

# Minnesota House of Representatives

## Agriculture

2019-2020 Regular Session

### Agricultural Best Practices Loan Program modified

A new law will modify the Agricultural Best Practices Loan Program and several sections of public drainage law.

Sponsored by Rep. Rick Hansen (DFL-South St. Paul) and Sen. Bill Weber (R-Luverne), the changes are based on recommendations made by the Drainage Work Group. They take effect Aug. 1, 2019.

Changes include:

- removal of the project loan total cap;
- allowing counties without a county attorney to hire any competent attorney as county representation in all drainage proceedings;
- allowing drainage authorities to use a new method to assess drainage system repair costs to lands contributing runoff to the system by calculating the relative runoff and relative sediment delivery;
- require a drainage authority to make a determination of whether to conduct a redetermination of benefits when petitioned by more than 25 percent of landowners of benefited or damaged lands; and
- removal of the requirement that final hearings for redeterminations be heard within 30 days of the property owners report being mailed. Hearings will need to occur 25 to 50 days after the final hearing notice date.

The Drainage Work Group was established in 2006 to foster science-based mutual understanding about drainage issues and to develop consensus recommendations for drainage system management, related water management, and drainage law. Its membership includes drainage authorities, drainage attorneys and engineers, agricultural and environmental organizations, state agencies and other interested parties.

HF1244\*/SF1945/CH24

## Agriculture

2019-2020 Regular Session

### Omnibus agricultural policy law

Sponsored by Rep. Jeanne Poppe (DFL-Austin) and Sen. Bill Weber (R-Luverne), the omnibus agriculture policy law makes a number of technical and policy changes to regulations surrounding aquaculture, pesticides, nurseries, food handlers, eggs, milk, cheese, loans, open-air swine basins and other provisions.

Effective Aug. 1, 2019, unless otherwise noted, the law will enact the following changes and clarifications:

- classifying saltwater aquatic farms and processing facilities as agricultural operations for the purpose of permitting by the Pollution Control Agency, as well as enumerating requirements for transporting or importing saltwater aquatic life;
- providing a reduced pesticide applicator fee for contractors providing rest area custodial services;
- allowing the Department of Agriculture to approve alternate nursery stock management practices for balled and burlapped stock;
- creating a custom exempt Food Handlers License for custom processing businesses handling meat and poultry products that are not for sale, and amending related language for delegation of licensing and inspection of food handlers to local health boards;

- amending how long eggs may be held past the pack date before they must be removed from sale (31 days for Grade AA and 46 days for Grade A);
- renewing the Minnesota Organic Advisory Task Force through June 30, 2024;
- amending milk storage requirements, allowing the Department of Agriculture to waive the 72-hour time limit in the case of hardship, natural disaster or emergency;
- amending milk labeling requirements, allowing for the use of a distributor or manufacturer name and address if official plant numbers are not assigned;
- requiring cheese made from unpasteurized milk be labeled to show it has been aged for 60 days or more;
- amending the definition of livestock expansion for purposes of Rural Finance Authority loans to include purchase of a livestock farm;
- effective for taxable years beginning after Dec. 31, 2018, amending the Agriculture Department's authority to grant waivers to the requirement that Beginning Farmer Loan Program borrowers participate in a farm management program, to include participants with an agriculture related four-year degree or reasonable job-related experience;
- amending requirements for beginning farmer loan borrowers, adding that they must be enrolled in a farm management program or have complete a farm management program with 10 years of their first year of farming;
- providing for Methane Digester Loan Program borrowers, who have repaid in full, to borrow through the program again; and
- excluding livestock truck-washing facility basins from an open-air swine basin pollution control permit moratorium.

HF1733\*/SF1859/CH38

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## Agriculture

2019-2020 Regular Session

# Disaster Recovery Loan Program authorization is expanded

A new law expands the use of Disaster Recovery Loan Program through the Rural Finance Authority.

Winter storms in January left many farmers across the state contending with barns and sheds collapsing under the weight of heavy snow. That created a heavy burden for an agricultural sector already hard hit by four years of low commodity prices and high operating costs.

Such events were previously ineligible for RFA farm disaster recovery loans, which required a state or federal disaster declaration. A key component to disaster declarations is damage to public infrastructure, which winter weather events generally do not produce.

Under the expanded law, effective Jan. 1, 2019, the RFA is granted the authority to declare an emergency. If it does so, loan eligibility has been expanded to allow farm disaster recovery loans to be used for farm clean-up, repair or replacement due to damage cause by the weight of snow, sleet, or ice.

Rep. Jeanne Poppe (DFL-Austin) and Sen. Michael Goggin (R-Red Wing) are the sponsors.

HF2093\*/SF2225/CH4

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## Agriculture

2019 First Special Session

# Ag and housing see modest budget increases under new law

Appropriations for the Department of Agriculture, Board of Animal Health, Agricultural Utilization Research Institute, Minnesota Housing Finance Agency and Office of Broadband Development for the upcoming biennium have been established by a law that takes effect July 1, 2019, unless otherwise noted.

Sponsored by Rep. Jeanne Poppe (DFL-Austin) and Sen. Torrey Westrom (R-Elbow Lake), a new law will provide \$287.85 million in General Fund appropriations for the 2020-2021 fiscal biennium, an increase of \$59.51 million over base. The bulk of that, \$40 million, will go to toward broadband infrastructure development in underserved parts of the state.

General Fund appropriations by agency are:

- \$120.59 million to the Minnesota Housing Finance Agency (an increase of \$15 million);
- \$107.6 million to the Department of Agriculture (an increase of nearly \$3.91 million);
- \$40.5 million to the Department of Employment and Economic Development Office of Broadband Development;
- \$11.35 million to the Board of Animal Health; and
- \$7.78 million to the Agricultural Utilization Research Institute.

The Department of Agriculture appropriation includes funds that will increase farmer mental health outreach and expand agency marketing efforts for agricultural products. Additional increases bolster programs for meat inspection, disaster preparedness and response, industrial hemp development, noxious weed control, prevention and mitigation of plant pathogens and pests, agricultural research through the Agricultural Research Education Extension and Technology Transfer program, as well as providing for new equipment in the Agriculture Department's laboratory.

Concerns over chronic wasting disease, the fatal neurological disease first found in farmed deer and now present in wild populations, prompted lawmakers to propose increased regulations for cervidae farms. However, only one of those provisions – to provide loans for cervidae farm fencing through the state Livestock Investment Grant Program – made it into the omnibus agriculture and housing finance law (other cervidae farm legislation was enacted in the special session's omnibus environment and natural resources finance law – see Laws 2019 First Special Session, Chapter 4).

Other Department of Agriculture changes include:

- authorization for the department to apply enhanced penalties of up to double the base fine in incidents where a person is found to have damaged state outdoor recreational lands through pesticide use;
- extending the Agriculture Fertilizer Research and Education Council grant program and fertilizer surcharge by five years;
- allocating funding of up to \$5,000 each year to reimburse the University of Minnesota for the time staff spend making determinations on livestock farmers' wolf depredation claims;
- amending the statutory definition of industrial hemp to include derivatives and byproducts, legalizing possession of industrial hemp produced in other states, and granting the department temporary authority to use expedited rulemaking for hemp;
- amending the name of the Livestock Expansion Loan Program to Livestock Expansion and Modernization Loan Program, and including robotic milking equipment in the list of eligible uses for another existing loan program, the Livestock Equipment Loan Program;
- limiting restrictions on pasture land owned by a feedlot permit holder to only those contained within a manure management plan, as well as expanding the definition of feedlot permit-exempt pastureland to include certain temporary and sacrificial pasture areas;
- requiring a report on how to best cultivate and support emerging farmers;
- requiring the department to develop recommendations on the ability and viability of a prohibition on labeling nursery stock "pollinator-friendly" if there are detectable levels of certain pesticides;
- modifying the bioeconomy incentive programs from first-come, first-served payments to proportional payments to all eligible producers; and
- modifying grain buyer and storage license provisions, inspection fees, and financial reporting requirements.

Housing provisions

For the Minnesota Housing Finance Agency, the funding increase is evenly divided between housing development and redevelopment efforts, and prevention and efforts to end homelessness. Programs where increases are focused include:

- \$5 million for the Challenge program for developing affordable permanent rental housing;
- \$3.5 million for Homework Starts with Home to identify, engage and stabilize students experiencing homelessness and their families;
- \$3.5 million for Family Homeless Prevention for direct assistance or services to low-income households who are homeless or at imminent risk of homelessness;
- \$2 million for manufactured home grants;

- \$500,000 for new workforce homeownership programming; and
- \$500,000 for Bridges Rental Assistance, which provides housing assistance for people with very low incomes and a serious mental illness while they wait for a housing voucher or other rental subsidy.

Of the policy changes, several are intended to increase renter protections.

Leases for buildings with more than 12 units will be required to specify the unit to be rented. They will also need to specify move in and out dates and prorate rent when full months are not part of those terms.

The new law also amends a number of regulations relating to manufactured homes, including:

- allowing modular homes to be placed in manufactured home parks;
- extending the conversion notice requirements to 12 months and the vacate period to 90 days after the public hearing;
- prohibiting conversion of a manufactured home park for one year if the conversion was not noticed properly;
- prohibiting a manufactured home park owner from entering into a purchase agreement for 45 days, during which time the park residents can negotiate an offer to purchase; and
- amending assessments and use of the manufactures home relocation trust.

SSH7/SSSF1\*/CH1

## **Bonding**

**2019-2020 Regular Session**

# **New law authorizes more than \$100 million for bonding projects, changes funding source**

Communities seeking money for local projects will get it under a new law that appropriates more than \$100 million to several state agencies in order to fund capital improvements around Minnesota.

Sponsored by Rep. Mary Murphy (DFL-Hermantown) and Sen. David Senjem (R-Rochester), the law, effective March 6, 2019, also repeals the 2018 appropriations for the same projects from the Environment and Natural Resources Trust Fund. Now the appropriations in nearly the same amounts will be funded from the sale of general-obligation bonds.

The appropriations include:

- \$59 million to the Public Facilities Authority for water infrastructure;
- \$13 million to the Department of Natural Resources for projects in Elk River, Redwood and South St. Paul, along with asset preservation;
- \$10.3 million to the Pollution Control Agency for cleanup of a hazardous landfill in Anoka County;
- \$10 million to the Board of Water and Soil Resources for conservation easements; and
- \$10 million to the Metropolitan Council for regional parks.

HF80\*/SF1836/CH2

## **Business and Commerce**

**2019-2020 Regular Session**

# **Insurance laws updated by agency recommendation**

A new law will update and modify statutes governing insurance to bring state law into conformity with both model regulations developed by the National Association of Insurance Commissioners and the federal Medicare Access and CHIP Reauthorization Act of 2015.

Changes were sought by the Department of Commerce, and include:

- updating definitions relating to annual financial reporting and audits, insurance company holding systems and corporate governance annual disclosure;
- granting authority and resources to the audit committee of an insurer for overseeing the internal audit function, establishing internal audit function requirements and allowing for a grace period to come into compliance when an insurer or group of insurers no longer qualifies for an exemption;
- noting excess capital over the amount produced by risk-based capital requirements;
- defining the scope of the regulation for corporate governance annual disclosure report, specifying the contents required in a report, requiring an insurer to submit an annual CGAD, and making information obtained through a CGAD confidential;
- authorizing the department to retain third-party professionals as reasonably necessary to assist in reviewing CGAD;
- authorizing the department to impose daily fines of \$1,000 for failing to file CGAD in a timely manner; and
- bringing Medicare Supplement Insurance into conformity with federal law by defining “newly eligible individual” and amending coverage requirements so that the Medicare Part B deductible will no longer be covered for newly eligible individuals.

The new law has various enactment dates.

HF2051\*/SF2313/CH26

**Business and Commerce**  
**2019-2020 Regular Session**

## Credit union conversion requirements changed

A new law will modify statutes governing the requirements for credit union conversion, merger or consolidation.

Changes include:

- removing requirements for the minimum number of members required for a vote to convert a federal credit union into a state credit union;
- reducing the number of votes required to approve a conversion, merger or consolidation from two-thirds of voting members to a majority of the vote;
- requiring the board of directors to call a special meeting to vote on conversions through written notice to each member at least seven days in advance, but no more than 30 days; and
- requiring the board of directors to call a special meeting to vote on mergers or consolidations through written notice to each member’s last known address at least 45 days in advance, but no more than 90 days.

Sponsored by Rep. Carlie Kotyza-Witthuhn (DFL-Eden Prairie) and Sen. Mark Koran (R-North Branch), the law takes effect Aug. 1, 2019.

HF1578/SF1703\*/CH20

**Business and Commerce**  
**2019-2020 Regular Session**

## Real estate advertising requirements amended

Real estate licensees will have amended guidance for advertising.

Effective Aug. 1, 2019, a new law will require real estate brokers and salespeople to “clearly and conspicuously display” the name of the real estate brokerage in advertising.

Previous language required the real estate brokerage name to be displayed “more prominently” than the licensee’s name.

Rep. Dan Wolgamott (DFL-St. Cloud) and Sen. Carrie Ruud (R-Breezy Point) are the sponsors.

HF622\*/SF768/CH30

**Business and Commerce**  
**2019-2020 Regular Session**

## Financial exploitation protections to be updated

Among a number of Commerce Department technical changes taking effect Aug. 1, 2019, is language amending law that helps prevent financial exploitation of vulnerable adults.

The new law updates the definition of investment advisor to include "federal covered investment adviser."

It also adds an exemption from licensing for mortgage loan originators acting under temporary authority under federal law, such as a mortgage originator moving to a new state where an application for licensure is pending.

Other provisions in the law include:

- making petroleum tank remediation contractor licenses valid for two years instead of one;
- prohibiting collection agencies from collecting debts outside the statute of limitations; and
- requiring debt management or settlement services registrants to update information provided in an application within 10 instead of 90 days.

Rep. Ruth Richardson (DFL-Mendota Heights) and Sen. Paul Utke (R-Park Rapids) are the sponsors.

HF1960\*/SF2310/CH59

**Economic Development**  
**2019-2020 Regular Session**

## Telecommuter friendly certification

A new law will allow cities, townships and counties to apply to the Department of Employment and Economic Development to be certified as a Telecommuter Forward! Community.

The department must base decisions about certification on public testimony in the community. In addition, the political subdivision applying for the certification must adopt a resolution describing the political subdivision's support and commitment to promote the availability of telecommuting options and a single point of contact for coordinating telecommuting opportunities that has the following responsibilities:

- coordination and partnership with broadband providers, realtors, economic development professionals, employers, employees and other telecommuting stakeholders;
- collaboration with broadband providers and employers to identify, develop and market telecommuter-capable broadband packages;
- communication and partnership with broadband providers and economic development professionals to develop common goals;
- promotion of telecommuter-friendly work spaces, such as business incubators with telecommuting spaces, if such a work space has been established in the political subdivision at the time the political subdivision adopts the resolution;
- familiarity with broadband mapping tools and other state-level resources;
- maintaining regular communication with the state broadband office; and
- making regular reports to the governing body of the political subdivision.

The law, sponsored by Rep. Julie Sandstede (DFL-Hibbing) and Sen. Andrew Mathews (R-Milaca), takes effect Aug. 1, 2019.

HF2181\*/SF2094/CH13

**Economic Development**  
**2019 First Special Session**

## Jobs, commerce, energy, covered in new law that makes wage theft a crime

The omnibus jobs and economic development finance law will give Minnesota what has been characterized as the toughest wage theft law in the country, along with a range of other finance and policy provisions in the areas of employment, commerce and energy.

Rep. Tim Mahoney (DFL-St. Paul) and Sen. Eric Pratt (R-Prior Lake) are the sponsors. Fiscal changes are effective July 1, 2019 and non-fiscal changes effective Aug. 1, 2019, unless otherwise noted.

### Wage theft

A new law appropriates almost \$2.05 million during the 2020-21 biennium to the Department of Labor and Industry for a Wage Theft Prevention Initiative and makes wage theft a felony and punishes employers who retaliate against employees reporting such theft to the Department of Labor and Industry. Penalties could include up to five years in prison and a fine up to \$10,000.

