

Minnesota House of Representatives

Public Information Services

Agriculture - 2016

Regular Session

Farm safety, elk management focus of agriculture policy law

A wide range of policy tweaks to agricultural issues ranging from farm safety to elk management are implemented in a law sponsored by Rep. Paul Anderson (R-Starbuck) and Sen. Dan Sparks (DFL-Austin).

A major provision will direct the Department of Agriculture to analyze farm safety issues, including common causes of farm accidents, and compile a list of farm safety programs in Minnesota by Oct. 1, 2016. As part of the Farm Safety Initiative, the department is directed to make available the inventory and promote to farm operators in Minnesota the farm safety programs and resources contained in the inventory. A report on farm-operation safety challenges is due the Legislature by Feb. 1, 2017.

Under the new law, elk management plans must not increase the size of the herd, unless the agriculture commissioner verifies that the herd has not caused an increase in the amount the state has paid farmers for crop and fence damages for at least two years. The commissioner will also be required to submit an annual report to the Legislature detailing the total amount of damages paid, by elk herd, in the previous two fiscal years.

With new renewable energy solar sites appearing across the state, the law also includes voluntary guidelines regarding vegetation and habitats surrounding them.

An owner of a ground-mounted solar site with a generating capacity of more than 40 kilowatts may follow site management practices that provide native vegetation and foraging habitats beneficial to gamebirds, songbirds and pollinators, as well as reduce storm water runoff and erosion at the solar energy generation site. An owner making a beneficial habitat claim will need to make the site's vegetation management plan available to the public, and provide a copy of the plan to a Minnesota nonprofit solar industry trade association.

Other provisions in the law, will:

- establish a task force under the agriculture commissioner regarding the state's Farmer-Lender Mediation Act, to report back to the Legislature by Feb. 1, 2017;
- extend the Minnesota Organic Advisory Task Force, which has been around for over 25 years, by three years through June 30, 2019; and
- remove a requirement that licensed commercial or noncommercial applicators must have an appropriate use certification before they can apply pesticide to a golf course.

HF3231/SF3018*/CH184

Budget - 2016

Regular Session

General Fund spending will increase by \$182 million

State spending will increase by about \$182 million over the 2016-2017 biennium, using about a fifth of the \$900 million surplus that was forecast in February.

Sponsored by Rep. Jim Knoblach (R-St. Cloud) and Sen. Richard Cohen (DFL-St. Paul), a new law appropriates an additional \$182.39 million from the General Fund for the current biennium and anticipates an additional \$233.33 million in 2018-19 biennial spending. Articles in the law cover E-12 education, higher education, health and human services, agriculture and environment, jobs and equity, public safety and state government.

The new law takes effect July 1, 2016, unless otherwise noted.

HF2749*/SF2356/CH189

Higher Education (Article 1)

New Laws

[Main About Search](#)

Higher education receives \$5 million for the current biennium and \$4 million in the tails.

The Office of Higher Education will receive \$2 million for the state grant program for low- and middle-income Minnesota students attending any in-state postsecondary institution. The office will also receive \$500,000 for equity in postsecondary attainment grants and \$500,000 for the creation of a web system connecting students and employers.

The Minnesota State College and Universities system will receive \$570,000 in operating support and \$200,000 for open textbooks initiatives. The University of Minnesota will receive \$800,000 to support health-related programs and \$100,000 to implement a program at the Rochester campus for students recovering from addictive behaviors.

The law will also:

- require certain public employers to promote existing loan forgiveness programs;
- expand a law that prevents MnSCU institutions from requiring remedial classes for a student who has received a "college-ready" ACT score in the subject area to also include SAT scores and to require the institution to also consider the student's score on the Minnesota Comprehensive Assessments;
- require the Office of the Ombudsman for Mental Health and Developmental Disabilities to monitor the treatment of individuals participating in drug trials at the University of Minnesota's Psychiatry Department; and
- expand eligibility for an existing student loan counseling program.

Agriculture (Article 2)

Changes to the agriculture budget result in an overall decrease of \$6,380 million in the current biennium and an increase of \$8,800 million in 2018-2019. The savings come in part from reducing appropriations to avian flu response programs.

New appropriations in the budget include:

- \$1 million for the Forever Green Agriculture Initiative to increase productivity of Minnesota farmers by incorporating perennial and winter annual crops into existing agricultural practices;
- \$1 million transfer to the agricultural emergency account in the agricultural fund;
- \$450,000 for a wide rice breeding project at the U of M;
- \$350,00 for potato breeding at the U of M;
- \$283,000 for veterinary diagnostic laboratory equipment at the U of M;
- \$250,000 for a tractor rollover protection pilot program;
- \$250,000 to administer an industrial hemp pilot program; and
- \$250,000 for a good food access account.

The law also appropriates \$3 million annually to the Department of Agriculture to fund a siding incentive program for siding producers using primarily Minnesota raw materials.

The law also establishes a farmer-lender mediation task force regarding the state's Farmer-Lender Mediation Act.

Environment and Natural Resources (Article 3)

This article appropriates a total of \$2.62 million to the Pollution Control Agency and \$16.7 million to natural resources, including game and fish, over the biennium.

Specific appropriations include:

- \$3.5 million for forest management;
- \$6.459 million for parks and trails management; and
- \$4.4 million for legal costs related to the NorthMet mining project.

Some of the policy changes in this article will:

- allow tribal band members with an identification card to harvest wild rice without a DNR permit;
- require carbon monoxide detectors on new motorboats that have an enclosed compartment;

- allow an expedited land exchange process in exchanging school trust lands and university lands;
- allow nonresidents who are active members of the state's National Guard to obtain certain residence fish and game licenses;
- require the DNR to develop criteria for certifying entities to conduct a prescribed burn without a permit; and
- create an Aggregate Resources Task Force to study and provide recommendations on issues surrounding aggregates.

Public Safety and Corrections (Article 4)

Public safety receives an increase of \$24.97 million over the biennium, with \$37.86 million in tails. Of this funding, \$10.671 million goes to correctional institutions. Other appropriations include:

- \$4.5 million from the trunk highway fund to recruit, train and equip a State Patrol Academy;
- \$2.547 million for courts;
- \$1.85 million for IT upgrades and staffing; and
- \$1 million to establish a high-risk revocation reduction program in the metro area.

Policy provisions in the law will:

- allow sensory testing services to obtain a license from the Department of Safety to possess and serve alcohol as a part of their business;
- increase the statutory maximum sentence for felony assault motivated by bias because of race, color, religion, sex, sexual orientation, disability, age or national origin; and
- issue selected special liquor licenses.

Economic Development, Housing and Energy (Articles 5-7)

The supplemental budget includes an additional \$40 million in General Fund spending in Fiscal Year 2017 and ongoing reductions for Minnesota job creation fund (\$11.5 million) and the Minnesota investment fund (\$9 million). An additional \$6.08 million is available from a worker's compensation system reform cancellation from Fiscal Year 2016 funding.

Of the new money, \$35 million is to go toward broadband development grants. Of this, only \$5 million may be used for grants to underserved areas, and up to \$1 million may be used for administrative costs.

The law will also change the state access and high-speed goals to that:

- no later than 2022, all Minnesota businesses and homes have access to high-speed broadband that provides minimum download speeds of at least 25 megabits per second and minimum upload speeds of at least three megabits per second; and
- no later than 2026, all Minnesota businesses and homes have access to at least one provider of broadband with download speeds of at least 100 megabits per second and upload speeds of at least 20 megabits per second.

Other General Fund appropriations include:

- \$10 million for the Minnesota 21st Century Fund, which is used to make loans or equity investments in mineral, steel or any other industry processing production, manufacturing or technology project within a specific taconite relief tax area that will enhance economic diversification;
- \$4.5 million for the state's Snowbait program that offers rebates up to 25 percent of expenditures for filmmakers and production companies who spend more than \$1 million in the state if they can prove that it generated economic activity;
- \$3.65 million in a onetime appropriation for Mille Lacs County to develop an area economic relief program;
- \$1.22 million for the Duluth North Shore Sanitary District to reduce debt and bring its monthly wastewater rates in line with similarly situated facilities across the state;
- \$773,000 for Explore Minnesota Tourism to establish a pilot program "to assist in funding and securing major events benefitting communities throughout the state";
- \$750,000 for the state's Workforce and Affordable Home Ownership Development Program;

- \$500,000 to establish a grant program for the exploited families rental assistance program; and
- \$100,000 for “an easy-to-understand manual to instruct aspiring business owners in how to start a child care business.”

Appropriations from the additional \$4.45 million in Fiscal Year 2017 spending from the Workforce Development Fund include:

- \$1 million for rate increases to providers of extended employment services for persons with severe disabilities;
- \$800,000 for day training and habilitation providers to provide innovative employment options and to advance community integration for persons with disabilities as required under the Minnesota Olmstead Plan;
- \$500,000 for rural career counseling coordinators;
- \$500,000 for the Occupational Development Corporation in Buhl to train and provide employment opportunities for people with disabilities and disadvantaged workers;
- \$500,000 for the North East Higher Education District to purchase equipment for training programs due to increased demand under the state’s dislocated worker program; and
- \$400,000 is for grants to small business development centers.

Policy provisions in the law include:

- establish an emerging entrepreneur program “to award grants to nonprofit corporations to fund loans to businesses owned by minority or low-income persons, women, veterans, or people with disabilities”;
- create a workforce and affordable home ownership development program to “increase the supply of workforce and affordable, owner-occupied multifamily or single-family housing throughout Minnesota”; and
- establish a grant pilot program to serve individuals or families from emerging communities at risk of being homeless and who have been victims of gender-based violence, including but not limited to domestic violence, sexual assault, trafficking, international abusive marriage, or forced marriage.

Housekeeping and technical changes (Articles 8-11)

The law contains a number of housekeeping and technical changes for the Department of Labor and Industry and the Unemployment Insurance Advisory Council, including:

- changes the deadline for sending electronic and mail requests for continued unemployment benefits from three weeks to four;
- rewriting the statute regarding repayment of benefit overpayments without changing substantive law or department practice; and
- changing the period in which a determination of ineligibility for unemployment benefits due to fraud may be made from four years to 48 months for consistency of time periods used as all other periods for determining eligibility are in months not years.

Equity (Article 12)

The law appropriates a total of \$35 million within the equity article, the first time such an article appears in a supplemental budget. Appropriations are distributing among a wide range of grant programs and organizations working to reduce economic disparities among racial and ethnic groups in the state. Some of the appropriations within the article include:

- \$4.25 million for a grant to EMERGE Community Development for services to communities with the highest concentrations of African and African-American joblessness;
- \$2.5 million for the creation of additional career connections pathways;
- \$2.5 million for grant to the Metropolitan Economic Development Association;
- \$2 million for community-based organizations serving Somali youth;
- \$2 million for a competitive grant program to provide grants to organizations serving low-income communities and communities of color with individual support services such as job training and academic interventions;
- \$2 million for a competitive grant program for organizations focusing on relieving economic disparities in the Southeast Asian community;

- \$1.5 million for Latino Communities United in Service;
- \$1.5 million for grants to the Neighborhood Development Center for small business programs;
- \$1 million to the YWCA St. Paul for job training and workforce development programs and services; and
- \$880,000 to the American Indian Opportunities and Industrialization Center to reduce academic disparities for American Indian students and adults.

State Department and Veterans (Article 13)

A \$10 million appropriation to the Amateur Sports Commission for "Mighty Ducks" grants is the largest appropriation in this article. Other appropriations include:

- \$3 million for the judges' retirement fund;
- \$2 million for statewide IT systems;
- \$1 million for accounting and procurement software upgrades;

Policy provisions in the article will:

- make multiple changes to laws governing barbers;
- allows a state income tax subtraction for military retirement pay;
- allow preference for Indian-owned contractors for highway construction on tribal lands;
- authorize a plaque to honor Capitol construction workers;
- instruct the Department of Veterans Affairs to study veterans' unmet needs for behavior and mental health services and to study the feasibility of partnerships to provide interim housing for disabled veterans;
- authorize a Medal of Honor memorial on Capitol grounds; and
- instruct the Legislative Commission on Planning and Fiscal Policy to study the joint budget target setting process and make recommendations to the Legislature by Jan. 15, 2017.

Health and Human Services (Articles 15-23)

There is no additional money for health and human services programming from the new law. However, funding shifts, largely from the healthcare access fund, will provide an increase in certain reimbursement rates and subsidized services, including 35 percent for dental a clinic or group that meets the critical access dental provider designation and a 30 percent increase for dentists offering services to those on Medicare. The law also provides for a 5 percent payment rate increase for ambulance services in rural area (Sec. 10, Art. 19).

The new law makes creates several health-related occupational licensure requirements including laying out definitions, educational requirements and scope of practice for those seeking licensure as a genetic counselor. (Art. 21 Sec.1-28)

Relying solely on the availability of federal funds, the commissioner of health can establish a grant process to provide culturally competent programs to screen and treat pregnant women and women who have given birth in the preceding 12 months for pre- and postpartum mood and anxiety disorders. (Art. 20, Sec. 21)

The following 2017 fiscal year appropriations are also included in the bill (Art. 23, Sec. 2, 3):

- \$19.678 million appropriation to increase staffing at community behavioral health hospitals;
- \$6.75 million for development of a new residential competency restoration program to be operated by state-operated forensic services. The appropriation is to fund 20 hospital beds at Anoka Metro Regional Treatment Center and 12 secure beds at the Minnesota Security Hospital;
- \$1.124 million appropriation for the Anoka-Metro Regional Treatment Center.
- \$1.035 million in fiscal year 2017 for a Greater Minnesota Family Medicine Residency Grant program with the goal of attracting more family medicine to rural parts of the state that are experiencing physician shortages;
- \$800,000 for Children's Services Grants to expand the American Indian Child Welfare Initiative;
- \$66,000 for Safe Harbor of Sexually Exploited Youth; and
- \$33,000 for school-linked mental health grants

E-12 Education (Articles 24-34)

The overall budget impact of E-12 education is just \$25 million, but the article provides for more than \$50 million in additional appropriations thanks to a provision allowing school districts early repayment of maximum effort loans. \$25 million for voluntary prekindergarten tops a wide range of E-12 education appropriations. Some of the many other appropriations include:

- \$12.133 million for Support our Students grants for districts to hire counselors and other support staff;
- \$4.5 million for staff development grants to intermediate districts and other cooperative units;
- \$2.8 million for grants to student teachers in shortage areas;
- \$2.2 million for the teacher shortage loan forgiveness program; and
- \$1.5 million for grants to school districts for Grow Your Own paraprofessional pathway to teacher licensure programs.

