

Minnesota House of Representatives

Agriculture

Ag policy law tweaks number of provisions, adds emerging farmer support

Myriad changes sought by Gov. Tim Walz and the Agriculture Department are part of a new law.

The omnibus agriculture policy law affects, in part, laws governing perishable farm product purchases, state loan programs, farm safety, grain buyers, hemp processing, agriculture education and pet food.

Rep. Jeanne Poppe (DFL-Austin) and Sen. Bill Weber (R-Luverne) sponsor the law that takes effect Aug. 1, 2020, unless otherwise noted.

The law eliminates licensing and bonding requirements for wholesale purchasers of perishable farm products, which is expected to reduce fees by about \$140,000 per year. It also extends the default payment deadline a wholesaler has to pay the seller after receipt of perishable products from 10 to 30 days if no date is specified in a contract. (Art. 1, Secs. 4, 20-21)

An emerging farmer working group is created to advise the agriculture commissioner and Legislature “regarding the development and implementation of programs and initiatives that support emerging farmers in this state.” The group must include, to the extent possible, young people, urban farmers, women, veterans, people with disabilities, American Indian or Alaskan Natives and people of color. A report is due the Legislature by Jan. 15 each year. The group expires Aug. 1, 2025. (Art. 4, Sec. 2)

Also created is a Seed Program Advisory Committee “to advise the (agriculture) commissioner concerning responsibilities under the seed regulatory program. The committee must evaluate species for invasiveness, difficulty of control, cost of control, benefits, and amount of injury caused by each species. For each species evaluated, the committee must recommend to the commissioner whether a species should be listed as a prohibited noxious weed seed or restricted noxious weed seed or not be listed. ... The committee must also advise the commissioner on the implementation of the Minnesota Seed Law.” (Art. 2, Sec. 14)

Among other provisions, the law also:

- doubles the maximum loan amount under the Rural Finance Authority’s Pilot Agricultural Microloan Program from \$10,000 to \$20,000;
- modifies the membership of the Minnesota Agricultural Education Leadership Council;
- requires a person obtain a hemp license from the Department of Agriculture before growing hemp for research purposes and processing industrial hemp for commercial purposes;
- classifies data received from hemp license applicants and licensees as private;
- gives veterinarians acting in good faith, and in the normal course of business, immunity from civil or criminal liability when they report suspected animal cruelty to law enforcement;
- makes the Association of American Feed Control Officials’ Model Pet and Specialty Pet Food Regulation the pet food and specialty pet food rules in Minnesota;
- increases the maximum temperature egg retailers can hold eggs at from 41 to 45 degrees Fahrenheit;
- lets a person donate or give away custom-processed, non-inspected deer, wild game and fowl;
- modifies a 2019 law to specify that a \$5 million appropriation for innovative soybean processing and research is to be used at the Ag Innovation Campus in Crookston;
- requires the department to report to the Legislature by Jan. 15, 2021, specific policies and needed infrastructure to meet the state’s existing petroleum replacement goal and to utilize biofuels to achieve the state’s existing greenhouse gas reduction goals;

- requires the Agriculture Department to work with the Farm Safety Advisory Committee to develop recommendations to best provide financial and technical workplace safety assistance to farmers, and report to the Legislature by Jan. 15, 2021;
- establishes a zero tolerance for prohibited noxious weed seeds in screenings, agricultural seeds and grains used as animal feed; and
- makes technical changes and conforming updates to seed and noxious weed laws, including regulatory categories and management plans for noxious weeds. (Art. 2, Secs. 1-4, 6, 14; Art. 3, Secs. 1-10, 17; Art. 4, Secs. 15, 18-19, 21, 23, 25-26, 33-36)

HF4285*/SF4223/CH89

Agriculture

Funding law seeks to help pandemic-plagued farmers, producers, processors

Supporters of a new funding package acknowledge it does not fully address the needs of the state’s agricultural community, yet they anticipate the new law will provide some assistance to farmers and producers.

The law aims to use federal pandemic relief dollars (unless otherwise noted) to help farmers, producers, processors and grocers grappling with fallout from the coronavirus pandemic and tries to reduce farm accidents involving grain bins and tractors.

Sponsored by Rep. Jeanne Poppe (DFL-Austin) and Sen. Torrey Westrom (R-Elbow Lake), the omnibus supplemental agriculture finance law calls for \$600 million in assistance. It is expected to largely be reimbursed by the federal Coronavirus Aid, Relief and Economic Security (CARES) Act because it invests in farmer mental health needs, the Department of Agriculture’s Farm Advocate program, and other eligible activities.

Among its provisions, the law specifies that \$675,000 of the General Fund allocation in fiscal year 2021 to the Agricultural Research, Education, Extension and Technology Transfer program at the University of Minnesota is for Veterinary Diagnostic Laboratory testing equipment and supplies necessary to respond to avian influenza, salmonella and other turkey-related diseases.

It also reduces General Fund funding for the transfer program by \$100,000 (from \$9.3 million to \$9.2 million) in fiscal year 2021. These provisions take effect July 1, 2020.

Among its provisions, the law, effective May 28, 2020, unless otherwise noted, will:

- appropriate \$175,000 in fiscal year 2020 for grants to farmers who have been approved for farm debt restructuring loans guaranteed by the United States Department of Agriculture, Farm Service Agency or Rural Finance Authority loan programs to cover the loan origination fees;
- provide a one-time \$125,000 appropriation in fiscal year 2020 for grants to retail food handlers “to execute requirements, guidance, and recommendations related to the infectious disease known as COVID-19 provided by the Centers for Disease Control and Prevention and the Minnesota Department of Health, and to develop safety procedures, update and retrofit retail locations, purchase personal protective equipment for employees, and educate the public on the need to follow safety procedures”;
- provide a one-time \$100,000 appropriation in fiscal year 2020 “for grants to independently owned or employee-owned meat and poultry processors that may also operate as a retail seller, to expand their processing operations to help make up the loss of processing animals as a result of the temporary closing or operation reductions of other processing facilities due to the COVID-19 crisis”;
- effective July 1, 2020, provide a \$100,000 one-time General Fund expenditure in fiscal year 2021 for farm safety grant and outreach programs, with \$50,000 for grain storage facility safety equipment grants and \$50,000 for outreach, which can include “creating and presenting a grain storage facility safety curriculum”;
- designate \$100,000 in fiscal year 2020 for farmers and value-added agricultural businesses whose markets and operations were negatively impacted by the pandemic;
- provide \$60,000 in fiscal year 2020 for farm advocate services to help respond to the pandemic; and
- make available \$40,000 in fiscal year 2020 for additional community outreach on farms and to rural mental health services, including suicide prevention training, mental health awareness training for farm and rural adolescents and mental health forums.

The law reestablishes a tractor rollover prevention grant program that expired in 2019. It permits the Agriculture Department to award grants to farmers and schools that retrofit tractors built before 1987 with eligible rollover protective structures. This takes effect July 1, 2020.

Also effective that day is a provision to give the Agriculture Department discretion to issue a food handler license to a person or company with a water supply or disposal system that does not satisfy relevant state standards. This can only happen if the department has performed an investigation and “has determined the requirements of this section are not relevant and the applicant is considered fit to engage in business as described in the license application.”

HF4490*/SF4395/CH101

Agriculture

Farmers, lenders get more time to prevent foreclosures, repossessions

Farmers and lenders will be given more time to prevent foreclosures and repossessions of agricultural property as the coronavirus pandemic hammers the already-hurting industry.

The Farmer-Lender Mediation Act requires banks and other creditors to offer a 90-day mediation period to farmers before enforcing debts against land, livestock or crops.

Effective retroactive to April 16, 2020, the new law modifies a COVID-19-response law passed earlier in the 2020 session by extending the mediation period between the farmer and lender to 150 days or until Dec. 1, 2020, whichever is later. It also expands eligibility to include farmers who initiate mediation under the Farmer-Lender Mediation Act by Aug. 31, 2020. Previously, that date was July 31, 2020.

Rep. Todd Lippert (DFL-Northfield) and Senator Michael Goggin (R-Red Wing) are the sponsors.

HF4599*/SF4553/CH89

Bonding

New law makes \$50 million available for agriculture loans

A new law will appropriate \$50 million in bond proceeds to fund a popular loan program Minnesota farmers have relied on for more than 30 years.

Sponsored by Rep. Jeanne Poppe (DFL-Austin) and Sen. Torrey Westrom (R-Elbow Lake), the law will fund the Rural Finance Authority, which was established in 1986 and works with local lenders to operate a number of loan programs which farmers can use to deal with financial hardships, make capital improvements or for other kinds of assistance.

Some of the programs include beginning farmer, seller assisted, livestock expansion and farm opportunity loans.

The new law is effective March 18, 2020.

HF2959*/SF3408/CH67

Budget

COVID-19 Minnesota Fund extended through 2020

When the first cases of the coronavirus hit Minnesota, lawmakers acted swiftly to pass legislation that would aid in response efforts.

Part of that response included the creation of the COVID-19 Minnesota Fund, along with a \$200 million appropriation.

The temporary fund enacted March 28 helped state agencies respond to the outbreak and purchase urgently needed medical supplies and equipment. The original law specified that any unspent funds would revert back to the General Fund by May 11, 2020.

Sponsored by Rep. Lyndon Carlson, Sr. (DFL-Crystal) and Senate Majority Leader Paul Gazelka (R-East Gull Lake), a new law ensures that money continues to go to pandemic recovery efforts by extending the account’s sunset date to Dec. 31, 2020. It also provides a retroactive effective date of May 8, 2020, to ensure there is no lapse between when the fund expired and when the law is enacted.

HF1883*/SF1873/CH81

Business and Commerce

Commerce bill tweaks laws on real estate, car sales, appraisers

A new law makes technical changes to various provisions governing or administered by the Department of Commerce.

Sponsored by Sen. Mark Koran (R-North Branch) and Rep. Carlie Kotyza-Witthuhn (DFL-Eden Prairie), it makes changes to chapters governing motor vehicle installment sales, insurance, real estate brokers, appraisal management companies and credit service organizations.

It also adopts National Association of Insurance Commissioners changes to the model act, including HMOs as members of the association, broadening the assessment base for long-term care insolvencies and splitting the assessment 50/50 between the life and health insurance industries. This article took effect May 13, 2020.

The remaining provisions, effective Aug. 1, 2020:

- clarify the asset base for calculation of required guaranty deposit for a national bank acting as a fiduciary;
- clarify that motor vehicle retail installment contracts must be entered into in Minnesota in order for a person to be regulated as a sales finance company;
- require license fees to be calculated by reference to every branch of the licensee, not just branches maintained in this state;
- modify the definition of residential real estate;
- clarify that scheduling orders and documents related to scheduling conferences must be given confidential treatment;
- clarify that amendments to articles of incorporation for an insurance corporation are effective upon the commissioner's approval;
- make technical and clarifying changes in statute governing mergers of insurance corporations;
- clarify that a disclosure must be provided before negotiating or consummating a real estate transaction;
- modify owner requirement standards for an appraisal management company;
- require a credit service organization to update their registration within 30 days of a change; and
- modify the disclosure required from a credit services organization.

HF4055/SF4091*/CH80

Business and Commerce

Certain conduct relating to timing of money transmission gets regulated

A new law aims to help to protect consumers from fraud.

Sponsored by Rep. Carlie Kotyza-Witthuhn (DFL-Eden Prairie) and Senator Mark Koran (R-North Branch), the law, effective Aug. 1, 2020, will require a money transmitter, such as PayPal, to transmit money received within five business days unless specified circumstances exist.

It also requires a money transmitter to state in an agreement with a merchant that the transmitter has authority to place a hold on transmission if fraud is suspected.

Additionally, a transmitter must refund the customer's money within 10 days of a request unless the money has already been delivered, instructions have been given committing an equivalent amount of money prior to the refund request or the licensee is otherwise barred from providing a refund.

HF3904/SF3800*/CH107

Business and Commerce**2020 Special Session**

COVID-related aid available to small businesses

A new set of emergency grants and loans is now available to small businesses that have experienced financial hardship as a result of the COVID-19 pandemic.

Sponsored by Rep. Zack Stephenson (DFL-Coon Rapids) and Sen. Paul Anderson (R-Plymouth), a new law will provide \$62.5 million for small-business grants and loans -- \$60 million from a federal coronavirus relief bill and \$2.5 million from the Department of Employment and Economic Development's Emergency Loan Program.

The law will make grants of up to \$10,000 available to small businesses that have experienced financial hardship as a result of the COVID-19 pandemic and meet certain requirements.

The grants will be evenly split between the Twin Cities metropolitan area and Greater Minnesota and ultimately determined by a lottery. There will be specific, minimum carve-outs, including:

- \$18 million for microbusinesses with six or fewer full-time employees;
- \$10 million for minority-owned businesses;
- \$2.5 million for women-owned businesses;
- \$2.5 million for veteran-owned businesses; and
- \$2.5 million for cultural markets, in part to cover rent-forgiveness for existing tenants.

The law, which took effect June 19, 2020, also includes a requirement that the Minnesota 21st Century Fund for projects in the taconite relief tax area be repaid whenever the state has a surplus. It also makes changes to the fund receiving small business loan repayments.

By Dec. 31, 2020, the Department of Employment and Economic Development must file a report on these small business relief grants to legislative committees with jurisdiction over economic development policy and finance.

SSHF5*/SSSF2/SSCH1

Business and Commerce

More on-site alcohol sales permitted by omnibus liquor law

The omnibus local liquor law gives legal authority for municipalities or counties to issue liquor licenses to specific organizations, locations or events.

Sponsored by Rep. Laurie Halverson (DFL-Eagan) and Sen. Gary Dahms (R-Redwood Falls), one provision in the law removes all restrictions on the hours of sale for on-sale liquor at the Minneapolis-St. Paul International Airport, as determined by the Metropolitan Airports Commission.

The law authorizes the city of St. Paul to issue liquor licenses to an "anchor tenant or umbrella operator for a distinct, compact, and contiguous premises which contains restaurants and closes by midnight" to allow liquor consumption anywhere within the food hall premises.

Provisions making up the bulk of the law will give legal authority for municipalities or counties to issue liquor licenses to organizations, locations or events, including the following:

- Maple Lake Ice Fishing Derby;
- Baudette Arena Association;
- Castlewood Golf Course in Forest Lake;
- Pierz Golf Course;
- St. Cloud Orthopedics Field;
- Pemberton Community Center;
- Chaska Athletic Park, other than high school amateur events, occurring each year between May 1 and Aug. 30;

- Roseville Cedarholm Golf Course; and
- Minnesota Lakes Maritime Society, doing business as the Legacy of the Lakes Museum.

