeting by March 1, 2016. A report will be due the governor and Legislature by Jan. 16, 2017.

Under the plan, landowners could voluntarily put their acreage into a program that will allow them to get a designation of sentinel landscape, thereby allowing the coordinating committee to seek federal funds and ways to try and reimburse those landowners.

Supporters said they don't want somebody to, for example, put up a townhome or a large apartment building and only to have tenants disturbed by the noise associated with nearby activities, such as the firing of large weapons.

HF283\*/SF74/CH24

#### **Military and Veterans Affairs - 2015**

##### **Regular Session**

## **Hire a veterans month will move later in calendar year**

For the past decade, the month of May has statutorily been Hire a Veterans Month in Minnesota to urge employers to "give fair and appropriate consideration for hiring military veterans."

That designation will move to July.

Rep. Dale Lueck (R-Aitkin), who sponsors the law with Sen. Jim Carlson (DFL-Eagan), said the change was requested because May is a busy month for people with things like school graduations, the fishing opener and Mother's Day all happening. Additionally, the Department of Veterans Affairs would like to better work with the Department of Employment and Economic Development which puts on some larger job fairs in July.

The law takes effect Aug. 1, 2015.

HF1556\*/SF1446/CH40

#### **Military and Veterans Affairs - 2015**

##### **Regular Session**

## **Guardianship program to be removed from state statute**

Statutory reference to a program the state no longer oversees will be deleted.

Sponsored by Rep. Jerry Newton (DFL-Coon Rapids) and Sen. Tom Saxhaug (DFL-Grand Rapids), a new law, effective Aug. 1, 2015, will remove from state statute a provision that authorizes a district court to appoint the veterans affairs commissioner as guardian of the

estate of a veteran or dependent when the court finds appointment of a guardian to be necessary.

The program began in 1976, but once the Department of Veterans Affairs could no longer charge a small fee to provide fiduciaries under the program for incapacitated or incompetent veterans the program became unsustainable and was shuttered in 2006.

Since then, some veterans for whom the department had fiduciary responsibility moved onto a federally provided program. Many private sector fiduciaries also provide the service.

HF1673/SF1455\*/CH16

#### **Military and Veterans Affairs - 2015**

##### **Regular Session**

## **Military Spouses and Families Day is created**

A day has been set aside to honor "the vital support and sacrifice that the spouses and families of military personnel make for the betterment and support of this country."

Sponsored by Rep. Kathy Lohmer (R-Stillwater) and Sen. Karin Housley (R-St. Marys Point), a new law will designate the Sunday before Memorial Day as Military Spouses and Families Day.

The law takes effect Aug. 1, 2015.

Minnesota would be the second state with such a designation. The governor shall issue a proclamation each year honoring this observance.

HF450\*/SF617/CH41

#### **Military and Veterans Affairs - 2015**

##### **Regular Session**

## **Law to permit more military forms to be released to government entity**

A government entity is generally prohibited from releasing contents of a DD214 or DD215 form or any other certificate of military service discharge unless certain conditions are met.

However, an employee or official within a government entity may release such information to another employee or official within that entity for official duties.

Sponsored by Rep. Bob Dettmer (R-Forest Lake) and Sen. Tom Saxhaug (DFL-Grand Rapids), a new law will extend the exception to include information released to another government entity. It is effective Aug. 1, 2015.

Supporters said the change will allow counties to release military discharge records to other counties for the purpose of building a private index with the goal of making it easier for families to locate DD214, DD215 records. This index will help, for example, when it comes to seeking veterans benefits.

Currently, if a veteran has filed a discharge paper with their local county, the county is prohibited from providing that to the Department of Military Affairs or the Department of Veterans Affairs, and it leaves the onus on the service member to actually get a copy of that record and make it available.

HF546\*/SF338/CH66

#### **Public Safety - 2015**

##### **Regular Session**

## **Outdated Interstate Compact for Juveniles statute to be deleted**

With a newer Interstate Compact for Juveniles in effect, a statutory reference to the old version will be erased.

Sponsored by Rep. Jim Nash (R-Waconia) and Sen. Kari Dziedzic (DFL-Mpls), the law, effective Aug. 1, 2015, will eliminate reference to a 2010 compact that has since been replaced by a 2014 compact adopted by all states.

The compact is the only way to legally transfer a juvenile's supervision from one state to another and to return runaways.

HF1718/SF1478\*/CH35

## Public Safety - 2015

### Regular Session

## Extra protection for state security hospital employees

Beginning Aug. 1, 2015, extra assault protection will be in place for employees supervising and working directly with mentally ill and dangerous patients at the state security hospital in St. Peter.

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Kathy Sheran (DFL-Mankato), the law provides for an enhanced penalty for anyone that assaults a direct care worker at the facility or intentionally throws or otherwise transfers urine, blood, semen or feces onto the person.

Supporters said residents can already be charged with a low-level crime for their actions, but the law will provide for a felony. Residents will maintain the right to go before a court and see if they're competent to stand trial.

Cornish said previous assaults have left some employees with permanent disabilities and that perpetrators show clear intent by methodically planning and executing their dangerous actions.

The law also expands the definition of "secure treatment facility" to include the entire state security hospital. Currently, just the sex offender program at the state security hospital falls under the definition as does the sex offender program in Moose Lake.