Policy provisions in the will, among other things:

- establish a legislative study group on teacher licensure;
- require at least one hour of suicide prevention training for teacher license renewal;
- redefine teaching licenses to include five-year professional and initial professional licenses;
- incorporate teacher diversity goals within programs to close academic achievement gaps;
- require MnSCU to create an alternative preparation program for career and technical educators and create a career and technical educator licensing advisory task force;
- require state standards for physical education;
- update state law to conform with the federal Elementary and Secondary Education Act;
- require districts to develop policies on conducting student surveys and to give parents opportunities to review and opt students out of participating in a survey;
- create a Student Discipline Working Group to report back to the Legislature by Feb. 1, 2017; and
- require the Education Department to include data on physical assaults of district employees by students in annual school performance reports.

Miscellaneous (Article 14)

Two tax provisions and an appropriation are grouped together under a “miscellaneous” article. This provisions do the following:

- establish a tax credit of \$2,000 for each birth resulting in stillbirth;
- exempt modular homes from state sales tax; and
- appropriate \$260,000 for the payment of public safety officer survivor benefits.

Business and Commerce - 2016**Regular Session****Wagering on simulcast races could see bump**

Live betting at Minnesota’s two racetracks is increasing, but the same can’t be said for wagering on races being simulcast at the track; therefore, overall racing revenue has left the Minnesota Racing Commission short on operating revenue.

With a new law, it’s hoped that more money will be brought in by making it easier for consumers to wage bets over their phone or electronic devices on horse races conducted outside the state.

Sponsored by Rep. Joe Hoppe (R-Chaska) and Sen. Dan Sparks (DFL-Austin), the law authorizes and regulates advance deposit wagering, which allows a pari-mutuel better to place funds on deposit with an authorized and licensed wagering provider, and either over the phone or electronically, make wagers against the account, with the winnings are credited to the account and losses debited.

The law, with most provisions effective July 1, 2016, will also:

- establish licensing criteria and a regulatory framework for ADW providers;
- provide the commission with operating revenue by targeting 1 percent of all amounts wagered to the commission;
- recapture a portion of the wagering to benefit the horse breeding industry and make for greater purses; and
- establish protections so that Minnesotans who bet on races taking place outside the state enjoy the protections offered by the state.

Last year the Legislature appropriated \$341,000 as stop-gap funding, with the request that interested parties come together to find a sustainable source of funding.

HF3211*/SF2835/CH183

Business and Commerce - 2016

Regular Session

Life insurance reserves to be in synch with uniform national act

How much money life insurance companies need to have in reserve to ensure there's enough to pay claims will change.

According to the nonpartisan House Research Department, insurers currently use a formulaic approach to determine how much to hold in reserve for accident and health insurance policies, annuity contract and life insurance policies. A new law will require insurers to use a principle-based method to determine the amount they must hold in reserve.

It is sponsored by Rep. Joe Hoppe (R-Chaska) and Sen. Vicki Jensen (DFL-Owatonna).

Supporters said the language has been adopted by 43 states, representing 76% of the insurance premiums in the U.S. This means that, after the National Association of Insurance Commissioners evaluates the states' laws, the uniform act will become effective Jan. 1, 2017. However, there are issues with the valuation manual, which is the document that provides specific valuation instructions to the insurance companies.

The National Association of Insurance Commissioners is currently making changes to the valuation manual, and there will be a three-year implementation period during which insurers may choose to use this new methodology.

HF3384*/SF3230/CH178

Business and Commerce - 2016

Regular Session

New law adds protection for small businesses

A new law, effective May 23, 2016, adds provisions to the Minnesota Human Rights Act governing civil lawsuits involving alleged violations of the act in relation to architectural and communication barriers in public places.

The law adds new regulations which apply to attorneys sending demand letters, and outlining affirmative defenses for defendants. It is sponsored by Rep. Dennis Smith (R-Maple Grove) and Sen. Kari Dziedzic (DFL-Mpls).

A demand letter seeking removal of an architectural barrier will be required to specify the nature of the alleged violation, the law alleged to be violated and a reasonable time period of no less than 30 days to respond. A demand letter is prohibited from requesting money to prevent a lawsuit from being filed, but is required prior to proceeding with civil litigation.

HF2955*/SF2584/CH159

Business and Commerce - 2016

Regular Session

Real estate licensure test time exemption enacted for veterans, spouses

The time it takes for a veteran to readjust to civilian life varies. Sometimes that means the veteran and their family can be hurt financially if the veteran cannot meet the requirements to hold the job they once had.

Sponsored by Rep. Jim Newberger (R-Becker) and Sen. John Hoffman (DFL-Champlin), a new law will entitle a veteran who has been honorably or generally discharged, and their spouse, to have their experience requirement for obtaining a real estate broker's license waived if the license was cancelled during or soon after an active duty tour by the veteran.

The law is effective April 30, 2016.

Newberger said people in the real estate industry can put their license "on ice" for up to two years while on active duty, but under previous law had just six months upon return to get everything back in order.

While not a blanket waiver, the law will also permit veterans to retake the necessary licensing exams at no cost until they are passed.

HF3252*/SF3085/CH90

Business and Commerce - 2016

Regular Session

Charges for unfounded complaints against appraisers to be dropped

If a real estate appraiser is accused of wrongdoing and a complaint is filed with the Department of Commerce, the appraiser generally has to pay the cost of the investigation even if the charges are judged unfounded.

A new law will change that practice.

Sponsored by Rep. Tim O'Driscoll (R-Sartell) and Sen. Vicki Jensen (DFL-Owatonna), the law makes clarifications to statute regarding appraisers, which supporters say will add professionalism by addressing reasonable and customary fees.

For example, there would be no cost to the entity if an investigation reveals that no law was violated. The cost would be absorbed by the department.

According to a fiscal note, the department billed out \$9,438 on files that closed without any formal administration action of violation of law during the past three years. The analysis projects an \$11,000 annual General Fund cost during each upcoming fiscal year.

The law, mostly effective Aug. 1, 2016, and applying to appraisal assignments commenced on or after that date, will also adopt the federal definition of an appraisal management company and provide rules for establishing a reasonable fee and how fees are reported to clients.

HF2991/SF2665*/CH156

Business and Commerce - 2016

Regular Session

Vehicle dealer receives benefit of the doubt when customer exports vehicle in foreign country

Luxury auto manufacturers are seeing an uptick in sales, and these U.S.-made vehicles are prized commodities in some foreign countries. However, the cost of the vehicle may be several times more than in the U.S. thus creating somewhat of a black market where people are making purchases here and reselling them for export.

Manufacturers see their overseas dealers losing sales and will take punitive action against local dealerships if it is learned that a customer is a reseller.

A new law will prohibit manufacturers from taking adverse action against a dealer when a new vehicle is sold and exported to a foreign country, unless it can be proven that, at the time of sale, the dealer knew or reasonably should have known of the purchaser's intent to export or resell the vehicle.

There will be a rebuttable presumption that the dealer did not know or should not have reasonably known that the vehicle would be exported or resold in violation of the manufacturer's export policy if the vehicle is titled and registered in any state.

Sponsored by Rep. Jenifer Loon (R-Eden Prairie) and Sen. Bobby Joe Champion (DFL-Mpls), the law is effective Aug. 1, 2016

HF2954*/SF2769/CH107

Business and Commerce - 2016

Regular Session

New criminal penalties for illegal raffle boards

A 2015 gambling law addressed raffle boards, by defining them, adding them to the list of disposable gambling equipment, and establishing raffle board manufacturing standards. The law, however, did not address criminal penalties for those illegally operating, selling, possessing, or counterfeiting the boards.

A new law extends state regulation of raffle boards by defining certain raffle boards as contraband and imposing gross misdemeanor or felony criminal liability on those who possess or sell raffle boards without a license, alter or possess such boards or cannot produce board invoices when requested.

Sponsored by Rep. Tim Sanders (R-Blaine) and Sen. Lyle Koenen (DFL-Clara City), the law is effective May 23, 2016.

HF3281*/SF2742/CH138

Business and Commerce - 2016

Regular Session

Obstacles to clear for some coin dealers who sell, trade at shows

Some telemarketers and infomercials have made it harder for legitimate coin dealers to do business, especially those dealing in small quantities at coin shows.

A new law aims to strike a reasonable balance between the very small dealers and hobbyists, who have a passion for their hobby, versus the role of consumer protections.

Sponsored by Rep. Joe Hoppe (R-Chaska) and Sen. David Tomassoni (DFL-Chisholm), the law would further refine 2013 laws dealing with bullion sales.

The law, with most provisions effective July 1, 2016, will:

- change the definition of "bullion coin" to "bullion product";
- require dealers and dealer representatives to register with the commissioner of commerce within 45 days of selling \$25,000 worth of bullion product;
- provide that a surety bond is not required unless the dealer sells \$25,000 in bullion product sales;
- make changes to information a dealer must provide a customer; and
- require dealers to investigate consumer complaints and retain certain records pertaining to complaints.

HF3309/SF3175*/CH134

Business and Commerce - 2016

Regular Session

Clarity brought to retainage on building and construction contracts

With the construction trades, it's common for owners or contractors to withhold part or all of a payment from a contractor or subcontractor to ensure the work will be completed and satisfactorily.

However, the issues surrounding this retainage policy has brought interested parties to the table since 2011.

Sponsored by Rep. Jason Rarick (R-Pine City) and Sen. Dan Sparks (DFL-Austin), a new law would put some framework around retainage policies. It will limit the retainer to 5 percent in situations where retainage has been agreed to; however, nothing in law will require a retainer.

The law will also allow a contractor or subcontractor who hasn't been paid within 10 days of an undisputed claim the right to stop work, until payment is made.

It is effective Aug. 1, 2016, and applies to building and construction contracts executed on or after that date.

HF2451/SF1898*/CH133

Business and Commerce - 2016

Regular Session

MN OSHA AWAIR list updated less frequently

Sponsored by Rep. Jason Rarick (R-Pine City) and Sen. Foung Hawj (DFL-St. Paul), a new law modifies a section of the Occupational Health and Safety Acts standards governing the AWAIR – "A Workplace Accident and Injury Reduction Act."

AWAIR requires employers in certain industries to develop written, comprehensive workplace safety and health programs within six months of the time their operations are included on the North American Industry Classification System. NAICS is the standard used by federal statistical agencies to classify businesses for data collection and analysis.

The law reduces the frequency with which the Department of Labor and Industry must update the list it keeps of employers who must comply from two to five years.

HF2992/SF2733*/CH128

Business and Commerce - 2016

Regular Session

Telecom communication law receives updates to meet current needs

More people are dropping their landlines in favor of cellphones and legacy phone companies are seeking to level the playing field with their new competitors.

A new law, sponsored by Rep. Ron Kresha (R-Little Falls) and Sen. Dan Sparks (DFL-Austin), will allow these providers to be regulated the same way as others.

Under the law, if certain competitive criteria are met, a local exchange company could request the Minnesota Public Utilities Commission for a regulatory break. The law is effective May 20, 2016.

Among other provisions, the law will:

- list the information that must be included in a petition to the PUC by a local exchange carrier seeking to be regulated in an exchange service area;
- provide that a petition is deemed approved if no objections to it are filed within 20 days of its filing with the commission; and
- specify market criteria that must be met, including the local exchange carrier's market share, number and type of competitors present, the absence of significant barriers to entry and the inability of a single provider to deter competition, in order to have the level of regulation reduced.

HF1066*/SF736/CH115

Business and Commerce - 2016**Regular Session****Books to be closed on decades-old health insurance policies**

Some health policies written up to 40 years ago remain active, even though the policyholder could most likely find better coverage at a lower price. For insurance companies that are no longer participating in the health insurance market this act allows them to stop renewing certain health insurance policies. These policies are costly to maintain, but before this change the insurance companies were obligated to keep these policies enforced.

Rep. Greg Davids (R-Preston) and Sen. Vicki Jensen (DFL-Owatonna) sponsor a new law that sets out a procedure for an insurance company that has issued a certain type of health insurance policy to five or fewer covered individuals to convert or not renew that policy.

Under the law, effective May 23, 2016, an insurance company not renewing coverage must notify the Commissioner of Commerce 180 days before the effective date of the nonrenewal, and must provide a complete list of affected policyholders.

Written notice must also be provided to each policyholder covered under the conversion policy at least 120 days before the effective date of the nonrenewal. This notice must include information on how to obtain individual or family health coverage and contact information for the state agencies regulating health insurance.

HF3285/SF3047*/CH155

Civil Law - 2016**Regular Session****“Patent trolling” protections pass into law**

New penalties for perpetrators of “bad faith” patent claims will protect potential victims from frivolous lawsuits.

Sponsored by Rep. Joe Hoppe (R-Chaska) and Sen. Kari Dziedzic (DFL-Mpls), a new law allows an attorney general to bring civil action against someone who has made a “bad faith claim” against another for infringement on any potentially patented product. A penalty of up to \$50,000 per violation can be imposed on any individual or business.

The law, effective August 1, 2016, defines bad faith claims as trying to enforce a patent that is not yours, trying to enforce an expired patent, or falsely claiming that someone has filed a lawsuit against another.

A person may not send an end user (who purchased the product, or is using the technology) written or electronic communication claiming that they have infringed a patent and falsely states the sender has filed a lawsuit in connection with the claim. It also states that any sender must include sufficient information to inform, and not mislead, the user in the claim.

Supporters said the aim of the law was not to interfere with legitimate patent infringements, but instead target patent assertion entities — businesses that acquire patents with no intention of using the technology itself, but rather suing for alleged infringement.

HF1586/SF1321*/CH89

Civil Law - 2016**Regular Session****Marriage wait period eliminated**

Sponsored by Rep. Dennis Smith (R-Maple Grove) and Sen. Kari Dziedzic (DFL-Mpls), a new law will remove the five-day waiting period required between the application for a marriage license and its issuance by a local registrar.

Effective August 1, 2016, it will permit a license to be issued immediately after the application has been received, pending other legal requirements such as age.

HF2294*/SF1753/CH137

Civil Law - 2016**Regular Session****All Order for Protection filing fees to be waived**

A petitioner's court filing fee is waived in Order for Protection matters. To be fair to each side, the respondents will be, too.