In addition, the law will help quench the thirst of junior hockey league fans in Austin, Rochester, and St. Cloud by permitting beer and wine sales at the Riverside Arena, Rochester Recreation Center and St. Cloud Municipal Ice Arena.

Minneapolisians working up a thirst while visiting the city’s Downtown Commons Park, the Minneapolis Sculpture Garden or Boom Island Park could wet their whistles there because the law will allow liquor sales at those three locations.

Additionally, the law prohibits Sunday alcohol delivery by a wholesaler to an on-sale licensee. It also excludes pension obligations for store employees when calculating profit or loss for a municipal liquor store for purposes of determining whether a public hearing needs to be held on whether a city should continue to operate a municipal liquor store that loses money.

The effective dates of these sections vary, and depend upon when local governments approve the liquor licenses.

HF2290/SF2130*/CH103

Business and Commerce

Restaurants may sell beer and wine to go during pandemic shutdown

Restaurants holding an on-sale intoxicating liquor license will be temporarily allowed to sell beer, hard seltzer, cider, and wine in limited quantities with a prepared takeout food order during the coronavirus pandemic.

Sponsored by Rep. Laurie Halverson (DFL-Eagan) and Sen. Karin Housley (R-St. Marys Point), the law aims to help restaurants make a little more money to try and weather the statewide shutdown that began in March.

Under the law, businesses can sell up to one bottle of wine no larger than 750 milliliters, and no more than 72 ounces of beer, malt liquor, cider or hard seltzer. The alcohol must be in its original, unopened packaging and can only be picked up, not delivered. Employees must confirm the person picking up the food is at least 21 years old.

Cities can prohibit such sales by resolution.

The law took effect April 18 and ends when the governor’s executive order shutting down restaurants ends.

HF4562/SF4489*/CH75

Business and Commerce

New law affects appraisal management company licensure fees

A few tweaks have been made to laws governing appraisal management companies’ licensure fees.

Under a new law that takes effect Aug. 1, 2020, it adds that an applicant for an appraisal management company license will be required to provide necessary information to the Commerce Department to collect and transmit National Registry Fees.

Additionally, the law requires the department to collect and transmit from appraisal management companies any fees and information required by the National Registry’s Appraisal Subcommittee.

Rep. John Huot (DFL-Rosemount) and Sen. Karin Housley (R-St. Marys Point) sponsor the law.

HF3341/SF3435*/CH94

Business and Commerce

Law modifies authorized investments for banks

The law governing investments for bank and trust companies has been modified slightly.

State law allows bank or trust companies to invest no more than 10% of its “capital and surplus in shares of stock in any banks or bank holding companies wherein the stock of the banks or bank holding companies is owned exclusively by bank holding companies or banks.”

Under the new law, effective Aug, 1, 2020, banks will no longer also be required to have at least 51% of the voting stock owned or controlled by bank holding companies or banks authorized to do business in Minnesota.

Rep. Steve Elkins (DFL-Bloomington) and Sen. Rich Draheim (R-Madison Lake) are the sponsors.

HF4067/SF3589*/CH95

Business and Commerce

2020 Special Session

Temporary changes made to some gambling control laws

Chartered veterans and certain fraternal organizations may grant short-term loans to their parent organizations under one provision of a new law.

Sponsored by Rep. John Huot (DFL-Rosemount) and Sen. Mark Koran (R-North Branch), the law makes temporary adjustments to the state’s gambling control laws in response to the COVID-19 pandemic. It is mostly effective June 24, 2020 and will expire the day that the governor's emergency executive authority has expired, is terminated or rescinded.

The adjustments include:

- requiring organizations regulated by the Gambling Control Board that submit an audit to the Department of Revenue, to also submit an electronic copy to the board;
- allowing individual groups that have filed for a one-time gambling permit, but have subsequently had to cancel the event due to the peacetime emergency declared by Gov. Tim Walz, to either apply to get its money back or extend the permit up to 400 days from the original date;
- extending the 90-day training requirement for gambling managers by an additional 60 days beyond the expiration of the peacetime emergency;
- effective retroactively from March 17, 2020, temporarily suspending the requirement, during the peacetime emergency, that organizations which buy gambling equipment and games to pay for them within 30 days of the purchase; and
- extending the renewal deadline for certain gambling licenses by 60 days from the end of the peacetime emergency. This applies only to licenses that were effective April 1, 2020.

An emergency expenditure provision allows some entities to loan themselves money from their charitable gambling funds for emergency expenditures needed to reopen the organization’s primary headquarters. If the entity loans itself money, it must repay that money within one year. In addition, that entity must also suspend the operation of lawful gambling one year from the loan date until such time as the entire amount has been repaid to the gambling fund.

SSHFnone/SSSF45*/CH6

Civil Law

Requiring intent in the crime of harassment

Portions of Minnesota’s harassment statute that the Minnesota Supreme Court declared unconstitutional in a June 2019 opinion are amended by a new law that adopts harassment standards that are in federal harassment law.

In the court’s opinion, Minnesota’s harassment statute did not require proof of specific intent and therefore had the potential to criminalize negligent conduct. The new law adds that a person commits harassment only if there is a specific intention to cause harm. This change also addresses concerns that the definition of harassment was overly broad and violated free speech protections in the First Amendment.

The Supreme Court also expressed concern that the threshold for an action to be considered harassment was too low.

The new law raises those thresholds, adding that in order to be criminal harassment, an action must cause a “reasonable fear of substantial bodily harm” in another person or “would reasonably be expected to cause substantial emotional distress” in another person.

Rep. Dave Pinto (DFL-St. Paul) and Sen. Jerry Relph (R-St. Cloud) sponsor the law that takes effect Aug. 1, 2020.

HF4137*/SF4065/CH96

Civil Law

Guardianship, wage garnishment part of judiciary and civil law modification law

A new law makes changes to four sections of statutes regarding guardianship and conservatorship laws, the Minnesota Uniform Transfers to Minors Act, the Minnesota Common Interest Ownership Act and wage garnishment laws.

Sponsored by Rep. John Lesch (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove), the law takes effect Aug. 1, 2020, unless otherwise noted.

Modernizing guardianship and conservatorship laws

Guardianship occurs when the court gives an individual or organization legal authority to make personal decisions for an individual whom the court deems unable to provide for their own basic needs.

The law requires courts to consider and make specific findings related to less restrictive means of assisting a person subject to guardianship or conservatorship, like supported decision-making, before appointing a guardian or conservator.

It updates the Bill of Rights for Protected Persons to include the right to communicate and see friends and family.

The law also makes these other changes to the state’s guardian statutes:

- creates a new form, “a bill of particulars,” that contains confidential information related to a person’s health and finances;
- requires notice to interested persons when the person subject to guardianship experiences a significant medical or public safety event or dies;
- authorizes the establishment and administration of an Achieving a Better Life Experience (ABLE) account;
- authorizes a conservator to institute cases for civil court actions;
- authorizes a person subject to conservatorship to control their own wages;
- authorizes a guardian or conservator to seek a restraining order on behalf of a victim who is a person subject to guardianship or conservatorship;
- requires durational limits on guardianships when the person subject to guardianship is under the age of 30, but authorizes a petition for an unlimited guardianship if the person is 29 and currently under a limited guardianship;
- places durational limits on emergency guardianships and conservatorships; and
- authorizes interested persons to waive notice requirements.

The law also makes technical changes to guardianship and conservatorship laws, most notably changing the term “ward” to “protected person.”

Changes to the Minnesota Uniform Transfers to Minors Act

The Minnesota Uniform Transfers to Minors Act sets out, among other things, how assets are transferred to minors in the absence of a will, which usually involve designating a custodian to manage the minor’s assets.

The law changes the custodial standard of care from the “prudent person” standard to a “prudent investor” standard consistent with how trusts must be managed under existing Minnesota laws on trusts.

Under current Minnesota UTMA statutes, a minor must receive full control over their assets at age 18 or 21 depending on how the asset was given to the child. This law changes the termination age of all Minnesota UTMA accounts to 21, effective May 17, 2020.

Additionally, this law authorizes a custodian to transfer, with or without a court order, all or part of custodial assets to a trust that satisfies the requirements of a minor’s trust described in the Internal Revenue Code.

Changes to the Minnesota Common Interest Ownership Act

The Minnesota Common Interest Ownership Act governs the operation of condominium associations and other common interest communities.

The law states that unit owners are deemed to have consented or voted in the affirmative for approval of amendments to governing documents if an association sends a notice to a unit owner by certified mail and: (1) if there is a vote, the unit owner does not vote against the amendment; or (2) the unit owner does not object to the amendment within 60 days after the notice is mailed.

The law will also authorize an association to petition the court for an order reducing the percentage of affirmative votes or consents necessary to at least 67% for an amendment to declarations, bylaw, and articles of incorporation.

Wage garnishment

Wage garnishment statutes outline the legal processes to be followed when a creditor has obtained a judgment against a debtor.

One provision in the new law will allow creditors to garnish earnings for 90 days instead of the current 70 days.

The exemption for wages — the amount a debtor can keep away from a creditor during a garnishment — is also changed. Under current law, a debtor can exempt income that is the greater of 40 times the federal minimum wage or 25% of the debtor’s net income.

This law adds an additional category, allowing a debtor to maintain up to 40 times \$9.50.

HF3517/SF3357*/CH86

Civil Law

Marriage by minors prohibited

A new law prohibits marriage by minors by deleting statutory language allowing 16- and 17-year-old children to receive a marriage license with “the consent of the person’s legal custodial parents, guardian, or the court.”

The law, effective Aug. 1, 2020, also prohibits the state from recognizing a marriage involving a minor in another state, or foreign jurisdiction, if one of the parties to the marriage was a Minnesota resident at the time of the marriage.

Minnesota will recognize marriages involving two minors if both parties to the marriage were not residents of Minnesota at the time of the marriage.

The law is sponsored by Rep. Kaohly Her (DFL-St. Paul) and Sen. Sandra Pappas (DFL-St. Paul).

HF745*/SF1393/CH76

Consumers

Banks and credit unions will be able to do more to stop financial exploitation

More vulnerable adults could be protected from financial exploitation with additional tools for banks and credit unions included in a new law that takes effect Aug. 1, 2020.

Rep. Jennifer Schultz (DFL-Duluth) and Sen. Karin Housley (R-St. Marys Point) sponsor the law that will hold financial services providers – as well as broker-dealers and investment advisers – responsible for reporting when they believe financial exploitation may have occurred or been attempted.

The law will also provide financial services providers and their employees with the protections needed to safely make good faith third-party disclosures, testify about alleged financial exploitation, delay a disbursement, or hold transactions.

This will enable financial service providers to take action on suspicious transactions if requested to do so by law enforcement or prosecutors, in response to an internal review, or when other conditions have been met.

Accounts won't be put on hold. But specific, suspicious transactions could be held for 15 days, or until the financial institution could establish the reasonable belief it won't result in exploitation. A law enforcement agency or the prosecuting attorney could request the hold be extended up to 25 days. The holds could also be appealed.

HF2475/SF2466*/CH85

Economic Development

Duluth paper mill loan forgiveness provisions modified

A new law modifies terms of a \$2 million Minnesota Investment Fund loan to a Duluth

paper mill in response to the COVID-19 pandemic.

The loan's original forgiveness provisions – included in the 2019 omnibus jobs law – require the paper mill to retain 200 full-time equivalent employees.

The new law would reduce that requirement to 150 employees. The paper mill will still be required to meet other performance goals and contractual obligations.

Sponsored by Rep. Liz Olson (DFL-Duluth) and Sen. Erik Simonson (DFL-Duluth), the law took effect retroactively to July 1, 2019.

HF4602*/SF4538/CH112

Education

New law adjusts school funding formulas to account for COVID-19 closures and distance learning

Since mid-March, Minnesota's K-12 students have been receiving their education in very different ways. That has not only impacted learning but everything from graduation, grade-level advancement, teacher licensure, employment practices and school funding formulas.

Sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Carla Nelson (R-Rochester), a new law, effective May 28, 2020, unless otherwise noted, temporarily adjusts school funding formulas and student data accounts. It will also provide school districts with greater fund transfer authority, allowing them to use funds for programs that aren't being fully utilized – such as school-aged care, extended time, and childhood screenings – for other purposes.

COVID-19 has impacted K-12 student assessments and in some cases the ability for students to meet all the requirements needed for graduation or grade-level advancement. The law waives the requirement that students must take the Minnesota Comprehensive Assessments this year, and provides that student absences from March 1 through the end of the distance learning period will not count toward truancy referrals.

To aid educators, it alters the minimum days required in the 2019-20 school year for a probationary teacher to serve for credit, provides an additional six months for the completion of calendar year 2020 licensure renewal requirements for licenses issued by the Professional Educator Licensing and Standards Board, and until Oct. 31, 2020 allows a conditional one-year Tier Three teacher license to be issued if they're unable to get to a testing center. A regular license will be provided once the exam is completed.

There are also provisions within the proposal that aim to protect funding for special education, food programs, community education programs, nonpublic pupil transportation aid, career and technical programs literacy aid, and achievement integration aid. Most of these take effect July 1, 2020.

Finally, the law provides library systems with greater flexibility over the use of their regional library telecommunications aid to expand internet access capabilities and better partner with schools to deliver educational support in a distance learning environment.

HF4415*/SF4369/CH116

Education

2020 Special Session

Vaping prevention curriculum is part of education policy law

A slimmed-down education policy law includes measures that will support special education students by offering access to alternative delivery of specialized instruction services and will require teachers to have mental health and suicide prevention training before they're relicensed, beginning July 1, 2021.

The new law, sponsored by Rep. Cheryl Youakim (DFL-Hopkins) and Sen. Carla Nelson (R-Rochester), also obliges Minnesota schools to require evidence-based vaping prevention curriculum at least once to students in grades six through eight, beginning with the 2021-22 school year. School districts are also encouraged to provide similar curriculum to high school students.

Provisions in the law are effective June 24, 2020, unless otherwise noted.