READ HOUSE RESEARCH DEPARTMENT [CHAPTER SUMMARY](#)

HF783/SF1120\*/CH23

## Public Safety - 2015

### Regular Session

## BCA to perform tribal background checks

Sponsored by Rep. Steve Green (R-Fosston) and Sen. Tony Lourey (DFL-Kerrick), a new law, effective Aug. 1, 2015, requires the Bureau of Criminal Apprehension, upon request by a law enforcement agency of an American Indian tribe with a reservation in Minnesota, to perform a background check. The check will be used "to determine an individual's eligibility for a license, employment, housing, or candidacy for elective office."

A fee charged to the tribe will cover the associated costs.

Private vendors had been performing these checks, but supporters said this had not been done satisfactorily. The bands want the BCA to perform the background checks to ensure timeliness, integrity and result accuracy.

These checks will not be in conflict with background checks being performed under the state tribal gaming compacts.

HF1432/SF1563\*/CH8

## Public Safety - 2015

### Regular Session

## Omnibus judiciary/public safety law provides some funding increases

Additional funding for courts and victims services programs and the Bureau of Criminal Apprehension are key components of the omnibus judiciary and public safety finance law.

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Ron Latz (DFL-St. Louis Park), the law calls for almost \$2.12 billion in General Fund spending in the 2016-17 biennium — an \$111 million biennial increase.

The following are some provisions of the law that take effect July 1, 2015, unless otherwise noted.

HF849/SF878\*/CH65

### **Courts/judicial branch funding**

Among its spending, the law calls for 4 percent annual compensation increases for judges and most courts staff and funding to cover health insurance premium increases. (Art. 1, Secs. 2-4)

Tax Court judges will see a 4 percent increase, but staff, which are executive branch employees, are to receive 3 percent annual bumps. An additional \$170,000 is included so the Tax Court can hire a third law clerk. The court currently has two law clerks for its three judges. (Art. 1, Sec. 6)

Civil Legal Services will receive an additional \$879,000 each year as a base level increase. According to the governor's biennial budget request, "CLS helps victims of domestic violence achieve safety, prevents homelessness due to improper eviction and foreclosure, and maximizes the ability of people who are elderly or have disabilities to live safely and independently in the community." Of its \$13.1 million annual appropriation, the law requires that \$948,000 each year be dedicated "to improve the access of low-income clients to legal representation in family law matters." (Art. 1, Sec. 2)

Specialty court funding — such as for drug, mental health, DWI or domestic violence cases — will see a \$350,000 annual boost, under the law. To reduce repeat offenses, according to the courts website "problem-solving court strategies include extended probation, frequent appearances before a judge, frequent meetings with probation officers, staggered sentencing that breaks up jail time into segments and allows the participant to 'earn' reductions in jail time with good behavior, and regular alcohol and other drug testing." (Art. 1, Sec. 4)

The law also includes an additional \$6.48 million for the Board of Public Defense, which should equate to 36 more public defenders to help reduce caseloads. Currently, in almost half of the state, public defenders are not at a first court appearance for their client. According to the governor's biennial budget request, "Beyond high caseloads, the increased complexity of cases, fewer staff, and changes in court and prosecution practices, have made it more difficult for public defenders to provide quality representation to clients and meet the expectations of the court." An additional \$200,000 is allocated for public defender training. (Art. 1, Sec. 9)

A nearly \$3 million biennial increase is included for the Guardian Ad Litem Board, of which, \$2 million is to help with a shortfall accumulated over the past three fiscal years after separating from the state court system. The remaining money is to cover insurance increases and a salary supplement. (Art. 1, Sec. 5)

Under the law, the Board of Judicial Standards will receive \$60,000 in the biennium for a new half-time investigative attorney, the Sentencing Guidelines Commission will get \$27,000 in the biennium for an operating increase and the Uniform Laws Commission will get an extra \$13,000 in the biennium for increased dues and travel costs. (Art. 1, Secs. 7-8, 10)

### **Bureau of Criminal Apprehension funding**

Biennial General Fund spending for the Bureau of Criminal Apprehension will increase by almost \$13.6 million to \$104.06 million. The bulk of that (\$11.4 million) is a department initiative to better assist local criminal justice agencies across the state.

Funding includes:

- \$3.2 million to hire six computer forensic examiners, a special agent, a forensic scientist for quality assurance and a senior special agent to supervise the unit;
- \$3 million to add 11 positions — including seven special agents — to address predatory offender trafficking, child pornography investigations and human trafficking investigations;
- \$1.6 million for equipment replacement and upgrades;
- \$1.2 million to establish a financial crimes unit to investigate identity theft and fraud related to state governmental agencies;
- \$1.1 million to hire five more latent fingerprint examiners;
- \$700,000 for supplies to maintain current testing capabilities and case acceptance practices; and

- \$600,000 for mitochondrial DNA analysis to replace federal funding that ended in 2013. Grants have supported the operations since that time.

The law also includes nearly \$1.6 million for staff and salary increases and \$650,000 to begin replacing electronic fingerprint machines nearing the end of their lifecycles that are utilized around the state by local law enforcement agencies. These machines electronically capture a person's fingerprints and submit that data to the BCA for identification, a process that can be done in minutes, rather than using an "ink and roll" method to get fingerprints and then mailing in the card for identification. (Art. 1, Sec. 11)

### **Office of Justice Programs**

According to its website, "The Office of Justice Programs (OJP) provides leadership and resources to reduce crime, improve the functioning of the criminal justice system and assist crime victims. To accomplish this, OJP administers grants; provides training and technical assistance; provides research and data; works to protect crime victims' rights; and provides reparations benefits to victims of violent crime."