Sponsored by Rep. Marion O'Neill (R-Maple Lake) and Sen. Ron Latz (DFL-St. Louis Park), the new law takes effect Aug. 1, 2016.

Courts currently have discretion as to charging the respondent a filing fee. Law supporters note that while courts generally have waived the fee, more are beginning to charge respondents.

Included in that group are Hennepin and Ramsey counties, which have the largest volume of Order for Protection cases.

HF2553*/SF2568/CH176

Civil Law - 2016**Regular Session****Revising and updating statutes bill signed to law**

A long list of language changes proposed by legislators will clean up existing state statutes.

Sponsored by Rep. Dennis Smith (R-Maple Grove) and Sen. Warren Limmer (R-Maple Grove), the law amends statutory language by correcting erroneous, ambiguous or omitted text and obsolete references. It will also remove redundant, conflicting, and superseded provisions, and make miscellaneous corrections to laws, statutes, and rules.

The law has various effective dates.

It contains 309 pages of language changes to sections such as health care, worker training and development, debt collection requirements and other miscellaneous statutes.

HF2797/SF3113*/CH158

Civil Law - 2016**Regular Session****Cohabitation spousal support changes become law**

Sponsored by Rep. Peggy Scott (R-Andover) and Sen. Michelle Benson (R-Ham Lake), a new law will add a provision to existing law for modification of spousal support when the person receiving the support is found to be cohabitating with another individual. Modification may consist of a reduction, suspension, reservation or termination. The law is effective Aug. 1, 2016.

Under current law, spousal support remains unchanged until a new marriage or death occurs.

In determining if support should be modified due to cohabitation, a court will consider whether the receiver would marry the cohabitant if not for the maintenance award, the economic benefit that the receiver derives from the cohabitation, the length of the cohabitation, the likely future duration of the cohabitation and the economic impact on the receiver if support is modified and the cohabitation ends.

A motion to modify support could only be brought after one year of the date of a finalized divorce.

When both parties have otherwise mutually agreed or been ordered by the court, no modification would be applicable.

HF1333/SF3420*/CH132

Civil Law - 2016**Regular Session**

New law makes alternative dispute resolutions known

Sponsored by Rep. Cindy Pugh (R-Chanhassen) and Sen. Dan Hall (R-Burnsville), a new law will mandate that a family law court provide an informational form regarding all available alternative dispute resolutions to both parties, who are present at a first hearing.

The form will include information on how mediation and other dispute resolutions work, that the parties may choose which method of alternative dispute resolution to use, and that the court administrator is able to provide additional information about resources for alternative dispute resolutions.

The law will apply to all cases that are filed on or after Aug. 1, 2016. Domestic abuse cases are exempt.

Alternative dispute resolutions can be any means of settling or resolving disputes outside of a courtroom, using any method other than litigation. It can sometimes include professional mediation.

HF3308/SF2973*/CH167

Civil Law - 2016

Regular Session

Criminalizing private sexual image dissemination becomes law

A new law, effective Aug. 1, 2016, unless otherwise noted, will prohibit the unauthorized distribution of sexual images, including a photo, film, recording or video if both parties did not consent to dissemination and the image was obtained or created when a person had reasonable expectations of privacy. The law, which includes so-called "revenge porn," will be primarily prosecuted as a gross misdemeanor; however, more serious action could result in felony charges.

The law is sponsored by Rep. John Lesch (DFL-St. Paul) and Sen. Barb Goodwin (DFL-Columbia Heights).

A cause of action is created in the law against someone who distributes a sexual invitation on behalf of someone else without their permission knowing it will cause the person whose personal information is used "to feel harassed, frightened, threatened, oppressed, persecuted, or intimidated."

Damage awards can be awarded to a prevailing plaintiff, including for all financial losses due to dissemination of the material and mental anguish, an amount equal to any profit made by the disseminator, a civil penalty up to \$10,000 and court and attorney fees.

Further, the law will provide a way for victims to file lawsuits against the person posting the images and would strengthen the state's criminal defamation, stalking, harassment and domestic violence laws to reflect the law's intent. The criminal defamation changes are effective May 20, 2016.

Last year, in *State v. Turner* the state appeals court struck down a criminal defamation law that had been used to prosecute "revenge porn" cases. Per the nonpartisan House Research Department, the court "found the statute unconstitutionally overbroad because it criminalized true statements and statements made without malice. The statute is amended to punish only false statements, and strikes a current defense that allows a defendant to argue the act was justified because the defamatory matter was true and was communicated based on good motives and for justifiable ends."

The law provides instances when a person may not be found liable for disseminating such images, including: for the purpose of a criminal investigation or prosecution, in the course of seeking or receiving medical or mental health treatment, the image refers to a matter of public interest, when it is for legitimate scientific research or educational purposes, and the material was obtained in a commercial setting for the purpose of the legal sale of goods and services.

HF2741/SF2713*/CH126

Civil Law - 2016

Regular Session

Animal trusts, other provisions signed into law

Originally an act to provide trusts for animals, a new law will also act as an agent for other measures.

Sponsored by Rep. Dennis Smith (R-Maple Grove) and Sen. Scott Dibble (DFL-Mpls), it will allow pet owners to establish a trust fund for the care of their pet after death.

The trust would appoint a primary caregiver who could enforce the trust, but could also appoint another, or be removed in the best interest of the animal. Funds must be a reasonable amount and face normal state taxes. At the death of the animal, or after 90 years, the trust would be terminated and redistributed per a will's orders.

Through its travel in the Legislature other unrelated sections were added to the law.

The law will also act as a probate law cleanup tool, updating monetary thresholds used throughout the probate code to reflect changes that are consistent with inflation, and make changes to adhere the probate code with the trust code passed in 2015. Changes in language to clarify definitions already existing in statute are also added.

It also makes clarifying and conforming language changes related to receiverships, and clarify rights and payment requirements of mortgagors and creditors. It clarifies that receiverships have the power to release rights, claims and causes of action with a court approval.

Legal rights in regards to fiduciary access to digital assets are provided for in the law. Provisions make digital assets similar to physical property, but also allow digital assets to be distributed according to an agreement with the software company or website. A court could enable someone to name an heir to their digital assets, including mobile phones, tablets, website and email passwords. Access could still be restricted, per a request in a will.

Finally, the law makes clarifying and technical changes relating to the Minnesota Revised Uniform Limited Liability Company Act. Notable changes include clarifications to fees, and abilities of a board-managed and public benefit corporations.

The added sections are effective retroactively from Aug. 1, 2015.

HF1372/SF1196*/CH135

Civil Law - 2016

Regular Session

Specific Order for Protection mandatory hearing to be eliminated

Certain initial Orders for Protection that provide limited relief can be granted without an in-person hearing if the respondent chooses to waive the right to a hearing. However, an extension for a limited relief OFP requires a hearing, even if the respondent and petitioner do not want one.

Sponsored by Rep. Marion O'Neill (R-Maple Lake) and Sen. Ron Latz (DFL-St. Louis Park), a new law, effective Aug. 1, 2016, will eliminate the mandatory hearing requirement for extension of an OFP, when only limited relief is sought. A hearing will only be needed if a court denies the petitioner's request or the respondent requests a hearing.

The law maintains the same protection process and timelines for respondents to request a hearing that currently exists in the initial limited relief OFP proceedings.

HF2552*/SF2567/CH141

Consumers - 2016

Regular Session

Loophole in 2009 debt settlement law to be closed

A 2009 law set rules for organizations that provide debt settlement services, specifically credit card and medical debts. But services used to settle back tax debt were not addressed, and there has been an uptick in complaints from people who have been scammed by these providers.

A new law will expand regulation on debt settlement services on settling delinquent federal and state taxes.

Effective Aug. 1, 2016, the law is sponsored by Rep. Dennis Smith (R-Maple Grove) and Sen. Kevin Dahle (DFL-Northfield).

The law will:

- clarify that the federal government is not a debt services provider;
- provide that any legal action taken by a creditor or a debtor has to take place in Minnesota; and
- add to the definition of creditor to include a government entity and add to the definition settlement services to include settling a tax debt.

HF2641/ SF2869*/CH100

Consumers - 2016

Regular Session

Electronic raffle stubs can replace those made from paper

Purchased raffle tickets are traditionally put into a container and winners are hand-drawn. A new law will allow for numbers to be electronically selected.

Sponsored by Rep. Chris Swedzinski (R-Ghent) and Sen. Dan Sparks (DFL-Austin), the law also makes other small changes to the gambling statutes.

The law will increase bingo prize limits from \$200 to \$500; create a new definition for "share the pot" raffles; shorten from six months to 90 days the time a person must be with an organization before being named a gambling manager clarify how hot-ball bingo prizes may be funded; and require local jurisdictions receiving 10 percent of gambling net profits for charitable purpose to publicly acknowledge the source of the funds.

The law takes effect July 1, 2016.

HF3102*/SF3034/CH139

Elections - 2016

Regular Session

Presidential primary to replace caucus election

Minnesota will change from a caucus to a primary election system during the next presidential election.

Sponsored by Rep. Tim Sanders (R-Blaine) and Sen. Ann Rest (DFL-New Hope), a new law establishes a presidential nomination primary election that will be in place during the 2020 presidential race. A primary will allow all-day voting rather than having all voters to come together at a specific time on precinct caucus night.

Minnesota's presidential primary will be held the first Tuesday in March during a presidential election year, or on a different date if agreed to by the major party chairs. March 3, 2020 will be the date of the state's first presidential primary, unless a mutual agreement is subsequently reached to change that date.

Precinct caucuses may also continue, if the parties choose to hold them, and the primary election for other federal, state and local offices will continue to be held in August.

When voting in the presidential primary election, voters will be required to certify their agreement with the party in whose primary they choose to vote. This declaration, and the party that the voter chooses to vote for, will be recorded and available in the public record.

The secretary of state's office will reimburse local expenses for the presidential primary election. Expenses eligible for reimbursement include: preparation and printing of ballots; postage for absentee ballots; publication of the sample ballot; preparation of polling places (not to exceed \$150 per polling place); preparation of electronic voting systems (not to exceed \$100 per precinct); compensation for temporary staff, overtime payments or county canvassing board members; and salaries of election judges.

County auditors and municipal clerks must submit a request for payment of their costs within 60 days of the results of the presidential primary being certified by the secretary of state's office, which must provide the appropriate forms for requesting payments and certifying expenses. Reimbursements must be completed to counties and municipalities no later than 90 days after the results of the presidential primary have been certified by the State Canvassing Board.

The Office of the Secretary of State is given a one-time appropriation of \$110,000 from the General Fund during Fiscal Year 2019 for computer programming costs.

The law is effective Jan. 1, 2017.

HF3549/SF2985*/CH162

Elections - 2016

Regular Session

Emergency elections procedures updated

Sponsored by Rep. Tim Sanders (R-Blaine) and Sen. Katie Sieben (DFL-Newport), a new law makes technical changes to elections administration procedures and appointments to fill school board vacancies.

The section of the new law that deals with elections emergency plans would allow polling places to be combined or changed, if needed, and also permits local election officials to keep polling places open up to an hour longer in the event a polling place is combined or moved due to an emergency.

The secretary of state will be required to develop a state elections emergency plan, in consultation with the Department of Public Safety's Division of Homeland Security and Emergency Management. County elections officials will also be required to develop emergency plans of their own. The elections emergency section of the law is effective Aug. 1, 2016, except that initial county emergency plans are due Sept. 1, 2016.

The elections administration portion of the law updates the methods for in-person absentee voting by permitting local officials to make a ballot counter and ballot box available for voters during the seven days before an election. Whether this option is permitted would be determined by the county auditor. After marking their ballots, voters will be allowed to deposit them into the ballot box themselves and, if they "spoil" a ballot, a new ballot will be issued. This section of the law is effective May 23, 2016.

School board vacancies – except those arising from a member who is removed for cause, is ill or absent – are to be filled by a board appointment and, except for vacancies occurring late in the term, continue until a special election is held. A special election is to be held along with a school board general election, if the vacancy occurs 21 or more days before the first day to file for candidacy during the next school district general election, or if there are more than two years remaining on the vacating member's term. The school board section of the law is effective May 23, 2016.

Voters may reject a board appointee by petition of at least 5 percent of the number of voters who voted in the district at the most recent state general election.

HF2688/SF2381*/CH161

Employment - 2016

Regular Session

Workers' Compensation Advisory Council ideas to be law

Suggested changes put forward by the Workers' Compensation Advisory Council will become law Aug. 1, 2016.

The new law will clarify the process for attorneys claiming payment of legal fees in worker's compensation cases and eliminate the bond requirement for those appealing a decision made by the Minnesota Workers' Compensation Court of Appeals to the Minnesota Supreme Court.

The law is sponsored by Rep. Tony Albright (R-Prior Lake) and Sen. Dan Sparks (DFL-Austin).

It will also extend the deadline for compliance to Jan. 1, 2017, the requirement that health care providers and insurers electronically submit medical records and reports along with a medical

bill.

The law will clarify employer liability for treatment of claimants being treated at small hospitals, defined as those with 100 or fewer licensed beds.

HF2478*/SF2398/CH110

Employment - 2016

Regular Session

Research could help ex-offenders be better prepared for employment

A new law will increase access to employment data research in an effort to create more effective employment programming directed at ex-offenders.

Sponsored by Rep. Peggy Scott (R-Andover) and Sen. Ron Latz (DFL-St. Louis Park), it authorizes the Department of Corrections to access employment data for research on the effectiveness of employment programming for ex-offenders in the community.

The law, effective Aug. 1, 2016, allows data to be disseminated and used by a wealth of agencies, without the consent of the subject of the data, including:

- state and federal agencies specifically authorized access to the data by law;
- any state or federal agency of an unemployment insurance program, child support program or human rights program;
- any agency responsible for the maintenance of a system of public employment offices;
- the Departments of Revenue, Labor and Industry, Health and the Commerce Fraud Bureau;
- public and private agencies responsible for publicly financed assistance programs;
- the Department of Human Services and the Office of Inspector General;
- welfare agencies for monitoring the eligibility for assistance programs, identifying employment, wages and other information;
- law enforcement agencies for the purpose of ascertaining the location of an individual who is the subject of a criminal investigation; and
- U.S. Immigration and Customs Enforcement and the Department of Corrections for the purpose of case planning and internal research.