The law defines wage theft as, among other things, when an employer “fails to pay an employee all wages, salary, gratuities, earnings, or commissions at the employee's rate or rates of pay or at the rate or rates required by law.”

The law gives more power to the Department of Labor and Industry and the Office of the Attorney General to investigate employers accused of failing to pay wages owed to their employees.

Other wage theft provisions in the law include:

- specifying that a conviction for criminal wage theft or other labor violations would exclude an employer from being on the state’s “responsible contractor” list;
- requiring employers to keep accurate employment records, including basis of pay (hourly, salary, piece rate, etc.), and to produce those records to the Department of Labor and Industry for investigations into wage theft;
- creating a new maximum fine of \$5,000 for repeat violations of the recordkeeping requirements;
- prohibiting retaliation against employees for asserting rights under the wage theft law; and
- adding authorizing or engaging in wage theft with intent to defraud to the list of acts that constitute theft in state criminal statutes (Art. 3, Secs. 1-16).

### Jobs and economic development

The new law will provide funding for vocational services through grant funding and direct appropriations to support people who may struggle to find or maintain employment, including those with severe disabilities or mental illnesses and senior citizens who are becoming blind.

Additionally, in Fiscal Year 2020, \$3 million will be transferred to the Department of Agriculture to provide financial assistance for dairy farmers eligible for the Dairy Assistance, Investment, Relief Initiative. (Art. 1, Sec. 2).

Other finance provisions in the law include grant funding for:

- community economic development programs;
- contaminated site cleanup and development projects;
- local communities and the Minnesota Initiative Foundations, to increase the supply of quality child care providers in the state;
- FIRST in Upper Midwest to support competitive robotics teams;
- establishment of an Airport Infrastructure Renewal Grant Program;
- job training and skills development programs, including Youthprise and the Hmong Chamber of Commerce;
- business development programs, including the White Earth Nation Integrated Business Development System, Enterprise Minnesota, Inc., the Rondo Community Land Trust, Metropolitan Economic Development Association, and the Neighborhood Development Center; and
- employment and training programs, including Pathways to Prosperity, Latino Communities United in Service, Twin Cities R!SE, Hmong American Partnership, Ujamaa Place, American Indian Opportunities and Industrialization Center, Regional Center for Entrepreneurial Facilitation, Summit Academy OIC, YWCAs of Minneapolis and St. Paul, Hennepin County for the Cedar Riverside Partnership, Better Futures, AccessAbility Incorporated, Minnesota Grocers Association Foundation and the Minnesota High Tech Association (Art. 1, Sec. 2; Art. 2, Secs. 1-3).

Another provision, said to be the first of its kind by Mahoney, will instruct DEED to create an inventory of all economic development programs receiving state funding by Jan. 15, 2020. A report is to be submitted on each even-numbered year thereafter to allow the Legislature to make informed funding decisions and evaluate the effectiveness of initiatives (Art. 2, Sec. 2).

The law requires that youth skills training programs approved by the Department of Labor and Industry also train student learners for careers in high-growth, high-demand occupations and limits those grants to \$100,000 per grant.

Other changes include:

- mostly technical changes and updates regarding the Unemployment Insurance and the Worker's Compensation advisory councils;
- requiring remodeled portions of existing public buildings to be accessible to people with disabilities;
- requiring plumbing contractors to display their names and license numbers on the side of any vehicles used while performing plumbing work – the same is currently required of electricians;
- removing the requirement for ring announcers and managers to be licensed by the Office of Combative Sports and reducing licensure costs for referees, judges and knockdown judges, timekeepers and ringside physicians;
- permitting email, in addition to existing methods, for transmitting notices of construction code and licensing statute violations, hearings, and administrative orders;
- clarifying that sanctions under the construction codes and licensing statutes can be applied to unlicensed individuals;
- adding to the requirements for reports of abandoned property and allowing owners to receive income from the sale of abandoned property (Arts. 4-8; Art. 9, Secs. 1, 8-9, 11, 13-16; Art. 10, Sec. 13-14; Art. 12)

Retainage changes

The law makes several policy changes affecting how some businesses operate in the state, including adding specific requirements limiting when using retainage in public building and construction contracts for public improvements can occur. Retainage, in which a public contracting agency reserves a portion of the payment to a smaller business to ensure completion of a project, is capped at 5 percent under existing law.

New retainage provisions in the law include:

- prohibiting retainage for warranties or for warranty work;
- requiring the final payment to be released to the contractor within 60 days of the owner being able to occupy or use the improvement; and
- requiring contractors to reduce retainage for any subcontractor when the agency contracting reduces retainage.

Changes will apply to agreements entered into on or after Aug. 1, 2019. (Art. 9, Secs. 1, 13)

Energy

Effective May 31, 2019, public utilities may petition the Public Utilities Commission to recover costs of implementing an energy storage system pilot project. Those deploying energy storage systems must file a resource plan that details how it will meet generation and capacity needs. And the Department of Commerce must contract with an independent consultant to produce a report on the potential costs and benefits of energy storage systems.

Also effective that day, language on the state's solar energy incentive program has been altered to deal with alternating current instead of direct current.

Owners of new solar sites must report to the Board of Water and Soil Resources on establishing "beneficial habitat," the law includes new details on what constitutes "cost-effective energy improvements" under the PACE loan program and the PUC must also convene a stakeholder group to examine the challenges and opportunities for energy utilities to attract a diverse workforce. Each of these provisions take effect Aug. 1, 2019. (Art. 11, Secs. 1-3, 10, 13)

SSH2\*/SSSF2/CH7

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**Education**  
**2019-2020 Regular Session**

## Law excuses school districts from making up canceled “health and safety” days during 2018-19 school year

A historically cold and snowy winter caused hundreds of the state’s schools to cancel several instructional days and hours.

A new law allows school boards to count days and hours missed on account of health and safety during the 2018-19 school year toward the state mandated minimum of 165 instructional days.

Sponsored by Rep. Shelly Christensen (DFL-Stillwater) and Sen. Carla Nelson (R-Rochester), the law took effect April 2, 2019. It also requires school boards that resolve to count canceled days as regular instructional days to notify the Department of Education.

Supporters said the 2018-19 school calendar adjustment is necessary as many districts struggled to make up the mandated instructional days. Falling short could have resulted in funding cuts.

To avoid similar scenarios in the future, the law encourages districts to adopt e-learning day plans, which may provide instructional opportunities even when students aren’t physically in school buildings.

For those school districts choosing to count and report the snow day as one of the school’s minimum number of instructional days, the law also requires school districts to pay or offer alternative work to hourly employees who lost hours on account of the cancelations, and to pay contractors, like bus companies, for lost time. Districts that have chosen not to count any snow days toward the required number of instruction days are not subject to this section.

Additionally, it adjusts the minimum number of days of teacher service required for a probationary teacher for the 2018-19 school year.

HF1982/SF1743\*/CH5

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### Education

#### 2019 First Special Session

## New law invests an additional \$543 million in E-12 education

Providing a degree of budget predictability that school boards and administrators have been asking for, a \$20.1 billion, two-year E-12 education spending plan has become law.

Sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Carla Nelson (R-Rochester), the law will boost the state’s education spending by \$543 million over base in the 2020-21 biennium, with the largest investments in general education funding, special education aid and voluntary prekindergarten.

Effective July 1, 2019, the law will increase the basic funding formula by 2 percent each year of the biennium, for an additional \$388.8 million in base funding. It will also support the state’s earliest learners with a \$46.79 million appropriation to maintain 4,000 voluntary prekindergarten seats that were set to expire.

Addressing one of the governor’s top priorities, the law will provide an additional \$90.7 million in special education aid to help address the growing gap between school districts’ special education costs and the state and federal funding they receive. Without new investments, it is projected to reach \$793 million statewide by Fiscal Year 2021.

The state’s four tribal contract schools, authorized and overseen by the federal Bureau of Indian Education, will receive a \$3.53 million appropriation increase under the law. The provision aims to stabilize and equalize funding for tribal contract schools, which were slated to lose approximately 50 percent of their state funding.

Another provision will require school districts to screen for characteristics of dyslexia in all students identified as not reading at grade level by the end of kindergarten, grade 1 and grade 2. Additionally, it requires a district to screen for dyslexia in students in grade 3 or higher who demonstrate reading difficulty, unless a different reason for reading difficulty has been identified.

The law also establishes the groundwork to bring P-TECH schools to Minnesota with a \$1 million appropriation. The schools are a public-private partnership to prepare students for high-skill jobs in growth industries. The law also establishes P-TECH objectives, the application and approval process, and provides grant awards.

Other appropriations for the 2020-21 biennium include:

- \$30 million, one time, for safe schools grants, contingent upon the closing balance for Fiscal Year 2019 exceeding the February Forecast estimated closing balance. The contingent appropriation is available after \$33 million in other contingent appropriations and transfers are funded;

- \$1.5 million for teachers of color mentoring and retention incentive grants;
- \$500,000 for a college savings account pilot program in St. Paul;
- \$265,000 for suicide prevention training for teachers grant; and
- \$240,000 for high school equivalency test fees.

SSHF1\*/SSSF4/CH11

## Environment and Natural Resources

### 2019 First Special Session

# New law designates millions for state's environment and natural resources

A new law has provided the environment and natural resources related budget appropriations for the 2020-21 biennium. It also includes funding from the Environment and Natural Resources Trust Fund as well as various environment and natural resources related policy provisions.

Sponsored by Rep. Rick Hansen (DFL-South St. Paul) and Sen. Bill Ingebrigtsen (R-Alexandria), the law provides General Fund appropriations of \$339 million for the Pollution Control Agency, Department of Natural Resources, Metropolitan Council, Minnesota Conservation Corps, Board of Water and Soil Resources, Minnesota Zoo, Science Museum of Minnesota and Board of Tourism.

The largest General Fund appropriations by agency are:

- \$238.9 million for the Department of Natural Resources (an increase of \$11.67 million);
- \$30 million for the Board of Water and Soil Resources (an increase of \$1.7 million);
- \$28.7 million for the Board of Tourism (an increase of \$60,000);
- \$19.47 million for the Minnesota Zoo (an increase of \$1.1 million);
- \$18 million for the Metropolitan Council; and
- \$13.3 million for the Pollution Control Agency.

Concerns over chronic wasting disease (CWD), the fatal neurological disease first found in farmed deer and now present in wild populations, produced a number of significant provisions in the new law.

They include requiring cervidae (deer, moose, and elk) farms to:

- fence their perimeters with high-tensile fencing at least 96 inches high when installing new fencing;
- install redundant gates at all entry areas by Dec. 1, 2019;
- tag white-tail deer earlier than previously required, either at the time of weaning, before moving from the premises or before Oct. 31 of the year they are born, whichever occurs first;
- be inspected annually, including a physical inspection of all perimeter fencing;
- test all dead farmed cervids over 1 year old for CWD;
- depopulate all farms testing positive for CWD after an appraisal for federal indemnification, or in a reasonable time determined by the Board of Animal Health if not applying for federal indemnification; and
- maintain fencing with biohazard signs for five years after depopulation is ordered.

The law also sets inspection fees based on livestock use and composition. White-tail deer farms where the herd is managed for profit, where the opportunity to shoot animals in the herd is sold, or where the herd has more than one species, will pay inspection fees of \$500 annually. Other herds will be subject to a \$250 fee.

If fencing on a cervid farm is found to be defective, the Board of Animal Health will be required to perform an additional inspection within three months. Fees up to half of the annual inspection fee will be applicable for each additional inspection required.

The law will also deny future registration to permit holders whose registration has been revoked unless the Board of Animal Health determines future escapes are unlikely.

The law provides additional funding to the DNR for the departments's CWD response for wild deer, including testing and containment. Included is creation of an adopt-a-dumpster program for deer carcasses.

A ban on hunters from importing hunter-harvested cervidae carcasses from CWD endemic areas will be extended to all imported carcasses, regardless of site of harvest. Hunters will still be allowed to bring in processed meat and finished taxidermy mounts (cleaned of brain and spinal tissues).

Other provisions in the law include:

- establishing the rusty patch bumble bee as the official state bee;
- increasing reimbursement processing hunter-harvested donated venison to \$150 per deer;
- banning the sale or purchase of prohibited animal parts (tooth or tusk from any species of elephant, hippopotamus, mammoth, mastodon, walrus, whale or narwhal, and a horn or a piece of a horn from a rhinoceros) with limited exceptions for law enforcement, antiques, musical instruments and educational or scientific nonprofits, and others allowed under federal law;
- striking of the ban on ATV snorkel devices;
- increasing the age to take the ATV training and certification program to 10;
- establishing the No Child Left Inside grant program, helping fund environmental, ecological and other natural-resource based education and recreation programs for youth, including pass-through funding for fishing leagues, firearms safety and hunting programs in high schools;
- expanding the Gull Lake and Cross Lake pilot studies to include all water access sites;
- expanding the DNR open house requirement to four days per year when the public may access state parks for free;
- designating a portion of the St. Croix River Water Trail between Wild River State Park and William O'Brien State Park as the Walter F. Mondale Scenic River Way;
- increasing cross country skiing day passes in state parks to \$9, annual passes to \$24, and three-year passes to \$69;
- increasing the watercraft surcharge to \$10.60;
- establishing a decorative materials buyer's license and requiring written consent from landowners for people harvesting or possessing more than 50 spruce or birch stems/branches;
- reclassifying burbot and cisco as game fish;
- extending the Fisheries Oversight, Wildlife Oversight, and the Budget Oversight committees by five years, until June 30, 2025;
- increasing the amount of money from the sale of resident and nonresident adult deer hunting licenses deposited in the deer management account;
- allowing the use of leashed dogs and handheld lights to track wounded or dead deer or bear;
- providing for a provisional firearms safety certificate for people with a permanent physical disability who are unable to pass the firearms safety certificate requirements;
- allowing the use night vision or thermal imaging equipment to hunt fox and coyote;
- allowing the use of drums to bait bear on state land;
- amending beaver trapping laws, including trap tagging and allowing trappers with a local permit to keep the pelt;
- increasing maximum daily compensation for watershed district managers to \$125;
- requiring the DNR to continue operating the Hill-Annex State Park through June 30, 2021 and work with stakeholders to develop recommendations for future operations, and work with local governments on supplementing park operations with volunteers;
- allowing stamp design contest entries to be created using non-photographic digital media; and
- earmarking the \$60,000 increase in the Board of Tourism for the community event grant program.

Environment and Natural Resources Trust Fund

The new law outlines how the \$64.47 million available from the Environment and Natural Resources Trust Fund is to be spent in Fiscal Year 2020. Expenditures from the fund are approved annually, with recommendations developed by Legislative-Citizen Commission on Minnesota Resources.

Due to the passage of a law earlier this year exchanging appropriation bonds paid with money from the Environment and Natural Resources Trust Fund with general obligation bonds, \$2.94 million in Fiscal Year 2019 previously appropriated for state debt service became available. Three projects were added for Fiscal Year 2019: \$1.8 million for the University of Minnesota to develop a diagnostic test for CWD; \$806,000 for a new Lawns to Legumes program; and \$330,000 to update the grant management system used by LCCMR. Additional projects were added to the LCCMR recommendations for Fiscal Year 2020 also due to the return of Fiscal Year 2020 money previously allocated for state debt service.

Fiscal Year 2020 funding includes:

- \$4 million for the Building Knowledge and Capacity to Solve AIS Problems project;
- \$2.2 million for forest and bioeconomy research;
- \$1 million for noxious weed detection and eradication;
- \$1 million to construct the Historic Bruce Mine Park and Mesabi Trailhead;
- \$900,000 for the West Central Research and Outreach Center at Morris to design, integrate and field-test new technology mowers to control weeds, reduce herbicide use, reduce energy costs and improve native vegetation and forage quality on agricultural lands;
- \$883,000 for minerals and water research;
- \$600,000 to continue to assess the current status and distribution of native bee pollinators in Minnesota ;
- \$350,000 for a managed aquifer recharge study;
- \$350,000 to create a sustainably designed single-track mountain bike trail connecting trail clusters and trailheads between Britton Peak in Tofte and Lutsen Mountains;
- \$300,000 for local units of government to replace ash trees removed from public lands in response to emerald ash borer;
- \$250,000 to promote diversity in environmental careers; and
- \$200,000 to enhance and increase public access to Rainy Lake by constructing an ADA-compliant recreational parking lot, an ADA-compliant public restroom and an aquatic invasive species boat wash station.