The office will receive a \$5.82 million biennial increase to almost \$77.34 million in General Fund spending for the 2016-17 biennium. In addition to a 1.8 percent increase in salaries and for insurance, the increases are:

- \$1.5 million for youth intervention programs;
- \$1.35 million for crime victim services, including \$300,000 for an organization "that provides culturally specific emergency shelter programming in St. Paul for victims of domestic abuse";
- \$800,000 for child advocacy centers;
- \$600,000 for alternatives to juvenile detention;
- \$500,000 for sex trafficking prevention grants;
- \$300,000 for a nonprofit organization providing immediate and long-term help to "families and friends of individuals who have died by suicide, overdose, accident, or homicide, including but not limited to domestic violence";
- \$200,000 for prosecutor and law enforcement training;
- \$200,000 to the Advocates for Family Peace organization to provide services for domestic violence victims;
- \$176,000 for the White Earth Band of Chippewa Indians for a regional law enforcement server; and
- \$80,000 to create a grant program for the development of lifesaver rapid response programs that are designed to quickly find individuals with medical conditions that cause those afflicted to go missing. The Department of Public Safety will be required to establish the program, including establishing grant award criteria.

A grant program will be established for the Public Safety Department to award grants to programs that provide sexual assault primary prevention services.

Additionally, the local matching requirement for a youth intervention grant is reduced from a two-to-one match to one-to-one and the grant maximum is increased from \$50,000 to \$75,000. (Art. 1, Secs. 11, 20, 23; Art. 3, Sec. 7)

### **Other Department of Public Safety funding**

The law will transfer \$1 million in Fiscal Year 2016 to a disaster contingency account; allocate \$250,000 in Fiscal Year 2016 only "to develop strategies and make efforts to combat the recruitment of Minnesota residents by terrorist organizations such as ISIS and al-Shabaab" and provide \$121,000 for salary and insurance increases. (Art. 1, Sec. 11)

Other General Fund spending increases include:

- \$24 million for the Department of Corrections to maintain current staffing levels and provide a 3 percent annual salary increase;
- \$2 million to increase the number of supervision agents for offenders on intensive supervised release;
- \$1.59 million for the Department of Corrections Fugitive Apprehension Unit to fund additional positions that should allow for more arrests of wanted fugitives;
- \$589,000 to increase the number of county probation officers;

- \$500,000 to increase the number of supervision agents for offenders participating in the Corrections Department challenge incarceration program;
- \$300,000 base increase and a \$163,000 operating increase for the Department of Human Rights;
- \$170,000 for a Scott County caseload/workload reduction grant;
- \$130,000 for an administrative assistant and \$6,000 operating increase at the Private Detective Board; and
- \$60,000 in one-time appropriations to provide access to doula services at the Shakopee women's prison and county jails. (Art. 1, Secs. 13-15)

### **Transfers, other financial provisions**

The law also provides for a \$1.25 million transfer each year from the Fire Safety Account and \$1 million transfer each year from Minnesota correctional industries (MINNCOR) to the General Fund. (Art. 1, Sec. 16)

Money from the state's disaster contingency account can be used to pay for costs of eligible avian flu emergency response activities in fiscal years 2016 and 2017. (Art. 1, Sec. 18)

An Application for Discharge of Judgment will be exempt from a \$310 court filing fee, and the fee will be \$5 for each judgment to be discharged. (Art. 1, Sec. 19)

### **Gun provisions**

The law will allow firearm suppressors to be used in Minnesota. An enhanced penalty will be in order for someone who commits a crime while hunting with a suppressor. Effective Aug. 1, 2015, a five-year ban on getting a hunting license is established for a person convicted of specific hunting violations while using a firearm suppressor.

People who have a permit to carry a pistol must now notify the Department of Public Safety if they will be armed when visiting the Capitol Complex. If not, they could be charged with a felony. A provision in the law states that having the issuance of a permit to carry will be enough notification.

The department publishes on its website a list of states that do not have substantially similar governance of permit to carry laws which makes permits issued by those states invalid in Minnesota. The law will remove the word "substantially" from the inter-state statutory review statute.

Effective Aug. 1, 2015, it will be a gross misdemeanor to purchase or obtain a firearm on behalf of a person ineligible to purchase or possess one. The law also clarifies and delimits the authority of a public official or entity to seize or regulate weapons during a state of emergency.

It will also expand the firearms prohibitions placed on certain offenders to also include prohibitions on ammunition, establish criteria for a civilly committed person to regain the right to possess ammunition, clarify that long guns can be purchased and sold to persons in other states and clarify that prohibitions on possessing ammunition do not apply to ammunition designed for antiques and ornaments. These provisions take effect Aug. 1, 2015. (Art. 3, Secs. 3, 16, 18-20, 24-34, 38)

### **Other policy provisions**

The law contains a number of other policy provisions. The following are some of those that take effect Aug. 1, 2015, unless otherwise noted:

- an initial civil commitment hearing or hearing related to the continued commitment of someone committed as a sexually dangerous or a sexual psychopathic personality can be held by interactive video conference (Art. 2, Secs. 1-3);
- a person or entity cannot be compelled to disclose the actual address of a participant in the Safe at Home Address Confidentiality Program in a legal proceeding unless it is determined there is reason to believe the matter cannot proceed without disclosure and there is no other practicable way of obtaining the information or evidence (Art. 3, Secs. 1-2);
- clarifies that vehicles used and uniforms worn by bail bondsmen or bail enforcement agent can be any color other than those specified for law enforcement (Art. 3, Secs. 6, 35);
- a Blue Alert system is created to disseminate urgent information to the public to help locate an individual suspected of killing or injuring a law enforcement officer (Art. 3, Sec. 36);
- creates the crime of adulteration by bodily fluid (Art. 6, Sec. 17);