Data gathered on any person under administration of the Minnesota Unemployment Insurance Law is private data, except as authorized.

HF3478/SF2815*/CH149

Employment - 2016

Regular Session

Unemployment insurance law will 'cap' the state's unemployment insurance trust fund

The first bill to be signed by the governor in 2016 ended a rocky start to the legislative session.

For months, including calls for a special session, DFLers sought an extension of unemployment

compensation payments to laid-off Iron Range workers. But Republicans insisted that any extension be linked to a cap on the unemployment insurance trust fund as well as a one-time tax rebate. Sponsored by Rep. Pat Garofalo (R-Farmington) and Sen. David Tomassoni (DFL-Chisholm), both provisions were initially linked in one bill, but over time the issues were divided, and both became law.

The unemployment insurance benefits system is funded by employers who pay taxes, which provide some financial benefits to workers who have become unemployed through no fault of their own.

Retroactive to Dec. 31, 2015, the law includes a one-time rebate and an ongoing cap. If the trust fund balance in any calendar year is 4 percent or more above the predetermined solvency

level, taxpaying employers will receive a tax rebate in the form of credits against future taxes owed.

HF3178/ SF2891*/CH81

Employment - 2016

Regular Session

Dual-training grant requirement clarifications signed into law

Employers dual-training employees through certified programs will find a more streamlined process for recovering reimbursement.

Sponsored by Rep. Marion O'Neill (R-Maple Lake) and Sen. Terri Bonoff (DFL-Minnetonka), a new law will make clarifications and grant criteria changes within the dual-training program. Most provisions are effective Aug. 1, 2016.

Notable clarifications include that employers will need to have an agreement with an educational institution approved by the Office of Higher Education and Department of Labor and Industry prior to a grant being awarded, and the application will need to include the number of projected high school graduates the program will serve, as well as, total training costs.

"This will expand dual-training programs, and develop talent we desperately need," O'Neill said at the April 21 House Floor session.

Grant criteria changes specify that grant awards must be offered to high school graduates unless there are not enough eligible applicants.

HF2798/SF2614*/CH86

Employment - 2016

Regular Session

Iron Range mining unemployment benefits extended

Iron ore mining and other related industry workers laid off will see extended unemployment benefits.

Sponsored by Rep. Jason Metsa (DFL-Virginia) and Sen. David Tomassoni (DFL-Chisholm), a new law provides that funds from the Minnesota Unemployment Insurance Trust Fund be available to applicants who were laid off after March 1, 2015, from either an iron ore mining industry employer, or an employer providing goods or services to an iron mining industry as a result of closing or substantial reduction in operations. Effective April 27, 2016, it is retroactive from Aug. 31, 2015.

"This bill essentially gets relief out to the 6,690 workers and their families on the Iron Range," Metsa said.

The maximum amount of extended unemployment benefits available to an applicant is equal to 26 weeks of payment at the applicant's weekly extended unemployment benefit amount.

Benefits will be available through the week ending June 25, 2017. The applicant must meet the same statutory requirements as applicants for regular unemployment benefits.

HF1405/SF1006*/CH82

Employment - 2016

Regular Session

Workers' compensation insurance companies' retention limits changed

Insurance companies that provide workers' compensation insurance to employers can select a retention limit (similar to a deductible), that the insurance company must pay in benefits before the Workers' Compensation Reinsurance Association will begin covering the insurance company's losses.

The new law changes the low retention limit and adds a "jumbo" retention limit as the highest level of retention. The retention limits can be adjusted in the future by the board of the Workers' Compensation Reinsurance Association, subject to approval of the Commissioner of Labor and Industry.

Sponsored by Rep. Tony Albright (R-Prior Lake) and Sen. Dan Sparks (DFL-Austin), the law is effective Jan. 1, 2018.

HF2994*/SF2740/CH91

Energy - 2016

Regular Session

Voluntary solar site management practices signed into law

A new law proposes voluntary solar site management practices.

The law, effective Aug. 1, 2016, and sponsored by Rep. Rod Hamilton (R-Mountain Lake) and Sen. Dan Sparks (DFL-Austin), will establish voluntary site management practices for solar sites.

An owner of a ground-mounted solar site with a generating capacity of more than 40 kilowatts will be encouraged to follow site management practices that provide native vegetation and foraging habitats beneficial to gamebirds, songbirds, and pollinators, as well as reduce storm water runoff and erosion at the solar generation site. When establishing beneficial foraging habitat, a solar site owner should use native plant species and seed mixes under the Department of Natural Resource's "Prairie Establishment and Maintenance Technical Guidance for Solar Projects."

An owner of a solar site implementing solar site management practices can claim that the site provides benefits to gamebirds, songbirds, and pollinators only if the site adheres to guidance set forth by the pollinator plan provided by the Board of Water and Soil Resources, or any other gamebird, songbird or pollinator foraging-friendly vegetation standard established by the board.

An owner making a beneficial habitat claim must make the site's vegetation management plan available to the public and provide a copy of the plan to a Minnesota nonprofit solar industry trade association.

HF3353*/SF2689/CH181

Environment and Natural Resources - 2016

Regular Session

Outdoor Heritage Fund appropriations finalized

Just under \$110 million in appropriations for Fiscal Year 2017 that will go to fund more than 80 environment and natural resources projects are now law.

Sponsored by Rep. Dean Urdahl (R-Grove City) and Sen. Tom Saxhaug (DFL-Grand Rapids), a new law appropriates \$109.85 million from the Outdoor Heritage Fund, one of four funds created by constitutional amendment to benefit the state's outdoors and cultural resources.

The appropriations, by subdivision are:

- Wetlands \$31.06 million
- Prairies \$31 million
- Habitat \$29.14 million
- Forests \$18.38 million
- Administration \$275,000

Among the provisions included in the law are a few that will:

- allow the White Earth Nation to acquire approximately 2,000 acres of land in Clearwater County, although public access must be maintained, and public hunting and fishing permitted to take place (Art. 1, Sec. 3);

- appropriate money for proposals to increase the water level in White Bear Lake by piping it in from Vadnais Lake, with the condition that no design of construction on that project can begin until all the parties involved agree to it (Art. 2, Sec. 12);
- give the Legislative Coordinating Commission final approval authority for hiring the executive director of the Lessard-Sams Outdoor Heritage Council (Art. 1, Sec. 3); and
- require state agencies requesting appropriations from the Parks and Trails or the Arts and Cultural Heritage funds, to inform the Legislature whether the request is supplanting, or is a substitution, for any previous funding that was used for the same purpose and was not from one of the Legacy funds. (Articles 3 & 4).

All sections of the law, unless otherwise noted, are effective June 1, 2016.

HF2611/SF2527*/CH172

Environment and Natural Resources - 2016

Regular Session

Changes made to electronic waste recycling laws

How electronics manufacturers arrange for the collection and recycling of their products, and how much they must pay, will be modified.

Sponsored by Rep. Denny McNamara (R-Hastings), a new law also requires the State Board of Investment to manage the Metropolitan Landfill Contingency Action Trust "to maximize long-term gain."

The law makes numerous electronic waste technical changes, and among other provisions will:

- specify that a manufacturer is financially liable for transporting and recycling video display devices, but not for the costs of activities with covered electronic devices that take place before they're transported to the recycler;
- require collection sites to be staffed and open to the public for an "adequate" period;
- change how the amount of products each manufacturer must recycle annually is calculated;
- allow collectors to limit the covered electronic devices accepted per customer per day;
- amend the reporting date and add a requirement that recyclers report the weight of video display devices, and the weight of batteries and mercury containing lamps as covered electronic devices; and
- require certification that recyclers of covered electronic devices only accept them from registered collectors.

All sections of the law take effect July 1, 2016, except a provision dealing with anticompetitive conduct is effective June 1, 2016.

HF2841*/SFnone/CH166

Environment and Natural Resources - 2016

Regular Session

Sulfate discharge limit to be changed at Keetac mine

A requirement that the United States Steel Corporation's Keetac mining facility in Keewatin observe a wastewater discharge standard of 10 milligrams per liter into waters that produce wild rice has been removed.

Sponsored by Rep. Jason Metsa (DFL-Virginia) and Sen. David Tomassoni (DFL-Chisholm), a new law replaces the "10 standard" with a new sulfate discharge limit yet to be determined by the Pollution Control Agency.

Sulfate is a naturally occurring chemical, but research has shown it can harm wild rice when present in elevated levels.

The new law takes effect July 1, 2016.

HF3726/SF3376*/CH165

Environment and Natural Resources - 2016**Regular Session****Buffer requirements clarified by new law**

Legislation passed in 2015 that set new buffer requirements for the state's public ditches and waters is clarified by a new law effective Aug. 1, 2016.

Sponsored by Rep. Paul Torkelson (R-Hanska) and Sen. Rod Skoe (DFL-Clearbrook), the law clarifies jurisdiction over the buffer requirements, defines how the buffers are to be measured and outlines other measures related to implementation of buffers.

Key provisions include:

- before issuing a penalty, the Board of Water and Soil Resources must adopt a plan for issuing administrative penalty orders (APOs), which will become effective 30 days after publication in the State Register. The initial plan must be published no later than July 1, 2017;
- landowners who are compensated for loss from the installation of buffers will receive payments based on the value of the land before the buffers were installed;
- the definition of public waters was modified to mean waters identified on the public waters inventory prepared by the Department of Natural Resources and language was removed to prevent the application of buffer requirements to private ditches;
- jurisdiction of the buffer laws will either be done through county ordinance, watershed district rule or, if a local agency does not take jurisdiction, through the Board of Water and Soil Resources;
- buffer vegetation for public drainage systems with a 16.5-foot minimum width must not impede future maintenance of the ditch;
- existing laws are to be used to define vegetative cover and to measure ditch widths; and
- money that can be withheld from local units of government for non-compliance are to be Board of Water and Soil Resources funds, not all state funds.

HF3000/SF2503*/CH85

Environment and Natural Resources - 2016**Regular Session****DNR to provide organ donor registration option online**

Online applications for hunting and fishing licenses will now also offer an option to sign up as an organ donor.

Sponsored by Rep. Sarah Anderson (R-Plymouth) and Sen. Tom Saxhaug (DFL-Grand Rapids), a new law directs the Department of Natural Resources to provide a link on its website to a federally designated organ procurement website that has information describing Minnesota laws regarding "anatomical gifts."

Effective March 1, 2017, the new law also requires the DNR to provide and distribute information about organ and tissue donation, including how to register as a donor, through its print and digital communications targeting anglers and hunters. That information must be prepared in conjunction with a Minnesota organ procurement organization.

The DNR will not be required to save a physical record of the donor's application in order for the anatomical gift to be valid. If online applicants give their consent to share private data for the donor registry, the DNR must provide their names and addresses to the organ procurement organization designated by the federal government. Once provided, that information will remain private.

Effective Aug. 1, 2016, the DNR must submit a report to the Legislature by Jan. 1, 2018, that includes the arrangements made to provide access to departmental records, or any delays or problems that have been encountered.

HF1182/SF1075*/CH131

Environment and Natural Resources - 2016**Regular Session****Nearly \$38 million in LCCMR appropriations approved; \$8.4 million vetoed**

A new law will appropriate \$37.9 million during Fiscal Year 2017 to protect, conserve, preserve and enhance the state's natural resources.

Sponsored by Rep. Tom Hackbarth (R-Cedar) and Sen. Kari Dziedzic (DFL-Mpls), a new 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.

When presented to Gov. Mark Dayton, the bill totaled \$46.34 million in spending; however, the governor line-item vetoed \$8.43 million for seven proposed projects. While not against the funding recipients, Dayton expressed concern that a number of other projects recommended by the commission were rejected.

"I am deeply disappointed that the House of Representatives chose to either completely omit or reduce appropriations for 23 projects that were recommended by the LCCMR Board. This action seriously undermines the integrity of a process that includes citizens who volunteer hundreds of hours each year reviewing and recommending projects for funding," Dayton wrote in his veto letter. "While funding was restored partially or in total for some of these projects during the conference committee negotiations, a total of 15 LCCMR-recommended projects were omitted or reduced in the final conference committee report.

"I regret that my actions cannot restore funding for these organizations, agencies and institutions, who, through no fault of their own, were stripped of the money they should have received through a fair and open process. I urge that, when the Legislature convenes in 2017, funding for those projects be immediately appropriated at the LCCMR-recommended levels."

The appropriations in the law – effective July 1, 2016 – are divided into eight general categories:

- Foundational Natural Resource Data and Information – \$7.96 million
- Water Resources – \$7.80 million
- Land Acquisition for Habitat and Recreation – \$7.17 million
- Aquatic and Terrestrial Invasive Species – \$5.86 million
- Methods to Protect, Restore, and Enhance Land, Water, and Habitat - \$4.52 million
- Environmental Education – \$2.31 million
- Air Quality, Climate Change, and Renewable Energy - \$2.09 million
- Administration – \$210,000

The law also implements several policy changes – effective July 1, 2016 – including provisions that:

- require meetings of the LCCMR – its committees, subcommittees, technical advisory committees and peer reviewers – to be open meetings according to the state's open meeting law;
- prohibit recipients of appropriations used to purchase land from accepting a monetary donation or payment that exceeds documented expenses, except under certain circumstances; and
- require LCCMR members to develop a procedure to elect a chair that rotates each meeting, between legislative and citizen members. Citizen members, Senate members and House members must each select a chair to represent them.

HF2993/SF2963*/CH186

Environment and Natural Resources - 2016**Regular Session**

Cities receive some certainty in wastewater regulation

Cities that include biological nutrient removal technology when upgrading their wastewater treatment facilities will be guaranteed the nitrogen standard they must meet will not change during the life of the new facility, or up to 20 years, whichever is shorter.

Sponsored by Rep. Dan Fabian (R-Roseau) and Sen. John Mary (DFL-Roseville), a new law defines a biological nutrient removal system as technology that uses microorganisms to remove nitrogen and phosphorus from wastewater.

Municipalities that install the removal system on a voluntary basis and receive public funds to build it – or an industrial national pollutant discharge elimination system/state disposal system permit holder that installs a removal system – may request the regulatory certainty.

The Pollution Control Agency will determine eligibility for the regulatory certainty based on the system's effectiveness for removing nitrogen. If certainty is granted, the PCA and the municipality, or industrial permit holder, must execute an agreement on the terms and requirements of the regulatory certainty.