SSHF4/SSSF7\*/CH4

## Environment and Natural Resources

### 2019 First Special Session

## Legacy money on the way to water, environment, parks and the arts

About \$630 million in revenue – or a 0.375 percent slice of state sales taxes – has been or will be allocated to four funds born of the 2008 Legacy Amendment, under a new law sponsored by Rep. Leon Lillie (DFL-North St. Paul) and Sen. Carrie Ruud (R-Breezy Point).

Legacy money is divided into four pots. The Outdoor Heritage Fund protects and restores wetlands, prairies and forests, while the Clean Water Fund is entrusted with maintaining clean water in the state. Each receives 33 percent of Legacy allocations. The remaining third is split between the Arts and Cultural Heritage Fund (19.75 percent) – which is earmarked for artists and arts organizations, museums, zoos, and history and cultural projects – and the Parks and Trails Fund (14.25 percent).

How the funds are divided

Legacy-dedicated sales tax revenue for the 2020-21 biennium will be distributed to the four funds in this manner:

- \$261.26 million for the Clean Water Fund;
- \$139.77 million for the Arts and Cultural Heritage Fund;
- \$127.69 million for the Outdoor Heritage Fund (almost entirely for Fiscal Year 2020); and
- \$101.26 million for the Parks and Trails Fund.

### The Outdoor Heritage Fund

This fund metes out its money in annual increments, and its appropriations echoed the recommendations of the Lessard-Sams Outdoor Heritage Council for restoration and protection of habitats (\$50.1 million), prairies (\$38.3 million), wetlands (\$20.8 million) and forests (\$17 million). Its three largest projects involve Department of Natural Resources grassland enhancement, a shallow lake and wetland protection program, and accelerating a wildlife management area program.

### The Clean Water Fund

Over half of this fund's allocations for the 2020-21 biennium will be to the Board of Water and Soil Resources (\$138.4 million). Within that are the four largest lines on its ledger: \$32 million for surface and drinking water protection and restoration grants; \$27 million for grants to watersheds with multiyear plans; \$24 million in administration grants for Soil and Water Conservation Districts; and \$17.3 million for the Conservation Reserve Enhancement Program.

Clean Water Fund monies will also go to the Pollution Control Agency (\$46.5 million); the Department of Agriculture (\$21.7 million); the DNR (\$18.6 million); the Public Facilities Authority (\$18.3 million); and the Department of Health (\$13 million), among others.

### The Parks and Trails Fund

This one is pretty straightforward, as its recipients have negotiated a split amenable to all of them: 40 percent to the DNR for state parks, state trails and state recreation areas, 40 percent to the Metropolitan Council for metropolitan regional parks and trails, and 20 percent to the DNR for grants for regional parks and trails in Greater Minnesota based upon recommendations of the Greater Minnesota Parks and Trails Commission. Considering that the fund is very close to exactly \$100 million, it's easy to figure out how much each is getting: just substitute "percent" with "million."

### The Arts and Cultural Heritage Fund

The State Arts Board will receive almost half of this fund's biennial outlay (\$65.7 million). Within its purview is the largest recipient of monies from this fund, the board's arts and arts access initiatives (\$52.6 million). Other large appropriations include \$12.9 million each to the Minnesota Historical Society's statewide historic and cultural grants and statewide history programs, as well as \$9.9 million for State Arts Board arts education grants, \$8.9 million for Minnesota Public Television, \$5.1 million for regional public libraries, and \$5 million for the Historical Society's history partnerships.

Among others receiving Arts and Cultural Heritage Fund allocations are the Indian Affairs Council for language and cultural programming (\$3.6 million), Minnesota Zoo (\$3.5 million), Minnesota Public Radio (\$3.5 million) and the AMPERS system of community radio stations (\$3.5 million).

Most of the law takes effect July 1, 2019; however, Parks and Trails Fund appropriations took effect June 1, 2019, as did some of the Outdoor Heritage Fund sections, others in that section are retroactive to July 1, 2015 and July 1, 2017.

SSHF9/SSSF3\*/CH2

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## Health and Human Services

### 2019-2020 Regular Session

## Duty to warn expanded to include students and interns

Mental health professionals' duty to warn will be expanded.

Effective Aug. 1, 2019, a new law will require them to disclose private information to law enforcement agencies, the potential victim and the family of the client, if that client communicates a serious threat of physical violence to themselves or a specific, potential victim.

The law will also extend these requirements to include applicants for licensure and students or interns practicing professional counseling as part of an educational program.

The change is one of two technical corrections made to health licensing in the law. The other modifies the Board of Behavioral Health and Therapy's reciprocity requirements for licensed professional counselors, licensed professional clinical counselors, and licensed alcohol and drug counselors who have practiced for at least five years, by eliminating the requirement that licensure requirements in the other state to be substantially similar to those in Minnesota..

Rep. Tony Albright (R-Prior Lake) and Sen. Melissa Wiklund (DFL-Bloomington) are the sponsors.

HF2206/SF955\*/CH28

**Health and Human Services****2019-2020 Regular Session****New law modifies supervision of temporary body art technicians**

Requirements for the supervision of temporary body art technicians will be modified under a new law that takes effect Aug. 1, 2019.

The law is a continuation of work that started two years ago, and supporters say is necessary to better reflect the training necessary to supervise new body piercers and meet workforce demands.

It will allow body piercing technicians, who have performed at least 500 body piercings, to supervise a temporary technician. Tattoo technicians with at least two years of experience can supervise a temporary technician.

The law will also require body art technicians supervising more than four body piercing technicians, or two tattoo technicians, to provide the Health Department with plans explaining how they will provide adequate supervision.

Rep. Nick Zerwas (R-Elk River) and Sen. Mark Koran (R-North Branch) are the sponsors.

HF783/SF326\*/CH29

**Health and Human Services****2019-2020 Regular Session****Assisted living facilities will be licensed under new law**

Minnesota has joined the country's other 49 states in licensing its assisted living facilities as part of a sweeping new law intended to protect the elderly from abuse, neglect and assault financial exploitation.

Effective Aug. 1, 2021, facilities that provide assisted living services must be licensed under one of two categories. The first provides is for facilities that provide housing and assisted living services; the second is for facilities that offer offers dementia care in addition to these services, and may have a secure dementia unit.

In addition to establishing the requirements and procedures for licensure, renewal, investigations, and the denial, suspension or revocation of licenses, the law sets minimum requirements for assisted living facilities, including:

- compliance with the Nurse Practice Act;
- the use of person-centered planning and service delivery;
- development and implementation of a staffing plan;
- maintenance of an infection control program;
- facility support of resident and family councils, including space and privacy to hold meetings;
- availability of a list of services offered by the facility;
- conspicuously posted information about the facility's procedure for addressing grievances, including contact information for specific people responsible for addressing those concerns;
- provision of information about how to contact consumer advocacy or legal services organizations; and
- distribution of the newly created assisted living bill of rights. (Art. 1, Secs. 11, 34-38)

The assisted living bill of rights consists of 24 items, including the right to:

- receive appropriate care and services based on resident needs;
- refuse care or services and be informed of the consequence;
- participate in planning, modifying and evaluating care and services;
- courteous treatment;

- freedom from maltreatment;
- come and go freely from the facility;
- individual autonomy and privacy, including the use of a locking door;
- choose visitors and communicate in private;
- furnish and decorate their own living units, access food at any time, choose roommates and access Internet service at their expense;
- make grievances and inquiries and receive a timely response;
- receive notifications regarding charges for housing and services and expected payment amounts from insurance or public health care programs;
- access information about, and use other public and private services; and
- organize and participate in resident or family councils. (Art. 1, Sec. 12)

Other areas where safety and transparency requirements are outlined by law include:

- the transfer of residents from one unit to another within the same facility and to other locations;
- business operations;
- staffing and supervision;
- orientation and annual training;
- the provision of written notices to residents;
- resident records;
- restrictions on controlling individuals;
- the physical environment and fire safety of sites;
- termination of services, including the resident's right to appeal; and
- contract requirements, including a prohibition on waivers of facility liability for the health and safety or personal property of a resident (Art. 1, Secs. 14-17, 21-22, 24-30).

Additional, specific, requirements are outlined for optional services that assisted living facilities may choose to offer, including medication management, treatment and therapy management, and dementia care, though some training in dementia care topics are required for all assisted living facility staff. (Art. 1, Secs. 19-20, 23)

The law also:

- prohibits retaliation against residents, and employees, and any person acting on the resident's behalf;
- prohibits facilities from accepting a person as a resident if they do not have the staffing to adequately provide services agreed to in the assisted living contract;
- creates a resident quality of care and outcomes improvement task force to examine practices and make recommendations;
- allows for variances that will allow facilities to offer innovative services determined to be safe;
- prohibits retaliation in nursing homes and housing with services establishments; and
- establishes disclosure requirements for facilities that provide "I'm okay" check services. (Art. 1, Secs. 18, 39-40, 42; Art. 3, Secs. 2-4)

Consumer protections

Consumer protections outlined in the new law include the authorization of electronic monitoring in nursing homes, boarding care homes, housing with services establishments and assisted living facilities

Notification must be provided to the facility via a form, though residents and their representatives will have 14 days to submit it if they fear retaliation, have not gotten a timely written response from the facility in response to a concern, or have submitted a maltreatment report regarding the issues precipitating the placement of a monitoring device.

The resident must provide consent – though a resident representative may do so instead, under certain circumstances – and accommodations must be made if the resident has a roommate who refuses consent. (Art. 3, Sec. 1).

#### Appropriations

For activities related to the protection of vulnerable adults and assisted living licensure, the law will appropriate:

- \$9.66 million in Fiscal Year 2020 and \$9.42 million in Fiscal Year 2021 from the General Fund to the Health Department; and
- \$7.69 million in Fiscal Year 2020 and \$6.86 million in Fiscal Year 2021 from the General Fund to the Department of Human Services.

Other appropriations consist of \$1.1 million in Fiscal Year 2020 and \$1.1 million in Fiscal Year 2021 from the state government special revenue fund to the Health Department.

This funding is intended to improve the frequency of home care provider inspections and implement assisted living licensure activities. Previously deposited fine revenue from the state government special revenue fund will be transferred to a dedicated special revenue account to implement the recommendations of the home care advisory council. (Art. 5, Secs. 1-2)

Rep. Jennifer Schultz (DFL-Duluth) and Sen. Karin Housley (R-St. Marys Point) are the sponsors.

HF90\*/SF8/CH60

#### Health and Human Services

##### 2019-2020 Regular Session

## Licensure for ambulatory surgical centers sharing facilities clarified

A new law will clarify statutory authority the Department of Health has to grant licenses needed for ambulatory surgical centers to use the same brick-and-mortar buildings.

Supporters say the law is needed to address a problem specific to Rep. Patty Acomb's (DFL-Minnetonka) and Rep. Kristin Robbins' (R-Maple Grove) districts, where one center was hoping to share another's facilities.

The new law, effective May 10, 2019, will explicitly allow the Health Department to grant conditional licenses for the operation of outpatient surgical centers under certain circumstances. These conditional licenses will be valid for 120 days and may be renewed once for an additional 120 days.

The law also outlines facility standards for outpatient surgical centers and standards for admission to outpatient surgical centers.

Robbins and Sen. Scott Jensen (R-Chaska) sponsor the law.

HF1407/SF1732\*/CH22

#### Health and Human Services

##### 2019-2020 Regular Session

## Clarifications on intervener's role intended to help address workforce shortages

The role of interveners working with people who are deafblind will be clarified by a new law that takes effect Aug. 1, 2019.

Family and community interveners are paraprofessionals who work one-on-one with children who are deafblind to provide critical connections to people and their environments. They are specifically trained in deafblindness, building language and communication skills, and intervention strategies.

The new law will also outline the services they provide, which include opening channels of communication between the child and others, facilitating opportunities for learning and development, and developing a trusting, interactive relationship that promotes social and emotional well-being.

Supporters said that the law will encourage the establishment of training programs and encourage more people to pursue this line of work. Currently, accessibility is limited due to a shortage of interveners and families often have to contend with waitlists or limited hours.

Rep. Diane Loeffler (DFL-Mpls) and Sen. Jim Abeler (R-Anoka) sponsor the law.

HF1983\*/SF2126/CH23

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#### Health and Human Services

#### 2019-2020 Regular Session

## New guidelines could let ambulance service personnel help more people during emergencies

A new law will authorize the Emergency Medical Services Regulatory Board to propose guidelines authorizing patient-assisted medication administration in emergencies.

The law, which took effect May 16, 2019, was inspired by a young girl with an adrenal insufficiency after her parents realized that she could die with life-saving treatment within reach if emergency responders were not clearly authorized to give her those medications.

With more professionals – like EMTs, AEMTs, and paramedics – authorized to help people with rare medical conditions during emergencies, patients will be more likely to survive incidents that could arise while they're away from home or traveling.

The law includes limitations on what sorts of prescriptions could be administered and clarifies that the route of delivery has to be within the responder's scope of training.

The proposed guidelines, and any draft legislation needed to allow for their implementation, are required to be submitted to the Legislature by Jan. 1, 2020.

The law is sponsored by Rep. Jeff Brand (DFL-St. Peter) and Sen. Torrey Westrom (R-Elbow Lake).

HF85\*/SF153/CH25

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#### Health and Human Services

#### 2019-2020 Regular Session

## Flame-retardant chemical prohibitions expanded

A new law will expand prohibitions on the use of flame-retardant chemicals to include mattresses and residential textiles, including curtains. These household items will join a list also including upholstered residential furniture and children's products.

These new prohibitions will go into effect for manufacturers beginning July 1, 2021, and for retailers beginning July 1, 2022.

Supporters say the changes are needed to protect Minnesota's firefighters and children by limiting their exposure to dangerous chemicals that can have negative, long-term health impacts.

Exemptions are allowed, including the sale of used and previously owned products, electronic components and related casings, the thread or fiber used to stitch mattresses together and items required to meet federal flammability standards.

The law will also strike a list of prohibited flame-retardant chemicals, and, instead, prohibit a class of flame retardants – organohalogenated flame retardant chemicals – unless they meet specific federal safety requirements.

Another provision in the law will require notice when Class B firefighting foam containing intentionally added perfluoroalkyl chemicals (PFAS) are used and prohibit their use for testing and training purposes beginning July 1, 2020.

The law also clearly authorizes the Pollution Control Agency to enforce the law in concert with the Department of Health and Department of Commerce.

Rep. Jamie Becker-Finn (DFL-Roseville) and Sen. Jeff Howe (R-Rockville) are the sponsors.

HF359\*/SF321/CH47

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#### Health and Human Services

#### 2019-2020 Regular Session

## Some payments to fund children's residential treatment change under new law

A new law extends the effective date for payment provisions for children's residential treatment services provided in facilities deemed to be "institutions for mental disease" by the federal Centers for Medicare and Medicaid Services and appropriates \$368,000 in Fiscal Year 2019 to cover the cost.

The law, sponsored by Rep. Kelly Morrison (DFL-Deephaven) and Sen. Jerry Relph (R-St. Cloud), is meant to cover a two-month gap in funding for these institutions, left by Gov. Mark Dayton's veto of the 2018 budget bill, which would have ensured sufficient state funding.

Mental health facilities with more than 16 beds are considered "institutions for mental disease" and are not eligible for federal payments..

The law took effect April 13, 2019.

HF679\*/SF1131/CH12

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**Health and Human Services**  
**2019-2020 Regular Session**

## More families could be reunited through expansion of reestablishment petitions

A new law will allow individuals whose parental rights have been terminated to petition for the reestablishment of the legal parent-child relationship. Previously, this petition could only be filed by a county attorney.

Effective Aug. 1, 2019, the law could make a major difference in the lives of children stuck in so-called "foster care limbo" and parents who struggled with severe mental health problems, addiction, or even a single bad decision, but managed to get their lives back on track.