Other measures related to general education (Article 1) included in the law will:

- clarify that school district contracts for fuel or transportation are not subject to the two-year term limit for most school district contracts for services or goods;
- limit the length of contracts for fuel or transportation to 10 years; and
- set a limit for the earliest that a school district can deliver a notice for an upcoming operating referendum to 45 days, up from 30, prior to the date of the election. Effective July 1, 2020, this applies to referendum notices mailed on or after that date.

Measures related to education excellence (Article 2) included in the law will:

- modify school district requirements for reporting related to their efforts to screen and identify students who demonstrate characteristics of having dyslexia. This is effective beginning with the 2020-21 school year.

Measures related to health and safety (Article 3) included in the law will:

- require the parent of a student to whom school personnel administer drugs or medicine at a parent's request to inform the school if the drug or medicine is a controlled substance;
- require school districts to adopt a procedure to collect and transport unclaimed or abandoned prescription drugs and over-the-counter medications left with school personnel;
- allow a school district to designate an individual to transport unclaimed drugs that are not controlled substances to a designated drop-off box or collection site, or to request that a law enforcement agency transport the drugs to a drop-off box or collection site on behalf of the district; and
- prohibit a school district or school personnel from transporting unclaimed drugs that are controlled substances to a drop-off box or collection site.

Measures related to special education (Article 4) included in the law will:

- beginning with assessments conducted on or after July 1, 2020, a school district can conduct a functional behavior assessment as a standalone evaluation without conducting a comprehensive evaluation of the student; and
- allow a student who receives special education services to participate in Alternative Delivery of Specialized Instruction Services. This is also effective July 1, 2020.

Measures related to early childhood education (Article 5) included in the law will:

- align the state with federal guidance that a school district may not require a birth certificate to enroll a student in a public school;
- limit the circumstances under which a school can expel or suspend a child from a school-based pre-kindergarten program;
- extend from July 1, 2020 to July 1, 2024 the deadline by which early childhood programs must have three- or four-star Parent Aware ratings to accept early learning scholarships;
- establish a developmentally appropriate screening timeline for recipients of early learning scholarships; and
- add tribal health and human service agencies to Interagency Early Intervention Committees.

SSHF33*/SSSF26/SSCH8

Elections

Polling place safety amid pandemic the focus of elections law

A new law aims to keep Minnesota's voters and poll workers safe in the face of the ongoing COVID-19 pandemic during the 2020 primary and general elections.

Sponsored by Rep. Michael Nelson (DFL-Brooklyn Park) and Sen. Mary Kiffmeyer (R-Big Lake), it will establish special procedures for polling places intended to minimize the risk of spreading the novel coronavirus that causes COVID-19.

Under the law, effective May 13, 2020, local election officials are authorized to:

- designate new polling places until July 1, 2020, while noting that a governing body of a municipality or county must only use a school as a polling place when no other public or private location is reasonably available for use as a polling place; and
- allow employees of health care facilities and hospitals to administer absentee ballots to residents or patients in their facilities.

The law also alters deadlines for parties to submit the names of candidates to be nominated as presidential electors for the 2020 election. Prior law stated those names must be submitted no later than 71 days before Election Day; the change enacted requires that they be submitted no fewer than 67 days before Election Day to better accommodate the dates of the major party national conventions.

Absentee ballots

The law extends to up to three days after the election the period during which absentee ballots can be processed to give election officials more time to deal with an expected increase in absentee voting in 2020.

It also requires the county auditor or municipal clerk, and applicable ballot boards, to begin processing absentee ballots 14 days prior to the date of the election. And it states that, following the close of business on the 14th day before the election, a voter cannot change their vote by "clawing back" a ballot if their absentee ballot has already been accepted.

Appropriating 'Help America Vote Act' funding

The law also appropriates another wave of federal election security funding made available to Minnesota in December 2019 under the Help America Vote Act.

In nearly all other states, money flows directly to state elections officials. In Minnesota, however, state statute requires funds first be specifically appropriated by the Legislature. The funds — appropriated to the secretary of state's office — can be used for things like additional training of local elections officials, strengthening cybersecurity efforts and helping local jurisdictions offset costs they may face after rigorous testing of their voting infrastructure.

Funds appropriated under the law are available until Dec. 21, 2024. In order to use them, a 20% state match — or approximately \$1.5 million — is required by December 2021. The law does not appropriate funds to meet that match.

HF3429*/SF3494/CH77

Employment

2020 Special Session

Date moved up for certain teen employment at amusement parks

Those age 16 and 17 may now assist in the operation of amusement park rides, and load and unload passengers, thanks to a new law that makes the change retroactive to May 28, 2020.

The law already permits the operation of lawn care equipment by youth at least 16 years old, starting May 28, 2020.

Sponsored by Sen. Carrie Ruud (R-Breezy Point) and Rep. Brad Tabke (DFL-Shakopee), the new law makes the date of implementation the same for all changes.

SSHF70/SSSF15*/SSCH5

Employment

Workers' compensation to cover some employees who contract COVID-19 from work

Employees in certain professions who contract COVID-19 are eligible for workers' compensation benefits based on the presumption that they contracted the COVID-19 virus from their work.

Those covered by a change in workers' compensation eligibility include health care workers — including home health care workers — paramedics, emergency medical technicians, police officers, firefighters, corrections facility officers and counselors, and child care workers providing care for the children of health care workers and first responders.

Such employees are eligible for workers' compensation benefits if they contract COVID-19 and confirm their condition with a positive laboratory test or the diagnosis of a physician, physician's assistant or nurse based upon the employee's symptoms. An employee is not required to show that they contracted COVID-19 from a particular patient or on a particular day of work. But an employee will not be eligible for workers' compensation benefits if their employer shows that they did not contract COVID-19 as a result of their employment.

Sponsored by Rep. Dan Wolgamott (DFL-St. Cloud) and Sen. Jeff Howe (R-Rockville), the law applies to people diagnosed with COVID-19 on or after April 8, 2020, the law's effective date. It sunsets on May 1, 2021.

Under the law, the commissioner of labor and industry is also authorized to extend the implementation date of a new workers' compensation data management system beyond its scheduled date of Aug. 31, 2020, if the commissioner determines that it should be extended due to COVID-19 and provides notice of the delay.

HF4537*/SF4458/CH72

Employment

New name to highlight 'Minnesota Family Resiliency Partnership's' inclusivity

Minnesota's "displaced homemaker program" will be renamed the "Minnesota Family Resiliency Partnership " to better reflect the program's work.

Sponsored by Rep. Anne Claflin (DFL-South St. Paul) and Sen. Rich Draheim (R-Madison Lake), the new law takes effect Aug. 1, 2020.

The newly renamed program helps people return to the work force or enter it for the first time, often after the loss of a family's primary financial support due to a death, disability, divorce or other unexpected circumstances.

The change aims to highlight the program's inclusivity and allow it to reach more families in need.

The new law will also modify the state's pay-for-performance job training standards, which provide \$11,000 grants to programs to reward them for student placement and job retention.

These modifications will:

- reduce the amount of money programs need to spend on each student;
- change the qualifying student wage from \$9, or its equivalent with benefits, to the current state minimum wage;
- require the programs to provide training in financial and digital literacy and "soft skills" and remove required training in "thinking skills and personal qualities";
- require that participants receive access to internships, technology training, personal and emotional intelligence skill development, and other support services;
- two years of coaching after placement; and
- limit income supplements for things like housing and counseling to \$2,000 per participant.

The new law also raises the income limit for participants to 200% of the federal poverty guideline — from 100% — and only looks at their incomes six months prior to enrolling to determine eligibility.

HF4429*/SF3422/CH91

Employment

16- and 17-year-olds can operate amusement park rides, powered lawn equipment

A new law permits 16- and 17-year-olds to operate fixed-site amusement park rides and powered lawn-care equipment under certain conditions.

Rep. Brad Tabke (DFL-Shakopee) and Sen. Carrie Ruud (R-Breezy Point) sponsor the law that took effect May 28, 2020.

Fixed amusement park rides

Employers are required to meet certain conditions before allowing 16- or 17-year-olds to operate an amusement ride, including training the young employees on:

- the ride's operating procedures;
- specific duties of assigned positions;
- general safety procedures;
- specific procedures to follow in the event of unusual conditions or an interruption of operations; and
- evacuation plans for the amusement ride.

Other provisions specify that 16- or 17-year-old operators:

- must not operate or load and unload passengers on more than one amusement ride at a time;
- can only operate rides located in a fixed-site amusement park; and
- must be supervised by another employee age 18 or older on the premises.

The 16- and 17-year-olds cannot perform the required daily inspections of amusement rides, and employers must comply with all other applicable child labor laws and laws regulating amusement rides.

Powered lawn-care equipment

Under the law, employers can hire 16- and 17-year-olds to operate lawn-care equipment, such as powered mowers and weed trimmers, provided the young employees:

- undergo training on the equipment;
- are directly employed by a golf course, resort, municipality or rental property owner; and
- use proper safety gear, such as eye and ear protection, boots and safety vests.

HF3720/SF3358*/CH98

Employment**2020 Special Session**

Length of employment requirement for a shared work plan shortened

Employers now have increased flexibility in using shared work plans as part of the state's unemployment insurance program.

Sponsored by Rep. Zack Stephenson (DFL-Coon Rapids) and Sen. Jason Rarick (R-Pine City), a new law will temporarily shorten the length of employment requirement for a shared work plan from 12 months to three months.

The new law took effect June 24, 2020, and will expire Dec. 31, 2020.

Outside of this temporary change, state law holds that only full-time or regular part-time employees who work for their employer for one year or more are eligible to participate in a shared work plan.

In a shared work plan, participating employees work reduced hours for their employer and are eligible for partial unemployment insurance benefits. They also continue to receive health and pension benefits.

SSH63*/SSSF53/SSCH10

Energy

Minnesota changes light bulbs in promoting energy efficiency

Fluorescents are out and LEDs are in as the light bulb of choice in Minnesota law.

When it comes to what type of bulb is promoted for maximum energy efficiency by the state and the electric utilities that do business within it, where once fluorescent bulbs were touted in state statute, now light-emitting diode, or LED, lamps are recommended.

That modification to the state’s Conservation Improvement Program statute is the gist of a new law sponsored by Rep. Greg Boe (R-Chaska) and Sen. David Osmek (R-Mound). It is effective May 28, 2020.

There was a time in which compact fluorescent bulbs were believed the best way to save energy, and, consequently, help keep utility bills down. But disposal of such bulbs has always been problematic, with recent research underlining concerns that they release mercury into the waste stream and potentially wreak environmental havoc.

Now the industry standard for efficiency and environmental friendliness is the LED lamp, which lasts several times longer than old-fashioned incandescent bulbs and, according to a U.S. Energy Department study, have a lower impact than either incandescent or compact fluorescent bulbs on air, soil and water, and use less energy.

The new law makes a relatively small change in the Conservation Improvement Program statute. In a section in which utilities are required to encourage customers to use efficient lighting sources, it has stricken the promotion of “fluorescent and high-intensity discharge” lamps and replaced it with “LED.”

HF3230*/SF3331/CH105

Energy

Prairie Island and rooftop solar receive boosts from Renewable Development Account

Plans for the Prairie Island Indian Community’ to become a “net zero energy community” will receive a boost thanks to a new law.

Effective July 1, 2020, the law provides \$25.8 million in allocations for fiscal year 2021 from the Renewable Development Account.

Sponsored by Rep. Jean Wagenius (DFL-Mpls) and Sen. David Osmek (R-Mound), the law also extends through 2022 an existing Solar Rewards incentive program, administered by Xcel Energy, for owners of small solar systems, funding it at \$10 million per year. Other allocations include \$2.75 million for a new turbine to expand Granite Falls’ hydroelectric generating facility, and \$2 million in grants for communities that will lose an electric generating facility.

The Renewable Development Account was set up in 1994 when investor-owned utility Xcel Energy was given permission to store nuclear waste at its Prairie Island facility, which is adjacent to land owned by the Prairie Island Indian Community. Xcel payments of \$500,000 and \$350,000 for each storage cask at, respectively, Prairie Island and Monticello nuclear facilities, the fund is earmarked for grants for the development of renewable energy sources in Minnesota.

Plans for Prairie Island to become a “net zero energy community” involve allocations of \$46.2 million from the Renewable Development Account (sometimes called the Renewable Development Fund) through fiscal year 2023. The community would become one in which the total amount of energy consumed is not greater than the amount of renewable energy created.

The funding allows the Prairie Island Indian Community to execute a plan under which it would reduce energy consumption, generate energy through a combination of solar and geothermal sources, develop micro grids for storage and distribution of energy, and adopt sustainable building standards.

The \$25.8 million in appropriations would leave \$55.2 million in the account at the end of fiscal year 2021, assuming no new investment income.

The law also temporarily exempts Xcel Energy from the deadline requiring certain documents pertaining to corporate bond sales to be filed in each county in which the company owns property.

HF1842*/SF2084/CH118

Environment and Natural Resources

Minnesota is first state to ban chemical TCE

With the stroke of the governor's pen, Minnesota became the first state to ban trichloroethylene, better known as TCE, a carcinogenic chemical used as a degreaser and stain remover.

Sponsored by Rep. Ami Wazlawik (DFL-White Bear Township) and Sen. Roger Chamberlain (R-Lino Lakes), the law applies to facilities with air quality permits beginning June 1, 2022.

A few use exceptions are provided as long as the facility complies with Health Department limits for TCE emissions:

- TCE is used in a closed system allowing no emissions;
- facilities holding TCE or a product containing TCE for distribution to a third party;
- a licensed hospital or academic medical facility;
- a facility using TCE solely for research; and
- a facility that processes TCE for waste disposal.

Most of the law is effective May 17, 2020.

A provision that provides \$250,000 in interest-free loans to help small businesses transition away from the chemical takes effect July 1, 2020.

A case in White Bear Township spurred the change.

Water Gremlin used the industrial solvent to clean and coat lead terminals for batteries until a state investigation found the company failed to report accurate emission data for more than 15 years and released unsafe amounts of TCE in the air for over 15 years. For example, the company emitted 100 tons of the chemical in 2018 when its permit allowed less than 10 tons.

In 2019, the Pollution Control Agency levied \$7 million in civil penalties, one of its largest ever, and the company agreed to stop using the solvent.