The new law, effective Aug. 1, 2016, provides that the regulatory certainty will extend for the expected design life of the biological nutrient removal system or 20 years, whichever is shorter, as long as the system is properly maintained and operated.

Municipalities or industrial permit holders may receive certainty only one time for each wastewater treatment facility.

Applications to receive certainty will be accepted until Dec. 31, 2031, or until the day following approval from the Environmental Protection Agency of the PCA's total nitrate-nitrogen aquatic life water quality standard.

HF3409/SF3272*/CH104

Health and Human Services - 2016

Regular Session

Nursing home consolidation funding shifted

The funding mechanism for the consolidation of nursing homes around Minnesota will be shifted to another area without any reductions in funding, under a law that takes effect Aug. 1, 2016.

Sponsored by Rep. Tim Kelly (R-Red Wing) and Sen. Matt Schmit (DFL-Red Wing), the law will shift an increase in property rate reimbursements that help fund the consolidations to the external fixed cost rate reimbursement. The law also modifies a nursing facility consolidation project located in Goodhue County to reduce the number of beds that will be available in the newly renovated and consolidated facility.

The change is intended to keep the funding intact despite changes to nursing home funding and potential reforms of the nursing facility property rate reimbursements.

HF2607*/SF2325/CH140

Health and Human Services - 2016

Regular Session

Pharmacies can help dispose of prescription drugs

Pharmacies will be able to help battle the opioid epidemic by being allowed to collect and dispose of prescriptions drugs on behalf of individuals, under a new law that takes effect Aug. 1, 2016.

Sponsored by Rep. Bob Barrett (R-Taylors Falls) and Sen. Julie Rosen (R-Vernon Center), the law will allow pharmacies to dispose of pharmaceutical waste, prescriptions drugs, particularly controlled substances, as pharmaceutical waste for that are collected from individuals with a lawful prescription or from a long-term care facility on behalf of a patient with a prescription. Previously, only law enforcement was legally allowed to collect and transport prescription drugs controlled substances for disposal.

The law will allow pharmacists to participate in initiating, managing and discontinuing prescriptions of opiate antagonist drugs for individuals pursuant to protocols the Board of

Pharmacy will establish. Previously, such drugs, which bind opioid receptors to block the effects of opioids on an individual, could only be dealt with by physicians.

The changes will be have been made in part, to comply with adoption of federal regulations to implement the Secure and Responsible Drug Disposal Act of 2010. The law will also provide legal protections to pharmacies as they carry out this work, since it is illegal for individuals to possess these drugs without a prescription.

HF1503/SF1425*/CH124

Health and Human Services - 2016

Regular Session

Eyelash extension license to be required

People that are not licensed as cosmetologists or estheticians will be required to obtain a license to apply eyelash extensions. This new category of licensee, eyelash extension technicians, will be regulated by the Board of Cosmetologist Examiners beginning July 1, 2017.

Sponsored by Rep. May Franson (R-Alexandria) and Sen. Bill Ingebrigtsen (R-Alexandria), the law will require technicians to complete 14 hours of education or training in order to obtain the license.

Franson said the law is intended to protect the technicians from stricter regulations being considered by the Board of Cosmetologist Examiners.

HF2389/SF2802*/CH127

Health and Human Services - 2016

Regular Session

Mental health, chemical dependency to both be tested during assessments

Mental health and chemical dependency disorders will both be tested when medical staff perform assessments, under a new law that takes effect Aug. 1, 2016.

Sponsored by Rep. Tony Albright (R-Prior Lake) and Sen. Jeff Hayden (DFL-Mpls), the law will make technical changes so that medical staff who perform mental health assessments will need to screen for co-occurring chemical dependency issues and staff who perform chemical dependency assessments will check for co-occurring mental health issues.

HF2901/SF2498*/CH106

Health and Human Services - 2016

Regular Session

90-day prescription drugs allowed in certain situations

A 90-day refill of a prescription drug will become easier to obtain under certain circumstances.

Sponsored by Rep. Roz Peterson (R-Lakeville) and Sen. Julie Rosen (R-Vernon Center), a new law will allow a pharmacist to issue up to a 90-day supply to a patient who already completed an initial 30-day supply of a prescription drug. Previously, the pharmacist was only allowed to have the supply extended subject to authorization by the physician who issued the prescription.

The additional supply will be based on the pharmacist's best judgment and cannot exceed the total quantity of remaining refills in the prescription nor the limit on the number of dosages specified in the prescription.

The option will not be applicable to any prescription that is a controlled substance.

The law takes effect Aug. 1, 2016.

HF2512/SF2548*/CH122

Health and Human Services - 2016**Regular Session****Prescription monitoring data access expanded**

Access to data collected by the Minnesota Prescription Monitoring Program will be expanded in an effort to further address opioid addiction, under a new law effective Aug. 1, 2016.

The program collects data about prescriptions of controlled substances issued in Minnesota. This information can be used by physicians, pharmacists and other prescribers to better manage a patient's care and detect abuse or diversion of the prescription. The data are private and use of the data is subject to various restrictions.

Sponsored by Rep. Dave Baker (R-Willmar) and Sen. Julie Rosen (R-Vernon Center), the new law will allow employees of occupational licensing boards access to the data to substantiate disciplinary actions against a licensee that are related to the improper sale, possession, or prescribing of controlled substances. The law also makes other changes in the requirements governing who can access the data.

The law will require physicians and others authorized to prescribe controlled substances, and pharmacists, to register with the program and maintain an online account.

Additionally, the law will modify the list of controlled substances that must be reported to the program by removing Tramadol, a narcotic-like pain reliever, and adding Gabapentin, a medicine that treats nerve pain and seizures caused by shingles.

HF1652/SF1440*/CH185

Health and Human Services - 2016**Regular Session****Nursing language changes signed into law**

A new law aims to clarify complex language found within existing statutes.

Sponsored by Rep. Joe Schomacker (R-Luverne) and Sen. Tony Lourey (DFL-Kerrick), it will recodify nursing facility payment rates, streamline language and remove rules made obsolete by newer legislation. It will not change the meaning of the statutes' language, effect nursing facility property rate language, nor have a fiscal impact.

Nursing home facility payments and rates language in existing law are often considered complex. The language is spread over eight non-sequential sections and contains obsolete provisions. As a result, nonpartisan state staff reorganized nursing facility payment and rate language for clarity and ease of use.

The changes take effect Aug. 1, 2016.

HF2851/SF2539*/CH99

Health and Human Services - 2016**Regular Session****Annual controlled substances law adds 14 drugs to Schedule I**

By law, the Board of Pharmacy is to recommend to the Legislature updates to the statutorily controlled substance schedules so the statutory schedules meet the schedules maintained by the board.

A law sponsored by Rep. Bob Barrett (R-Taylors Falls) and Sen. Julie Rosen (R-Vernon Center) contains this year's updates. It takes effect Aug. 1, 2016.

In addition to adding eluxadoline — an FDA-approved drug used for the treatment of irritable bowel syndrome — to Schedule IV, this year's law will add 14 synthetic drugs to Schedule I that are cannabinoids, hallucinogens, stimulants or CNS depressants.

Schedule I drugs are deemed by the board as ones that can be abused, are potentially addictive and have no medical uses. The Bureau of Criminal Apprehension and other law enforcement agencies reported to the board that the 14 synthetic drugs have been found in the state, usually seized as part of a criminal investigation.

HF3333*/SF3031/CH182

Health and Human Services - 2016**Regular Session****Patient allowed to designate caregiver for recovery**

Patients will be given an opportunity to designate a caregiver of their choice for their recovery after a hospital stay, under a new law that takes effect Aug. 1, 2016.

Sponsored by Rep. Nick Zerwas (R-Elk River) and Sen. Kent Eken (DFL-Twin Valley), the law will require hospitals to provide a patient, or an agent for an incapacitated patient, the option to designate a caregiver to provide aftercare assistance at the patient's residence following their discharge from the hospital.

The hospital will be required to provide the option within 24 hours of patient admittance, but before the patient is discharged or referred to another hospital. The hospital will also be required to inform the caregiver of the patient's discharge or transfer.

Patients will be able to revoke or change their designation or initially waive the option. Hospitals will be required to record the patient's decision. The caregiver will not be obligated to provide care and could choose to decline the designation.

HF210/SF107*/CH103

Health and Human Services - 2016**Regular Session****Notification of 72-hour hold early termination required**

Police and health officers will be informed when an individual who they have taken into custody and transported for emergency admission at a treatment facility terminates their stay early, under a new law that takes effect Aug. 1, 2016.

Sponsored by Rep. Nick Zerwas (R-Elk River) and Sen. Ron Latz (DFL-St. Louis Park), the law will require treatment facilities to report to the agency that took an individual into custody and transported the individual for emergency evaluation whenever the individual is discharged early or leaves without consent of the facility head prior to the end of the 72-hour hold. The peace or health officer will be required to provide their name, police agency and contact information when submitting an individual for a 72-hour hold.

Holds are typically issued for individuals determined to pose a danger to themselves or others for either mental health or certain chemical dependency issues.

Additionally, the law will prohibit a patient from being required or allowed to participate in a clinical drug trial when they are under an emergency hold or apprehend and hold order. However, the law will not prevent a patient from being allowed to continue to participate in a clinical drug trial if the patient was already participating in it at the time of their emergency admission or order.

HF2803*/SF2504/CH120

Health and Human Services - 2016**Regular Session****Body art technician licensing updates among new policies recommended by the Health Department**

Modifying home care regulations, preparing for possible Zika threats and streamlining food stand regulations are among the changes implemented in a law sponsored by Rep. Nick Zerwas (R-Elk River) and Sen. Kathy Sheran (DFL-Mankato).

The law, effective July 1, 2016, implements a package of policy changes sought by the Department of Health to resolve issues or simplify processes.

It makes a number of changes to home care licensure, including allowing the department to temporarily suspend a home care provider's license after severe violations or when a clear risk of a severe violation exists. Previously, the department would issue a correction order and give the provider time to try to fix the issue. The law also prevents temporary home care provider licenses from remaining valid for the entire duration of their one-year term if the provider not meeting substantial compliance standards.

The law will provide home care workers legal protections for dispensing medical cannabis as part of their duties, similar to medical facilities. Several other sections make minor changes to laws governing medical cannabis, including adding inflammatory bowel disease to the list of medical conditions for which patients may obtain medical cannabis. The law moves a \$24,000 appropriation for administering a medical cannabis task force to the Health Department from the Legislative Coordinating Commission.

Laws governing body art technicians are also updated. Body art technicians must now require proof of age from clients who state they are 18 years of age or older. For a technician to perform body piercings on people under 18, both the parent and child must present a photo ID, as well as documentation showing the adult is the parent or legal guardian of the child. The law also establishes requirements for supervised experience for licensure as a tattoo technician, body piercing technician or dual body art technician.

Among other things, the law will also:

- direct the health commissioner to coordinate a statewide response plan to any emergence of the Zika virus in Minnesota and seek federal funding to support those efforts;
- modify requirements for mailing notices and testing related to hearing instrument dispensers;
- clarify it is the original license that must be posted by a food and beverage service establishment, youth camp, hotel, motel, lodging establishment, public pool or resort;
- no longer require mobile food units, food carts and seasonal temporary food stand to post state-issued decals; and
- allow a special event food stand to operate for no more than 10 total days within the food stand's license period. Such stands are now allowed to operate for no more than 10 days per year over no more than three times, or three separate events.

HF3142*/SF2475/CH179

Health and Human Services - 2016

Regular Session

Osteopathic physicians could get more medical board seats

Osteopathic physicians, who provide a whole-person approach to medical care, will have a chance to have more of a presence on the state's medical oversight board, under a new law that takes effect Aug. 1, 2016.

Sponsored by Rep. Tony Albright (R-Prior Lake) and Sen. Melissa Wiklund (DFL-Bloomington), the law will increase the membership of the Board of Medical Practice from 10 to 11 members so more than one osteopathic physician can serve.

The law will also make minor technical changes to the licensing requirement for osteopathic physicians, such as updating terminology and making physician testing requirements more uniform.

HF2445*/SF2341/CH119

Health and Human Services - 2016

Regular Session

Fetal alcohol training to be required for foster care providers

New foster care providers will be required to complete at least one hour of training on fetal alcohol spectrum disorder within 12 months of obtaining a license. Sponsored by Rep. Ron Kresha (R-Little Falls) and Sen. Melissa Wiklund (DFL-Bloomington), the law will also support

continuing training on fetal alcohol spectrum disorder for foster care providers by allowing them to count this type of training towards their annually required 12 hours of in-service training.

Kresha said foster parents in Minnesota have been clamoring for support for more fetal alcohol training to better identify children with the condition and learn how to best meet their needs.

HF3305/SF2896*/CH101

Health and Human Services - 2016

Regular Session

Disability waiver financial data, wait times will be posted online

The public will have easier access to financial information and wait time statistics on the state's disability waiver programs, under a new law that takes effect Aug. 1, 2016.

Sponsored by Rep. Roz Peterson (R-Lakeville) and Sen. John Hoffman (DFL-Champlin), the law will require the Department of Human Services to post on its website several compiled reports on the state's disability home and community-based waiver programs using information the department already gathers from lead agencies, including counties. The reports to be posted will include:

- monthly updates on the financial information for lead agencies administering the waivers, including unused resources and funds allocated to these agencies and details about the most recent forecasted expenditures for the disability waivers;
- quarterly updates, beginning Aug. 1, 2016, about wait lists for the disability waivers, including details about who is on the lists or leaves without receiving services; and
- annual reports on the compiled financial information, wait times and a list of lead agencies required to submit a corrective action plan for overspending or underspending disability waiver allocations. The report will document lead agencies that experienced gains or losses in resources due to the department reallocating resources.

The governor will also be instructed to consider including rate floors for home and community-based waiver services in his 2018-19 biennial budget.

HF3486/ SF2857*/CH143

Health and Human Services - 2016

Regular Session

Disability funding increase sunset extended

Certain individuals with disabilities who have recently graduated and wish to seek work will have a special disability funding increase aimed to helping them extend past its current sunset date, under a new law that takes effect Aug. 1, 2016.

Sponsored by Rep. Tara Mack (R-Apple Valley) and Sen. Jim Carlson (DFL-Eagan), the law will extend the benefits to whenever the federal government approves a similar, broader exception included in the 2015 health and human services law. It is unknown when the federal government will approve the change.