Parents filing this petition will be required to have corrected the conditions that led to the termination of their parental rights. The application process calls for details including treatment and work histories, as well as why the parent decided to seek reunification, and how it is in their child's best interest.

The reunification process will include a court hearing during which guardians ad litem and caseworkers will be able to weigh in on the decision, which would ultimately be made by a judge.

The law also strikes a provision requiring children to be at least 15 years old at the time of the petition, but increases the amount of time the child must have spent in foster care from 36 months to 48 months.

Rep. Rena Moran (DFL-St. Paul) and Sen. Bobby Joe Champion (DFL-Mpls) are the sponsors.

HF554\*/SF342/CH14

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**Health and Human Services**  
**2019-2020 Regular Session**

## New law sheds more light on clinic fees

Effective Aug. 1, 2019, provider-based clinics will be required to disclose facility fees for nonemergency services before treatment.

Intended to ensure patients are not surprised by separate charges resulting in higher out-of-pocket expenses than expected, the law will require prominently posted and easily accessed statements informing patients of potential separate charges relating to use of the facility. Website information must be included.

Laboratory services, imaging and other services provided by health care staff not employed by the clinic will be exempt from the notification requirement.

The law is sponsored by Rep. Steve Elkins (DFL-Bloomington) and Sen. Rich Draheim (R-Madison Lake).

HF685/SF131\*/CH7

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**Health and Human Services**  
**2019-2020 Regular Session**

## **New law changes renewal cycle for some health licenses**

A new law will change the license renewal cycle for several health professions, shifting it to the licensees' birth months. This change will spread out the work of processing renewal requests more evenly throughout the year.

The law, sponsored by Rep. Kelly Morrison (DFL-Deephaven) and Sen. Mark Johnson (R-East Grand Forks), also makes technical corrections and modifies fees for the conversion license period.

It takes effect Aug. 1, 2019.

HF636/SF584\*/CH8

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**Health and Human Services**  
**2019-2020 Regular Session**

## **Cardiovascular technologists added to list of who can work with x-ray machines**

A new law adds to the list of who may operate x-ray machines without passing a national examination for limited x-ray machine operators, to include cardiovascular technologists assisting with the operation of fluoroscopy equipment – a type of medical imaging used to capture live images.

Supporters say this law, effective May 4, 2019, is needed to clarify existing regulations and align statutes with current clinical care practices in hospital cardiac catheterization labs.

The law bars cardiovascular technologists from activating the fluoroscopic system or evaluating quality control tests, but allows them to make adjustments to the equipment needed for cardiologists to perform delicate procedures.

In order to qualify, cardiovascular technologists will need to be credentialed by Cardiovascular Credentialing International, have graduated from an accredited program or be designated on a variance. They will only be allowed to operate the equipment under the personal supervision, and in the physical presence, of a qualified practitioner.

Rep. Heather Edelson (DFL-Edina) and Sen. Carla Nelson (R-Rochester) are the sponsors.

HF819\*/SF966/CH17

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**Health and Human Services**  
**2019-2020 Regular Session**

## **Statewide opiate response to be funded through fees on pharmaceutical industry**

The pharmaceutical industry will be required to pay \$20.94 million in annual fees, which will be allocated to combat opioid use disorders and address the impact they have had in communities across the state.

The state's response to the opioid crisis, authorized in a new law effective July 1, 2019, unless otherwise noted, consists of a sweeping, multifaceted approach that includes:

- the establishment of an opioid advisory council to establish goals and make funding recommendations;
- funding for county social service and tribal social service agencies to provide child protection services to families affected by addiction;
- increased funding for the Bureau of Criminal Apprehension for additional drug scientists, lab supplies, and special agents focused on drug interdiction and trafficking;

- new grants to support local and targeted prevention and treatment efforts, including traditional healing programs; and
- the statewide mapping and assessment of community-based non-narcotic pain management and wellness resources. (Art. 1, Secs. 7-9; Art. 3, Sec. 1)

To fund these initiatives, registration fees of \$250,000 a year will be assessed on any opiate manufacturer that annually sells, delivers or distributes 2 million or more units within or into the state.

The law sets application and renewal fees for drug manufacturers of opiate-containing controlled substances at \$55,000 and increases the fees for drug wholesalers, drug manufacturers and medical gas distributors to \$5,000, from between \$110 to \$235 each.

Registration fees will sunset and the \$55,000 renewal fees shall be reduced once the state recovers at least \$250 million from settlements with pharmaceutical companies after a minimum of five years. Any revenue from settlements would be earmarked specifically for opioid response efforts.

The law also calls on the Board of Pharmacy to evaluate the effectiveness of the fees and determine whether the legislation has had any unintended impact on the availability of opiates for the treatment of chronic or intractable pain. This report must be submitted to the Legislature by March 1, 2024. The Legislature shall review this, as well as reports from the Opiate Epidemic Response Advisory Council, to determine whether the registration fee should continue beyond July 1, 2024. (Art. 1, Secs. 2-5, 8)

Other provisions in the law will:

- establish reporting requirements for manufacturers and wholesalers, as well as penalties for failing to provide the information or failing to do so in a timely manner;
- allow health care directives to include instructions on the administration, prescription or dispensing of opioids;
- let patients enter instructions into their health care records related to the administration, prescription and dispensing of opioids;
- effective June 1, 2019, increase the variety of professionals who can administer opiate antagonists to treat drug overdoses;
- allow sheriffs to provide public education and alternative, free drug disposal methods including at-home deactivation and disposal products;
- impose restrictions on how much time can elapse between the issuance of a prescription and its initial dispensing and between refills;
- limit the quantity of opiates prescribed for acute pain to a seven-day supply for adults and a five-day supply for minors, with some exceptions; and
- effective Jan. 1, 2020, require at least two hours of continuing education regarding best practices in prescribing opioids and controlled substances for licensed medical professionals with the authority to issue such prescriptions. (Art. 2, Secs. 1-2, 4-6, 8, 10)

The law is sponsored by Rep. Liz Olson (DFL-Duluth) and Sen. Julie Rosen (R-Vernon Center).

HF400\*/SF751/CH63

## Health and Human Services

### 2019-2020 Regular Session

# University of Minnesota asked to create advisory council on rare diseases

The Board of Regents of the University of Minnesota has been requested to establish a rare diseases advisory council.

Dubbed the Chloe Barnes Advisory Council on Rare Diseases at the University of Minnesota, it will provide recommendations for research, diagnosis, treatment and education on diseases that affect less than 200,000 people in the United States. It can also address diseases that have a larger number of diagnoses, but have a cost for developing treatment drugs that wouldn't be recovered from U.S. sales of that drug.

Sponsored by Rep. Alice Mann (DFL-Lakeville) and Sen. Jeremy Miller (R-Winona), the law provides a \$50,000 \$150,000 appropriation in each year of the 2020-21 and 2022-23 biennia biennium from the General Fund to the Department Human Services for transfer to the university. It also requires an annual report to the Legislature.

The law, effective July 1, 2019, mandates that the council's first meeting must occur by Oct. 1, 2019.

HF684/SF973\*/CH65

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**Health and Human Services****2019-2020 Regular Session****Pharmacy benefit manager licensure to be instituted by new law**

Increased oversight of pharmacy benefit managers, which administer prescription drug benefits for health carriers and employers, is intended to improve transparency and serve as a first step in reigning in dramatic and sudden increases in prescription costs.

Under a new law that will go into effect Jan. 1, 2020, PBMs operating in Minnesota will need to be licensed by the Department of Commerce, which will allow the state to impose requirements in areas including network adequacy, ownership interest and transparency.

License applications and renewals will require fees and evidence of fiscal responsibility. PBMs may be fined \$5,000 for every day they act without a license and additional civil penalties can be imposed for failure to comply with transparency requirements, including annual reports slated to begin in 2020.

Licenses can be suspended, revoked or placed on probation in several instances, including when the PBM has engaged in fraudulent activity, failed to pay a license or renewal fee or failed to comply with other requirements outlined in the law.

A section of the law outlining “general business practices” calls on PBMs to exercise “good faith and fair dealing” in their performance of contractual duties and requires them to notify health carriers of any conflicts of interest.

The law will also prohibit “gag clauses” that prevent pharmacists from letting patients know when their medications would be cheaper at the pharmacy’s regular cost than with their co-pay.

In addition, the law states that enrollees with covered prescriptions cannot be required to make a payment at the point-of-sale any greater than the applicable co-payment for the drug, the allowable claim amount or the amount that an individual would pay if purchasing the drug without a health plan.

The law will also:

- establish procedures for conducting and reporting pharmacy audits;
- require PBMs with a preferred network of pharmacies to disclose, on request, an enrollee’s out-of-pocket costs at the preferred pharmacies as compared to other in-network pharmacies;
- allow pharmacists to dispense therapeutically equivalent and interchangeable prescribed drugs and biological products covered by the purchaser’s plan, under some conditions;
- require the prompt filling of specialty drug prescriptions, if the use of mail order pharmacies is required, or financially incentivized by the PBM or health carrier – an exemption is allowed if the drug is out of stock due to a shipment delay;
- ban PBMs from retroactively adjusting pharmacy reimbursement claims, unless the adjustment is the result of a pharmacy audit or technical billing error;
- require contracts between PBMs and pharmacies to allow for the synchronization of prescription drug refills for patients, on at least one occasion per year, if specific criteria are met; and
- bar PBMs from requiring pharmacies to dispense therapeutically equivalent or therapeutically alternative drugs that cost more for the enrollee out-of-pocket than the prescribed drug, unless the substitution is being made for medically beneficial reasons approved by the prescribing practitioner and explained to the enrollee.

Rep. Alice Mann (DFL-Lakeville) and Sen. Scott Jensen (R-Chaska) are the sponsors.

HF728/SF278\*/CH39

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**Health and Human Services****2019-2020 Regular Session****Provider-patient relationship to be required for ophthalmic prescriptions**

A new law, effective July 1, 2019, will require a provider-patient relationship for ophthalmic prescriptions – such as contacts or eyeglasses – to be issued, including for online prescriptions.

This relationship can be established through examinations conducted in person; face-to-face, interactive, real-time communication; or through “store-and-forward technologies” if certain conditions are met.

The law does not apply to the sale of over-the-counter reading glasses.

Supporters said the law is needed to make sure individuals’ health needs are being properly met and to keep state statutes up-to-date with technological developments, like vision-testing websites and apps.

Rep. Dave Pinto (DFL-St. Paul) and Sen. Karin Housley (R-St. Marys Point) are the sponsors.

HF559\*/SF544/CH31

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## Health and Human Services

### 2019-2020 Regular Session

## Carver County hospital construction can continue

Ridgeview Medical Center in Carver County will be able to continue with a construction project that will add 20 new beds.

A new law, effective Aug. 1, 2019, will allow the project to take place by striking clauses in an existing exemption to construction and modification restrictions. The stricken clauses would have required the additional beds to be used for rehabilitation services and limited their eligibility for Medical Assistance or MinnesotaCare reimbursement.

Supporters say these changes are needed so the medical center can fully utilize its beds and expand its services.

Rep. Jim Nash (R-Waconia) and Sen. Scott Jensen (R-Chaska) are the sponsors.

HF1393/SF328\*/CH41

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## Health and Human Services

### 2019-2020 Regular Session

## Technical fix will let CEMTs serve on a basic life support ambulance services

Community emergency medical technicians will be permitted to serve on a basic life support ambulance service, under a new law effective Aug. 1, 2019.

Under current law, their authorization is limited to medical response units, which are organized at the local level and provide initial medical care, before an ambulance service arrives.

Proponents say the change will clarify existing law and correct an oversight.

The law will also change the occupational title from “community medical response emergency medical technician” to “community emergency medical technicians.” Another change makes services provided by community paramedics via telemedicine covered under medical assistance.

Rep. John Huot (DFL-Rosemount) and Sen. Julie Rosen (R-Vernon Center) are the sponsors.

HF148\*/SF1074/CH42

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## Health and Human Services

### 2019-2020 Regular Session

## Limited dialysis distribution exemption enacted

Effective Aug. 1, 2019, a new law will allow the exemption from pharmacy licensing requirements manufacturers, distributors and providers distributing dialysate or devices for home peritoneal dialysis to patients with kidney failure, also known as end-stage renal failure.

Criteria include:

- the manufacturer or its agent leases or owns the facility from which the dialysate or devices will be delivered;
- the dialysate is FDA approved and made of dextrose or icodextrin;
- the dialysate is stored and delivered in original, sealed and unopened packaging;
- the products are delivered only upon receipt of a physician's order by a pharmacy, and the prescription is reviewed and processed by a pharmacist;
- records and other information are maintained by the manufacturer for a minimum of three years and made available to the board upon request; and
- the products are delivered directly to the patient or patient's designee for self-administration of the dialysis therapy; or to a health care provider or institution for administration or delivery of dialysis therapy to the patient.

Rep. Zack Stephenson (DFL-Coon Rapids) and Sen. Carla Nelson (R-Rochester) are the sponsors.

HF892\*/SF1351/CH44

**Health and Human Services**  
**2019-2020 Regular Session**

## **Law will expand screenings to help protect student athletes**

The Patrick Schoonover Heart Foundation works to provide education and free screenings to student-athletes in hopes of preventing deaths caused by undetected heart defects. A new law will enable them to continue pursuing that goal.

Effective July 1, 2019, it expands a volunteer health care provider program to allow that program to provide liability insurance to organizations that provide include free monitoring and screening services to detect undiagnosed diseases and conditions.

Previously, the foundation couldn't access liability insurance for physicians volunteering their time, because the primary purpose of the foundation was not the provision of health care services to the uninsured and underinsured.

Rep. Nick Zerwas (R-Elk River) and Sen. Scott Jensen (R-Chaska) are the sponsors.

HF2027/SF2081\*/CH46

**Health and Human Services**  
**2019-2020 Regular Session**

## **Health-related professions background checks and temporary license suspensions modified**

Provisions outlining background checks by health-related licensing boards will be updated through a new law that took effect May 23, 2019.

State and federal criminal background checks will be required for all applicants pursuing initial licensure, licensure by endorsement, reinstatement or re-licensure after expiration, if more than a year has lapsed, and licensees applying to participate in an interstate licensure compact.

Background check results will be valid for a year after receipt. An exception for the requirement is allowed if an applicant has had the same check conducted by the same board. The law also clarifies that health-related licensing boards will not exchange criminal history record information and it strikes a 90-day time limit for the applicant to consent to the background check and submit fingerprints.

Other updates include modifications to procedures related to temporary licensure suspensions precipitated by the imminent risk of serious harm.

Rep. Kelly Morrison (DFL-Deephaven) and Sen. Mark Johnson (R-East Grand Forks) are the sponsors.

HF637\*/SF583/CH49

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**Health and Human Services**

**2019-2020 Regular Session**

## **Marriage and family therapist provisions updated**

A new law will make technical changes to the statutes governing the Board of Marriage and Family Therapy.

Effective July 1, 2019, the law will remove, update and clarify various outdated provisions, but doesn't make any substantive changes to the statute.

The changes were recommended by the revisor's office, nonpartisan House researchers, and Senate counsel, said Rep. Rena Moran (DFL-St. Paul), who sponsors the law with Sen. Michelle Benson (R-Ham Lake).

HF1262\*/SF631/CH52

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**Health and Human Services**

**2019-2020 Regular Session**

## **Elderly waiver language recodification and technical changes**

Statutes regarding Minnesota's Elderly Waiver program will be recodified to make them easier to understand and use.

The new law, which takes effect Aug. 1, 2019, is not intended to have any policy or fiscal impact, supporters said.

Rather, it moves language into a new chapter, reorganizes it, removes obsolete language, applies consistent terminology, defines undefined terms and redrafts sections for charity and consistency.

Rep. Jennifer Schultz (DFL-Duluth) and Sen. Karin Housley (R-St. Marys Point) are the sponsors.

HF267/SF573\*/CH54

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**Health and Human Services**

**2019-2020 Regular Session**

## **Nonemergency Medical Transportation Advisory Committee membership modified**

A taxicab owner or operator will be added to the Nonemergency Medical Transportation Advisory Committee, under a new law that takes effect Aug. 1, 2019.