- creates "Colton's Law" to require the Department of Corrections, when imposing electronic monitoring as a condition of the offender's release, not release the offender until the offender's electronic monitoring is activated (Art. 5, Secs. 6-8, 10-12);
- creates the "Jacquelyn Devney and Thomas Considine Roadway Safety Act" to increase the penalty for reckless driving to a gross misdemeanor if the action results in great bodily harm or death (Art. 6, Secs. 3-4, 23);
- the blood-alcohol concentration will be lowered from 0.20 to 0.16 in DWI cases for the definition of aggravating factors, which enhance criminal provisions (Art. 6, Secs. 5-9);
- amends the DWI implied consent law to specifically authorize a petitioner to raise the affirmative defense of necessity (Art. 6, Sec. 10);
- a five-year felony is created for hiring or agreeing to hire someone the individual reasonable believes is under age 18 to engage in prostitution (Art. 6, Sec. 11);
- the criminal limitation period for filing sex trafficking charges is increased (Art. 6, Sec. 21)
- effective July 1, 2015, the law requires that if wrist restraints are used on a pregnant inmate they must be applied so the woman can protect herself and fetus if she falls forward and amends other standards for care of incarcerated women; (Art. 5, Secs. 2-5)
- allows employers of volunteer firefighters and ambulance drivers to pay wages at intervals longer than 31 days provided the employee and employer agree (Art. 4, Sec. 2);
- allows for a prospective firefighter to take a reciprocity examination that is established under the law if they have received relevant military experience and been honorably discharged or are still in active service (Art. 4, Sec. 15);
- effective May 23, 2015, the law repeals a requirement that scrap vehicle operators report all transactions through the Minneapolis Automated Property System, but dealers and operators will still be required to maintain written or electronic records of transactions for three years (Art. 3, Secs. 4, 12-13, 38);
- policy language affecting the distribution of state disaster assistance contingency account is amended and clarified (Art. 7, Secs. 1-5);
- the state's controlled substance schedules are amended, primarily to align Minnesota's schedules II through V with federal schedules II through V and add certain synthetic cannabinoid, stimulant and hallucinogenic drugs to the state's controlled substance schedule I, for which most crimes are felonies; (Art. 8, Secs. 1-5); and
- effective May 23, 2015, the director of the forensic science division of the Bureau of Criminal Apprehension, each executive director of a publicly funded forensic laboratory, and each sheriff and police chief must provide a written report by Aug. 1, 2015, that identifies the number of untested rape kits in the possession of the agency or department. The BCA superintendent is to submit a report to the Legislature by Dec. 1, 2015, that includes an explanation of why each kit was not tested, and provide a plan to resolve any backlog of untested rape kits. (Art. 3, Sec. 37)

## Taxes - 2015

### Regular Session

## Tax breaks fuel session's first new law

Minnesotans who filed 2014 state income tax returns found that many of the tax changes allowed on their federal forms transferred to the state forms. A new law is in response to congressional action to continue 2013 tax year conformity provisions for the 2014 tax year – the so-called "tax extender" provisions, which Congress has been extending one year at a time.

Rep. Greg Davids (R-Preston) and Sen. Rod Skoe (DFL-Clearbrook) sponsor the new law that is effective Jan. 25, 2015, unless otherwise noted.

The income and corporate tax provisions, effective retroactively for tax year 2014, include:

- a higher education tuition tax break;
- a tax deduction for teachers who purchase books, supplies and other materials for their classrooms;
- a deduction for mortgage insurance premiums paid by homeowners; and

- creation of the Achieving a Better Life Experience Act, which will allow disabled or blind Minnesotans to set up a tax-free ABLE account. When established it will allow people with disabilities to save up to \$100,000 without losing government benefits, and make withdrawals for expenses such as housing, health care and employment training.

A provision effective following compliance by the City of Rochester clarifies the funding mechanism for the Destination Medical Center project — provisions that were enacted in 2013.

Though the matter involves a strictly technical correction, it has potentially large implications. Without this action, the amount of private investment required to leverage a projected 20-year total of \$455 million in state aid might have jumped from approximately \$6 billion to roughly twice that sum.

Legislators were forced to revisit the issue following a September 2014 opinion from Attorney General Lori Swanson that held that the language in statute required the calculation of each year's state subsidies on the basis of the previous year's private investment totals alone, rather than cumulatively.

The law's revenue reduction to the General Fund for the tax conformity provisions is estimated to be nearly \$20 million for fiscal year 2015 and a projected \$22.52 million for fiscal year 2016.

HF6\*/SF50/CH1

#### Transportation - 2015

##### Regular Session

### Stretch of highway memorializes fallen officer

A stretch of Maplewood highway will honor a fallen police officer.

Sponsored by Rep. Leon Lille (DFL-North St. Paul) and Sen. Chuck Wiger (DFL-Maplewood), a new law will designate a segment of Highway 36 the "Sergeant Joseph Bergeron Memorial Highway."

Effective May 20, 2015, the name memorializes the late-Maplewood police officer who was shot and killed on May 1, 2010, while responding to a carjacking on St. Paul's east side.