HF3376/SF4073*/CH84

Environment and Natural Resources**2020 Special Session**

Solid waste requirements may be suspended, trust fund appropriations extended

Commissioners of Revenue and the Pollution Control Agency are now authorized to suspend certain requirements related to recycling and composting if implemented to address the COVID-19 virus, and one-year extensions are now available to recipients of appropriations from the Environment and Natural Resources Trust Fund.

Effective June 19, 2020, a new law authorizes those commissioners to suspend the requirement that less than 15 percent of mixed municipal solid waste received by recycling or composting facilities be disposed of rather than recycled or composted, provided that not meeting the requirement is related to addressing the COVID-19 pandemic. Suspending the requirement may allow those materials to retain their exemption from the solid waste management tax.

The law also provides a process for one-year extensions for those whose Environment and Natural Resources Trust Fund appropriations are set to expire June 30, 2020. Such recipients must notify the Legislative-Citizen Commission on Minnesota Resources to modify the applicable work plan.

Also under the law, the Department of Natural Resources must develop recommendations to increase access to wildlife management areas for hunting and other recreational opportunities. At least one wildlife management area must have a pilot accessibility project by Oct. 1, 2020.

Rep. Rick Hansen (DFL-South St. Paul) and Sen. Bill Ingebrigtsen (R-Alexandria) sponsor the law.

SSH37*/SSSF48/SSCH4

Environment and Natural Resources**Outdoor Heritage Fund monies allocated, extensions given for other Legacy projects**

Those participating in projects that receive funding from the Legacy Amendment are receiving one- to two-year extensions on their deadlines. And various conservation projects around the state will receive \$117.9 million from the Outdoor Heritage Fund as part of Legacy appropriations for fiscal year 2021.

Sponsored by Rep. Leon Lillie (DFL-North St. Paul) and Sen. Carrie Ruud (R-Breezy Point), the omnibus legacy law took effect May 28, 2020.

The allocations are funded by the Legacy Amendment, which voters approved in 2008 to maintain a source of funding for clean water, conservation, parks and trails, and arts and cultural heritage projects via a 0.375% addition to the state sales tax.

Most of the funds under the Legacy Amendment umbrella were budgeted during the 2019 legislative session. But the Outdoor Heritage Fund, which receives one-third of Legacy monies, is funded on an annual basis, as opposed to the biennial allocations of money from the Clean Water Fund, the Arts and Cultural Heritage Fund, and the Parks and Trails Fund.

The deadline extensions inspired by the COVID-19 pandemic and its resultant restrictions are two years for Arts and Cultural Heritage Fund projects approved in 2017, one year for Clean Water Fund and Parks and Trails Fund projects set to expire June 30, 2020, and one year for Outdoor Heritage Fund projects set to expire June 30, 2020 if certain notification and other requirements are met.

The law also appropriates funds for the Rochester Children’s Museum and the Medal of Honor Commemorative Memorial, and extends into 2021 the availability of General Fund money to assist State Arts Board administration in moving its offices.

Its \$117.9 million in Outdoor Heritage Fund appropriations – which were based upon the recommendations of the Lessard-Sams Outdoor Heritage Council – break down as follows:

- \$55.4 million for habitat projects and the Conservation Partners Legacy Grant program;
- \$35.8 million for prairie projects;
- \$13.7 million for forest projects;
- \$12.6 million for wetland projects; and
- \$360,000 for administration, including contract management services from the Department of Natural Resources and restoration evaluations.

Its largest appropriations are \$10.4 million for competitive matching grants for organizations enhancing, restoring and protecting forests, prairies, wetlands or wildlife habitat; \$6.5 million to acquire lands and restore natural habitat systems associated with the Mississippi, Minnesota and St. Croix rivers in the Twin Cities metropolitan area; and \$4.6 million to acquire, restore and enhance prairie lands, wetlands, and land buffering shallow lakes.

The law also requires Lessard-Sams Outdoor Heritage Council meetings to be webcast and archived.

HF2682*/SF2732/CH104

Health and Human Services**2020 Second Special Session****More than \$30 million in funding now available for disability service providers**

Disability service providers will have access to more than \$30 million in grants.

Sponsored by Rep. Hunter Cantrell (DFL-Savage) and Sen. Jim Abeler (R-Anoka), a new law appropriates \$20 million for grants to home- and community-based providers to help them pay employees and maintain safety standards. It also provides \$10 million for public health grants to help providers with the resources they need to reopen safely with proper social distancing.

The money is meant to help providers struggling to stay in business after service interruptions and closures caused by the COVID-19 pandemic.

Grant recipients must meet certain eligibility requirements and there are regulations on how the funds can be used. For example, some of the funds are for fixed costs incurred during the pandemic from March 1, 2020 through Dec. 30, 2020 that are associated with capacity for the provider to offer services.

SSHF1/SSSF1*/CH1

Health and Human Services

COVID-19 funding sped to Department of Health

As the COVID-19 virus reached Minnesota, the Legislature worked to speed sufficient funding to the Department of Health, allowing the agency to ramp up its response and get resources in place.

A new law, effective March 11, 2020, transferred \$20.9 million from the General Fund to the state's public health response contingency account.

The funding is to cover staffing and laboratory costs, personal protective equipment, and support for local public health and health care coalitions – all of which is tied to the state's expected public health response to COVID-19.

The bill will cancel any funds over \$5 million – as of Feb. 1, 2021 – back to the General Fund.

Sponsored by Rep. Tina Liebling (DFL-Rochester) and Sen. Jerry Relph (R-St. Cloud), the law also authorizes the appropriation of any federal money designated to address the COVID-19 outbreak and provides reporting requirements.

HF4275/SF3813*/CH66

Health and Human Services

\$2.7 million in grants to address opiate epidemic

A new law will help \$2.7 million get to work fighting the state's opioid epidemic.

Sponsored by Rep. Erin Koegel (DFL-Spring Lake Park) and Sen. Mark Koran (R-North Branch), the law will make one-time grant funding from the state's opiate epidemic response account – created in 2019's opioids law – available for fiscal year 2021.

It is effective May 28, 2020.

Funded by registration fees on opiate manufacturers and license fees on drug manufacturers and wholesalers, the grants are meant to be determined by the Opiate Epidemic Response Advisory Council.

But, because of the immediacy of the need and timing constraints, the council wants this initial round of grant funding to go through the Legislature to organizations that have already received approval from the Department of Human Services and are doing work throughout the state.

This is expected to be the only time that the council will request direct appropriations to be handled in this way, and is not intended to set a precedent.

Funds will be used to distribute naloxone kits, provide training, support ECHO hubs, expand care, and address disparities.

Organizations that will receive funding include:

- \$367,000 each to the Rural AIDS Action Network and the Steve Rummeler HOPE Network;
- \$367,000 to the Department of Health to distribute naloxone to all eight emergency medical service regions, and to expand naloxone distribution to tribal entities;
- \$200,000 to Wayside Recovery Center;
- \$150,000 to St. Louis County;
- \$144,000 each to Alliance Wellness Center, My Home, Inc., Turning Point, Inc., Ka Joog, and Twin Cities Recovery Project, Inc.;

- \$130,000 to the Native American Community Clinic;
- \$112,000 to Hennepin Healthcare;
- \$100,000 to CHI St. Gabriel's Health Family Medical Center; and
- \$50,000 each to the Mille Lacs Band of Ojibwe, the American Indian Family Center, the Community Health Worker Alliance, and the Northwest Indian Community Development Center.

HF4601*/SF4577/CH113

Health and Human Services

Drug makers must justify to the state when large price increases

Lawmakers aim to slow the growth of prescription drug prices through a new law requiring drug manufacturers to alert the Health Department and give their rationale for large price increases on certain drugs.

Sponsored by Rep. Kelly Morrison (DFL-Deephaven) and Sen. Julie Rosen (R-Vernon Center), and effective July 1, 2020, the so-called "Prescription Drug Price Transparency Act" will require prescription drug makers to report, beginning Oct. 1, 2021, certain drug pricing information for existing drugs, new drugs and newly acquired drugs whose prices increase by specified amounts.

In addition to disclosing the cost of manufacturing, marketing and distributing those drugs, drug makers will report sales revenue; net profits; financial assistance through patient prescription assistance programs and agreements to delay generics.

For each prescription drug whose price was \$100 or greater for a 30-day supply or for a course of treatment lasting less than 30 days manufacturers must report the specified drug pricing information for: (1) brand name drugs where the price increases by 10 percent or more within the previous 12-month period or an increase of at least 16 percent over the previous 24-month period; and (2) generic drugs where there is a price increase of at least 50 percent over the previous 12-month period.

The law also establishes manufacturer drug pricing reporting requirements for certain new prescription drugs and certain newly acquired drugs.

Price increases that meet the threshold will be posted on the state Department of Health website. A summary must annually be presented to the Legislature beginning Jan. 15, 2022.

Drug makers that fail to follow the law are subject to fines of up to \$10,000 per day. money from these fines must be deposited in the Health Care Access Fund.

HF1246/SF1098*/CH78

Health and Human Services

New law authorizes \$330.6 million to address COVID-19 pandemic

A wide range of efforts will be supported by a new law that appropriates \$330.6 million to address the impact of the COVID-19 pandemic in Minnesota.

The largest of its funding provisions is a \$200 million General Fund appropriation to create a COVID-19 Fund that Minnesota Management and Budget will draw upon to help state agencies respond to the outbreak. (Art. 1, Secs. 7-9)

A COVID-19 Response Commission, made up of legislative leaders and chairs of the House and Senate finance committees, will be created to review expenditures from the fund greater than \$1 million.

Other budget items in the law include:

- \$30 million to create an account for small business emergency loans at the Department of Employment and Economic Development, funding a program created by executive order;
- \$29.96 million for a grant program to support licensed child care providers, who, in part, agree to care for the children of health care and other emergency workers and follow health and safety practices to limit the spread of COVID-19;

- \$26.54 million in emergency services grants, of which \$15.21 million is intended to provide additional shelter space, \$5 million is to purchase hygiene, sanitation, and cleaning supplies, and \$6.33 million is for staffing;
- \$11 million to help Minnesota's 11 tribal nations address the crisis;
- \$10 million to guarantee loans from private banks to small employers through an existing program modified for this new emergency;
- \$9 million in one-time funding for the state's food shelf program, at least \$3 million of which must be used to help regional food banks make specialized responses to community needs;
- \$6.2 million to provide financial assistance to veterans and surviving spouses in need of assistance as a result of COVID-19;
- \$5.53 million to provide housing support relief by increasing limits and rates for room and board and supplementary services; and
- \$2.4 million to handle Real ID applications (Art. 1, Secs. 1-6, 10-12).

[MORE: View the spreadsheet]

The law also includes a range of policy measures that, by category, will:

Agriculture and commerce

- modify the state's Disaster Recovery Loan Program to provide more flexibility;
- waive requirements for commercial pesticide licenses for cleaning company employees; and
- authorize the Department of Commerce to make licensing exemptions, such as extending registration or licensing renewal deadlines.

Health and Human Services

- include diapers and toilet paper as items eligible for purchase under the state's Supplemental Nutrition Assistance Program; and
- modify fees for medical gas providers and eliminate limits on certain prescription refills.

Higher Education

- align state and federal work-study guidelines to help students receive payments;
- temporarily suspend Student Educational Loan Fund rules to allow the Office of Higher Education flexibility in providing payment relief and allow students to complete coursework;
- provide flexibility to hold child care grant recipients harmless in the event of reduced number of classes; and
- hold state grant recipients harmless from changes due to COVID-19 and temporarily suspend Office of Higher Education rules about repayment of aid.

Jobs

- codify the March 16 Executive Order on Unemployment Insurance that provides protections for workers who are unemployed, quarantined, told not to come into work, or impacted by school and child care closures due to COVID-19; and
- temporarily relax MN investment fund restrictions so that cities can make loans to retail stores, service providers, and hospitality businesses.

Public Safety

- require the Department of Public Safety to report to the Legislature about the department's use of temporary powers during the COVID-19 emergency;
- expand the type of documents that can be used to obtain a REAL ID-compliant driver's license or identification card;
- extend deadlines to renew driver's licenses and disability parking permits if they would expire during the declared emergency;
- authorize the medical director of the Department of Corrections to make health care decisions for inmates who are incapable of doing so, and do not have another person designated to do so;
- allow inmates with 90 days or less on their sentences to be housed in county jails or detention centers; and
- allow the Bureau of Criminal Apprehension to temporarily delay fingerprinting for essential workers' background checks.

State Government

- provide exemptions to the state’s standard purchasing process, allowing Minnesota to more quickly buy supplies and services from companies around the country that may not have previously done business in the state; and
- move the property tax appeal deadlines from April 30 to May 30, 2020.

House Majority Leader Ryan Winkler (DFL-Golden Valley) and Senate Majority Leader Paul Gazelka (R-East Gull Lake) sponsor the law that took effect March 29, 2020.

HF4531*/SF4451/CH71

Health and Human Services

Continuity of care to be improved with changes to prior authorization requirements

A new law modifies statutes on health care services utilization and prior authorization requirements to modify timelines for determinations and appeals, provide for continuity of care and improve public access to information.

Sponsored by Rep. Kelly Morrison (DFL-Deephaven) and Sen. Julie Rosen (R-Vernon Center), the law is – except where otherwise noted – effective Jan. 1, 2021, and applies to health plans offered, sold, issued or renewed on or after that date.

Under the law, if a person switches health plan companies, their new provider will be required to comply with previous prior authorizations for health care services for the first 60 days after enrollment while a new utilization review is conducted. The enrollee, or a medical professional acting on their behalf, will be required to submit documentation to access this.

If a utilization review organization changes its coverage terms or clinical criteria during a plan year, those changes will not apply until the next year for any enrollee who received prior authorization for a health care service that would be affected, with some exceptions.

The law will also require utilization review organizations to submit their current requirements and restrictions for prior authorization determinations to the health plan companies for which they conduct reviews.

The health plan companies, in turn, will be required to post this information on their public websites in easy-to-understand language. Any changes to the prior authorization requirements will also need to be posted online.

In addition, health plan companies will be required to post certain data on their public websites, including the number of prior authorization requests for which an authorization was issued and the reasons for prior authorization denial. This will need to be available online by April 1, 2022, and updated by each following April 1.

The law will also:

- shorten the length of time available for determinations to be made regarding utilization review;
- require a report from the Department of Health, including data on prior authorization requests, by April 1, 2021;
- prohibit the revocation, limitation or restriction of a prior authorization that has been authorized except when there is evidence of fraud, misinformation or a conflict with state or federal law;
- require that new requirements or restrictions will need to be provided to any impacted Minnesota-based, in-network attending health care professionals at least 45 days before those changes will go into effect; and
- clarify and define terms and make a range of conforming changes.