The change to the committee's membership also includes an increase from four to five voting members, representing providers who deliver nonemergency medical transportation to Medical Assistance enrollees, one of whom must own or operate a taxicab.

Rep. Jon Koznick (R-Lakeville) and Sen. Scott Jensen (R-Chaska) are the sponsors.

HF2252/SF2089\*/CH57

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**Health and Human Services**

**2019-2020 Regular Session**

## **Authorized individuals – as well as entities – will be allowed to use epinephrine auto-injectors**

More people will be allowed to administer epinephrine auto-injectors, or EpiPens, to help someone suffering from an allergic reaction.

A new law, effective Aug. 1, 2019, adds “authorized individuals” to existing statutes governing the use of EpiPens, alongside “authorized entities” and clarifies that they can qualify for this standing through the successful completion of a training program.

A provision states that the possession and administration of epinephrine auto-injectors at public schools will be determined by the appropriate school district.

Rep. Greg Davids (R-Preston) and Sen. Jeremy Miller (R-Winona) are the sponsors.

HF925/SF1257\*/CH61

## Health and Human Services

### 2019 First Special Session

# Preventative strategies encouraged in new health and human services law

The omnibus health and human services law is intended to improve access to health care, provide accountability in public programs and reduce disparities across the state during the upcoming biennium.

Sponsored by Rep. Tina Liebling (DFL-Rochester) and Sen. Michelle Benson (R-Ham Lake), the new law includes the first increase to the Minnesota Family Investment Program’s cash assistance in more than 30 years. An additional \$100 per month, per household, aims to better help families make ends meet and acknowledges that the cost of living has changed since the 1980s, supporters said. (Art. 1, Sec. 20)

The law also makes a range of changes to the state’s child protection and foster care systems, with the intent of keeping more families together and reducing disparities while improving the children’s well-being, supporters said.

These measures will require the state to provide guidance to assist local social service agencies search for the relatives of children determined to need out-of-home placement. This guidance must also address the information given to relatives and kin about permanency options, visitation and ways to sustain their relationships with children in foster care. (Art. 1, Sec. 41)

The law also calls on the state to look for ways to implement “kinship navigator models” that support the placement of children with relatives by providing ongoing support, including help with home studies and licensing requirements. (Art. 1, Sec. 40)

Other child protection initiatives in the law include:

- increasing options for family-focused residential placement, including voluntary foster care, in which the child is co-located with their parent in a treatment program;
- establishing a child welfare employee training framework, called the Welfare Training Academy;
- a study on child welfare worker caseloads, to be followed by ongoing monitoring;
- requiring a report on giving homeless youth access to birth records and identification cards at no cost; and
- allowing capacity variances for foster families, which will help parenting youth remain with their children, keep siblings together, maintain “established, meaningful relationships,” and allow children with severe disabilities to stay with families that have special training or skills needed to provide care. (Art. 1, Secs. 26-34, 37-39; Art. 2, Sec. 30)

Prevention efforts supported by the new law will:

- fund statewide tobacco cessation services;
- modify the Minnesota Clean Indoor Air Act to include vaping;
- fund a comprehensive suicide-prevention strategy, which includes the re-establishment of a state-based suicide prevention hotline and grants for community-based initiatives;
- establish a domestic violence and sexual assault prevention program; and
- create a grant program to increase public awareness and education on the dangers of skin lightening creams and products containing mercury. (Art. 11, Secs. 22-31, 108-109; Art. 14, Sec. 3)

Resources to address mental health problems and substance abuse include:

- Medical assistance coverage for and expansion of Certified Community Behavioral Health clinics;

- improvements and additional investments in school-linked mental health, including the establishment of a grant program to provide early identification and intervention;
- grants to provide shelter-linked mental health services to homeless or sexually exploited youth;
- requiring the Department of Human Services to minimize the regulatory paperwork for substance use disorder programs;
- establishing a Community Competency Restoration Task Force to develop recommendations to help individuals deemed incompetent to stand trial;
- a grant for Anoka County to develop and implement a pilot project evaluating the impact of a coordinated, multi-disciplinary service-delivery approach for criminal offenders with mental illnesses; and
- a policy change that will make it easier for people who have completed substance use disorder treatment and have been in recovery for at least one year from substance abuse disorders to work in the treatment field. (Art. 2, Secs. 74-77; Art. 6, Secs. 3-4, 52, 72, 76-80)

Integrity and accountability measures in the law will:

- bring the Child Care Assistance Program in to federal compliance and provide anti-fraud and program integrity measures;
- require the Department of Human Services to design and implement a corrective plan to prevent Medical Assistance enrollees from being assigned more than one personal identification number; and
- create a Blue Ribbon Commission to make recommendations that will allow the Legislature and the governor to transform the state's health and human services system to increase efficiencies and savings while improving outcomes. The act assumes a savings from implementation of this recommendation of \$100 million for the biennium beginning July 1, 2022. The commissioner of Minnesota Management and Budget is authorized to reduce the balance of the budget reserve by an amount equal to any difference between identified savings and this savings target. (Art. 1, Secs. 6, 11-18; Art. 7, Secs. 45-46; Art. 14, Sec. 11)

Other task forces, working groups and programs established in the law include:

- a prescription drug repository program;
- a Family Child Care Task Force, responsible for identifying difficulties facing providers regarding licensure and inspections;
- a Community Solutions for Health Child Development Grant Program, intended to improve outcomes of children of color and American Indian children, and a Community Solutions Advisory Council to make recommendations; and
- working groups intended to examine disparities impacting the health and educational achievement of children from Native American communities and communities of color. (Art. 2, Sec. 132; Art. 9, Sec. 7; Art. 11, Secs. 106-107)

Other changes will:

- simplify and improve access to the TEFRA program; (Art. 5, Sec. 88)
- increase Medical Assistance and MinnesotaCare fee-for-service payments by an amount equal to the MinnesotaCare provider tax rate defined for hospitals, surgical centers or health care providers; (Art. 7, Sec. 17)
- allow the commissioner to limit the year-over-year increase in Medical Assistance payment rate to manage care and county-based purchasing plans, and requires transfers from the premium security account to the General Fund to the extent this is necessary to achieve a savings of \$145.15 million; (Art. 7, Sec. 35)
- increase payments for certified doula services to \$47 per prenatal or postpartum visit, and \$488 for attending a birth; (Art. 7, Sec. 36)
- provide coverage for preventative mammogram screenings, pediatric acute-onset neuropsychiatric syndrome; (Art. 8, Sec. 1-2)
- prohibit the use of step therapy for metastatic cancer; (Art. 8, Sec. 13)
- make changes to existing statutes regarding industrial hemp and medical cannabis; (Art. 11, Secs. 1-2, 76-102, 110)
- allow counties to request administrative reviews regarding the cost of care for people whose discharge was delayed from a regional treatment center or state-run facility, incurring county costs; (Art. 3, Sec. 1)
- require providers of home- and community-based services to provide labor market information to the human services commissioner, including hours worked by direct-care staff, retention rates, and job vacancies; (Art. 5, Sec. 54)
- reconfigure the Medical Assistance waiver programs for people with disabilities to simplify administration; (Art. 5, Sec. 86)

- require the Department of Human Services, in consultation with stakeholders, to evaluate the feasibility of developing a rate methodology for the personal care assistance program, similar to the disability waiver rate system; (Art. 5, Sec. 87)
- limit Health Department requirements for temporary food stands located on private property that earn less than \$1,000 a year; (Art. 11, Sec. 103) and
- allow licensed child care centers to provide children with drinking water in reusable water bottles or cups. Previously they could only use disposables. (Art. 2, Sec. 43)

SSHF14/SSSF12\*/CH9

## Higher Education

### 2019-2020 Regular Session

# U of M, Minnesota State, Office of Higher Education get new funding and policy provisions

A new law contains \$3.41 billion in appropriations and a new set of policies for the state's public higher education institutions. The funds represent an increase of \$150 million over the base total set in the February Forecast.

Sponsored by Rep. Connie Bernardy (DFL-New Brighton) and Sen. Paul Anderson (R-Plymouth), the omnibus higher education law, which has various effective dates, provides funding and policies for a number of schools.

## Minnesota State

Consisting of 30 colleges and seven universities with 54 campuses throughout the state, the system will see a boost of \$81.5 million in funding for the 2020-21 biennium. That total will include a general "campus investments" increase of \$64.5 million; \$8 million toward the upgrade of its ISRS system for administering finances, aid, housing, human resources and other school functions; and \$7 million in new funding for workforce development scholarships.

The law stipulates that the Board of Trustees must not approve tuition increases over 3 percent higher than the previous academic year during the biennium. The law also mandates the difference in tuition for online courses at Minnesota State must not exceed the 2018-19 differential.

The law also:

- expands the workforce development program;
- requires Minnesota State's Board of Trustees to contract with mental health providers to provide mental health care, including by use of telemedicine, at up to five state colleges;
- establishes the "Z-Degrees" program, which requires three additional colleges to offer a zero-textbook-cost associate's degree by the 2020-21 academic year;
- allows colleges to receive a "hunger-free campus" designation; and
- requires Minnesota State to file reports to the Legislature related to the tuition differential for online courses and additional online course fees (by Jan. 15, 2020) and identifying measures to lower administrative costs (by Feb. 1, 2020).

## University of Minnesota

The five-campus system will receive a \$43.5 million increase in funding over its base.

Like Minnesota State, the university will also be requested to file reports related to the tuition differential for online courses and additional online course fees (by Jan. 15, 2020) and identifying measures to lower administrative costs (by Feb. 1, 2020).

## Office of Higher Education

The agency that oversees the state's financial aid programs will receive \$25 million more in funding, including additions of \$18.2 million for state grants; \$2 million for the new MN Reconnect program to help those between ages 25 and 62 who have left college to return; \$1.8 million for longitudinal education data systems; and \$1.5 million for grants to teaching candidates.

The law also:

- establishes the Student Loan Debt Counseling Program to provide a grant to a program that provides counseling services for those applying for and receiving student loans;
- allows the Office of Higher Education to offer more flexible repayment plans for SELF loans; and
- allows the office to set a maximum grant amount for students with intellectual and developmental disabilities.

#### Mayo Foundation

Funding for the foundation's medical school programs will remain constant at \$2.7 million in the next biennium.

#### Other policy provisions

The law specifies the procedures that schools must follow when they close, and requires new private or out-of-state public schools to provide a surety bond of up to 10 percent of net revenue from tuition and fees from the prior fiscal year.

Victims of sexual harassment and violence at both public and private postsecondary institutions must be provided information on free legal resources and services.

The "assigned family responsibility" for students in postsecondary institutions and their families will be lowered by 2 percent.

The "living and miscellaneous expense allowance" used for grant programs will be raised from 101 percent to 106 percent of the federal poverty level for a single-person household.

Data collected from student complaints will be classified as private, and schools will be required to provide notice of the student complaint processes.

The Early Childhood Longitudinal Data System and the Statewide Longitudinal Education data systems will be integrated into the existing law for the Statewide Longitudinal Education Data System.

The law amends the aviation degree loan forgiveness program by requiring participants to serve a five-year, full-time service obligation.

HF2544/SF2415\*/CH64

## Higher Education

### 2019-2020 Regular Session

## Argosy students access financial aid, have loans forgiven

When Argosy University, a national chain of schools with an Eagan campus, closed during its spring 2019 term, about 1,000 students were left not only without a means to complete their degrees, but also without the financial aid that would help them meet living expenses.

But the students can now receive state financial aid and be released from liability for some student loans.

A bipartisan effort sponsored by Rep. Connie Bernardy (DFL-New Brighton) and Sen. Paul Anderson (R-Plymouth), a new law, effective May 18, 2019, authorizes the Office of Higher Education to make direct payments of state financial aid to eligible former Argosy students and release them from liability for any SELF student loans for the spring 2019 semester.

The grants will come from existing funds that hadn't yet been paid to Argosy for disbursement to students, while the loan forgiveness will come from reserves within the SELF loans fund. The state is also seeking to recoup money held for Minnesota students that is in receivership in Ohio Federal Court.

The Office of Higher Education is also attempting to link students up with "teach-out" programs that could help them complete their degrees.

HF2849\*/SF2841/CH34

## Housing

### 2019 First Special Session

## New law provides \$60 million for housing infrastructure bonds

A new law will provide up to \$60 million through the sale of housing infrastructure bonds to help fund affordable housing projects throughout the state.

Sponsored by Rep. Alice Hausman (DFL-St. Paul) and Sen. David Senjem (R-Rochester), the law, effective May 31, 2019, authorizes the Minnesota Housing Finance Agency to sell the bonds to help provide loans and grants for projects that address needs such as homelessness, and the creation or rehabilitation of affordable housing for low-income individuals or families.

The law also expands the authorized uses of housing infrastructure bond proceeds to include financing acquisition of manufactured home parks, as well as financing improvements and infrastructure for manufactured home parks.

Hausman has said the funds can be used to partner with nonprofit organizations and contribute to projects they are working on that may also leverage private contributions. For some projects, those organizations are then able to provide the permanent supportive services needed once housing is ready for occupants.

Dollars can also be used to finance:

- costs of the construction, acquisition and rehabilitation of supportive housing for individuals and families who are without a permanent residence;
- acquisition and rehabilitation of foreclosed or abandoned housing to be used for affordable rental housing and the costs of new construction of rental housing on abandoned or foreclosed property where the existing structures will be demolished or removed;
- that portion of the costs of acquisition of property that is attributable to the land to be leased by community land trusts to low- and moderate-income homebuyers;
- that portion of the acquisition, improvement and infrastructure of manufactured home parks, including storm shelters and community facilities;
- costs of acquisition, rehabilitation, adaptive reuse or new construction of senior housing; and
- acquisition and rehabilitation of federally assisted rental housing and for the refinancing of costs of the construction, acquisition and rehabilitation of federally assisted rental housing, including providing funds to refund, in whole or in part, outstanding bonds previously issued by the agency or another government unit to finance or refinance such costs.

SSH12\*/SSSFnone/CH13

## Housing

2019-2020 Regular Session

# Subprime references removed in residential mortgage originator and servicer laws

A new law amends state statute to remove references to “subprime” relating to residential mortgage originators and services.

Effective July 1, 2019, the law removes the language from laws governing residential mortgage originators and services. It also restricts residential mortgage originators from applying a prepayment penalty if the interest rates of the loan are structured in a certain manner

Rep. Tim O’Driscoll (R-Sartell) and Sen. Eric Pratt (R-Prior Lake) are the sponsors.

HF1840\*/SF1673/CH19

## Housing

2019-2020 Regular Session

# Minneapolis housing provider able to improve facilities with help of new law

A new law will allow a Minneapolis housing provider – which offers customized living services to people enrolled in Medical Assistance waiver programs – to transfer those services to other facilities within Hennepin County.

Effective Aug. 1, 2019, the law will allow Supportive Living Solutions to provide improved facilities for 66 residents, supporters said.

Rep. Steve Sandell (DFL-Woodbury) and Sen. Paul Utke (R-Park Rapids) are the sponsors.

HF1221/SF322\*/CH36

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## Housing

2019-2020 Regular Session

# New law allows homeowners to reject racially restrictive covenants

Homeowners who find racially restrictive covenants on their property titles will have an opportunity to reject them.

Although it has been illegal to include such covenants in property titles since the passage of the federal Fair Housing Act in 1968, language restricting homeowners from selling their property to individuals based on their religion, national origin, race or color remains attached to many property titles.

Rejecting a restrictive covenant, under the new law, would not alter the text of the title. Instead, it would add an affidavit to the title stating that the homeowner has rejected the covenant.

The law, sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Jeff Hayden (DFL-Mpls), takes effect Aug. 1, 2019.

HF51\*/SF456/CH45

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## Housing

2019-2020 Regular Session

# License exemptions for residential mortgage originators amended

A new law will update and modify statutes governing residential mortgage originators and mortgage loan originator licensing as it relates to manufactured home dealers and their salespeople.

The law will exempt manufactured home dealers and salespeople who work for manufactured home dealers from licensing requirements, so long as they:

- do not receive greater compensation for a home sale involving a loan than they will receive for the sale without a loan;
- disclose in writing any lender affiliation, as well as provide the name of an unaffiliated lender; and
- do not engage with either lender or borrower in negotiating loan terms.