HF1772/SF1854\*/CH46

#### Transportation - 2015

##### Regular Session

### Mendota Heights highway named "Officer Scott Patrick Memorial Highway"

A section of highway through Mendota Heights will honor an officer slain in the line of duty.

Highway 149 — also known as Dodd Road — through the suburban St. Paul community will be designated as the "Officer Scott Patrick Memorial Highway," effective May 20, 2015. The change honors a 19-year veteran of the Mendota Heights Police Department who was shot and killed during a July 2014 traffic stop in West St. Paul.

Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. James Metzen (DFL-South St. Paul) sponsor the measure.

HF1461/SF1350\*/CH51

#### Transportation - 2015

##### Regular Session

### Drivers can go digital with proof of insurance

Minnesota drivers can now prove they're insured behind the wheel with their smartphones.

Sponsored by Rep. Dan Fabian (R-Roseau) and Sen. Kent Eken (DFL-Twin Valley), a law effective May 20, 2015, modifies proof of insurance statutes to include insurance information in an electronic format if it is provided by the driver's insurance company.

More than 30 states already allow electronic proof of insurance, such as through an insurer's smartphone application.

The law also includes protections related to the new format for law enforcement and drivers alike. An officer who "exercises due care" is indemnified should a driver's phone sustain damage while being used to prove their motor vehicle insurance status.

The law also prevents default consent to the search of an electronic device by an officer when it is provided to show their proof of insurance.

HF307\*/SF632/CH53

## Transportation - 2015

### Regular Session

# Law appropriates \$5.5 billion for transportation in 2016-17 biennium

Spending on the state's transportation system will rise slightly in the 2016-17 biennium thanks to increased dedicated revenues and a small infusion of one-time General Fund dollars.

With lawmakers and the governor unable to reach a broader agreement on how to fund a long-term increase in transportation spending, the omnibus transportation policy and finance law spends \$5.5 billion on Minnesota's roads, bridges and transit systems over the next biennium.

Sponsored by Rep. Tim Kelly (R-Red Wing) and Sen. D. Scott Dibble (DFL-Mpls), it utilizes a \$30 million one-time boost in General Fund appropriations toward transportation to increase transportation spending over base.

### Appropriations

In total, the law spends roughly \$5.52 billion over two years from the following funds:

- Trunk Highway Fund: \$3.35 billion;
- County State-Aid Highway Fund: \$1.37 billion;
- Municipal State-Aid Street Fund: \$348.9 million;
- General Fund: \$275.1 million;
- Special Revenue Fund: \$123.7 million;
- Airports Fund: \$50.2 million; and
- Highway User Tax Distribution Fund: \$4.4 million.

Those appropriations include \$4.99 billion for the state's transportation needs, including roughly \$1.5 billion on state road construction; \$580 million for road operation and maintenance; \$198.5 million for the State Patrol; and \$182.8 million to the Metropolitan Council for bus and rail operations.

### Additional spending

The funding package utilizes the \$30 million one-time General Fund increase to fund a small list of new spending items, including:

- \$12.5 million in road and bridge aid for the state's smallest cities that don't receive Municipal State-Aid Street funding;
- \$5 million for Greater Minnesota Transit;
- \$5 million for rail grade crossing safety improvements
- \$3 million for assistance to ports; and
- \$900,000 for rail emergency response teams in St. Cloud and Duluth.

The law directs the Department of Transportation to spend down an unreserved fund balance of nearly \$182 million over two years, much of it on state road construction. It also cancels unused 2014 General Fund appropriations for the Southwest Light Rail transitway project; as a result, an additional \$27.3 million will go toward Metropolitan Council transit operations and \$2 million over two years will be redirected to suburban opt-out transit providers.

### Policy provisions

Article 2 of the law includes more than three-dozen transportation policy provisions that take effect July 1, 2015, unless otherwise noted. Some key measures include:

- a base fine increase to \$275 for second and subsequent texting-while-driving offenses (Art. 2, Sec. 22);
- exempting portable toilet trucks from spring road weight restrictions, effective May 23, 2015 (Art. 2, Sec. 29);
- a requirement that municipalities provide health insurance or reimbursement to dependents of volunteer firefighters killed in the line of duty, effective Jan. 1, 2016 (Art. 2, Sec. 39);
- a requirement that deaths of active firefighters — whether or not the death is presumed to be in the line of duty — be reported to the state fire marshal (Art. 2, Sec. 44);
- granting suburban transit providers a seat on the Transportation Advisory Board for the first time (Art. 2, Sec. 46);
- allowing the Department of Public Safety to set a State Patrol vehicle escort fee that fully covers its costs of providing the service, effective May 23, 2015 (Art. 2, Sec. 43);
- requiring a report to the Legislature on the use of constitutionally-dedicated transportation funds (Art. 2, Sec. 56);
- providing that any proceeds from the sale or licensing of software products or services developed by the Department of Transportation must be credited to the Trunk Highway Fund (Art. 2, Sec. 2);
- local road authorities will be required to undertake traffic signal optimization studies and planning, and reevaluate traffic signal timing at least once every five years, effective May 23, 2015 (Art. 2, Sec. 6);
- motorcycles may be equipped with up to four headlamps, effective May 23, 2015 (Art. 2, Sec. 23);
- requiring municipalities seeking Safe Routes to School funds to pass complete streets ordinances for new residential developments (Art. 2, Sec. 32);
- trailers registered at gross vehicle weights between 3,000 and 7,200 pounds may be taxed annually, or once every three years, effective May 23, 2015 (Art. 2, Sec. 14);
- drivers of commercial vehicles carrying property will not be required to submit a written report following a required daily inspection if no defect or deficiency is discovered by or reported to the driver, effective May 23, 2015 (Art. 2, Sec. 24);
- aerodynamic devices on semitrailers that meet federal regulations will be excluded from vehicle length limits (Art. 2, Sec. 28)

HF1733/SF1647\*/CH75

## Vetoed - 2015

### Regular Session

## Environment, agriculture bill vetoed by Gov. Dayton

Gov. Mark Dayton vetoed the omnibus environment, natural resources and agriculture policy and finance bill which would have provided more than \$860 million in appropriations to fund dozens of programs and government agencies around the state during the upcoming biennium.