This chapter of law will not apply to managed care plans or county-based purchasing plans providing coverage to state public health care program enrollees under Medical Assistance or MinnesotaCare.

HF3398/SF3204*/CH114

Health and Human Services

Omnibus health policy law focuses on practical changes

The omnibus health policy law contains many provisions intended to improve access to care and treatment, better align existing statutes with current practice, and streamline and clarify existing law.

Sponsored by Rep. Rena Moran (DFL-St. Paul) and Sen. Michelle Benson (R-Ham Lake), the law does not touch on human services initiatives. Human services provisions were carried in a separate piece of legislation that did not become law.

Language taking effect May 28, 2020, includes:

- changes to last year's opioids law, converting the "account" into a "fund," changing some terminology, modifying fees and modifying council procedures and term limits (Art. 3, various sections);
- clarifying that the cost of a private room in an assisted living facility should not be considered a medical expense that can be deducted from income prior to paying for the cost of institutional care (Art. 3, Sec. 25);
- allowing the Board of Pharmacy to work directly with the University of Minnesota to establish a central drug repository program, instead of undergoing a request-for-proposal process (Art. 2, Sec. 26);
- updating and clarifying provisions related to the administration of the Medical Assistance and MinnesotaCare programs (Art. 3, various sections);
- during a peacetime emergency declared by the governor, and until 60 days after it ends, a prescription drug order to treat a substance use disorder can be issued after a telemedicine examination (Art. 2, Sec. 30);
- between March 13 and Dec. 31, 2020, "continuing education hours obtained by a licensed podiatrist through participation in an internet live online ... shall be classified by the board of podiatric medicine in the same manner as if the credits were obtained through in-person participation" (Art. 2, Sec. 31);
- allows required on-site treatment observation for physical therapy assistants to be met via telemedicine during a peacetime emergency declared by the governor and until 60 days after it ends (Art. 2, Sec. 32);
- temporarily — during a peacetime emergency declared by the governor, and until 60 days after it ends — allowing pharmacists to change patients' medications to a therapeutically equivalent drug, should the prescribed medication be unavailable due to a shortage caused by the COVID-19 pandemic (Art. 2, Sec. 33); and
- providing that age-related macular degeneration will not be added as a qualifying medical condition for the state's medical cannabis program (Art. 1, Sec. 16).

Notable provisions, effective Aug. 1, 2020, include language that will:

- authorize pharmacists to prescribe self-administered hormonal contraceptives, nicotine replacement medications, and opiate antagonists used for acute opioid overdoses (Art. 2, Secs. 2, 19-21, 23, 25, 28-29);
- eliminate unnecessary administrative barriers that impede physician's assistants' ability to practice in Minnesota (Art. 2, Secs. 3-17, 27);
- require health care providers to give patients their own health information and records within 30 days of a written request (Art. 1, Sec. 10);
- permit, rather than require, medical cannabis manufacturers to operate eight distribution facilities in the state (Art. 1, Sec. 12);
- require the Department of Health to conduct at least one unannounced inspection of each medical cannabis manufacturer per year until a state-centralized, seed-to-sale system is implemented (Art. 1, Sec. 12);
- allow telemedicine evaluations to suffice for prescribing drugs for the treatment of erectile dysfunction (Art. 2, Sec. 22);
- add advanced practice registered nurses and podiatrists to the list of providers who can prescribe prosthetic and orthotic devices (Art. 4, Sec. 115);
- require health carriers to reimburse multi-step dental procedures, even if the entire procedure is not completed because the patient moves, doesn't show up, changes coverage or loses coverage (Art. 3, Sec. 31);
- allow Medical Assistance to pay for services for persons who have been screened for breast or cervical cancer through a wider array of programs (Art. 3, Sec. 23);
- clarify that Medical Assistance may cover medical services that are unrelated to clinical trials (Art. 3, Sec. 28);

- include tribal identification cards as a valid form of identification for accessing both an urgent-need 30-day supply of insulin and the ongoing manufacturer patient assistance program (Art. 3, Sec. 37);
- authorize pharmacists to administer COVID-19 vaccines when one becomes available (Art. 2, Sec. 20);
- add new controlled substances to state's list of Schedule I and II controlled drug schedules (Art. 5, Secs. 1-3); and
- allow patients receiving veteran's disability or railroad disability to pay a reduced fee when enrolling in the state's medical cannabis program (Art. 1, Sec. 13).

Other provisions in the new law delete obsolete language, repeal obsolete sections, incorporate federal requirements into state law, and correct drafting errors.

The language of the law was originally passed by the House and Senate as HF3727/SF3560*. But on the last day of session it was moved to a carrier bill, for final passage technically sponsored by Rep. Hunter Cantrell (DFL-Savage).

HF2715/SF13*/CH115

Health and Human Services

2020 Special Session

Extension to health and human services program changes made law

A law that took effect June 24, 2020 extends health and human services program waivers and modifications made in response to the COVID-19 pandemic is intended to both ease social service agencies back into their regular operating procedures and allow the state to consider long-term improvements.

Sponsored by Rep. Tina Liebling (DFL-Rochester) and Sen. Jim Abeler (R-Anoka), these extensions will mostly go into effect when the COVID-19 peacetime emergency declared by Gov. Tim Walz expires.

Extensions needed for the state to meet federal requirements and receive full federal funding will remain in effect as long as necessary to remain in federal compliance. These include:

- measures intended to preserve health care coverage for people on Medical Assistance and Minnesota Care;
- changes to the Supplemental Nutrition Assistance Program;
- elimination of cost-sharing for COVID-19 diagnosis and treatment; and
- changes to the eligibility period for the Refugee Cash Assistance Program and Refugee Social Services Program, which are federally funded.

Other waivers and modifications are being considered for long-term adoption and will be extended until June 30, 2021, allowing the Legislature to see what sort of effect they have over a longer period of time. These include measures that will:

- expand and provide flexibility to telemedicine services, including those used to provide mental health services in schools;
- allow flexibility for the oversight of personal care assistance services and housing licensing requirements;
- partially waive county costs when discharges from Department of Human Services-operated psychiatric hospitals are delayed due to COVID-19;
- expand remote home and community-based services waiver services;
- authorize the use of telemedicine for patient assessments and consultations in the medical cannabis program;
- modify certain requirements for early intensive developmental and behavioral intervention services; and
- modify certain licensing and certification requirements for substance use disorder treatment and mental health centers, including requirements for when clients and staff have tested positive for COVID-19.

The law also appropriates \$1.14 million from the federal coronavirus relief bill to extend a provision that increases the length of time people can be away from their home while remaining eligible for state-funded housing support.

This would accommodate COVID-19-related hospital stays, and ensure people have a safe place to be discharged to. Though the extension will only run through Dec. 30, 2020 because that is how long the federal funding will be available.

Additional extensions will create a “ramp-down period” for service providers – including counties and tribes – to prevent backlogs and ensure continued access.

These will remain in effect for up to 60 days after the end of the peacetime emergency in order to transition the affected programs into operating normally and include all waivers or modifications not otherwise accounted for.

SSHF105*/SSSF99/SSCH7

Health and Human Services

2020 Special Session

Omnibus health and human services law includes foster care, disability services improvements

The omnibus health and human services law contains a wide range of provisions related to child care, custody, support, foster care, disability services, community supports, civil commitment, maltreatment of minors, child protection and child support.

Sponsored by Rep. Rena Moran (DFL-St. Paul) and Sen. Jim Abeler (R-Anoka), the law addresses the goals of the House and Senate in a comprehensive way, but does not touch on health care initiatives. Those were carried in a separate piece of legislation that became law during the regular session.

The law took effect June 19, 2020, unless otherwise noted.

Notable provisions in the new law include language that will:

- call for all children entering foster care to receive prenatal alcohol exposure screenings (Art. 2, Sec. 9);
- require students in foster care to remain enrolled in their prior school unless it is determined that doing so is not in their best interest (Art. 1, Sec. 4);
- require students in foster care to be enrolled in a new school within seven days if they change schools (Art. 1, Sec. 4);
- require agencies to arrange phone calls between parents and foster parents to better improve coordination of care, unless doing so would put the child or foster parents in danger (Art. 1, Sec. 17);
- provide an extension to the adult foster care moratorium exception that allows certain facilities to have a fifth bed (Art. 2, Sec. 2);
- allow military child care providers to receive funding from the state’s child care assistance program (Art. 1, Sec. 5);
- extend an exception that will allow families to participate in “the first three years of life demonstration project” without being financially penalized (Art. 1, Sec. 19);
- require that direct support staff working with people with disabilities receive sexual violence prevention training during orientation (Art. 2, Sec. 6);
- remove reporting requirements for physicians providing prenatal care to a patient struggling with substance abuse (Art. 7, Sec. 31);
- allow cars to be considered “assets” for participants in the Minnesota family assets for independence initiative (Art. 1, Sec. 15);
- modify service planning meeting requirements for people entering home and community-based services (Art. 4);
- update the chapter governing civil commitment to better reflect how civil commitments work (Art. 6);
- expand the number of children eligible to receive respite care grants (Art. 5, Sec. 3);
- permit any minor living apart from their parent or legal guardian to consent to receive homeless youth and sexually exploited youth services (Art. 5, Sec. 59);
- allow tribes and counties to enter into written agreements that will clarify their responsibilities in handling maltreatment reports involving American Indian children (Art. 5, Sec. 66); and
- recodify statutes relating to maltreatment of minors.

The law will also make clarifications, technical corrections, conforming and technical changes, update terminology and definitions, and address consistency issues in current law.

SSHF11*/SSSF9/SSCH2

Health and Human Services

\$200 million to aid health care providers in fight against COVID-19

The Legislature's second law intended to address the COVID-19 pandemic will provide \$200 million for health care providers in need of support.

The law, effective March 18, 2020, is sponsored by Rep. Tina Liebling (DFL-Rochester) and Sen. Michelle Benson (R-Ham Lake) and will create two funding pools:

- \$50 million for the state's public health response contingency account, which has rules built in that will allow the money to get where it's needed quickly; and
- \$150 million to create a health care response fund in the state treasury, which will be used to make grants. Any money left over on Feb. 1, 2021 will be returned to the General Fund and the section will sunset on June 30, 2022.

Both will be accessible by care providers including hospitals, clinics, pharmacies, nursing facilities, health care facilities, ambulance services, and settings in which assisted living services or health care services are provided.

The funds can be used to help plan, prepare for, and respond to COVID-19 in a range of ways, including:

- establishment and operation of temporary sites to provide testing services, treatment beds, or to isolate or quarantine affected people;
- temporary conversion of space;
- staff overtime, the hiring of additional staff, and training or orientation;
- consumable protective or treatment supplies and equipment;
- development and implementation of screening and testing procedures;
- patient outreach;
- emergency transportation of patients;
- specialty cleaning supplies;
- temporary systems to support patient triage, screening, and telemedicine activities;
- the purchase of replacement parts and filters for equipment;
- expenses related to the isolation or quarantine of staff; and
- for other expenses that, in the judgment of the commissioner, cannot reasonably be expected to generate income after the outbreak ends.

If proposed expenditures from the health care response fund exceed \$1 million, they will be reviewed by the Legislative Advisory Commission.

Money from the \$150 million fund will also be used by the Department of Health to administer the grant program, and can be used to establish temporary testing sites, if no eligible health care providers are capable of doing so.

Grants will be prioritized based on several factors including statewide and regional needs, as well as individual institution's ability to access other funding.

They can only be accepted under the condition that providers agree not to bill uninsured patients for the cost of screening, testing, or treatment of COVID-19. They will also be required to accept the median network rate as payment in full, and not bill patients any amount in excess of the in-network cost-sharing provider rate.

These conditions will remain in effect until Feb. 1, 2021, and the department will report to the Legislature on the grants issued by Jan. 15, 2021.

Providers who receive funding from non-state sources will be required to report that funding and could be required to pay some, or all of the state funding back to the General Fund.

The law will also temporarily allow patients' homes to count as an "originating site" for telemedicine services, which are currently limited to clinics.

HF3980/SF4334*/CH70

Health and Human Services

New law makes range of health board changes

A new law will make it easier for retired health care workers to return to work during a peacetime emergency – like the COVID-19 pandemic – and institute a range of other updates and clarifying and technical changes to statutes governing health occupations regulated by the Board of Medical Practice, Board of Occupational Therapy Practice, Board of Social Work Practice, and Board of Dentistry.

Sponsored by Rep. Kelly Morrison (DFL-Deephaven) and Sen. Carla Nelson (R-Rochester), the law is effective Aug. 1, 2020, unless otherwise noted.

The law will permit the payment of retirement annuities if the retiree is hired or rehired by a public employer as a health care worker on or after the effective date of a declaration of a peacetime emergency. This would ensure that retirees are not financially penalized for helping to address the state's workforce needs during a crisis. This section took effect May 13, 2020.

The new law will also:

- remove unnecessary criminal background check fees for health professions regulated by the Board of Medical Practice, including physician assistants, acupuncturists, respiratory therapists, traditional midwives, and genetic counselors;
- update scope of practice for occupational therapists licensed by the Board of Occupational Therapy Practice;
- make clarifying and technical changes to statutes regarding occupational therapy licensure applications and renewal requirements;
- convert the license renewal cycle for occupational therapy licensees to a two-year cycle based on birth month;
- allow for licensure by endorsement – not just by examination – for licensed graduate social workers, licensed independent social workers and licensed independent clinical social workers;
- update statutes governing the Board of Social Work Practice to more explicitly define topics to be covered by "continuing education social work ethics," including cultural awareness and social diversity; and
- modify the requirements for dental professionals to display licensing and renewal certificates.

The law will also require the Board of Social Work Practice to have at least five members – out of 10 – who are members of a community of color or an underrepresented community. Under previous law, the requirement that was five board members "be persons with expertise in communities of color."

HF3028/SF2939*/CH79

Health and Human Services

Policy provisions take center stage in fourth COVID-19 response package

A new law focused on policy issues related to the COVID-19 pandemic covers a range of areas including civil law, transportation, taxes, and health and human services.

Sponsored by House Majority Leader Ryan Winkler (DFL-Golden Valley) and Senate Majority Leader Paul Gazelka (R-East Gull Lake) it is the fourth law to address the COVID-19 pandemic.