The law, sponsored by Rep. Mike Sundin (DFL-Esko) and Sen. Gary Dahms (R-Redwood Falls), takes effect Aug. 1, 2019.

HF990\*/SF934/CH58

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## Local Government

2019-2020 Regular Session

# More transparency in permit consultant fees

A new section of law could make the process of obtaining permits for real estate development or construction more transparent.

Effective Aug. 1, 2019, applicants for permits, licenses or other approval related to real estate development or construction may request from the city a written, non-binding estimate of the consulting fees they will be charged related to their application.

If an applicant requests the estimate, the application won't be considered complete until the city has:

- Provided an estimate;
- Received the required application fees, as specified by the city;
- Received a signed acceptance of the fee estimate from the applicant; and,
- Received a signed statement that the applicant has not relied on the fee estimate in its decision to proceed with the final application.

Rep. Michael Nelson (DFL-Brooklyn Park) and Sen. Mark Koran (R-North Branch) sponsor the law.

HF823/SF998\*/CH27

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#### Local Government

2019-2020 Regular Session

## Law updates civil services law in St. Louis County

A law governing the civil services system in St. Louis County, originally enacted in 1941, has been updated.

Sponsored by Rep. Julie Sandstede (DFL-Hibbing) and Sen. David Tomassoni (DFL-Chisholm), a new law makes technical changes to the county's Civil Service Commission, updating laws that govern the civil services employment system.

St. Louis County is the last in the state to use such a system. The new law – which will take effect after the county files its certificate of local approval with the secretary of state – eliminates transition language needed when the system was first put in place and deletes other obsolete or redundant provisions.

Officials from the county have sought the changes so their civil services regulations reflect current practices and make the system easier to understand.

HF608\*/SF754/CH9

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#### Local Government

2019-2020 Regular Session

## Meeting participation requirements changed under new law

A new law will make it possible for city councils or other small governing bodies to hold meetings, in some circumstances, when members are absent due to military deployments.

In the past, if a member of small governing body, such as a city council, was unable to attend the group's regular public meetings, it could be difficult for the body to function. The meetings require a quorum – a certain number of members in attendance, often a majority – in order for official action to be taken.

The open meeting law does allow absent members to participate via interactive television, but only if the location they participate from is also open to the public.

This was not possible in some cases, such as illnesses or deployments, where public access is not possible or permitted.

Sponsored by Rep. Erin Koegel (DFL-Spring Lake Park) and Sen. John Jasinski (R-Faribault), the new law allows members of a governing body who are away on military service to participate in up to three meetings per year via interactive television from non-public spaces.

The law, effective Aug. 1, 2019, also requires the meeting minutes to name each member participating remotely and explain why.

HF281\*/SF1246/CH33

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#### Local Government

2019-2020 Regular Session

## Restrictions removed from term 'portorama'

The term "portorama" is once again free to use in the state of Minnesota under a new law effective May 23, 2019.

Several decades ago, Duluth held an annual summer celebration of the area that was called "portorama." It became so popular that the Legislature enacted a law in 1967 that protected the use of that name.

The festival eventually came to end, but the law lived on. However, there has been some interest in using the term once again, and the new law removes the state's restriction.

Rep. Jennifer Schultz (DFL-Duluth) and Sen. Erik Simonson (DFL-Duluth) are the sponsors.

HF873\*/SF1202/CH43

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## **Military and Veterans Affairs**

**2019-2020 Regular Session**

# **Replacement plaque on Capitol grounds to honor WWI veterans**

The Capitol Area Architectural and Planning Board is permitted to solicit design submissions from the public for a new memorial plaque to be placed in the Court of Honor on the Capitol grounds.

The plaque is “to honor all Minnesota veterans who have honorably and bravely served in the United States armed forces, both at home and abroad, during World War I.” It will replace the current plaque honoring Minnesota veterans who served abroad during World War I.

The law requires the board to select a design from those submitted, with the selected design also needing approval by the commissioner of veterans affairs. The plaque must be furnished by the person or group who submitted the design at no cost to the state.

Sponsored by Rep. John Heinrich (R-Anoka) and Sen. Greg Clausen (DFL-Apple Valley), the law took effect May 18, 2019.

HF810\*/SF1940/CH32

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## **Public Safety**

**2019-2020 Regular Session**

# **State’s disaster contingency account regains solvency**

In an effort to backfill the state’s disaster assistance contingency account and make it solvent again, a new law, effective April 2, 2019, appropriates \$10 million in Fiscal Year 2019 from the General Fund to the account.

The account was created in 2014 to provide immediate disaster response funding without further legislative action. Prior to its creation, the Legislature would need to convene every time a disaster was declared, often in a special session, to appropriate money toward response efforts.

Typically, \$10 million is appropriated into the account on an annual basis for the upcoming fiscal year. However, the 2019 funding never materialized, as it was included in the vetoed 2018 supplemental budget bill.

Sponsored by Rep. Gene Pelowski Jr. (DFL-Winona) and Sen. Warren Limmer (R-Maple Grove), the approved funding will backfill a deficit, which has been earmarked for disasters from the past year. The remaining balance will cover events that occur between its enactment and the end of the current fiscal year on June 30, 2019. Any unused funds will be rolled over into the next fiscal year.

HF682/SF307\*/CH6

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## **Public Safety**

**2019-2020 Regular Session**

# **So-called ‘marital rape exception’ is repealed**

The effect of a new law is to remove the so-called “marital rape exception” or “voluntary relationship defense” and permit the prosecution of individuals accused of committing sexual crimes against a spouse or a long-standing sexual partner.

The law will repeal statutory language that a person does not commit criminal sexual conduct if the conduct is between “adults cohabiting in an ongoing voluntary sexual relationship at the time of the alleged offense, or if the complainant is the actor’s legal spouse, unless the couple is living apart and one of them has filed for legal separation or dissolution of the marriage.”

Sponsored by Rep. Zack Stephenson (DFL-Coon Rapids) and Sen. Michelle Benson (R-Ham Lake), the law takes effect July 1, 2019.

HF15\*/SF235/CH16

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**Public Safety****2019-2020 Regular Session****Jurisdictional restrictions on tribal police removed**

A new law will allow the Prairie Island Indian Community of the Mdewakanton Dakota tribe to have concurrent jurisdictional authority with the local county sheriff to enforce state criminal law on the community's reservation regardless of whether a cooperative agreement is made with the sheriff.

The law, sponsored by Rep. Mary Kunesh-Podein (DFL-New Brighton) and Sen. Michael Goggin (R-Red Wing), takes effect Aug. 1, 2019.

HF719/SF1100\*/CH40

**Public Safety****2019 First Special Session****More prison officers, no gun-control measures in omnibus public safety/judiciary law**

Additional dollars for the judiciary, public defenders, corrections officers and the Department of Human Rights are included in the omnibus public safety and judiciary omnibus law that details how the state will fund those state functions and others for the 2020-21 biennium.

Also in the law is language to create and fund an ombudsperson office for prisons, a Task Force on Missing and Murdered Indigenous Women and a criminal sexual conduct statutory reform working group.

The law, which has various effective dates, calls for \$2.48 billion in spending, a \$123.6 million increase over base. Gov. Tim Walz had proposed a \$226.3 million base increase.

Rep. Carlos Mariani (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove) are the law sponsors.

**Judiciary and courts**

The law calls for a 2.5 percent annual salary increase for judges and staff of the Supreme Court, appellate and district courts.

The Public Defense Board will get an additional \$11.93 million primarily to raise salaries of the approximately 580 public defenders across the state along with other staff, and \$6 million to hire new attorneys and support staff.

Additional funding for other court-related and judiciary areas includes:

- \$29.44 million to Civil Legal Services with an emphasis on increasing services to low-income clients in family law matters;
- \$10.04 million for the Department of Human Rights;
- \$8 million to the Guardian ad Litem Board for new hires to maintain compliance with federal and state mandates;
- \$2.14 million for mandated psychological services; and
- \$879,000 for a new trial court judge unit in the Seventh Judicial District.

The law makes several changes in criminal statutes, including:

- eliminating the exclusion to fifth-degree criminal sexual conduct for intentionally touching the clothing covering the immediate area of the buttocks;
- allowing a victim of sexual assault to initiate a law enforcement investigation by contacting any law enforcement agency, regardless of where the crime may have occurred;
- directing that a person's snowmobile, motorboat and ATV operating privileges must be revoked when they fail a lawfully administered DUI test;
- exempting a motor vehicle from forfeiture for DUI if the driver enters the ignition interlock program;
- broadening the definition of "position of authority" in criminal sexual conduct statutes;

- increasing penalties for committing child pornography; and
- directing each law enforcement agency in the state to adopt a sexual assault investigation policy by Oct. 1, 2019.

#### Public safety

The law allocates \$398.06 million to fund public safety programs, including the Bureau of Criminal Apprehension (\$123.66 million), Office of Justice Programs (\$80.23 million) and Homeland Security and Emergency Management (\$9.77 million).

Increases in the \$80.23 million allocation for Office of Justice Programs include:

- \$400,000 for veterans domestic assault prevention;
- \$150,000 for a Task Force on Missing and Murdered Indigenous Women;
- \$44,000 for cybersecurity enhancements; and
- \$34,000 for a working group on criminal sexual conduct statutory reform.

Other new public safety-related funding includes:

- \$3 million for the BCA to lease a new Automated Fingerprint System;
- \$1.48 million for cybersecurity enhancements;
- \$1.3 million for the BCA to hire additional drug agents, forensic scientists, and an analyst;
- \$856,000 for BCA staff and technology to meet FBI cybersecurity requirements;
- \$500,000 to the Minnesota School Safety Center;
- \$306,000 from the 911 Emergency Fund to train 911 dispatchers to provide direction on performing CPR; and
- \$100,000 to local governments for bomb squad services.

#### Corrections

The new law spends \$1.24 billion on prisons in the state, a \$62.7 million base increase.

Corrections funding increases include:

- \$7.6 million to hire an additional 78 prison correctional officers;
- \$5.34 million to maintain full funding of the offender health care contract;
- almost \$2.68 million for prison staffing recruitment and retention;
- \$1.31 million to re-establish a prison ombudsman office that was eliminated in 2003; and
- \$366,000 in the first year of the biennium for critical technology needs associated with prison security.

SSHF3/SSSF8\*/CH5

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## State Government

### 2019 First Special Session

## Technical changes made in special session laws

The Revisor of Statutes is tasked with drafting and publishing legislative and administrative documents, including statutes, laws and rules. Part of their job is to find technical changes to all laws on Minnesota's books.

A new law sponsored by Rep. Fue Lee (DFL-Mpls) and Sen. Warren Limmer (R-Maple Grove) makes a number of technical changes and corrections to a handful of special session laws. These changes often include spelling or grammar fixes, cross-reference improvements and other technical alterations that don't change the law's meaning.

Most of the law is effective at the time the provision being corrected is effective; however, an omnibus tax law statutory reference correction is effective for taxable years beginning after Dec. 31, 2018, and a statutory reference correction in the omnibus jobs law takes effect Sept. 30, 2019.

SSH13\*/SSSF9/CH12

**State Government****2019 First Special Session****Largely technical changes in 2019 pensions law**

The 2019 omnibus pension law is mostly cleanup and technical changes after a large pension reform law was enacted one year prior.

Sponsored by Rep. Mary Murphy (DFL-Hermantown) and Sen. Julie Rosen (R-Vernon Center), the law, in part, will expand the rights of members covered by the Public Employees Retirement Association general, police and fire and correctional retirement plans to purchase service credit for up to five years of service credit for military service leave that occurred prior to, or during, the member's public employment.

Other changes include:

- removal of the June 30, 2019 sunset for the PERA phased retirement option and making clarifying changes that will permit keeping experienced employees on a part-time basis;
- designating a fixed amount Minneapolis will contribute through 2031 to the Public Employees Police and Fire Retirement Plan on behalf of the Minneapolis Police and Firefighters relief associations to cover unfunded liabilities when the plan merged with the associations in 2011;
- increasing the employee contribution rate to Minnesota State's Individual Account Retirement Plan to match the Teachers Retirement Association from 4.5 percent to 7.5 percent for new employees, and is phased in over five years for other employees;
- removing the June 30, 2019 sunset date for Minnesota State's early separation incentive program that allows the higher education system to offer incentives to induce eligible employees to retire as early as age 55;
- allowing a single Minnesota State employee one year to transfer from the system's Individual Account Retirement Plan to the Teachers Retirement Association and use pre-tax funds to purchase prior service credit;
- establishing a process for a municipality, independent nonprofit firefighting corporation or joint powers entity to terminate participation in the PERA Statewide Volunteer Firefighter Plan and permit immediate distribution of the pension benefits to the municipalities' former firefighters;
- reducing from 20 years to 10 the permitted graded vesting schedule for defined benefit volunteer relief associations, as proposed by the State Auditor's Fire Relief Association Working Group; and
- indefinitely extending Austin's ability to allocate fire state aid between its relief association and contribution to the PERA P&F for its full-time firefighters.

To rectify a compliance issue, the law creates a one-year exemption, until June 30, 2020, for the City of St. Paul and the St. Paul School District from the prohibition on supplemental pension plans to permit them to work with the Legislative Commission on Pensions and Retirement to find a solution that would permit ongoing contributions to multi-employer pension plans on behalf of trade union employees.

Most changes took effect June 1, 2019.

SSH10\*/SSSF6/CH8

**State Government****2019 First Special Session****Omnibus state government law contains \$75.5 million base increase, election security**

Election security funding is in. So are operating increases for many state departments and ethnic councils. The Legislature, too.

All are part of the omnibus state government, military affairs and veterans affairs law.

Sponsored by Rep. Michael Nelson (DFL-Brooklyn Park) and Sen. Mary Kiffmeyer (R-Big Lake), the nearly \$1.16 billion compromise falls in the middle of what the three negotiating partners were seeking during the 2019 legislative session. The House sought nearly \$1.2 billion; Gov. Tim Walz called for \$1.18 billion; and the Senate \$1.07 billion. The agreed upon 2020-21 biennial number represents a \$75.5 million base increase.

The law takes effect July 1, 2019, unless otherwise noted.

#### Funding state government operations

The agreement calls for a 4 percent operating increase for the attorney general (\$1.95 million) and state auditor's office (\$784,000). The bulk of the Office of the Attorney General increase is to maintain and stabilize experienced employees, who make less than other public law offices, such as county attorney staff. (Art. 1, Secs. 4-5)

As for legislative funding, the law calls for the House of Representatives to receive an \$11.5 million operating increase, in part for members' \$1,500 annual pay increases based on a Legislative Salary Council report, staff salary adjustments and changes associated with redistricting. The Senate \$5 million more. The Legislative Coordinating Commission will receive a \$5.5 million bump, including a \$751,000 increase to the Legislative Budget Office created in 2017, largely for staff additions and technology needs. (Art. 1, Sec. 2)

Areas where funding remains flat, include the governor's office, State Board of Investment and Capitol Area Architectural and Planning Board. (Art. 1, Secs. 3, 8-9, 12)

The state's four ethnic councils will receive increases: \$527,000 (45 percent) for the Indian Affairs Council; \$249,000 (31 percent) for the Council for Minnesotans of African Heritage; \$95,000 (10 percent) for the Council on Asian-Pacific Minnesotans; and \$54,000 (5 percent) for the Council on Latino Affairs. Most money is to maintain current services, although the African Heritage Council looks to increase its staff by 1.5 full-time equivalent positions and modify its office space to accommodate new staff and current activities. (Art. 1, Secs. 19-22)

#### Other biennial funding increases include

- \$10.5 million for the Revenue Department to maintain current services;
- \$10 million to MN.IT Services for cybersecurity enhancements across state government;
- \$1.6 million for the Department of Administration to implement a Census 2020 Mobilization program. Program implementation language is effective June 1, 2019;
- \$929,000 for Minnesota Management and Budget to maintain current levels of service;
- \$850,000 for the Minnesota Historical Society to maintain current services;
- \$700,000 to relocate the State Arts Board from its current St. Paul location where the lease will not be renewed by the building owner;
- \$457,000 for MMB to enhance the capability of a team that provides information about how existing state policies and investments that seek to improve outcomes – and suggest changes to help – in areas such as increased employment, high-speed Internet access and reductions in violent crime;
- \$400,000 to the Administration Department for a grant to Minnesota Public Radio for upgrades to the state's emergency and AMBER alert systems;
- \$253,000 for an operating adjustment for the Board of Cosmetologist Examiners to maintain current services;
- \$250,000 for the Safe at Home program that is overseen by the secretary of state's office to help people who fear for their safety, such as survivors of domestic violence, sexual assault, or stalking, maintain a confidential address;
- \$150,000 for the Campaign Finance and Public Disclosure Board to maintain current staffing levels;
- \$35,000 for the Minnesota Amateur Sports Commission to maintain its current services; and
- \$18,000 to increase the salary of the assistant chief administrative law judge and supervisory judges in the Office of Administrative Hearings so their salaries will be higher than the judges they supervise. (Art. 1, Secs. 7, 10-11, 14, 18, 23-24; Art. 2, Secs. 8, 25)

Becker and Wright counties will be reimbursed a combined \$141,000 for legal costs to successfully defend themselves in a lawsuit by former State Auditor Rebecca Otto. (Art. 1, Sec. 13)

The law also approves the state's labor contract with the Minnesota Law Enforcement Association for the period ending June 30, 2019 and the salary administration plan for the Minnesota Board of Investment. This is effective June 1, 2019.