"The bill contains vitally important statutory changes and funding for the avian influenza outbreak and buffer zones," Dayton wrote in his veto letter. "I am deeply disappointed that these provisions are part of a larger bill that undermines decades of environmental protections."

Sponsored by Rep. Denny McNamara (R-Hastings) and Sen. David Tomassoni (DFL-Chisholm), the bill included the following environment and natural resources appropriations for the biennium, by state agency:

- Department of Natural Resources – \$525.9 million
- Pollution Control Agency – \$186.3 million
- Board of Water and Soil Resources – \$26.6 million
- Met Council – \$17.4 million

- Zoo Board – \$16.8 million
- Science Museum – \$2.15 million
- Conservation Corps – \$1.89 million
- Administration – \$600,000

The bill contains a number of policy provisions Dayton does not like, and he listed several in his letter.

Perhaps the most controversial would be the elimination of the Pollution Control Agency's Citizens' Board. This nine-member body has the authority to make environmental permitting decisions and is charged with a mission to "achieve a reasonable degree of purity of the water, air and land resources." (Art. 4, Secs. 112-115, and 150)

However, its detractors believe the board creates uncertainty for those seeking permits and makes the process more difficult for them.

In his veto letter, Dayton wrote that the bill "weakens the state's authority and threatens our future generations' rights to clean water, land and air."

He listed other changes in the bill that would have also impacted the PCA's authority, including a provision that would require the agency to defer enforcement of an environmental violation for at least 90 days if the regulated entity self-reports it, and a measure that Dayton said would prevent the PCA from adopting water quality standards by requiring "expensive and unnecessary steps in the rulemaking process." (Art. 4, Secs. 97-98)

Dayton also cited "raids" of the Closed Landfill Investment Fund, inadequate funding of the Environmental Quality Board, earmarks in the Remediation Fund "that prevent the MPCA from honoring its commitments to clean up Superfund sites," and delayed enforcement of updated pollution permits for wastewater facilities in the Red River watershed.

#### Buffers and influenza

Two provisions in the bill that Dayton staunchly supports are new guidelines for buffers on riparian lands and funding for efforts to combat and recover from the avian influenza outbreak.

The buffers language would have mandated a 16.5-foot wide buffer of perennial vegetation on all public ditches by November 2018. Counties and municipalities would have been required to ensure public shore lands have an average buffer of 50 feet by November 2017. (Art. 4, Sec. 77)

The appropriations to fight avian flu were included in a section of the bill that would have allocated \$87.02 million for the Department of Agriculture.

The department would have received \$3.62 million, the Board of Animal Health would have received \$1.85 million and the Department of Health would have received \$103,000 for those efforts.

"I will insist the bill's language regarding buffer zones avian influenza be included in the legislation emanating from the upcoming Special Session," Dayton wrote.

Other notable provisions in the bill included:

- repeal of an existing law, set to take effect in July 2015, which would have required boaters to display a trailer decal certifying they've taken an education course teaching best practices to stop the spread of aquatic invasive species; (Art. 4, Sec. 150)
- a new framework to begin a pilot project studying industrial hemp as an agricultural crop. It would have authorized the Agriculture Department, along with higher education institutions, to study the benefits and opportunities industrial hemp may provide the state's farmers; (Art 2, Secs. 35-46)
- a change in the income limit for home cooks and gardeners who sell their products to the public. They would have been allowed to sell those products directly to consumers beyond community events and farmers' markets and their annual sales limit would be raised from \$5,000 to \$18,000; (Art. 2, Sec. 53)
- a new grant program promoting more recycling in rural parts of the state that would award grants for recycling efforts in cities and townships outside the seven-county metro area with a population of less than 45,000; (Art. 4, Sec. 108)
- cost estimates for augmenting water levels in White Bear Lake; (Art. 1, Sec. 3)
- three new production-based bioenergy grant programs to encourage advanced biofuel, renewable chemical and biomass thermal production; (Art. 2, Secs. 57-61)

- formation of an Agriculture, Research, Education, Extension, and Technology grant program to fund projects that help Minnesota achieve long-term agricultural productivity; (Art. 2, Sec. 56)
- a new loan program to help farmers add value to crop or livestock, improve efficiency, achieve environmental improvements and increase on-farm energy production;
- a pilot program at the Northeast Regional Corrections Center to train inmates for careers as butchers upon release; (Art. 2, Sec. 84)
- grants for Second Harvest Heartland to purchase and distribute fresh milk to charitable organizations;
- an effort to identify emerging opportunities for agriculture producers and processors in Cuba; and
- a requirement that structural pest control license holders have a valid license ID to buy restricted use pesticides identified as particular dangers to humans and the environment if used incorrectly.