Effective April 16, 2020, the law will add an additional \$1.25 million to a fiscal year 2020 appropriation to reimburse Second Harvest Heartland for the purchase of milk and protein products, including meat, dry legumes, cheese, and eggs.

It will also strengthen the Department of Health's temporary emergency authority, allowing it to delay, waive, modify, or issue variances to some state laws, and providing related reporting requirements.

The law limits the department to actions necessary for preparing for, preventing, and responding to the COVID-19 pandemic, but provides the flexibility needed to respond quickly in the face of constant change and rapid developments.

Furthermore, the Health Department can establish temporary alternative health care facilities by suspending some compliance and regulatory standards to allow for nontraditional spaces to be used. Consultation on state building code issues will be required with the commissioner of labor and industry as needed to safely establish and regulate beds.

The facilities will be enrolled as Medical Assistance providers.

Policy changes intended to make telemedicine services more functional and accessible will require health carriers to provide coverage for those services and prohibit them from denying coverage based on the mechanism or platform used to deliver services.

Supervised mental health practitioners and respiratory therapists will be eligible to provide telemedicine services, and the law expands the definition of “telemedicine services” to include phone conversations, which would likely be more comfortable for older, less tech-savvy patients.

The law includes other policy provisions that will, during the peacetime emergency:

- clarify that Medical Assistance is available for uninsured individuals for the testing and diagnosis of COVID-19;
- provide Medical Assistance coverage for diagnostic products used for identifying COVID-19;
- extend out-of-state commercial driver’s licenses for new Minnesota residents;
- allow the Department of Public Safety to issue commercial driver’s licenses without immediately administering eye exams and taking in-person photographs;
- require reports from the Metropolitan Council and Department of Transportation about the use of any temporary powers during the emergency;
- allow local registrars to accept electronic filings, mailed or faxed marriage licenses and allow examination of the parties under oath using audio or video;
- temporarily allow nonconforming wills to be probated if execution defects are shown to be harmless by clear and convincing evidence;
- suspend the running of statutory deadlines that govern district and appellate court proceedings;
- permit a child support obligor to file a motion contesting the May 1, 2020, cost-of-living adjustment until June 30, 2020; and
- delay the enforcement of certain debts secured by agricultural property, such as foreclosing a mortgage, by extending the mediation period under the Farmer-Lender Mediation Act.

The Department of Revenue will be given broader discretion in "posting" bars, restaurants and other businesses that serve beer, wine or liquor for being delinquent on their taxes. Posting is a punitive measure that prohibits liquor wholesalers from delivering to businesses until their taxes are paid up. Such discretion will continue through four months after the expiration of the governor's executive order closing bars and restaurants.

Another provision – updating a law passed last year – will allow members of a public body, such as a city council, to remotely participate in meetings from locations not accessible to the public up to three times per year, if the participant has been advised against being in a public space by a medical professional.

This allowance will only apply during a declared state of emergency, and for up to 60 days after that emergency declaration has ended, but is not limited to the COVID-19 crisis.

The law also contains a handful of policy provisions unrelated to COVID-19, a series of technical changes and corrections, and forecast adjustments that will bring Department of Human Services’ appropriations for fiscal years 2020 and 2021 into conformity with the 2020 February Forecast.

HF4556*/SF4462/CH74

Health and Human Services

Age to purchase tobacco now 21 years old

Anyone looking to buy tobacco products in Minnesota will have to be at least 21 years old to do so under a new law.

This includes e-cigarettes, which have become incredibly popular amongst teenagers and nearly erased two decades of progress in limiting tobacco use. Increasing the legal purchasing age is intended to interrupt the cycle of addiction.

Rep. Heather Edelson (DFL-Edina) and Sen. Carla Nelson (R-Rochester) sponsor the law, which brings the state into line with federal statute. A statewide approach is intended to address confusion for retailers as well as law enforcement. The law takes effect Aug. 1, 2020.

In addition to changing the legal age for purchasing tobacco and tobacco products, the law will:

- make people liable to administrative penalties for giving or otherwise furnishing tobacco products to underage people, in addition to selling them;
- include a wider range of tobacco and nicotine delivery products, including e-cigarettes;
- increase penalties for stores that sell to underage people and allow licenses to be revoked for a third or subsequent violation;
- eliminate the petty misdemeanor for underage people who possess tobacco or purchase it with a fake I.D. and
- require alternative civil penalties for underage people who purchase tobacco products, which can include tobacco-cessation programming and community service, but not fines or monetary penalties.

The new law will make selling or giving tobacco to an underage person a petty misdemeanor for the first violation – a lower penalty than the misdemeanor in previous statute. Penalties for subsequent violations will be lowered from gross misdemeanors to misdemeanors.

Under the law, a first violation by a retailer will result in a \$300 penalty, a second violation will cost \$600, and later violations within 36 months of the initial violation will cost \$1,000.

Previously, the penalties for retailers were, respectively, \$75, \$200, and \$250 for violations within 24 months of the initial violation.

HF331*/SF463/CH88

Health and Human Services

Insulin safety net program established

Diabetics will be able to get affordable insulin on both an emergency and long-term basis as part of the Alec Smith Insulin Affordability Act.

Under a new law, most manufacturers of insulin will be required to establish procedures to make insulin available to eligible individuals who are in urgent need of insulin or need access to an affordable insulin supply. This must be done by July 1, 2020.

Beginning on that date, diabetics with less than a seven-day supply of insulin readily available and who need the drug “in order to avoid the likelihood of suffering significant health consequences” will pay no more than \$35 to get a 30-day supply from a pharmacy.

To get insulin, people would need to present a filled out an application created by MNsure and attest to eligibility requirements. A requestor must also have a valid prescription and show proof of Minnesota residency with an identification card, driver's license or permit.

Upon receipt of the application, a pharmacist is to dispense a 30-day supply of prescribed insulin and notify the practitioner who issued the prescription no later than 72 hours after the insulin is dispensed. Insulin manufacturers will either reimburse pharmacies for the cost of emergency insulin or replace the insulin provided to patients.

Each manufacturer will also be required to create a patient assistance — or continuing safety net — program available to an individual who:

- is a Minnesota resident with a valid Minnesota identification card, driver's license, or permit;
- has a family income equal to or less than 400 percent of the federal poverty guidelines;
- is not be enrolled in Medical Assistance or MinnesotaCare;
- is ineligible to receive health care through a federally funded program or receive drug benefits through the Department of Veterans Affairs; and

- is not enrolled in drug coverage through an individual group plan that limits cost-sharing (including copayments, deductibles, or coinsurance) for a 30-day supply of insulin to \$75 or less, regardless of the type or amount of insulin.

Someone enrolled in Medicare Part D is eligible for an assistance program if they’ve spent at least \$1,000 on prescription drugs in the current calendar year.

Under the program, someone can receive up to a 90-day supply of insulin from manufacturers. Insulin is provided on an ongoing basis for the 12-month eligibility period and eligibility for the program may be renewed. The safety net provision expires Dec. 31, 2024, unless the Legislature determines it should continue.

Per the law, “The pharmacy may collect a co-payment from the individual to cover the pharmacy’s costs for processing and dispensing in an amount not to exceed \$50 for each 90-day supply if the insulin is sent to the pharmacy ... a manufacturer may send the insulin as ordered directly to the individual if the manufacturer provides a mail order service option.”

Manufacturers with annual gross revenue of \$2 million or less from insulin sales in Minnesota will be permitted to request a waiver to be exempt. An insulin product is exempt from the law if the wholesale acquisition cost is \$8 or less per milliliter or applicable National Council for Prescription Drug Plan billing unit, for the entire assessment time period, adjusted annually by the consumer price index.

The law allows the Board of Pharmacy to assess administrative penalties for each month of noncompliance. Manufacturers that fail to comply with the law would face up to \$3.6 million in fines the first year; \$7.2 million the second.

Annual program reports are due to the Board of Pharmacy and the Legislature.

MNsure is to conduct a public awareness campaign related to the insulin safety net program. The law appropriates \$250,000 from the Health Care Access Fund in fiscal year 2020 for the campaign.

Among the other \$509,000 in 2020-21 biennial funding, the law appropriates \$76,000 in fiscal year 2021 from the fund for the Board of Pharmacy to implement the insulin safety net program.

Nicole Smith-Holt and James Holt pushed the Alec Smith Insulin Affordability Act after their son, Alec, died in 2017 at age 26 after rationing his insulin to get to payday. Smith had \$1,000 in his bank account, but needed \$1,300 to get insulin. His story put skyrocketing insulin costs in the national spotlight.

Most provisions of the act are effective April 16, 2020, with three information provisions to take effect July 1, 2020.

Rep. Michael Howard (DFL-Richfield) and Sen. Scott Jensen (R-Chaska) are the sponsors.

HF3100*/SF3164/CH73

Health and Human Services

2020 Special Session

CCAP reimbursement rates get boost from new law

The Child Care Assistance Program will have its reimbursement rate boosted for those who provide care for low-income children.

The program provides subsidies that allow these children to access early childhood opportunities while their parents are working or in school.

Sponsored by Rep. Dave Pinto (DFL-St. Paul) and Sen. Michelle Benson (R-Ham Lake), a new law will adjust the reimbursement rate to be set at the 25th percentile based on the 2018 child care provider rate survey administered by the Department of Human Services.

Under current law, the state’s reimbursement rate for providers is set at the 25th percentile based on the 2011 survey.

The change would bring the state into federal compliance, avoiding financial penalties, and free up federal funds available for the program that must be spent within three years.

The law is effective Sept. 18, 2020.

Increased costs would be paid for through a surplus of federal Child Care Development Block Grant funds, with \$20.44 million allocated in fiscal year 2021, \$32.72 million allocated in fiscal year 2022, and \$32.65 million allocated in fiscal year 2023.

SSH41*/SSSFnone/SSCH9

Higher Education

Higher education policy law changes aim to circumvent closure crises

With an increasing number of for-profit career schools in Minnesota closing in recent years, the Office of Higher Education has been given greater power to take action against schools that seem to be in danger of closure.

Such measures are part of the omnibus higher education policy law. Sponsored by Rep. Connie Bernardy (DFL-New Brighton) and Sen. Paul Anderson (R-Plymouth), it takes effect Aug. 1, 2020.

The Office of Higher Education — which oversees the state’s financial aid programs — will have expanded power to revoke, suspend or refuse to renew a school’s registration or licensure, or its participation in state financial aid programs. The law also:

- requires degree-granting schools to establish a process for student complaints;
- denies a religious exemption from Office of Higher Education (OHE) regulation if the school engages in misleading or fraudulent advertising;
- allows the OHE to collect a fee from postsecondary institutions for participation in the Statewide Authorization Reciprocity Agreement, and increase renewal registration fees; and
- permits the OHE to suspend or revoke the registration of a school that does not have enrollment within two years of registering.

The office will also have a Student Advisory Council that includes a member elected by students in private career schools; have the ability to prohibit schools receiving state financial aid from withdrawing a student from class or suspending them due to an unpaid student account balance; and allow students to receive prorated tuition upon canceling participation in a private career school’s programs.

The new law also contains provisions under which the Office of Higher Education will:

- consult with a newly formed Tribal Nations Education Committee;
- expand eligibility for its Child Care Grant program;
- modify the state’s student loan forgiveness program for those teaching in areas with teacher shortages, and assign the Professional Educator License and Standards Board the responsibility to define teacher shortage areas;
- establish loan limits for the state’s student loan program;
- expand the Large Animal Veterinarian Loan Forgiveness Program; and
- offer specific religious exemptions for degree-granting schools.

The Office of Higher Education will also collaborate with the Department of Education on evaluating concurrent enrollment programs — through which high school students attend college classes — and set an annual goal for the percentage of Minnesota high school seniors completing the Free Application for Federal Student Aid (or FAFSA).

The law also makes changes to the state’s 529 college savings plans to conform state law to changes in federal law that permit:

- apprenticeship program expenses;
- student loan payments for the beneficiary or the beneficiary’s sibling; and
- rollovers to “Achieving a Better Life Experience” (or ABLE) accounts.

It also adds to sexual assault campus law a definition of an “incident.”

HF3392/SF3683*/CH109

Housing

Modular home definition modified in new law

A new law sponsored by Rep. Peter Fischer (DFL-Maplewood) and Sen. Rich Draheim (R-Madison Lake) will modify the definition of “modular home” to include two-family residences.

It will also change an annual payment deadline for manufactured home park owners related to the manufactured home relocation trust fund from Nov. 30 to Oct. 31.

The law takes effect Aug. 1, 2020.

HF3625/SF3443*/CH99

Local Government

2020 Fifth Special Session

Engrossment error fixed to Polk County money transfer law

A new law fixes an engrossment error to a law passed in the 2020 regular session that allows the Polk County Law Library to transfer money in reserve to Polk County for improvements to the county courthouse.

Sponsored by Rep. Sandy Layman (R-Cohasset) and Sen. Justin Eichorn (R-Grand Rapids), the law, retroactively effective Aug. 1, 2020, gives the library, through its trustees, the ability to transfer up to half the money in its fiscal reserve, to a maximum of \$150,000. The money will be used to defray “technological improvements” at the courthouse.

In order for the transfer to take place, the trustees must determine the reserve is projected to have enough money to sustain the library’s operations for more than five years.

In addition, the law allows Harris Township to attach a piece of unorganized territory to the township. Because the territory has fewer than 20 voters, legislative action is required. This section takes effect upon local approval.

SSHF25/SSSF5*/SSCH1

Local Government

Polk County courthouse improvements could be funded by new law

The Polk County Law Library may transfer money in reserve to Polk County for improvements to the county courthouse, under a new law.

Sponsored by Rep. Sandy Layman (R-Cohasset) and Sen. Justin Eichorn (R-Grand Rapids), the law, effective Aug. 1, 2020, gives the library, through its trustees, the ability to transfer up to half the money in its fiscal reserve, to a maximum of \$150,000.

In order for the transfer to take place, the trustees would have to determine the reserve is projected to have enough money to sustain the library’s operations for over five years.

The transferred money will be used to defray “technological improvements” to the courthouse.

HF3804/SF3745*/CH117

Local Government

North Branch can expand public utilities commission

A new law will allow the city of North Branch to increase the number of members on its Public Utilities Commission to five.