Additionally, Minnesota Management and Budget will be required to submit certain information related to collective bargaining, including a comparison of biennial compensation costs, with a proposed bargaining agreement to the Legislative Coordinating Commission, which has a role in reviewing the agreements. (Art. 2, Secs. 1, 26)

## Elections

Authorization for the state to accept nearly \$6.6 million in federal Help America Vote Act funds is included to assist beefing up the state's election security efforts. This is effective June 1, 2019.

Entering the 2019 session, both parties said the issue was something that should be acted upon early. The House bill, HF14, would have appropriated the full amount, but the Senate bill, SF241, would have appropriated only \$1.5 million and required the secretary of state's office to report on inactive voters who registered on Election Day and were potentially ineligible to vote.

Another election change would prohibit publicly available information on voter registration to include the party choice of a voter who voted in a presidential nomination primary. Current statute requires a county auditor to make publicly available a list that includes the party choice of anyone who voted in the most recent presidential nomination primary. However, a list of voters corresponding to each party would be provided to each major political party.

The law also provides \$3.32 million for the Office of the Secretary of State, a 25 percent increase, although much of it is one-time money. Of that, \$2 million is a one-time appropriation for election equipment grants to update computers and/or software for local election administration, increased polling place accessibility and to create additional storage for local election equipment.

Effective June 1, 2019, a \$1.29 million appropriation to pay attorney fees awarded against the state in *Minnesota Voter Alliance v. Mansky*, a case which declared a law regulating campaign apparel in a polling place was illegal. (Art. 1, Secs. 6, 39-40; Art. 4, Secs. 1-2, 6)

## State government policy

The plethora of policy in the law includes:

- requiring MN.IT Services to review cloud computing service options when evaluating information technology projects proposed by state agencies;
- requiring the Legislature, effective Oct. 1, 2024, to comply with the same accessibility standards required for state agencies related to information technology;
- establishing a working group of 12 legislative staff to research and report to the Legislature on its accessibility needs;
- repealing a \$20 registration fee for the practice of hair braiding and providing that hair braiding is not subject to regulation or oversight by the Board of Cosmetologist Examiners;
- establishing the Legislative Commission on Housing Affordability, effective June 1, 2019;
- establishment of an advisory task force to prepare and submit a report to the Legislature on strategies for attracting and retaining state employees with disabilities;
- creating an advisory task force to review and report to the Legislature on strategies for attracting and retaining state employees with disabilities;
- codifying standards for hiring classified management positions, including that the job be posted for at least 21 days before the position is filled, and that the process be conducted in a fair and open manner to ensure all qualified candidates are considered;
- the secretary of state's office is to maintain a list of email addresses of people who want to be notified when an executive order is filed, and notifying people on the list within seven days of the filing of an executive order;
- effective June 1, 2019, increasing the maximum grant that may be provided under the Mighty Ducks grant program for projects that eliminate the use of R-22 refrigerant in state public ice facilities;
- allowing all counties to make the county auditor, treasurer, recorder or treasurer-auditor appointed, rather than elected;
- making a number of technical updates to terminology related to the processing of state payments and the collection of debt owed to the state;
- amending various licensing and regulation provisions related to certified public accounting;
- clarifying and technical changes under Gambling Control Board statutes; and

- various licensing and regulation provisions related to pari-mutuel horse racing, including establishment of an annual license fee for each type of racing or gaming-related vendor it licenses. The law also provides a mechanism to fund the racing commission in the event an appropriation is not enacted by July 1 of an odd-numbered year. Some are effective June 1, 2019. (Art. 2, Secs. 2, 5, 10, 14-24; Art. 3, Secs. 1-40; Art. 4, Secs. 1-2, 5; Art. 5, Secs. 1, 3, 5; Art. 7, Secs. 1-5; Art. 8, Secs. 1-18; Art. 9, Secs. 1-8))

#### Veterans and Military Affairs

Among the specific funding provisions the law will appropriate:

- \$2 million for the Department of Military Affairs to sustain state enlistment incentive and retention bonus programs, such as tuition reimbursement;
- \$775,000 operating adjustment for state veterans cemeteries;
- \$544,000 in program and service operating adjustments for the Department of Veterans Affairs;
- \$516,000 to sustain reintegration programs for deployed service members;
- \$500,000 to expand Minnesota Service Core that provides free essential, community-based services directly to veterans and their families; and
- \$100,000 to help upgrade the Armed Forces Service Center at Minneapolis-St. Paul International Airport. The nonprofit center is a 24/7 operation staffed by approximately 200 volunteers that serves more than 1,500 active duty military members per month, offering free food and even beds for overnight stays when needed.

The law establishes May 14 each year as Hmong Special Guerilla Units Remembrance Day the first Saturday of every October as Veterans Suicide Awareness Day and the third Friday in September as Prisoners of War and Missing in Action Recognition Day.

Additionally, June 30 is annually designated American Allies Day. This is effective June 1, 2019.

Also effective on that date, county veterans service officers can disclose to the county or local assessor private data necessary to determine a client's eligibility for the veteran with a disability homestead market value exclusion.

A USS Minneapolis-St. Paul account is established in the state's gift fund. Money will be appropriated to the Department of Military Affairs for the commissioning and preservation of the USS Minneapolis-St. Paul. The department will be permitted to solicit, gifts, grants or donations. (Art. 2, Sec. 6; Art. 6, Secs. 1-3, 5-6, 8)

SSH8/SSSF10\*/CH10

#### State Government

##### 2019-2020 Regular Session

## New law clarifies jurisdiction in public procurement disputes

New law clarifies jurisdiction in public procurement disputes

A new law clarifies that legal disputes regarding the public procurement bid process will first be heard by the state's district courts.

In certain circumstances, current law requires legal disputes involving public procurement bids to first be heard by the Court of Appeals.

Sponsored by Rep. Dave Pinto (DFL-St. Paul) and Sen. Mark Johnson (R-East Grand Forks), the law provides the district courts with jurisdiction and specifies timing requirement for filing the action. It makes no changes to the legal standards applied by the court.

The new law took effect May 10, 2019.

HF300/SF558\*/CH21

#### State Government

##### 2019-2020 Regular Session

## New law helps Hennepin County cast wider net for library directors

A requirement that the Hennepin County library director must have a graduate degree from a school accredited by the American Library Association has been removed by a new law.

Sponsored by Rep. Mike Freiberg (DFL-Golden Valley) and Sen. Paul Anderson (R-Plymouth), the law will allow Hennepin County to draw from a wider pool of job applicants when searching for future library directors, according to proponents.

The law, which took effect Aug. 1, 2019, also specifies that "preference shall be given to candidates with library experience."

HF2097\*/SF2267/CH48

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## State Government

### 2019-2020 Regular Session

## Annual revisor's law makes needed technical changes

The annual revisor's law makes miscellaneous technical corrections to laws and statutes, such as correcting erroneous, obsolete, and omitted text and references, and removing redundant, conflicting and superseded provisions in law.

The 2019 law, for example, directs the revisor's office to correct references to repealed subdivisions, to correct grammatical and typographical errors, to correct citation errors, and to correct errors in "style and form" such as incorrect paragraph breaks, incorrectly numbered or lettered subdivisions and inconsistent use of terms.

Sponsored by Rep. John Lesch (DFL-St. Paul) and Sen. Ron Latz (DFL-St. Louis Park), the law has various effective dates.

HF1065\*/SF1290/CH50

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## State Government

### 2019-2020 Regular Session

## Annual claims law calls for less than \$8,000 in payments

Each year, a joint House-Senate Subcommittee on Claims decides which claims against the state it should fund.

This year's law, sponsored by Rep. Mary Murphy (DFL-Hermantown) and Sen. Bruce Anderson (R-Buffalo Township), calls for \$7,764 in payments in Fiscal Year 2020.

Two items comprise the law that takes effect July 1, 2019:

- \$5,889 for sentence-to-service and community work service claims under \$7,000 and other claims already paid out by the Corrections Department; and
- \$1,875 to Ricky Ritchie for permanent finger damage sustained while performing assigned duties at the Rush City prison.

This year's law is a small fraction of the \$261,293 in payments in Fiscal Year 2019, the bulk of which went to three men who were wrongly imprisoned and sought relief under the Imprisonment and Exoneration Remedies Act which provides a compensation process for cases where a person was exonerated of a felony for which they were wrongfully incarcerated.

HF2697\*/SF2644/CH51

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## State Government

### 2019-2020 Regular Session

## Reimbursement authorization OK'd for disabilities council members

State statute allows for members of state advisory councils and committees to be compensated at the rate of \$55 a day spent on council or committee activities.

Sponsored by Rep. Mike Sundin (DFL-Esko) and Sen. Jim Abeler (R-Anoka), a new law, effective Aug. 1, 2019, will permit public members of the Minnesota Governor's Council on Developmental Disabilities to receive some compensation and expense reimbursement for their efforts.

The 25-member council, per its website, is “to serve as an advocate for all persons with developmental disabilities by carrying out activities in major areas of emphasis.”

Sundin said there will be no financial cost to the state because the compensation will be absorbed from existing federal grant dollars the council receives.

HF129\*/SF149/CH53

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## State Government

### 2019-2020 Regular Session

## Opportunities for user acceptance testing required by new law

A state agency working to implement new business software, or new software application functionality, which significantly impacts the primary users of that software, must provide opportunities for user acceptance testing under a new law that takes effect Aug. 1, 2019.

This testing allows those who will be using the software to work with it under the conditions it will need to operate once officially implemented. The tests provide an opportunity to identify unexpected problems or glitches that may impact the final product. The law does not apply to routine software upgrades or changes to comply with federal law, rules or regulations.

Primary user is defined as an employee or agent of a state agency or local government that uses the software for an official function.

Sponsored by Rep. Sandra Masin (DFL-Eagan) and Sen. Jeff Howe (R-Rockville), the law is meant to prevent situations such as the implementation of MNLARS, the Minnesota License and Registration System that has been plagued with problems since it was introduced in 2017.

The new law requires opportunities for user acceptance testing “unless the testing is deemed not feasible or necessary” by an agency commissioner in consultation with others, including representatives of the relevant users.

HF132/SF316\*/CH62

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## Taxes

### 2019 First Special Session

## Tax cuts, credits, subtractions and levies undergo changes in new tax laws

The omnibus tax law will make several changes, from how you calculate your income when filing your taxes to how much sales tax revenue can go into that new municipal project in your town.

The law, sponsored by Rep. Paul Marquart (DFL-Dilworth) and Sen. Roger Chamberlain (R-Lino Lakes), has various effective dates.

Here are some of the most significant changes for Minnesota taxpayers, all effective for tax year 2019 unless otherwise noted.

For your average taxpayer

The first change you will notice when doing your taxes next year is that the starting point for calculating taxes has changed from federal taxable income to federal adjusted gross income. This change was included in a broader restructuring of the state’s income tax to bring Minnesota into conformity with federal policy set by the federal Tax Cuts and Jobs Act of 2017.

The standard deduction will increase to the federal level of \$24,400 for couples filing jointly, \$12,200 for individuals. There are additional deductions available for those blind and/or age 65 and over.

The second-tier income tax rate will go down from 7.05 percent to 6.8 percent, making it the first income tax rate cut in the state since 2000. The second tier refers to incomes of individuals making between \$26,521 and \$87,110, and married couples filing jointly who make between \$38,771 and \$154,020. It will also reduce the starting point for the fourth-tier income tax bracket by \$2,170, \$4,140 for couples. After the standard deduction and dependent exemptions, a family of four making \$32,900 or less would not pay Minnesota income taxes.

The law increases the Working Family Credit for those who have no children and has a new rate for those with three or more children.

The subtraction for Social Security income will be larger, under the new law.

There are adjustments to the amount of deductions allowed for taxes paid, charitable contributions and interest. Deductions for interest no longer include home equity interest.

The Department of Revenue will now annually calculate cost of living adjustments to income tax rates, the standard deduction and credit thresholds according to the Bureau of Labor Statistics' Chained Consumer Price Index for All Urban Consumers. This is effective for adjustments beginning with taxable years beginning after Dec. 31, 2019, calendar years beginning after Dec. 31, 2019, and for property tax refunds based on rent paid in 2019 and property taxes payable in 2020.

There are new additions related to 529 educational savings plans, trusts and estates, and foreign-derived intangible income. And new subtractions for global intangible low-tax income and deferred foreign income. The 529 and global intangible language is effective retroactively for taxable years beginning after Dec. 31, 2017; the deferred foreign income subtraction is effective retroactively at the same time the changes became effective for federal purposes.

Effective May 31, 2019, there's a new appropriation for taxpayer assistance grants, so more free help from tax experts may be available for filers.

For health care providers and those who use them

The 2 percent health care provider tax was set to expire at the end of this year, but it has been renewed indefinitely at a lower rate of 1.8 percent. It helps fund the MinnesotaCare medical assistance program for people with lower incomes. This is effective for gross revenues received after Dec. 31, 2019.

For businesses

The statewide commercial-industrial property tax levy will be reduced, beginning with taxes payable in 2020. And Minnesota will conform to federal law when it comes to expensing and bonus depreciation (although while still retaining the state's 5-year add-back of the full federal deduction), limits on the business losses one can claim, and deductions on interest, business expenses and net operating losses. More businesses will be allowed to use cash basis accounting.

As a result of the U.S. Supreme Court's Wayfair decision, remote sellers and marketplace providers began collecting the state sales tax Oct. 1, 2018. Changes were made to clarify collection requirements for these groups, effective for sales and purchases made after Sept. 30, 2019. There are also new provisions for "captive insurance companies," effective retroactively for taxable years beginning after Dec. 31, 2016. And, if you're in the medical cannabis business, state law will allow you to subtract business expenses like most businesses do.

For farmers

Beginning with taxes payable in 2020, there are increases in the maximum agricultural homestead market value credit allowed. The school building bond agricultural credit will be increased beginning with property taxes payable in 2020. Also beginning with property taxes payable in 2020, properties owned by certain trusts and properties owned by one business entity but operated by a separate business entity will be able to qualify for agricultural homestead classification.

For municipalities

Funding will increase for Local Government Aid and County Program Aid, effective May 31, 2019. Effective July 1, 2020, there will be an annual appropriation for border city enterprise zones. There will also be sales tax construction exemptions for many local government capital projects, effective May 31, 2019.

If you passed a local option sales, lodging, food or beverage tax in a referendum recently, it probably is approved under the law. Exceptions were few. And tax increment financing authority will be provided for Alexandria, Anoka, Bloomington, Champlin, Duluth, Edina, Hopkins, Minneapolis and Roseville. And, if you live in Duluth, the bill authorizes bonding for that big hospital project being planned. All are effective upon local conformity.

But, in the future, local governments will face tighter restrictions on uses of local sales taxes and legislative authority for a new local tax is required before seeking voter approval.