The law will also extend when an individual eligible for the 2012 provision must graduate to anytime between 2013 and whenever the federal government approves the 2015 provision.

HF3276/ SF2881*/CH144

Health and Human Services - 2016

Regular Session

Child care task force created by new law

Sponsored by Rep. Mary Franson (R-Alexandria) and Sen. Vicki Jensen (DFL-Owatonna), the new law, effective June 1, 2016, creates a legislative child care task force to review the loss of child care providers across the state, assess affordability issues for providers and parents, and identify other issues that supporters say need to be addressed by the Legislature.

The task force will:

- evaluate factors that contribute to child care costs for providers and families;
- assess the child care provider shortage in Greater Minnesota;
- review the current pre-service and in-service training requirements for family child care providers and child care center staff, including training required for licensure;
- review the availability of training that is in place to meet training needs of providers, including the training content, cost and delivery methods;
- consider the creation of a child care board to be responsible for all matters related to the licensing of child care providers, and to employ an advocate for child care providers;
- review the process of issuing and resolving correction orders issued to child care providers;
- consider uniform training requirements for county employees and supervisors who perform duties related to licensing;
- review progress made by the human services commissioner to streamline paperwork and reduce redundancies for child care providers; and
- review the time it takes to provide Child Care Assistance Program reimbursement to providers.

In cooperation with the commissioner of human services, the task force will issue a report containing summary information and recommendations for additional legislative changes to the Legislature and governor by Jan. 15, 2017. The task force sunsets on that date .

HF3436/SF3208*/CH174

Health and Human Services - 2016

Regular Session

Nursing facility payment reforms corrected

An error in recent nursing facility payment reform legislation will be corrected under a new law that retroactively takes effect Jan. 1, 2016.

Sponsored by Rep. Joe Schomacker (R-Luverne) and Sen. Tony Lourey (DFL-Kerrick), the law will correct a drafting error in the nursing facility payment rate reforms passed in 2015, which only specified the direct care component of the total care-related per diem instead of the direct care and other care-related components.

The reforms passed in 2015 created a new formula for calculating nursing home reimbursements and increased the reimbursement rate with the intent of making the profession more attractive compared to other health care professions in an effort to address workforce shortages.

HF2833/SF2430*/CH105

Health and Human Services - 2016

Regular Session

Modifications made to laws regulating physician assistants, midwives

Laws regulating physician assistants and midwives, and temporary suspension of health-care professionals' license will be modified, under a new law taking effect Aug. 1, 2016.

Physician assistants are medical professionals who practice medicine only with physician supervision.

Sponsored by Rep. Dave Baker (R-Willmar) and Sen. Chris Eaton (DFL-Brooklyn Center), the law repeals the limitation on physician supervision of a maximum of five physician assistants at a time, allowing physicians to oversee any number of physician assistants. Laws requiring physician assistants to designate an alternative supervising physician will be repealed.

A 2014 law granted health-related licensing boards the right to temporarily suspend the license of an individual if they have probable cause that allowing them to continue practicing poses an imminent risk of harm.

The law will change the standard for the suspension from a risk of harm to a serious risk of harm. Licensees who receive a temporary suspension will receive more details about the allegations against them and will have the right to a contested case hearing prior to the board making a final order.

Requirements for appointment to the five-member Advisory Council on Licensed Traditional Midwifery will be changed, under the law. The physician and the three licensed traditional midwife members of the board will be chosen from a list of names submitted by the Minnesota Council of Certified Professional Midwives or its successors.

The law will also allow licensed traditional midwives to administer maternal RhoGAM treatments, which is medicine injected into a muscle to prevent the immunological condition known as Rh disease (RhD hemolytic disease of newborn or Rh incompatibility). (Hemolytic disease of a newborn or fetus can have many causes so specifying RhD hemolytic disease is necessary.)

A registered nurse or advanced practice registered nurse licensed in another state, territory, or jurisdiction, who is in Minnesota temporarily, is exempt from licensure if they are:

- providing continuing or in-service education;
- serving as a guest lecturer;
- presenting at a conference; or
- teaching didactic content via distance education to a student located in Minnesota who is enrolled in a formal, structured course of study, such as a course leading to a higher degree or certification in a nursing specialty.

HF1036*/SF454/CH125

Health and Human Services - 2016

Regular Session

Health care waiting room TVs must provide closed captioning

Minnesotans who are deaf or hard of hearing often rely on closed captioning to follow television programming, but the feature isn't always activated on televisions in public places.

This will change in health care facility waiting rooms, under a new law sponsored by Rep. Brian Daniels (R-Faribault) and Sen. Alice Johnson (DFL-Blaine).

Effective Aug. 1, 2016, licensed health care facilities will be required to have the closed captioning feature activated on any television in a waiting room provided for patients or the general public.

The law also requires health care facility staff to make "reasonable efforts" to prevent members of the public or patients from deactivating the captioning feature on waiting room televisions, and to reactivate it as soon as possible if someone does deactivate it.

HF2742/SF2063*/CH150

Health and Human Services - 2016

Regular Session

Substance use disorder treatment system slated for reform

Minnesotans struggling with substance use could receive better treatment and support under a law effective June 1, 2016.

Sponsored by Rep. Matt Dean (R-Dellwood) and Sen. Jeff Hayden (DFL-Mpls), the new law will require the commissioner of human services to design a reform of the state's treatment system to "ensure a full continuum of care is available for individuals with substance use disorders."

The proposed reform will need to support the following goals:

- improve and promote strategies to identify individuals with substance use issues and disorders;

- ensure timely access to treatment and improve access to treatment;
- enhance clinical practices and promote clinical guidelines and decision-making tools for serving people with substance use disorders;
- build aftercare and recovery support services;
- coordinate and consolidate funding streams, including local, state and federal funds, to maximize efficiency;
- increase the use of quality and outcome measures to inform benefit design and payment models; and
- coordinate treatment of substance use disorder primary care, long-term care, and the mental health delivery system when appropriate.

In developing the proposal, the commissioner will be required to consult with consumers, providers, counties, tribes, health plans and others. The commissioner is required to seek federal authority necessary to implement the reform, update the Legislature on the progress of the proposal by Feb. 1, 2017, and make recommendations for any necessary legislation or funding.

HF2772/SF2378*/CH170

Health and Human Services - 2016

Regular Session

Child protection task force will continue to meet through 2020

A legislative task force on child protection will continue for the next four years, under a new law sponsored by Sen. Kathy Sheran (DFL-Mankato) and Rep. Ron Kresha (R-Little Falls).

Under old law, the task force would have ended on the last day of the 2016 legislative session; now, it will continue to meet until Dec. 31, 2020.

The new law, effective May 23, 2016, also increases the size of the task force from eight to 12 members, requires that the group meet at least quarterly and sets out additional work required of the task force. In addition to requirements under the old law, the task force will need to do the following:

- provide a bill clarifying the definition of "substantial child endangerment" to the Legislature by Jan 1, 2017;
- review and recommend alternatives to law enforcement can respond to a maltreatment report by removing a child from home; and
- evaluate situations in which it may be appropriate for child protection workers to remove a child from a home.

The law also allows, but does not require, the task force to establish a work group to review the Minnesota Assessment of Parenting Children and Youth tool, which social service agencies use to determine Northstar Care for Children supplemental payment benefits, and report back to the task force by the end of 2016.

HF2683/SF2428*/CH153

Health and Human Services - 2016

Regular Session

Policy changes sought by Human Services Department reflected in new law

Dozens of policy changes governing everything from the Office of Ombudsman for Long-Term Care to Assertive Community Treatment teams will be implemented under a new law effective May 23, 2016.

Sponsored by Rep. Tony Albright (R-Prior Lake) and Sen. Melissa Wiklund (DFL-Bloomington), the law modifies existing language to accommodate policy changes sought by the Department of Human Services.

Long-Term Care

A section of the law clarifies the Office of Ombudsman for Long-Term Care, previously housed under the Board of Aging, as an entity distinct from any other state agency to better align with new federal rules.

The office works to improve quality of life and long-term care by advocating for reforms to state law, federal law and administrative policy. Under the new law, the office gains the authority to examine certain long-term care facility and state records related to a specific case under investigation.

Chemical, mental health

The department will be required to draft reforms to the state's substance use disorder treatment system to ensure a full continuum of care for patients. A progress report will be due to the Legislature by Feb. 1, 2017.

Assertive Community Treatment teams, which provide intensive nonresidential treatment and rehabilitative mental health services, will have their governing language in various laws modified or clarified to establish them as distinct from intensive residential treatment services, and to establish specific requirements of operation.

Under the new law, ACT team members must be certified by the state. The law also requires that a diagnostic assessment and a 30-day treatment plan be completed by the day of the client's admission.

Eligibility requirements for ACT services under the new law require an individual to be at least 18 years old, diagnosed with a psychotic disorder or bipolar disorder and confirmed to have both significant function impairment and a need for continuous high-intensity services. A mental health professional will also have to provide documentation that no other community resource is available to provide treatment as effectively. The commissioner of human services may approve a 16 or 17 year old for participation if they meet other requirements.

Selected other items

The Human Services, Education, Employment and Economic Development departments and information technology will be required to collaborate and develop an action plan to increase community integration of people with disabilities. The recommendations will be presented to the Legislature by Jan. 1, 2017.

Similarly, the Department of Human Services will be required to design comprehensive housing services to support an individual's ability to obtain or maintain stable housing, with a focus on reducing homelessness and improving health and stability for individuals.

The law also gives the department more flexibility to determine whether a county or service delivery authority has a performance disparity related to a racial or ethnic subgroup and to impose a performance improvement plan to correct the disparity.

HF3199/SF2414*/CH163

Health and Human Services - 2016

Regular Session

Severe heart attack response streamlined

A few minutes longer in the response time for treating the most severe types of heart attacks can mean the difference between life and death.

A new law sponsored by Rep. Roz Peterson (R-Lakeville) and Sen. Melissa Wiklund (DFL-Bloomington) will help shave off those precious minutes for emergency responders by establishing where they should take patients suffering from ST-segment elevation myocardial infarctions, a severe type of heart attack.

It takes effect Aug. 1, 2016.

The law will allow accredited hospitals voluntarily apply to the commissioner of health for designation as STEMI receiving centers (instead of designating themselves as STEMI receiving centers. It will also require regional and local EMS programs to develop STEMI heart attack transportation protocols.

Together, these elements will allow emergency responders to know what routes and hospitals they should use when transporting these type of heart attack patients.

The law also makes a technical change to certification requirements for community medical response emergency medical technicians and eliminates time limits on when audits of regional EMS boards must occur within their respective fiscal year or biennium.

HF2613*/SF2480/CH88

Housing - 2016

Regular Session

Temporary dwelling rules and restrictions signed into law

Sponsored by Rep. Roz Peterson (R-Lakeville) and Sen. John Hoffman (DFL-Champlin), a new law will regulate the zoning and requirements of temporary family health care dwellings, and establish a permitting system. It takes effect Sept. 1, 2016.

Temporary dwellings are required to mimic the qualifications of a home. At no more than 300 square feet with both heating and air conditioning, they also include access to both electric and water, a septic tank, and full kitchen, bathroom and bedroom designed to comply with American Disabilities Act guidelines. The outside is constructed of exterior materials comparable to those used in residential construction.

Only one temporary dwelling will be permitted per property, under the guidance of a caregiver over the age of 18 who is either a relative, legal guardian or health care agent.

Dwellings are not be attached to a permanent foundation and must be able to be installed, removed and transported by a 1-ton pickup truck.

One will be required to apply for a permit with the local government, and it must include signatures of the caregiver, patient and property owner, written certification that the disabled person requires assistance (limited to one occupant), a notice for neighbors, and a general site map to show the location of the dwelling and service hookups. A permit will allow the dwelling to be established for a six-month period, which could be extended for up to a year.

A temporary dwelling that meets requirements cannot be prohibited by a local ordinance regulating RV parking or storage. However, a local government may revoke the permit if the permit holder violates any requirements. Local governments may opt out of the legislation.

If the local government revokes a permit, the holder has 60 days from the date of revocation to remove the dwelling.

HF2497/SF2555*/CH111

Public Safety - 2016

Regular Session

Enhanced penalty for repeat drunken drivers who kill someone

Drake Bigler was just 5 months old when he was killed in July 2012 after his family's vehicle was hit by a drunken driver whose blood-alcohol level registered 0.351, more than four times the state's legal limit.

Dana Schoen had two previous DWI convictions. He was sentenced to four years in prison.

Sponsored by Rep. Chris Swedzinski (R-Ghent) and Sen. Gary Dahms (R-Redwood Falls), the so-called "Drake's Law" will increase the statutory maximum penalty from 10 years to 15 years imprisonment for any criminal vehicular homicide involving impairment or criminal vehicular operation if the offense is committed within 10 years of a qualified prior driving offense.

A prior offense is defined in the law as first- or second-degree DWI and criminal vehicular homicide or injury involving impairment.

The law takes effect Aug. 1, 2016.

HF71*/SF82/CH109

Public Safety - 2016**Regular Session****Data classification established for so-called 'bodycams'**

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Ron Latz (DFL-St. Louis Park), a new law establishes data practices regulations governing portable recording devices that some police officers are using. It also establishes public access policies, data retention and destruction requirements, and provides violations and internal audit guidelines.

Effective Aug. 1, 2016, the law clarifies what portable recording device data is available to the public, and what is considered private or nonpublic.

Most data will be considered private, except data related to an inactive criminal investigation which "documents a peace officer's use of force that results in substantial bodily harm," or "document the discharge of a firearm by a peace officer in the course of duty." The data would also be public if the subject of the data requests that it be made public, adhering to restrictions that allow other viewable subjects to be redacted if requested and practicable. A law enforcement agency can also redact portions of data if it is deemed "clearly offensive to common sensibilities." The identities and activities of off-duty officers engaged in an investigation or emergency may not be redacted.

Data would be retained according to the law enforcement agency's retention schedule, provided that certain types of criminal investigative data must be kept for at least one year, and non-investigative data must be kept for at least 90 days. Law enforcement agencies will be required to maintain records on devices owned and used, information which is subject to a biennial audit which would be made public. The legislative auditor would submit the comprehensive review to the Legislature no later than Jan. 15, 2020.

Written procedures detailing public policy and inter-agency sharing are required to be established by each law enforcement agency using a body camera system.