HF846\*/SF1764/CH79

## Vetoes - 2015

### Regular Session

## Dayton ditches jobs and energy bill with veto

An omnibus jobs and energy bill passed by the House with only seconds left in the regular session died five days later on Gov. Mark Dayton's desk.

Both the governor, in his veto letter, and the House sponsor, Rep. Pat Garofalo (R-Farmington), in a statement, expressed disappointment — Dayton with the bill, Garofalo with the veto.

"It's disappointing that Governor Dayton vetoed a bipartisan compromise bill," Garofalo said. "I hope to work with Governor Dayton during the special session on agreeing to and passing a Jobs and Energy bill that will help connect Minnesotans with better paying jobs and make our state's energy both cleaner and more affordable."

Within the \$432.64 million bill, the governor found 19 examples of underfunding — a dozen of them in the purview of the Commerce Department alone. Its \$55 million budget under the bill, Dayton said, would have included no funding for:

- staff to conduct health care rate reviews or health care civil and criminal enforcement;
- responsibilities related to multiyear utility rate plans, energy reliability, no-fault insurance issues and competitive rates for energy-intensive, trade-exposed electric utility customers;
- the Guaranteed Energy Savings Program; and
- costs related to a lawsuit over Minnesota's restrictions on imports of electricity generated by coal.

Dayton also cited inadequate funding for the department's divisions of administrative services and energy regulations and planning, as well as its securities unit and fraud bureau as reasons for his veto. (Art. 1, Sec. 8)

### Other objections

Dayton said the bill would not have included standard 1.8 percent operating increases for the Worker's Compensation Court of Appeals or for the Bureau of Mediation Services. (Art. 1, Secs. 6-7)

The bill also would have cut off funding for the Public Employment Relations Board, Dayton wrote, making it "impossible for this new entity to carry out its statutory responsibility to oversee and adjudicate unfair labor practice charges." (Art. 1, Sec. 6)

Dayton called the bill's broadband funding "seriously inadequate." The Office of Broadband Development awarded \$20 million in Border-to-Border grants in the current biennium but would have had "barely half that amount" to award in the next, Dayton wrote. (Art. 1, Sec. 2)

The governor said he was disappointed by cuts the bill would have made to two programs — Extended Employment, and Individual Placements and Supports —that help disabled and mentally ill people find and hold jobs. (Art. 1, Sec. 2)

In his letter, Dayton said he will “insist” that special-session legislation include adequate funding for those programs as well as for the Commerce Department.

Dayton’s letter pointed to a single policy (non-funding) problem: changes to current net-metering law that would have allowed electrical co-ops and municipal utilities to charge a fee for use of the grid to customers who generate their own power. That measure would have served to “disincentivize the use of wind and solar power,” Dayton wrote. (Art. 3, Sec. 19)

### **What was in the bill**

The bill surfaced in the last hour of the regular session as a delete-everything amendment to an unrelated bill.

That was after a conference committee led by Garofalo and Sen. David Tomassoni (DFL-Chisholm), sponsors of the omnibus bills HF843 and SF2101, failed to adopt a report. The committee had, however, adopted 29 sections of the House or Senate bills that were the same or similar, and many of those were in HF1437, including provisions that would have:

- allowed parking within 10 feet of a home in a manufactured-home park (Art. 4, Sec. 1);
- streamlined fee structures for combative sports and other licenses (Art. 3, Sec. 12; Art. 5, Secs. 1-2, 5);
- created a MNvest online crowdsourced business-equity investment program (Art. 3, Sec. 12);
- setting a six-year cycle for building code updates, and extending the effective date after adoption of code or code changes from 180 to 270 days (Art. 5, Secs. 3-4); and
- provided special unemployment benefits for laid-off iron ore workers, and made other clarifications and changes to unemployment insurance statutes (Art. 6, Secs. 1-16).

A related measure, drawn from a bill introduced after the conference committee started its work, would have provided extra unemployment benefits to workers laid off as a result of the impact of bird flu on the poultry industry. (Art. 6, Sec. 17)

That was one of about three-dozen provisions in the bill that had not been adopted by the conference committee, most of them drawn from either the omnibus House or Senate bills (or both). They included provisions that would have:

- required studies of distributed generation of energy, and of paid family and medical leave (Art. 3, Sec. 20; Art. 2, Sec. 21);
- allowed utilities to propose multiyear rate plans for a maximum of five years, instead of the current three-year maximum (Art. 3, Sec. 17); and
- allowed utilities to charge lower electrical rates to “energy-intensive trade-exposed” customers such as iron mines and steel mills. (Art. 3, Sec. 22).

No minimum-wage provision

Not included in HF1437 were many provisions in HF843, the omnibus jobs and energy bill the House originally passed. Some of those would have:

- set a lower minimum wage for some tipped employees;
- lifted the ban on new nuclear power plants; and
- allowed hydro facilities installed after the effective date, with a capacity greater than 100 megawatts, to count toward a utility's Renewable Energy Standard. .

HF1437\*/SFnone/CH80

### **Vetoes - 2015**

#### **Regular Session**

## **Education bill vetoed by Gov. Dayton**

A \$17 billion education spending plan that Gov. Mark Dayton had threatened to veto several days before the bill was even placed on his desk was indeed rejected.

Dayton’s objections, expressed in his veto letter, almost solely focused on what was not in the bill, namely that appropriations did not include enough of an increase on the per-pupil formula. He also was disappointed that there was no inclusion of a universal preschool program he had advocated for over the last several months.