For investors

The law reduces the investment threshold for the small business investment credit (commonly called the "angel credit") for those who invest in Greater Minnesota, women-owned, minority-owned and veteran-owned businesses in Minnesota. And the corporate income tax apportionment formula for mutual fund managers will be modified.

Other provisions

Nicotine solution products are added to the list of taxable tobacco products, effective May 31, 2019.

For taxes payable in 2020, , a pharmacy owned by an Indian tribe will be exempt from property taxes for 10 years; certain licensed child care facilities will also be tax exempt.

County agricultural societies no longer need to collect sales taxes on sales at county fairs, effective July 1, 2019, provided that they use the amount of forgone tax revenue to maintain the county fairgrounds.

Effective for sales and purchases made after June 30, 2019, herbicides for certain invasive aquatic plants are exempt from sales taxes.

Effective beginning with taxes payable in 2021, a county must abate the state general levy on property that's part of a new natural gas pipeline project.

There are new property tax provisions for those who live in manufactured home communities beginning with claims for taxes payable in 2020 that will allow shareholders of manufactured home park cooperatives to include a portion of their ground lease payments as property taxes paid when applying for property tax refunds.

Agriculture preserves have new rules, effective May 31, 2019, concerning purchases of land for park and trail use.

There is a new special refund provision for disabled veterans, effective for refund applications received in 2019, for refunds of tax paid in 2017 and 2018. Additionally, spouses of deceased veterans who qualified for the disabled veterans' homestead exclusion will continue to receive that benefit for as long as they live in their current house.

Effective May 31, 2019, the Department of Revenue may disclose to the Federal Reserve Bank of Minneapolis tax return information for the purpose of research studies on the impact of minimum wage ordinances.

The law increases the state's contribution to the Minneapolis Employees Retirement Fund and decreases the employing unit's share. This is effective May 31, 2019.

SSH5\*/SSSF11/CH6

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## Transportation

### 2019-2020 Regular Session

## Deficiency funding, independent review for troubled MNLARS

State officials have additional funds to fix Minnesota's troubled motor vehicle and driver registration system.

A new law, effective March 6, 2019, appropriates \$11.2 million from the General Fund in Fiscal Year 2019 for continued information technology development work on the Minnesota License and Registration System, known as MNLARS, as well for additional work on the driver's license information system that the state had procured from a vendor.

It also appropriates \$2 million in one-time General Fund funding for additional Driver and Vehicle Services customer service activities. That appropriation must not be spent for permanent state employees and is available only until June 30, 2019.

Along with the funding, the law requires that previously established quarterly progress reports include reports on how the new appropriations will be spent, including line-item breakdowns of costs.

Sponsored by Rep. Rick Hansen (DFL-South St. Paul) and Sen. Scott Newman (R-Hutchinson), it also calls for an independent expert review of MNLARS under direction of the chair of the Governor's Blue Ribbon Council on Information Technology. \$100,000 is appropriated for compensation to the review team.

The findings are required to be reported to the Legislature and the Office of the Legislative Auditor.

HF861\*/SF1092/CH1

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## Transportation

### 2019-2020 Regular Session

## Letter from licensed physical therapists can be used for disability plates, permits

Disability plates and permits will be easier to obtain for those who need them, under a new law that takes effect Aug. 1, 2019.

Sponsored by Rep. Jennifer Schultz (DFL-Duluth) and Sen. Jeff Howe (R-Rockville), the change will authorize licensed physical therapists to provide a required medical statement that an individual can use to obtain a disability parking permit or disability license plates.

HF211\*/SF653/CH3

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## Transportation

### 2019-2020 Regular Session

## Stretch of highway will honor corrections officer killed in line of duty

A stretch of Minnesota highway will be named in honor of a corrections officer killed while on duty in 2018.

Sponsored by Rep. Bob Dettmer (R-Forest Lake) and Sen. Karin Housley (R-St. Marys Point), the new law designates a portion of Trunk Highway 95 from Interstate 94 to Trunk Highway 36 as Corrections Officer Joseph Gomm Memorial Highway.

The law is effective Aug. 1, 2019.

An inmate attacked and killed Gomm, who had served as a corrections officer for 16 years, at the Minnesota Correctional Facility in Stillwater in June 2018.

HF58\*/SF417/CH15

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## Transportation

### 2019-2020 Regular Session

## More vehicle types added to Minnesota's 'move over' law

Minnesota's 'move over' law is expanding.

Sponsored by Rep. Brad Tabke (DFL-Shakopee) and Sen. Michael Goggin (R-Red Wing), the change expands the current law that requires drivers to move over or slow down when passing a stopped emergency vehicle, road maintenance vehicle, utility company vehicle or tow truck, to include recycling and solid waste vehicles.

It also expands the cases where a peace officer can pull over and cite a driver based on a report within four hours, so that a citation can be now issued for failing to move over or slow down for towing vehicles.

The law, which took effect May 4, 2019, also allows recycling vehicles to be equipped with an amber warning light under the same standards for solid waste vehicles.

HF1188\*/SF1548/CH18

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## Transportation

### 2019 First Special Session

## MNLARS replacement, minimal new spending, and various policies in omnibus transportation law

The omnibus transportation finance law will appropriate roughly \$6.7 billion over the next two years for the Department of Transportation, transportation-related functions within the Department of Public Safety, and the transportation division of the Metropolitan Council, including Metro Transit.

Sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. Scott Newman (R-Hutchinson), the law will appropriate just shy of \$100 million in additional transportation spending from the General Fund over the 2020-21 biennium.

The one-time increase in General Fund spending includes \$52.7 million to replace the error-prone Minnesota Licensing and Registration System, known as MNLARS, and \$13 million in reimbursement to deputy registrars that were hit hard by the problematic rollout of the system in July 2017.

It also includes \$23 million for Metro Mobility, the metro region's increasingly busy transit service for the elderly and people with disabilities. (Art. 1, Secs. 3-4, 6)

#### Appropriations

The largest share of spending in the bill is \$6.06 billion over two years to MnDOT (counting all funds), including appropriations of roughly \$728 million for agency operations and maintenance, \$1.86 billion in state road construction funding, \$50 million for the Corridors of Commerce program, \$1.68 billion for county state-aid highways, and \$420 million for municipal state-aid streets (Art. 1, Sec. 2).

Other major appropriations for the FY 2020-21 biennium include:

- \$465.3 million in funding for the Department of Public Safety, including \$229.3 million for the State Patrol;
- \$203 million for the transportation functions of the Metropolitan Council, with the appropriations newly divided between Metro Mobility at \$137.5 million and \$65.5 million for other transit operations (Art. 1, Secs. 3-4).

Unless noted, finance provisions in the law take effect July 1, 2019.

#### MNLARS replacement

After almost two years of technical problems – and more than \$100 million spent – Gov. Tim Walz and state lawmakers agreed to scrap MNLARS and replace it with a privately-developed system following the recommendation of a blue-ribbon technology panel.

The law begins that process by providing funding and directing procurement of a commercial license and registration system, including setting vendor eligibility requirements and allowing for a contract award to be based on the best value contracting method.

Further work on MNLARS is to halt, under the law, except for a scheduled June 2019 update, updates for fee changes made in the law (see below), and maintenance work to fix bugs present in the existing system.

The law also provides for customization of the system that will replace MNLARS, with a steering committee responsible for making recommendations to the state's public safety commissioner. The Department of Public Safety will own the vehicle information technology system and MN.IT Services will be the technology lead. A legislative Driver and Vehicle Systems Oversight Committee will be created to oversee implementation of the new system, which the law says must be launched by the end of 2020. This provision is effective May 31, 2019.

#### Deputy registrar reimbursement

A section of the law also lays out eligibility and grant distribution requirements for the \$13 million in deputy registrar aid. It specifies that deputy registrar offices operated by the state are not eligible to receive reimbursement funds, and directs grants be disbursed as follows:

- 10 percent of available funds allocated equally among all deputy registrars;
- 45 percent of available funds allocated proportionally based on the number of transactions where a filing fee is retained by each deputy registrar from Aug. 1, 2017 through Dec. 31, 2018, compared to the total number of transactions where a filing fee is retained by all deputy registrars during that time period; and
- 45 percent of available funds allocated proportionally based on the number of transactions where a filing fee is retained by each deputy registrar from July 1, 2014 through June 30, 2017, compared to the total number of transactions where a filing fee is retained by all deputy registrars during that time period.

This section is effective May 31, 2019. The law specifies that, within 30 days of enactment, the commissioner of public safety must notify each deputy registrar of the amount of the reimbursement grant they are eligible to receive.

In order to receive the grant, the deputy registrar must request disbursement of the grant and agree to release and hold harmless the state and its employees from any liability or claim related to the development and deployment of MNLARS. (Art. 2, Secs. 34-36)

#### Fee changes

As noted, the law changes a number of fees related to driver's licenses and motor vehicles. Taking effect Aug. 1, 2019, those changes include:

- a reestablished \$2.25 surcharge on vehicle registrations, original and duplicate vehicle titles, and driver's license transactions, with revenue deposited in a technology account funding driver and motor vehicle information technology systems;
- increased fees for all classes of regular, REAL ID-compliant and enhanced driver's licenses;

- increased fees for license plates, including specialty license plates, with a portion of the increase applying only during Fiscal Years 2020-22;
- an increased per-record fee for subscription-based driver data system to 2 cents per vehicle record, up from 1 cent, with that additional revenue allocated into a technology account for driver and vehicle information systems; and
- an increased filing fee by \$1 for registration renewals and other types of vehicle transactions, with fee revenue allocated to the Department of Public Safety. (Art. 2, Secs. 1-25, 27, 29-30)

#### Policy provisions

Also included in the enacted legislation are a number of policy measures, effective July 1, 2019, unless noted. Among them are those that will:

- rename various stretches of state highway in memoriam to Minnesotans of note, like former Rep. Tom Rukavina, and those who died in the line of duty;
- allow Minneapolis and Burnsville to adopt ordinances to prohibit engine braking, also known as Jake braking, on specific highways, effective May 31, 2019;
- permit a city to establish speed limits on local streets that differ from speed limits provided in state law;
- expand Metro Mobility service to include Lakeville, effective Jan. 1, 2020;
- require signs on Interstate 35 for the Minnesota State Academy for the Deaf and Minnesota State Academy for the Blind, effective May 31, 2019;
- amend traffic regulations related to school buses re-entering traffic from a shoulder, right-turn lane or other location used for passenger pick-up or drop-off;
- modify exceptions to road weight limits to allow some overweight vehicles transporting unfinished forest products on a stretch of Interstate Highway 35 between Carlton and St. Louis counties;
- allow a driver's license or state ID card holder to add an identifier to the card indicating they have been diagnosed with an autism spectrum disorder or a mental health condition, effective July 1, 2020 or earlier if necessary programming changes are completed;
- allow a driver's license or Minnesota identification card holder the option of identifying up to three emergency contacts to be available to law enforcement personnel, effective July 1, 2020 or earlier if necessary programming changes are completed;
- clarify requirements on slower-moving vehicles moving out of the left-most lane to allow faster-moving vehicles to pass, effective Aug. 1, 2019; and
- direct the Department of Public Safety to conduct an educational information campaign on traffic law changes involving moving over to allow vehicles to pass (Art. 3, Secs. 9-17, 35, 39-40, 64, 75-76, 112, 124-125, 129,131)

SSHF6\*/SSSF5/CH3

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#### Transportation

#### 2019-2020 Regular Session

## Light rail train drivers subject to reckless, careless driving prohibitions

Drivers of Metro Transit's light rail vehicles will be subject to the state's reckless and careless driving laws.

Sponsored by Rep. Cheryl Youakim (DFL-Hopkins) and Sen. Carla Nelson (R-Rochester), the new law makes clear that prohibitions on reckless and careless driving apply to drivers of the public transit vehicles operated by the Metropolitan Council. It takes effect Aug. 1, 2019.

Penalties for careless or reckless driving are considered a misdemeanor, punishable by a fine of up to \$1,000, imprisonment for up to 90 days, or both.

If a reckless driving violation causes great bodily harm or death it is considered a gross misdemeanor, with penalties of a fine of up to \$3,000 and imprisonment for up to one year.

HF1568/SF1339\*/CH10

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**Transportation****2019-2020 Regular Session****Expanded distracted driving law aims to take phones out of drivers' hands**

Minnesota will join a growing list of states with prohibitions on holding cellphones and other wireless communication devices while behind the wheel.

Sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. Scott Newman (R-Hutchinson), the new law broadens the state's existing ban on texting while driving, barring drivers from holding a cellphone or other wireless communication device while operating a motor vehicle that is in motion or operating as a part of traffic on a street or highway.

Drivers will be required to use hands-free technology when making calls, sending messages, or accessing content — including audio and navigation software — behind the wheel.

It does not change a petty misdemeanor penalty for violations.

The law is effective Aug. 1, 2019.

The law specifies that a communications device does not include a device or feature that is physically integrated into the vehicle, a GPS or navigation system that is only capable of being used for navigation purposes, or a two-way radio, CB radio, or amateur radio equipment used in accordance with Federal Communications Commission rules.

Calls and messages made or composed using a hands-free device are exempt from the prohibition, as are messages or calls placed to obtain emergency assistance. So, too, is the use of a navigation system on a device that does not require the driver to type while the vehicle is in motion or a part of traffic, provided the driver does not hold the device with one or both hands.

Also exempt is the use of a device to listen to audio-based content in a manner that doesn't require the driver to scroll or type while the vehicle is in motion.

HF50\*/SF91/CH11

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**Transportation****2019-2020 Regular Session****New tool to enforce laws in Minnesota's work zones**

Minnesota motorists may want to pay extra attention in the state's work zones.

A measure sponsored by Rep. Erin Koegel (DFL-Spring Lake Park) and Sen. Jason Rarick (R-Pine City) will allow a peace officer to issue a citation to a driver if a qualified work zone flagger has reported a violation of flagger directions, speeding, or various traffic control laws.

Taking effect Aug. 1, 2019, the new law requires that, to establish probable cause, the work zone flagger's report must include a description of the vehicle and the time of the incident. The flagger must first have completed training related to flagging operations and traffic laws.

The officer is authorized to issue a citation if it is within a four-hour period following the time of the incident.

HF1408/SF1753\*/CH35

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**Transportation****2019-2020 Regular Session****Highway to honor Mayer firefighter**

A stretch of Minnesota highway will soon honor a fallen firefighter.

Sponsored by Rep. Jim Nash (R-Waconia) and Sen. Scott Jensen (R-Chaska), a new law effective Aug. 1, 2019, designates a portion of Trunk Highway 25 — from Mayer to Trunk Highway 7 in Carver County — as the "Captain Jeffrey Vollmer Memorial Highway."

Vollmer was a member of the Mayer Fire Department who died of a heart attack after a training exercise in December 2017.

HF1171/SF1618\*/CH37

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## Transportation

2019-2020 Regular Session

# Minnesota businessman, philanthropist, honored on stretch of highway

A stretch of Dakota County highway will honor a prominent Minnesota businessman.

Sponsored by Rep. Tony Albright (R-Prior Lake) and Sen. Eric Pratt (R-Prior Lake), a new law will designate portions of Trunk Highways 282, 13, 3 and 50, as well as Dakota County State-Aid Highway 50, from Jordan to U.S. Highway 61 near Miesville as the "Richard J. Ames Memorial Highway."

Ames, a noted philanthropist who died in early 2019, was the founder of Ames Construction.

The law is effective Aug. 1, 2019.

HF836/SF1003\*/CH55

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## Transportation

2019-2020 Regular Session

# Fallen service member to be honored on Kandiyohi County highway

A portion of Kandiyohi County highway will be designated the "Ryane Clark Memorial Highway" to memorialize a Minnesota service member killed in action.

Sponsored by Rep. Dave Baker (R-Willmar) and Sen. Andrew Lang (R-Olivia), the law designates a stretch of Trunk Highway 23 between New London and Spicer in honor of Pfc. Ryane Clark who was killed while serving in Afghanistan in 2010.

The law, effective Aug. 1, 2019, authorizes memorial signs on the highway and specifies that funds must come from non-state sources.

HF1127/SF1261\*/CH56

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