After being passed by the Legislature, but before being signed into law, Gov. Mark Dayton successfully requested a conference committee remove a provision that would require police officers to be allowed to review data prior to submitting an official report or statement. This change means that each local agency would be left to decide whether to permit this type of review, as part of their department policy.

HF430/SF498*/CH171

Public Safety - 2016**Regular Session****Penalty to increase for scene of death, body tampering**

Helping bring closure to families when they are grieving the most is a goal of a new law.

Sponsored by Rep. Paul Anderson (R-Starbuck) and Sen. Bill Ingebrigtsen (R-Alexandria), it will expand criminal penalties for interfering with a body or scene of death with intent to conceal the body, conceal evidence or otherwise mislead the coroner or medical examiner. A new three-year felony penalty will apply if the crime involves concealing a body.

The so-called "Laura's Law" takes effect Aug. 1, 2016, and applies to crimes committed on or after that date.

An Oct. 2015 incident was the impetus for the law change.

Laura Schwendemann and Nickolas McArdell were injecting methamphetamine before she died in his vehicle. Later telling police that he was scared of what would happen, McArdell dumped Schwendemann's body 18 rows into a cornfield where it was found nearly two weeks later by a farmer running a combine.

After dumping the body, McArdell returned to his dealer for more methamphetamine and took Schwendemann's belongings to her family, saying he did not know where she was.

HF3469*/SF3213/CH175

Public Safety - 2016**Regular Session****Study's goal to reduce probation, supervised release periods**

A behaving offender could have their post-prison probation time shortened.

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Ron Latz (DFL-St. Louis Park), a new law, effective Aug. 1, 2016, directs the Department of Corrections to study an "earned compliance credit" program that could reduce an offender's probation or supervised release period if the offender, for example, remains arrest-free, fulfills their behavior change strategy and makes scheduled restitution payments.

A report is due the Legislature by Jan. 15, 2017.

The idea came from the Prison Population Task Force that met during the interim to get in-depth information to help craft recommendations for the 2016 legislative session.

HF3590*/SF2667/CH147

Public Safety - 2016**Regular Session****Damage, theft of energy transmission equipment crime will expand**

Theft of copper and other equipment has become more problematic for energy and telecommunication providers, especially at substations, some of which are situated in remote areas.

Rep. Paul Anderson (R-Starbuck) and Sen. Jim Carlson (DFL-Eagan) sponsor a new law that will expand the crime of damaging or stealing energy transmission or telecommunications equipment to include: "any component used in the generation, transmission, or distribution of electricity, including equipment used for grounding, system protection, or personal protection."

It takes effect Aug. 1, 2016.

Current statute is limited to the equipment that receives, transports or transmits the service and related-equipment connected to these main conduits. The maximum penalty of a five-year felony remains.

In addition to damaged equipment potentially delaying transmission service distribution, supporters said workers have fear of severe injury or death when they enter a facility where a fence has been cut and material has been removed.

HF3082/SF2649*/CH152

Public Safety - 2016**Regular Session****CCA population threshold change will benefit Aitkin County**

Minnesota's Community Corrections Act authorizes the Department of Corrections to make grants to counties to assist in the development, implementation and operation of community-based corrections programs, such as probation, in lieu of incarceration.

Its purpose is to improve government efficiency by encouraging smaller counties to take advantage of larger counties resources, such as sharing facilities or programming, and the state would invest in probation resources in all areas to support community corrections.

A county or group of contiguous counties with a population of at least 30,000 can enter the CCA.

Sponsored by Rep. Dale Lueck (R-Aitkin) and Sen. Kevin Dahle (DFL-Northfield), a new law will address an issue in Aitkin County by grandfathering in counties in a joint powers agreement that have participated in the CCA for at least five years whose population falls below the threshold. It is effective May 13, 2016.

Aitkin County is a current CCA county through a joint powers agreement. However, the other two counties with populations over 30,000 residents — Crow Wing and Morrison — have elected to withdraw from the agreement effective July 1, 2016. Aitkin County would like to remain in the CCA, but has a population of roughly 17,000.

The 33 CCA counties have organized into 17 administrative jurisdiction units and are collectively referred to as the Minnesota Association of Community Corrections Act Counties. Of the 54 Minnesota counties that are not part of the CCA; only 18 meet the current population threshold.

HF2879*/SF2570/CH108

Public Safety - 2016

Regular Session

Inmate mental health co-payment is eliminated

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Barb Goodwin (DFL-Columbia Heights), a new law states that inmates will not be required to pay a co-payment when seeking mental health treatment. It takes effect Aug. 1, 2016.

In addition to mental health treatment, the department does not charge co-payments for follow-up visits, chronic care, or insulin and high-blood pressure medication. The department does not reject services if an inmate cannot cover the current \$5 co-pay, an amount increased by the 2011 Legislature from \$3.

HF3193/SF2426*/CH112

Public Safety - 2016

Regular Session

Bodily fluids crime against peace officer clarified by new law

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Ron Latz (DFL-St. Louis Park), a new law expands current law so that the transfer of bodily fluids onto an officer will result in a felony.

The updated law also removes limitations on when a peace officer is protected under the provisions of the statute. No longer will a peace officer need to be "effecting a lawful arrest or executing any other duty imposed by law" for the enhanced penalties to apply.

The law takes effect Aug. 1, 2016.

In an August 2015 ruling in *State v. Struzyk*, the state Supreme Court ruled that for someone to be charged with fourth-degree assault it required both the transfer of fluids and a physical assault.

In that case, a suspect cleared his nose and mouth during a struggle and tried to rub it in the arresting officer's face. The substances ended up smeared on the deputy's jacket.

HF2652/SF2227*/CH93

Public Safety - 2016

Regular Session

Court can order blood sample taken for pathogen tests

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. John Hoffman (DFL-Champlin), a new law will authorize an ex parte hearing to determine if someone should be ordered to provide a blood sample for pathogen testing if an emergency medical services provider has experienced significant exposure. Failing to comply with a court order could result in an offender taken into custody for the sole purpose of taking the sample and released once a sample has been provided.

The law takes effect Aug. 1, 2016.

Supporters believe a stronger procedure is needed for people like police officers, firefighters, paramedics and ambulance personnel to be tested for communicable diseases after they have significant exposure to bodily fluids.

Without knowing the consequences of being spit in the eye, for example, an emergency responder cannot quickly start post-exposure treatment, or, maybe worse, worry about the unknown.

A court procedure is already available to get a test ordered, but if the defendant doesn't show up there is no procedure to force them to come to court or to take them in to custody if they are not cooperative with giving a blood sample. Blood samples are usually taken without a problem.

HF2777*/SF3350/CH145

Public Safety - 2016

Regular Session

Statute of limitations of certain identity theft crimes will increase

For identity theft victims, it can take years to find out you've been targeted. By the time someone reports the criminal activity and a case is put together, the time to charge a perpetrator has expired.

Sponsored by Rep. Nick Zerwas (R-Elk River) and Sen. Warren Limmer (R-Maple Grove), a new law will increase the statute of limitations for identity theft crimes from three years to five, if the illegal activity involves eight or more direct victims or a combined loss to all victims of at least \$35,000.

The law applies to crimes committed on or after Aug. 1, 2016, the law's effective date; however, crimes committed before that date will be affected by the new law if the limitations period for the crime did not expire before that date.

Supporters say the change would probably affect only a handful of cases, but the impact on victims can be profound and permanent.

HF3482*/SF3122/CH121

Public Safety - 2016

Regular Session

Law makes changes to criminal and juvenile justice advisory group

The Criminal and Juvenile Justice Information Policy Group is charged with providing strategic and policy direction to statewide criminal justice information integration.

Sponsored by Rep. Brian Johnson (R-Cambridge) and Sen. Barb Goodwin (DFL-Columbia Heights), a new law will combine its advisory group and task force into one advisory unit. It takes effect Aug. 1, 2016.

Under current statute, the task force is to assist the group in its duties. It will be eliminated and its members will be appointed as full advisory group members. The addition will increase membership from nine to 36 members.

The group's mission will be redefined to "study and make recommendations to the governor, the Supreme Court, and the legislature on criminal justice information funding and policy issues such as related data practices, individual privacy rights, and data on race and ethnicity; information-sharing at the local, state, and federal levels; technology education and innovation; the impact of proposed legislation on the criminal justice system related to information systems and business processes; and

data and identification standards." A biennial report is still due to the Legislature.

The law will also add the word "Advisory" to the group's title, remove references to CrimNet and statutorily simplify how funds allocated to the group are to be allocated.

HF3423*/SF2829/CH116

Public Safety - 2016**Regular Session****Access to predatory offender info expanded**

Child protection workers have another angle to look at when conducting a family assessment check.

Sponsored by Rep. Tim Miller (R-Prinsburg) and Sen. Kathy Sheran (DFL-Mankato), a new law authorizes access to registration data by child protection workers when determining a child's residence with a predatory offender.

The law, effective Aug. 1, 2016, permits law enforcement agencies to disclose the status of an individual as a predatory offender to a child protection worker of a local welfare agency for purposes of doing a family assessment.

Data is considered private, and may be used only by law enforcement and corrections agencies for corrections purposes.

HF3370*/SF3187/CH136

Public Safety - 2016**Regular Session****Drug sentencing guidelines will increase some penalties, lessen others**

The first major changes to the state's drug sentencing guidelines in nearly 30 years are expected to ensure that drug dealers motivated by profit will spend significant time in prison, while addicts who may be more amenable to things like treatment or probation are not sentenced to serve time.

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Ron Latz (DFL-St. Louis Park), the law is an agreement between various groups involved in the criminal justice system, including county attorneys, public defenders and law enforcement, on changes to the state's controlled substance laws other than those related to heroin.

The law is not retroactive, and will apply to crimes committed on or after Aug. 1, 2016, unless otherwise noted.

HF3983/SF3481*/CH160

Why change is needed

In a January 2016 report, the state's Sentencing Guidelines Commission recommended creation of enhanced crimes for possession of drugs in quantities significantly greater than existing first-degree thresholds. It also recommended that the Legislature reduce possession of a trace amount of a controlled substance from a felony to a gross misdemeanor. Without legislative action, the changes would have taken effect Aug. 1, 2016.

Minnesota's prison population now exceeds building capacity by about 500 inmates, and the overcrowding is expected to worsen in future years. In Fiscal Year 2015, there were 501 people serving prison time in Minnesota for fifth-degree controlled substance crimes.

When fully implemented, supporters said the change will save more than 700 beds now used by non-violent offenders each year and approximately \$12 million annually.

Controlled substance changes

First-degree controlled substance crimes will be changed in the following ways:

- a new aggravated first-degree crime aimed at drug kingpins means a non-waivable mandatory minimum 86-month prison sentence for specified violations of first-degree sales or possession laws involving a large amount of drugs, defined as 100 grams or 500 dosage units, if the offense involves a firearm or has two aggravating factors;
- offenders violating the new aggravated first-degree crime, but whose activity did not involve two aggravating factors or a firearm, would be subject to a mandatory minimum prison sentence of 65 months; however, that could be waived if the offender has not previously been convicted of a first-, second- or third-degree controlled substance crime;

- increasing the threshold for cocaine and methamphetamine from 10 to 17 grams for a first-degree controlled substance sales crime, except for offenses involving firearms or two aggravating factors, while lowering the marijuana threshold from 50 to 25 kilograms and eliminating language that provides for a lower threshold for marijuana offenses in certain locations; and
- for possession crimes, the law increases the threshold for cocaine and methamphetamine from 25 to 50 grams, except for offenses involving firearms or two aggravating factors, lowers the marijuana threshold from 100 to 50 kilograms and creates a new crime for possession of at least 500 marijuana plants. (Sec. 3)

For second-degree controlled substance crimes, the law:

- increases the cocaine or methamphetamine threshold from 3 to 10 grams for sales crimes, except for offenses with a firearm or three aggravating factors, and lowers the marijuana threshold from 25 to 10 kilograms; and
- increases the cocaine or methamphetamine threshold from 6 to 25 grams for possession crimes while providing a 10-gram threshold for offenses with a firearm or three aggravating factors, lowers the marijuana threshold from 50 to 25 kilograms and adds a crime for possession of 100 or more plants. (Sec. 4)

The law increases the cocaine or methamphetamine threshold from 3 to 10 grams for third-degree possession crimes. It also strikes a mandatory minimum prison sentence for third-, fourth- and fifth-degree crimes committed by repeat offenders, and creates a new gross misdemeanor offense for possession of trace amounts of drugs — less than 0.25 grams or one dosage unit for non-heroin offenses or less than 0.05 grams of heroin — if an offender has no previous controlled substance convictions. (Secs. 5-7)

Fourth- and fifth-degree controlled substance sale offenders will be eligible for a conditional release program, and such offenders (possession and sale) will be eligible sooner than other offenders for early release. The law that added time to an offender's sentence for not successfully completing the program is repealed. (Secs. 11-12, 20)

The law also:

- amends the definition of "subsequent controlled substance conviction" in controlled substance laws to limit the term to past violations of first- or second-degree controlled substance crimes, rather than all felony-level violations;
- adds a definition of "aggravating factor" to the state's controlled substances laws;
- the state's stay of adjudication law will be expanded to make third-degree controlled substance crime possession offenders eligible, and makes the provision mandatory for fifth-degree possession offenders not previously convicted of a felony or fifth-degree gross misdemeanor controlled substance crime;
- makes violation of the state's drug paraphernalia law a misdemeanor if an offender has violated it at least twice before (current law makes it a petty misdemeanor no matter the number of violations); and
- county attorneys, except those in Hennepin and Ramsey counties, are given exclusive jurisdiction to prosecute new fifth-degree controlled substance gross misdemeanor trace amount crimes. (Secs. 1-2, 9-10, 15)

Monetary changes

Effective May 23, 2016, a community justice reinvestment account within the Department of Public Safety is established in the law.

Funded with \$488,000 from the General Fund in Fiscal Year 2017 and \$461,000 annually thereafter, grants will be available for local units of government and nonprofit organizations "to establish or operate chemical dependency and mental health treatment programs, programs that improve supervision, including pretrial and precharge supervision, and programs to reduce recidivism of controlled substances offenders on probation or supervised release or participating in drug courts or to fund local participation in drug court initiatives approved by the Judicial Council." A report will be due the Legislature every two years.