Rep. Jenifer Loon (R-Eden Prairie) and Sen. Chuck Wiger (DFL-Maplewood) sponsored the bill, which would have increased spending on K-12 and early learning programs by \$400 million over the next two years. Dayton said such an investment was "insufficient given the state's large surplus."

"It is astonishing that with a \$1.9 billion surplus ... there would be less invested in our schools this year," than there was in the 2013 biennium. That year, Dayton signed into law a \$606 million increase in E-12 education spending.

About 70 percent of the proposed new spending would have been dedicated to a per-pupil formula increase of 1.5 percent in Fiscal Year 2016 and 2 percent in Fiscal Year 2017. (Art. 1, Sec. 25)

In February, the governor proposed education budget recommending a 1 percent formula increase each year of the biennium. But in the waning days of the legislative session Dayton told leaders from the Republican-controlled House and DFL-controlled Senate that he wouldn't sign the conference report on education spending unless it contained a 2 percent increase each year over the biennium and at least enough funding to create of a half-day public preschool program.

Pre-K was a sticking point

Dayton's original E-12 budget proposal asked legislators to increase spending by \$795 million, with \$343 million dedicated to a full-day voluntary public preschool program for 4-year-olds.

Both the House and Senate versions of the bill did not include any funding for universal prekindergarten. Instead, the conference committee reports included nearly \$67 million in additional funding for several existing early learning programs targeting children from low-income families. Dayton objected to that approach, saying that his "universal" approach would help the most children in need. (Art. 9, Sec. 8)

"Despite my willingness to move from full-day to half-day prekindergarten, and despite my urging that we take a comprehensive approach to educating young children, your bill neglects the opportunity to make transformational changes for our 4-year olds," Dayton wrote.

According to Dayton's veto letter, the bill also lacked increased funding for the following purposes, which the governor communicated to House and Senate majority leadership needed to be added to the bill before he would sign off on it:

- Head Start;
- Northside Achievement Zone and St. Paul Promise Neighborhood;
- Bureau of Indian Education (tribal contract) schools;
- special education;
- English Learning programs; and
- Regional Centers of Excellence.

The governor also was disappointed that the bill did not include funding for free breakfasts for pre-kindergarten and first-grade students attending public schools.

What is in the bill?

In addition to the \$289 million increase in general education spending, the bill would have dedicated nearly \$31 million each to the School Readiness and Early Learning Scholarships programs, which provide pre-kindergarten resources to children from low-income families. (Art. 9, Sec. 8)

Parent Aware, the state's recently-developed rating system for participating early learning child care providers would have received a \$3.5 million boost for expansion of its services to keep up with increased support for early learning scholarships, while the Early Childhood Family Education program would have received a \$2.5 million base funding increase.

Other fiscal aspects of the bill included:

- \$31.9 million increase in long-term facilities maintenance aid;
- \$9.5 million increase to the Q Comp program that gives schools funding to award teachers for performance;
- \$4 million increase to fund concurrent enrollment programs in high schools;
- \$3.5 million new additional funding for the Minnesota Reading Corps program;



- \$3.1 million increase in American Indian education funding and changed the funding structure from a grant-based allocation to formula-based aid;
- \$2.4 million increase for extended support programs in public schools; and
- \$2 million increase for extended support programs in charter schools. (Art. 1, Secs. 1, 25; Art. 2, Secs. 35, 57, 69; Art. 6, Sec. 4)

### Policy Provisions

The bill included several policy provisions that would have streamlined the teacher licensure process for out-of-state applicants to address teacher shortages in certain content fields and geographic areas of the state. (Art. 2, Secs. 9, 14-15, 17-18, 22)

The bill also focused on reforming standardized testing in schools and expanding opportunities for students to earn college credits while in high school – via concurrent enrollment and post-secondary enrollment options programs. Dayton did not specifically object to any of those provisions in his veto letter. (Art. 3, Sec. 12, 13; Art. 2, Sec. 39)

Other policy provisions included in the bill would have:

- prohibited school administrators from placing a student for two consecutive school years in the classroom of a teacher who is in the improvement process or had not had a summative evaluation unless no other teacher at the school teaches that grade or subject area; (Art. 2, Secs. 23, 25)
- repealed a 2014 law that requires students to take the ACT college entrance exam to graduate high school; (Art. 3, Sec. 1)
- limited the amount of time students spend on locally adopted assessments to 10 hours per school year for grades 1 through 6 and to 11 hours for grades 7 thru 12; (Art. 3, Sec. 12)
- required all Minnesota State Colleges and Universities institutions to give full credit to a student enrolling in any MnSCU institution who, as a high school PSEO student, completed a PSEO course or program for postsecondary credit that is part or all of a goal area or transfer curriculum at a MnSCU institution; (Art. 2, Sec. 43)
- allowed a school district that has a four-day week plan during the current school year to continue with a four-day week through the 2019-20 school year and would have required the Department of Education to give a year's notice before revoking approval of a district's flexible learning year program; (Art. 1, Sec. 2)
- allowed any school district to begin the 2015-2016 school year on Sept. 1, six days before Labor Day; (Art. 2, Sec. 66) and
- allowed agricultural science and career and technical education credits to fulfill graduation requirements in science; allowed a computer science credit to fulfill a required mathematics graduation and a 'Project Lead the Way' credit would have been allowed to fulfill a science or mathematics credit. (Art. 3, Sec. 4)

HF844\*/SF811/CH72