Sponsored by Rep. Anne Neu (R-North Branch) and Sen. Mark Koran (R-North Branch), the law also requires terms for the additional members to be staggered and set in accordance with the commission’s bylaws. Once the commission has five members, no more than two may also serve on the city council.

The law is effective the day after local approval and necessary filings are made with the Office of the Secretary of State.

HF3242/SF3020*/CH102

Public Safety**Model policy on eyewitness identification required**

Sponsored by Rep. Dave Pinto (DFL-St. Paul) and Sen. Bill Ingebrigtsen (R-Alexandria), a new law requires the Minnesota Peace Officer Standards and Training Board to create a model policy for eyewitness identification by Nov. 1, 2020.

Law enforcement agencies throughout the state must adopt the POST Board model policy or one “substantially similar to the model policy” by Feb. 1, 2021.

The law states that the POST Board model policy must require that:

- a person administering a live or photographic lineup be unaware of the suspect’s identity, or if that is not practical, the administrator use a photographic lineup that prevents the administrator from seeing which member of the lineup is being viewed by the eyewitness at a given time;
- before the procedure, the eyewitness be instructed that the perpetrator may or may not be in the lineup;
- non-suspect “fillers” used in the lineup be substantially similar to the eyewitness’ description of the perpetrator; and
- immediately after an identification is made, the eyewitness provide a statement in his or her own words that articulates the level of the eyewitness’ confidence in the identification.

The law takes effect Aug. 1, 2020.

Nothing in this new law prohibits the admission of relevant evidence or otherwise changes the standards governing the admissibility of evidence.

HF627*/SF1256/CH90

Public Safety**Penalties for drones over prisons part of omnibus public safety law**

Later this summer, someone operating an unmanned aerial vehicle, or drone, in the airspace above a state prison or other Department of Corrections’ property will be charged with a misdemeanor. Doing so to record images or to introduce unauthorized items into a prison will make the misdeed a gross misdemeanor.

The provision is one aspect of the omnibus public safety and corrections policy law. Sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove), it takes effect Aug. 1, 2020, unless otherwise noted.

Part of the law will give conservation officers the same DWI arrest authority as other peace officers.

Under current law, DNR conservation officers only have the authority to enforce provisions of the DWI chapter against individuals who are hunting while under the influence, or while operating off-road recreational vehicles or motorboats.

The law also:

- requires the Corrections Department to provide a reasonable number of free feminine hygiene products, including sanitary napkins and tampons, to female inmates, and develop a written policy to implement the process;
- changes the formula the Corrections Department uses to charge counties to house male juvenile inmates at its Red Wing facility and of juvenile females committed to the department;
- changes from “counseling” to “cultural programming” the description of services the Corrections Department must develop for American Indian inmates in all correctional facilities and community-based correctional programs;
- requires certain contractors to undergo criminal background checks before they can access the state’s Criminal Justice Data Communications Network;
- effective May 28, 2020, eliminates through calendar year 2020 local match requirement for Youth Intervention Programs’ grants to community programs that have had to suspend or severely limit their programming in response to the COVID-19 peacetime emergency; and

- repeals an obsolete provision related to juvenile offender reimbursement and a redundant provision related to the Ramsey County Community Corrections Department.

HF3391/SF3258*/CH110

Public Safety

2020 Second Special Session

Police reform, accountability changes focus of new law

Since the Memorial Day death of George Floyd while in Minneapolis police custody, calls have grown louder for altering how peace officers perform their duties.

A new law implements many changes.

Sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove), the law, in part, makes changes to police training, use of force and accountability. It also strengthens transparency and community oversight.

It takes effect Aug. 1, 2020, unless otherwise noted.

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Operating procedures

Effective July 24, 2020, the law will prohibit a peace officer from using a chokehold, tying a person's limbs together behind their back to render the person immobile; and securing someone in any way that results in transporting the person face down in a vehicle.

A chokehold is defined as “a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Chokehold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.”

The law also clarifies that “a peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another.” This is effective March 1, 2021.

Law enforcement agencies will no longer permitted to provide warrior-style training, directly or through a third party, to a peace officer. The law defines such training as “training for peace officers that dehumanizes people or encourages aggressive conduct by peace officers during encounters with others in a manner that deemphasizes the value of human life or constitutional rights, the result of which increases a peace officer's likelihood or willingness to use deadly force.”

If physically or verbally able to do so, an officer will be required to intervene when another officer uses excessive force. A peace officer observing excessive use of force “has the duty to report the incident in writing within 24 hours to the chief law enforcement officer of the agency that employs the reporting peace officer.”

An agency's chief law enforcement must submit a monthly report to the Bureau of Criminal Apprehension with information related to each use of force incident that resulted in serious bodily harm or death.

An independent Use of Force Investigations Unit will be established in the Bureau of Criminal Apprehension to conduct officer-involved death investigations, investigate conflict of interest cases involving peace officers and investigate criminal sexual conduct cases involving peace officers, including cases involving chief law enforcement officers. This unit expires Aug. 1, 2024.

Arbitration

Arbitrators act as a final decision maker in discipline-related grievance cases covered by collective bargaining agreements made between employers and unions representing peace officers; however, supporters say there have been issues with the process because a fired peace officer has too often gotten their job back through the arbitration process.

Currently, if the parties cannot agree on an arbitrator, both sides are given a list of independent arbitrators and can eliminate the arbitrators they don't agree with on a grievance case until one name remains. Effective with collective bargaining agreements covering peace officers negotiated on or after July 24, 2020, and for grievance arbitrations heard on or after Sept. 1, 2020, the law creates an arbitrator selection procedure that will require the Bureau of Mediation Services to “appoint a roster of six persons suited

and qualified by training and experience to act as arbitrators for peace officer grievance arbitrations.” The bureau will appoint an arbitrator from the roster to a case; neither the officer nor employer will be involved in choosing the arbitrator. (Secs. 5, 8, 10-11, 14, 22, 24)

Mental health

The legislation aims to provide better training for mental health and crisis intervention through the establishment of a critical incident stress management team that could include members from “any emergency service discipline, mental health professionals, and designated emergency service chaplains.” It will provide assistance to emergency service providers coping with stress and potential psychological trauma resulting from a critical incident or emotional event. Services could include consultation, risk assessment, education and intervention. Peace officers would also get more training for dealing with people in crisis and defusing volatile situations.

The law re-defines public safety peer counseling as “one or more sessions, led by a peer support counselor, designed to help an emergency service provider who experienced an occupation-related trauma, illness or stress, develop skills and strategies to better understand, cope with, and process emotions and memories tied to the trauma, illness, or stress.”

Data acquired by a critical incident stress team when providing services will be governed by data privacy laws related to peer counseling debriefing data. Information disclosed in a session cannot be used as evidence in a criminal, administrative or civil proceeding against the person being debriefed. (Secs. 1-4)

POST Board, other training

The Peace Officers Standards and Training Board regulates education, selection, licensing and training standards for the state’s more than 10,500 peace officers.

The law will create a 15-member Ensuring Police Excellence and Improving Community Relations Advisory Council “to assist the board in maintaining policies and regulating peace officers in a manner that ensures the protection of civil and human rights. The council shall provide for citizen involvement in policing policies, regulations, and supervision. The council shall advance policies and reforms that promote positive interactions between peace officers and the community.” This is effective July 24, 2020. (Sec. 15)

Additionally, the law will:

- expand POST Board membership from 15 members to 17 by appointing additional community members;
- require that any board subcommittee to investigate licensure actions have at least three voting members who are current or former peace officers and one voting member appointed from the public;
- require the board to create a centralized database of officer misconduct complaints;
- require the board by Sept. 1, 2020 to adopt a comprehensive use of force model policy to be implemented by every law enforcement agency;
- require autism awareness training for officers; and
- require the board to consult with the Human Services Department and other mental health stakeholders to create a list of approved training courses related to responding to mental health crisis and require officers to complete a minimum of six hours of training. (Secs. 12-13, 16-18, 21)

Other provisions in the law include:

- cities and counties can offer incentives for peace officers to be residents of the city or county they serve;
- effective March 1, 2021, legislative intent of the law is explained, including “the authority to use deadly force, conferred on peace officers ... is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life”;
- effective July 24, 2020, extend an appropriation for the Missing and Murdered Indigenous Women Task Force by six months to June 30, 2021;
- extending the task force until June 30, 2021 and making that the date by which the task force is to issue its final report to the Legislature; and
- extending until 2024 current training dollars (\$6 million per year) that support and strengthen law enforcement training and implement best practices. (Secs. 6, 9, 21, 25-28)

The bill has a \$7.26 million General Fund cost in fiscal year 2021, including nearly \$3.37 million to establish the Use of Force Investigations Unit in the Bureau of Criminal Apprehension, \$120,000 for the Bureau of Mediation Services for rulemaking, staffing, and other costs associated with peace officer grievance procedures, and \$8,000 to the BCA to implement autism training.

Effective July 24, 2020, there are four appropriations to the POST Board: \$3.5 million to create a database for officer misconduct complaints; \$145,000 to reimburse law enforcement agency crisis intervention and mental illness crisis training expenses for training; \$96,000 for costs associated with staffing the database that receives the public data required to be submitted to the board by law enforcement agencies; and \$23,000 for costs associated with providing office space, supplies, equipment and clerical support to the Ensuring Police Excellence and Improving Community Relations Advisory Council (Secs. 29-35).

SSHF1*/SSSF37/CH1

Public Safety

Drone use, search warrant changes included in omnibus data practices law

The omnibus data practices law changes five areas of Minnesota statutes, including law enforcement's drone use; the need for a search warrant and changes to publication criteria for court of appeals opinions.

Sponsored by Rep. John Lesch (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove), the law takes effect Aug. 1, 2020, unless otherwise noted.

Drone use by law enforcement

This law requires law enforcement agencies to obtain a search warrant for using an unmanned aerial vehicle — or drone — unless an exception applies, including:

- during, or in the aftermath of, an emergency;
- over a public event where there is heightened risk to the public;
- to counter the risk of a terrorist attack;
- to prevent the loss of life and property in natural or man-made disasters;
- to conduct a threat assessment;
- to collect information over a public area if there is a reasonable suspicion of criminal activity;
- for crash-reconstruction purposes; and
- for officer training or public relations purposes.

An unmanned aerial vehicle cannot be armed and the law prohibits the use of facial recognition technology and data collection at public protests unless authorized by a warrant. It requires a law enforcement agency to document each use of an unmanned aerial vehicle and to delete data collected within seven days unless the information obtained is part of an active criminal investigation.

Law enforcement agencies must, by Feb. 15, 2021, create a written policy for using create unmanned aerial vehicles. The policy must include a way for the public to comment on such usage.

Warrants for electronic communication data

A government entity will be required to obtain a search warrant prior to accessing electronic communication information, such as images, email and text messages from cell phones or other wired or wireless electronic communication devices. The law specifies that information gathering requiring a warrant includes the “precise or approximate location of the sender or recipients at any point during the communication.”

Exceptions are allowed if a person gives permission to a law enforcement agency to collect electronic data, or if “exigent circumstances exist where there is a danger to the life or physical safety of an individual.”

The law requires courts, within 90 days of unsealing an electronic warrant, to disclose to the subject of the warrant the nature and duration of the surveillance investigation and if electronic communication information was collected during the surveillance period.

Warrants for electronic location-tracking devices

Effective May 17, 2020, the law makes changes relating to court-issued warrants for electronic location-tracking devices, which have unique statutory restrictions and requirements.

One provision amends the statute concerning the sealing and disclosure of a warrant for wire, electronic, or oral communications to distinguish and exempt location-tracking warrants from the general requirements.

Another provision amends the statute concerning the sealing of a warrant for a pen register (an electronic device that records all numbers called from a particular telephone line), trap and trace device, or mobile tracking device to distinguish and exempt location-tracking warrants from the requirements relating to those other devices.

Scope of warrants for location-tracking expanded

Current law that prohibits a government entity from obtaining location information of an electronic device without a tracking warrant will be expanded to include “unique identifiers,” defined as any numeric or alphanumeric string associated with a single entity or account within an electronic communication application or service.

Publication criteria for court of appeals opinions

This new law removes a requirement that the court of appeals only publish decisions that establish a new rule, overrule a prior decision, provide important procedural guidelines in interpreting statutes or administrative rules, or significantly aid in the administration of justice.

It also removes requirements related to how attorneys may cite unpublished opinions in their legal briefs and memoranda.

HF3012/SF3072*/CH82

Public Safety

2020 Second Special Session

Police reform and accountability deadlines, funding tweaked

A police reform and accountability package that became law during a July special session received a few, largely technical, changes in an August special session.

Sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove), and effective Aug. 15, 2020, the law clarifies language and adjusts deadlines for when the Peace Officer Standards and Training Board must take action or require certain training. It also amends the purpose of a board appropriation.

The changes do not add or undo any provisions in the initial law.

The law does five things:

- extends the deadline for the first meeting of the newly created Ensuring Police Excellence and Improving Community Relations Advisory Council from Sept. 1, 2020, to Oct. 15, 2020 because members do not have to be appointed until Sept. 15, 2020;
- pushes back the annual start date when a chief law enforcement officer must submit certain alleged misconduct data to the POST Board from Jan. 15, 2021, to July 1, 2021, as the data system to receive that will not be ready until then;
- clarifies that in-service training in crisis intervention and mental illness crises, conflict management and mediation, and recognizing and valuing community diversity and cultural differences must be provided by an approved entity beginning July 1, 2021. It also clarifies that a peace officer with a license renewal date before June 30, 2022, and who received mandated training prior to July 1, 2021, will not be required to receive the training until the officer’s next three-year licensing cycle;
- due to logistical challenges, extends from July 2021 to July 2022 the date by which a person is ineligible to take the peace officer licensing examination unless the individual has received mandatory training for interacting with someone who has autism; and
- a \$145,000 allocation to the board in fiscal year 2021 can be used to staff and meet board requirements related to training in crisis intervention and mental illness crises, conflict management and mediation, and recognizing and valuing community diversity and cultural differences. Previously, the money was to reimburse law enforcement agencies for intervention and mental illness crisis training expenses.

SSHF2*/SSSF2/SSCH2

State Government

State's disaster contingency account receives \$30 million appropriation

To make the Disaster Assistance Contingency Account solvent and replenish it in the event of disruptive weather, a new law, effective March 18, 2020, appropriates \$30 million in fiscal year 2020 from the General Fund to the account.