It is the Legislature's intent that state savings from this law be used to fund the account. (Secs. 14, 19)

Also coming from the General Fund in Fiscal Year 2017 is \$750,000 to the Corrections Department for 70 new chemical dependency/mental health beds; \$325,000 to the Department of Public Safety for two forensic scientists and other costs, \$40,000 is a onetime appropriation for lab equipment; \$250,000 for chemical release dependency planners at the prisons in

Shakopee and Stillwater; and \$37,000 to the Sentencing Guidelines Commission to implement this law. (Sec. 20)

Transportation - 2016

Regular Session

Stretch of highway now honors fallen patrol officer

A segment of Highway 7 in McLeod County has been designated as the "Patrol Officer Michael Alan Hogan Memorial Highway," in memory of an officer killed in the line of duty.

Hogan was a 15-year police veteran who was shot and killed while responding to a shoplifting call in 1989.

Upon the assurance of adequate non-state funds being secured to pay the costs, the state's transportation commissioner is directed under the law to adopt a sign design and have appropriate markings placed along the stretch of highway.

Sponsored by Sen. Scott Newman (R-Hutchinson) and Rep. Dean Urdahl (R-Grove City), the law is effective May 20, 2016.

HF3104/SF2315*/CH117

Transportation - 2016

Regular Session

Weight limit credit for natural gas vehicles

Cleaner burning-but-heavier natural gas-powered trucks will have a weight limit exemption on state roads.

Effective Aug. 1, 2016, the measure, sponsored by Rep. Tim Kelly (R-Red Wing) and Roger Reinert (DFL-Duluth), establishes a weight limit "credit" for natural gas vehicles, allowing those vehicles a heavier gross vehicle and per-axle weight limits based on the increased weight of natural gas fuel systems when compared to traditional diesel.

The law will permit an increase in truck- weight limits for vehicles powered by natural gas equal to the difference between a natural gas tank and fueling system compared to a similar diesel fuel system.

The maximum increase allowed under the credit is 2,000 pounds.

HF3588*/SF3181/CH142

Transportation - 2016

Regular Session

Municipalities can allow electric motors on pedicabs and rickshaws

Municipalities that regulate pedicabs, rickshaws and other similar means of transportation as a form of taxi service can now allow those vehicles to be outfitted with an electric motor.

Sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Senate President Sandy Pappas (DFL-St. Paul), a new law will make it easier for operators of the self-propelled vehicles — increasingly seen in some areas of Minneapolis and St. Paul — to traverse hilly terrain.

The law, effective May 7, 2016, requires pedicabs and other small vehicles equipped with electric motors to meet existing requirements of taxi service as established by cities and towns, which provide for driver qualifications, insurance, vehicle safety and periodic inspections.

HF3497/SF3084*/CH96

Transportation - 2016

Regular Session

Railroad crossing requirements signed into law

A new law will establish process requirements for utilities that seek to cross or parallel (i.e., run within) railroad rights-of-way.

The law, effective July 1, 2016, will set standard procedures for a utility that intends to place a facility across or upon a railroad right-of-way. These involve requesting permission from the railroad in the form of an application (including an engineering design showing the location of the proposed utility facility), performing an engineering study if required under some circumstances, paying a onetime fee, and petitioning the Public Utilities Commission in the event of a dispute.

A railroad can require an electric utility to conduct an inductive interference study if the facility will be an electric energy transmission line of at least 125 kilovolts and the railroad identifies a possibility of inductive interference issues. The law lays out steps for performing the study and a timeline for when the line could then be energized.

The utility can only begin construction of a facility 35 days after application approval unless the railroad notifies the utility in writing that the proposed crossing is a serious threat to the safe operations of either the railroad company, or to the current use of the railroad tracks. Objections to a crossing or to other requirements of a railroad can be addressed to the Public Utilities Commission under the law's dispute resolution provisions. If a petition concerning a crossing is submitted to the Public Utilities Commission, the commission can charge a railroad and a utility for its proportionate share of expenses incurred during the review. A railroad or utility that objects to an assessment has the right to appeal same as a public utility.

Utilities will be required to pay the railroad a one-time standard fee of \$1,250 for each facility prior to construction, which does not apply to crossing or paralleling in public rights-of-way. The fee is annually adjusted based on an index. A utility will need commercial general liability insurance, and for many the amount is at least \$2 million for each occurrence with an aggregate limit of \$6 million. A utility providing natural gas service will need insurance with a limit of at least \$5 million for each occurrence.

Use of the process under the new law is optional for a utility. Nothing will prevent a railroad and utility from continuing an existing agreement, or from otherwise negotiating the terms and conditions applicable to a crossing.

Rep. Debra Kiel (R-Crookston) and Sen. Dan Sparks (DFL-Austin) are the sponsors.

HF963/SF877*/CH180

Transportation - 2016

Regular Session

Reclassifying autocycles in state law

More three-wheeled autocycles could take to Minnesota roads after a change in state law.

A new law effective Aug. 1, 2016, creates a new vehicle category of motorcycle for a type of three-wheeled, hybrid car-motorcycle vehicle sometimes called an 'autocycle.' Operation of the vehicle in Minnesota will be permitted with a standard driver's license — meaning a specialized motorcycle endorsement is no longer needed.

Sponsored by Rep. Dan Fabian (R-Roseau) and Sen. Leroy Stumpf (DFL-Plummer), the law also makes a number of technical and conforming changes to state statutes. They include:

- defining autocycle in traffic regulations as a type of motorcycle with three wheels, antilock brakes, a steering wheel and bucket-like seating;
- requiring drivers and passengers wear seatbelts in autocycles that are equipped with them;
- clarifying that helmets and eye protection for drivers or passengers under 18 are not required to operate an autocycle that has an enclosed cabin; and
- making conforming changes to accommodate autocycles in areas of statutes that address motorcycle driver and passenger riding conditions, including clarifying that riding motorcycles two-wide within a lane of traffic is only permissible if the vehicles fit safely.

HF3014*/SF2776/CH114

Transportation - 2016

Regular Session**More roadside signage for some Greater Minnesota businesses**

Businesses near state highways in Greater Minnesota could be easier to find.

A measure sponsored by Rep. Jim Nash (R-Waconia) and Sen. Julianne Ortman (R-Chanhassen) amends state law to allow the placement of business directional signs at two separate trunk highway intersection or interchange locations for businesses eligible for the Department of Transportation's "specific service" sign program.

The program is intended to help drivers find businesses like service stations and restaurants near non-freeway trunk highways in rural areas of Greater Minnesota. The business will have to be eligible for the existing program, and be located between and within 15 miles of the two signs on which they appear.

The law takes effect May 13, 2016.

HF2927*/SF3217/CH98

Transportation - 2016**Regular Session****Segment of Hwy. 28 will honor fallen soldier**

Kevin Witte died serving his country in Iraq in 2006. Now, a stretch of state highway through his hometown will bear his name in honor of his sacrifice.

Sponsored by Sen. Torrey Westrom (R-Elbow Lake) and Rep. Jeff Backer (R-Browns Valley), a new law designates a segment of Highway 28 between Beardsley and Graceville the "Staff Sergeant Kevin Witte Memorial Highway."

The law is effective May 20, 2016.

The transportation commissioner is directed to order the design and placement of appropriate markings along the stretch of highway once sufficient non-state funds have been secured to cover their cost.

HF3652/SF3262*/CH118

Transportation - 2016**Regular Session****Bus drivers not fined for some seat belt violations; school bus flaggers authorized**

Minnesota bus drivers will not be subject to fines for seatbelt violations committed by young passengers.

Sponsored by Sen. Lyle Koenen (DFL-Clara City) and Rep. Chris Swedzinski (R-Ghent), a new law effective June 1, 2016, amends state statute to shield bus drivers from a \$25 fine for passengers under 15 who are not wearing a seatbelt. The fine exemption does not apply to drivers of school buses and Head Start buses.

The law also authorizes school bus flaggers to control traffic, allowing a person to stop vehicles in place on some streets with a speed limit of 35 mph or less until it is safe for vehicles to continue. The authority includes conditions requiring the person to:

- be designated by the school district's transportation safety director to act as a school bus flagger;
- control traffic in order to allow one or more school buses to safely leave or enter school property; and
- meet safety and equipment standards for an adult crossing guard laid out in an engineering manual.

Under the law, drivers stopped by a flagger may only proceed after instruction by the school bus flagger or police officer.

HF1422/SF1111*/CH169

Transportation - 2016**Regular Session****Altered regulation of permitting process for using right-of-way to fertilize farm fields**

A measure effective June 1, 2016, will modify a statute enacted in 2015 that regulates the permitting process for rights-of-way used by manure applicators that fertilize Minnesota farm fields.

Sponsored by Rep. Steve Drazkowski (R-Mazeppa) and Sen. Lyle Koenen (DFL-Clara City), the law will alter authority to use the right-of-way to temporarily run flexible manure pipe, or force main.

Local road authorities — like county and town governments — with a permitting system in place are required to issue permits to applicants for use of road rights-of-way to run manure force main for application in fields, under the law, if certain conditions are met. The law also establishes that, within the jurisdiction of local authorities that do not have a permitting system in place, property owners or occupants can use rights-of-way of local roads to run force main to transport manure for field application.

Whether operating under a local road authority permit or not, use of the road right-of-way carries various conditions, including that:

- the road is not a controlled-access highway;
- the force main remains in place for a maximum period of 21 days (jurisdictions can remove force mains at cost of owner/operator if left in place beyond agreed-upon time period);
- the main is placed, where possible, on the backslope of the right-of-way;
- pumping equipment is not placed in the right-of-way;
- the property owner or occupant provides notice to the local authority at least one day before using the right-of-way, and provides information on location and dates of placement;
- field application is performed by a licensed applicator; and
- the project "does not unreasonably interfere" with the road authority's maintenance activities, safe use of the right-of-way, or the property owner/occupant's access to their property.

No prior notice is required for a force main placed to prevent a manure lagoon from overflowing, but a good faith effort must be made to notify the local road authority, under the measure.

Finally, the law includes language on liability and immunity for damage or spills.

A licensed commercial waste technician company applying manure to fields is liable for the costs of cleanup and repair related to any spill or damage from the placement, use, or removal of a flexible force main, under the law.

Local governments and road authorities are not subject to any legal liability relating to the placement or operation of a force main in the right-of-way.

HF3723/SF3368*/CH168

Transportation - 2016**Regular Session****Driving instructor background checks to be streamlined**

A new law streamlining the process of conducting background checks of potential driving instructors takes effect Aug. 1, 2016.

Sponsored by Rep. Chad Anderson (R-Bloomington) and Sen. Susan Kent (DFL-Woodbury), the law specifies requirements for background checks conducted on prospective driving instructors.

Provisions in the law include:

- requiring the Department of Public Safety to conduct a background check before issuing an instructors license;
- directing the superintendent of the Bureau of Criminal Apprehension to perform the checks, including sharing fingerprint information with the FBI;
- permitting the issuance of a temporary 180-day license if the applicant provides an affidavit that attests they have no past convictions along with background checks from all states in which they have resided;
- permitting the reissuance of a temporary license if there is a delay in receiving national background check results;
- permitting subsequent background checks of existing license holders;
- specifying that both state and national criminal histories are to be checked; and
- providing for the acceptance of application processing fees.

HF3175*/SF3140/CH113

Transportation - 2016

Regular Session

Requirements for special transportation providers to change

Some Department of Transportation requirements for special non-emergency transportation providers for the elderly and people who are disabled will change under a new law that takes effect Aug. 1, 2016.

Sponsored by Rep. Kim Norton (DFL-Rochester) and Sen. Kathy Sheran (DFL-Mankato), the law makes various changes to MnDOT regulations of the special providers. They include:

- replacing an exception from various special transportation service regulations for fixed route carriers, with a broader exemption for public transit providers that receive state funding;
- permitting MnDOT to prevent a vehicle from being used by a special transportation provider until all vehicle equipment requirements are met;
- allowing MnDOT to refuse a certificate of compliance for a provider if a background check has identified disqualifying information among persons with ownership interest or leadership positions with the provider;
- establishing a process for removing a provider's certificate of compliance if a background check identifies disqualifying information among employees subject to the checks; and
- allowing MnDOT to prevent or remove special transportation service providers from enrolling as medical assistance providers if the provider hasn't conducted required background checks or if the provider has not removed persons identified as disqualified due to background checks.

HF3548*/SF3205/CH164

Vetoed - 2016

Regular Session

Governor vetoes omnibus state employee pension bill

Adjustments and modifications would have been made to several state employee retirement plans by the omnibus state employee pension law.

However, Gov. Mark Dayton vetoed the proposed legislation.

Sponsored by Rep. Tim O'Driscoll (R-Sartell) and Sen. Sandy Pappas (DFL-St. Paul), the bill aimed to address a variety of issues with mostly technical and policy changes.

Among the changes, the bill would have increased St. Paul Teachers Retirement Fund Association employer contributions; made administrative changes to the Minnesota State Retirement System, Teachers Retirement Association, Public Employees Retirement Association and St. Paul Teachers Retirement Fund Association; clarify refund repayment procedures; clarify combined service annuity augmentation rates and service requirements; revise appeal procedures; clarify coverage for charter school administrators; modify service credit purchase

procedures; establish new procedures for disability applications due to private disability insurance requirements; clarify death and disability benefit payment provisions; modify various economic actuarial assumptions; modify annual benefit limitations for federal tax code compliance; and streamline the process for survivors of service members killed in the line of duty seeking to access benefits

In part, Dayton took issue with provisions that would have reduced cost of living adjustments for Minnesota State Retirement System plans by one-quarter of 1 percent and teachers retirement association by 1 percent.

"This will result in a cost of living adjustment for MSRS retirees of 1.75% and for TRA retirees of 1% in calendar year 2017," Dayton wrote in his veto letter. "These measures were part of sustainability plans that called for shared commitments among employers, current employees and retirees in order to secure the financial health and stability of the MSRS and TRA pension plans. Each party shared in the effort, which has been, and remains an important principle in maintaining the soundness of Minnesota's pension plans. Unfortunately, Chapter 177 contains only one piece of the overall sustainability plans, placing sole responsibility for reducing plan liabilities on current retirees. It is not fair, and I cannot agree to it. Legislation in the 2017 Session, which will be necessary to address the current pension plan funding projections, must contain a shared participation and be funded in order to gain my signature."

HF659/SF588*/CH177

- 2016

Regular Session