Since its 2014 creation, the account has been funded each biennium 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.

In addition to providing money for uninsured damage to public infrastructure and response costs, it pays the nonfederal share of presidential declarations (25%) and funds the state share of gubernatorial declarations (75%).

Between 2018 and 2019 the state received three federal disaster declarations and had 16 gubernatorial disaster declarations. There were 1,400 applications for disaster relief assistance from cities, townships, counties and tribal governments, according to information from the Public Safety Department. These disasters have increased demand for funds and exhausted the account.

Sponsored by Rep. Gene Pelowski, Jr. (DFL-Winona) and Senate President Jeremy Miller (R-Winona), the funding will cover the projected \$3 million shortfall, provide \$20 million for anticipated spring 2020 disaster expenses, and provide \$7 million for disaster assistance for the remainder of the 2020-21 biennium.

HF3633/SF3564*/CH68

State Government

New law temporarily allows local governments to accept electronic filings

Towns, home rule charters, statutory cities and counties will temporarily be allowed to accept documents or signatures electronically, in the mail or by fax, during a peacetime public health emergency.

Sponsored by Rep. Mike Freiberg (DFL-Golden Valley) and Sen. Mary Kiffmeyer (R-Big Lake), a new law defines the emergency as “a peacetime emergency declared by the governor in an executive order that relates to the infections disease known as COVID-19.”

The filings that can be accepted include:

- planning and zoning applications and permits;
- land use documents;
- documents requiring a signature under section 326.03 of statutes;
- applications for birth and death certificates; and
- recording a notary commission.

The law is effective May 17, 2020 and will expire Jan. 6, 2021, or 60 days after the public health emergency ends, whichever happens sooner.

HF4605*/SF4525/CH92

State Government

Charter commission changes made under new law

The chief judge of a district now has 60 days to appoint, or reappoint, charter commission members thanks to a new law.

Prior to the change, if a chief judge did not make an appointment within 30 days, a city council could then do so, unless the judge notified the council during the first 30 days of an intention to make the appointment, which would then give the judge 60 more days to do so.

The law also makes modifications to the compensation provisions that govern charter commission expenses, including raising the limit from \$10,000 to \$20,000 in any one year.

Sponsored by Rep. Duane Sauke (DFL-Rochester) and Sen. David Senjem (R-Rochester), the law took effect May 17, 2020.

HF3483/SF3298*/CH87

State Government

2020 Fifth Special Session

Temporary real estate notary change made

Physically putting pen to paper in front of someone to buy property is temporarily halted.

Sponsored by Rep. Mike Freiberg (DFL-Golden Valley) and Sen. Mary Kiffmeyer (R-Big Lake), a new law will allow notarial acts related to real estate transactions to be conducted via video conference thereby reducing potential exposure to the coronavirus.

Supporters note the current electronic notarization process is cumbersome and does not allow notarial acts to be completed via video conference. Record-retention protections are included in the law.

It is effective Oct. 22, 2020, and expires Jan. 6, 2021.

SSHF15*/SSSF4/SSCH4

State Government

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.

Sponsored by Rep. John Lesch (DFL-St. Paul) and Sen. Ron Latz (DFL-St. Louis Park), the effective dates are dependent on the provisions needing clarification.

HF4044*/SF3948/CH83

State Government

New law modifies public employee retirement benefits

A new law makes technical and administrative changes to retirement plans for a number of public employees' groups.

Sponsored by Rep. Mary Murphy (DFL-Hermantown) and Sen. Julie Rosen (R-Vernon Center), the law provides a framework for cities to change retirement plans when they transition from a volunteer fire department to a full-time one.

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

- **authorizing new categories of investment for the State Board of Investment;**
- **allowing a municipality or independent nonprofit firefighting corporation to have its volunteer firefighters covered by the lump-sum portion of its retirement plan;**
- **allowing a Maplewood firefighter who was mistakenly not enrolled in the relief fund to receive credit for his period of service applied to his pension fund;**
- **increasing the maximum lump-sum pension payouts from volunteer firefighter relief associations from \$10,000 to \$15,000;**
- **allowing the allocation of state aid for certain firefighters' relief associations, including the city of Eagan;**
- **allowing the city of Brooklyn Park to dissolve its volunteer firefighter relief association retirement agreement and pay recipients;**
- **allowing the cities of Ramsey and Nowthen to modify their volunteer firefighters relief association benefit plans;**
- **providing a framework for volunteer firefighter relief associations to convert from defined benefit plans to defined contribution plans; and**

- providing an annuity rate extension for some participants in the MSRS Unclassified Plan.

HF3903/SF3808*/CH108

State Government

Law aims to help horse races to go on

Lawmakers approved legislation that is designed to help the state’s two live horse racing tracks — Canterbury Park and Running Aces — weather the COVID-19 pandemic.

Sponsored by Rep. Brad Tabke (DFL-Shakopee) and Sen. Eric Pratt (R-Prior Lake), and effective May 28, 2020, the law:

- allows the Minnesota Racing Commission to lower the number of racing days required to operate a card club due to circumstances beyond the licensee’s control;
- increases from 1% to 2% a regulatory fee imposed on amounts wagered by Minnesota residents with an authorized advance deposit wagering provider; and
- adds that money paid by a licensee to a horseperson’s organization can be used “for capital improvements and expense reimbursements specific to the operation of live racing at the licensee and beneficial to horsepersons racing at the licensee's facility.”

The law expires Dec. 31, 2021.

HF4597*/SF4504/CH111

State Government

Hair stylists and makeup applicators receive licensing exemption

Those who only provide hairstyling and makeup application services at certain types of special events, such as weddings, will no longer need to be licensed under the provisions of a new law that takes effect Aug. 1, 2020.

Sponsored by Rep. Shelly Christensen (DFL-Stillwater) and Sen. Karin Housley (R-St. Marys Point), the law will exempt hairstyling and makeup services from licensing by the Board of Cosmetology provided practitioners complete a four-hour course that covers health, safety, infection control and state law.

Proof of completion of such a course from a continuing education provider approved by the board would also be required.

The law defines hairstyling as: “the practice of cleaning, drying, arranging, or styling hair. It includes the use of hair sprays and topical agents, such as shampoos and conditioners. It also includes the use and styling of hair extensions and wigs.”

The law goes on to say the definition does not include applying dyes, bleach, reactive chemicals or other substances that color hair or alter its structure.

Makeup services are defined as “the application of a cosmetic to enhance the face or skin, including powder, foundation, rouge, eyeshadow, eyeliner, mascara, and lipstick. Makeup services includes the application of makeup applied using an airbrush. Makeup services does not include the application of permanent makeup, tattooing, or facial services.”

HF3202/SF2898*/CH106

State Government

Language governing State Register updated

Minnesota’s official publication of state government, the State Register, will receive an update to the laws governing its publication.

Sponsored by Rep. Duane Sauke (DFL-Rochester) and Sen. Mark Koran (R-North Branch), a new law reduces the number of copies of each issue that must be provided free of charge to the Legislative Reference Library from 10 to 1. An electronic copy must also be available through the State of Minnesota’s main website. A requirement that a copy be provided to a designated library in each

county throughout the stat is eliminated.

The law, effective Aug. 1, 2020, also changes the date when an annual report on the events held at the Capitol building and associated revenues is due from Aug. 1 to Sept. 1.

HF3356*/SF3296/CH93

Transportation

New law will help finish long-sought Highway 14 expansion

A loan agreement with the federal government could help facilitate the completion of long-sought improvements to a dangerous stretch of southern Minnesota highway.

The new law, effective March 18, 2020, authorizes the state to enter into a loan agreement with federal authorities — and creates a new account for loan repayment — in order to expand a stretch of U.S. Highway 14 between Nicollet and New Ulm from two lanes to four. It is the final un-widened stretch of the highway between the cities of New Ulm and Rochester, and will mark the culmination of a years-long effort by local officials and safety advocates along its route.

Sponsored by Sen. Nick Frentz (DFL-North Mankato) and Rep. Jeff Brand (DFL-St. Peter), the law dictates that fees from certain overweight or oversize vehicle permits will be placed in a special revenue account established under the law, and will be used to repay the loan.

In effect, the new legislation replaces a 2010 law that authorized the Department of Transportation to apply for a loan under the federal Transportation Infrastructure Finance and Innovation Act. The loan is not considered public debt.

HF3977/SF3878*/CH69

Transportation

Soon-to-expire driver's licenses get extension in omnibus transportation law

Additional Minnesotans whose driver's licenses are set to expire will get an extension to renew due to the ongoing COVID-19 pandemic.

The measure, part of the omnibus transportation law, extends a driver's license and state identification card expiration extension law enacted in March in response to the pandemic. It broadens that extension to include licenses and ID's that would expire in the month that follows the last month of a public health emergency period declared by the governor.

Also included in the law is a provision that will waive the a requirement to take a new photograph and complete a vision test if a driver's license applicant's name, address, signature, or driver's license number hasn't changed, and they aren't seeking a REAL ID or enhanced driver's license. That section of the law is effective upon implementation but no later than June 11, 2020, and applies to applications submitted on or before June 30, 2021.

Sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. Scott Newman (R-Hutchinson), the law is comprised of more two-dozen transportation-related measures in areas all across the state. Language took effect May 28, 2020, unless noted.

Other provisions included in the law are those that will:

- turn back portions of state highways to the county in Dakota and Stearns counties;
- modify the location to display various temporary permits (used for vehicle purchases, in conjunction with some expired plates, and for nonresidents who are transporting a vehicle out of state), to be affixed to the rear of the vehicle instead of in the rear window, and remove a requirement that dealers provide information on permit issuances to the Department of Public Safety. (These sections are effective the earlier of Jan. 1, 2021, or when the state's replacement motor vehicle title and registration information system is released.);
- allow new or used school buses being sold by a school bus dealer to be operated on public roads, following an interim inspection by the dealer for compliance with state law;
- set conditions for when escort vehicles and escort by peace officers are required to accompany a vehicle with a load that exceeds width or length limitations;

- direct the Office of the Legislative Auditor to perform a series of compensation studies and resulting legislative reports, to compare salaries and benefits across law enforcement agencies with those of the State Patrol;
- provide for a continued non-voting membership on the Driver and Vehicle Systems Oversight Committee for the person who served as chair of the Governor’s Blue Ribbon Council on Information Technology, after that council is dissolved;
- modify a 2019 turnback provision to revise the statutory route description instead of repealing it, the effect of which is to retain a trunk highway route in St. Paul and authorize a turnback for the segment of Legislative Route 112 in South St. Paul;
- direct MnDOT, the Department of Public Safety and the Metropolitan Council to each report to the Legislature on the use of federal funds appropriated to the state as part of the response to the COVID-19 health crisis. The report will be due annually by Feb. 15 until that funding is exhausted;
- direct school bus operators to use the pre-warning and stop signal systems on school buses when stopping on roads to deliver food or supplies to students during the COVID-19 emergency period; and
- pending local approval, authorize Aitkin County to centralize road and bridge fund tax proceeds collected in the county’s unorganized townships rather than keep separate accounts for each unorganized township, and use the funds in any unorganized township.

Provisions that take effect Aug. 1, 2020 will:

- allow drivers involved in a motor vehicle collision involving injury or damage to provide an email address in place of a residential address, and state that a driver’s license does not need to be shown to the other driver or drivers involved;
- create a separate optional identifier on driver’s licenses and state identification cards allowing the holder to indicate they have a mental health disorder;
- set owner notification requirements in order for a private road to be dedicated as public when it is continuously repaired or maintained as a public road for six years (applies to new work starting on or after Aug. 1, 2020);
- set standards, notification requirements, and a fee for some free-standing meteorological towers; and
- make a technical correction to the designation of the Specialist Noah Pierce Bridge.

HF462*/SF3522/CH100

Transportation
2020 Special Session

Replacement plate fee schedule set under new vehicle license and registration system

A fee schedule for certain replacement vehicle license plates under Minnesota’s new motor vehicle title and registration system has been established.

Rep. Frank Hornstein (DFL-Mpls) and Sen. Scott Newman (R-Hutchinson) sponsor the new law that will also make provisions for enhanced Minnesota driver’s licenses and IDs to indicate compliance with the federal Real ID law.

Under the law, fees for replacement dealer plates and replacement license plates for tax exempt vehicles are set at \$5.25. The fees become effective upon rollout of the new title and registration system, or Jan. 1, 2021, whichever is earlier.

The law also stipulates that enhanced Minnesota driver’s licenses and ID cards will be distinguished from standard licenses and ID cards by a gold star in the upper right-hand corner, which shows compliance with the federal REAL ID Act.

SSHF65*/SSSF10/SSCH3

Transportation
2020 Second Special Session

Online driver knowledge tests could help cut licensing backlog

A new law aims to erase a backlog of Minnesota drivers seeking to take driver’s license tests.

The Department of Public Safety’s Driver and Vehicle Services Division must implement online driver’s license knowledge testing, under the law sponsored by Rep. Connie Bernardy (DFL-New Brighton) and Sen. Karin Housley (R-St. Marys Point). This section takes effect the earlier of Nov. 1, 2020 or the date that required changes are implemented.

Division-licensed driver education programs, and other entities authorized by the department, will be given access to the web-based knowledge testing system. A fee for administering the tests is capped at \$10.

Supporters say allowing knowledge tests to be conducted online from deputy registrar offices, high schools, libraries and other authorized locations will enable the division to more quickly reduce the long wait times to take the driver’s license road test.

A report is due the Legislature by Jan. 1, 2021, including “a summary of the plan or plans implemented to address the class D and CDL road test backlogs during 2020 and a discussion on whether those plans were implemented, including whether any benchmarks or goals were achieved on time.”

The law also requires the Department of Public Safety to submit a report to the Legislature by Jan. 1, 2022 detailing the following:

- the number of online knowledge tests conducted;
- the number of locations providing online knowledge tests;
- a recommendation on whether the \$10 fee cap should be changed;
- recommendations on whether additional entities should be authorized to administer the web-based test;
- recommendations on whether driver education programs should be allowed to administer tests to individuals other than students of the program; and
- recommended legislative changes related to online knowledge testing.

The law also aims to eliminate locked-in testing times. Effective July 24, 2020, the department cannot “schedule or reserve recurring time with a public, private, or commercial driver education program for purposes of administering skills or road tests to a class D or commercial driver's license applicant.”

HF26/SF4*/CH2

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