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**Minnesota
House of
Representatives**
Margaret Anderson Kelliher, Speaker

FOR IMMEDIATE RELEASE

Date: June 23, 2010
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New Laws Effective July 1, 2010

The following is a listing of selected new laws passed during the 2010 legislative session that take effect July 1, 2010. The asterisk following the bill number denotes the language that became law. By early July, summaries of all laws passed by the 2010 Legislature will be available online from nonpartisan House Public Information Services at www.house.leg.state.mn.us/hinfo/Newlaws2010-0.asp

BUDGET

Budget law ratifies unallotments, erases shortfall

The only law passed during the Legislature's brief 2010 special session brings the state's budget into balance.

Sponsored by Rep. Lyndon Carlson Sr. (DFL-Crystal) and Sen. Richard Cohen (DFL-St. Paul), the law erases a projected \$3 billion shortfall through spending cuts and payment delays. It ratifies many of Gov. Tim Pawlenty's 2009 spending unallotments — with a few changes — and makes some additional health and human services cuts.

The law has various effective dates and some provisions are retroactive; however, there are some key provisions that take effect July 1, 2010:

- A statute is modified that previously required the state to withhold payments to school districts to reduce the need for short-term borrowing. Under the new law, Minnesota Management & Budget may withhold school aid payments in those circumstances. The law also raises the levels of cash reserves school districts must have on hand before the state can begin withholding payments from them.
- The Revenue Department is directed to delay refunds for overpayment of sales and corporate taxes, including capital equipment refunds. The result will be to push \$152 million in refunds that would otherwise have been paid in fiscal year 2011 into the next biennium.
- Payment rates for certain physician and professional services will be reduced by 7 percent, with the exception of certain areas, including primary care, preventative medicine and family planning services.
- The law delays the rebasing of hospital operating payment rates until fiscal year 2013, except for long-term care hospitals.

SSHF1*/SSSF1/CH1

BUSINESS

Body art licensure

A new law sets licensing standards for tattoo artists and body piercers, as well as body art establishments. It also specifies health and safety rules for sites, equipment and procedures, including requiring the use of single-use needles and ink. The law sets grounds for granting temporary licensure, denying licensure and conducting an emergency closure of an establishment.

In a change from current law, no tattoos may be provided to people under age 18, regardless of parental consent. Most piercings are allowed.

Body art technicians and the places where they work will need to be licensed by the Department of Health beginning Jan. 1, 2011.

Sponsored by Rep. Julie Bunn (DFL-Lake Elmo) and Sen. Yvonne Prettner Solon (DFL-Duluth), the law does not supersede municipal policies that meet or exceed the law's standards.

HF677/SF525*/CH317

Business screening services dissemination

Business screening services are private entities that collect, assemble, evaluate or disseminate criminal records on individuals for a fee.

Sponsored by Rep. Mary Liz Holberg (R-Lakeville) and Sen. Don Betzold (DFL-Fridley), the law clarifies that a business screening service can only share "a criminal record that reflects the complete and accurate record provided by the source of the data." The record has to have been updated within 30 days of receipt of information or has to have been verified as current by the data source within the previous 90 days. When disseminating a criminal record, the service must include the date the record was collected by the service.

The law also spells out that in an investigation as to the completeness of the record, a service must determine whether the record accurately reflects the content of the official government record. "If the disputed record is found to be sealed, expunged, or the subject of a pardon, the business screening service shall promptly delete the record."

HF3023/SF2322*/CH240

FAMILY

Guardian ad litem board creation

Oversight of a group that advocates for the best interests of children in protection and parental rights cases will change.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Mee Moua (DFL-St. Paul), a new law transfers the guardian ad litem function from the judicial branch to an independent board. State appropriations currently directed to the courts to oversee the program will also be transferred.

Modeled after the Public Defense Board, which supervises Minnesota's public defender system, the law aims to eliminate the conflict of interest between guardians, who represent the best interest of the child, and the court system, which pays for and appoints the guardian.

The seven-member board will be comprised of four gubernatorial appointees and three members appointed by the Supreme Court, one of whom must have former guardian ad litem experience. An active judge cannot serve, but a retired one can. Registered lobbyists cannot be appointed.

Guardian ad litem conduct an independent investigation to determine the facts relevant to the situation of a child and family, including observing the child in the home setting and considering the child's wishes. They then present written reports and recommendations concerning the child's best interests to the court.

HF2990/SF2880*/CH309

GOVERNMENT

Data practices complaint process

When a citizen files a data practices complaint against a state agency, it often takes months or years to resolve. A new law aims to speed up the process.

Sponsored by Rep. Gene Pelowski Jr. (DFL-Winona) and Sen. Don Betzold (DFL-Fridley), the law establishes a new process through the Office of Administrative Hearings when filing a complaint under the Data Practices Act.

Under the law, a person will file a complaint with the office, along with a \$1,000 filing fee. The complaint must be filed within two years after the occurrence of the act or failure to act that is the subject of the complaint. If the government entity concealed information and the act wasn't known about within the two-year period, the complaint must be filed within one year after the concealment is discovered.

A hearing, if needed, must occur within 30 business days of the involved parties being notified. An administrative law judge must: dismiss the complaint; find that an act or failure to act constituted a violation; impose a civil penalty against the respondent of up to \$300; issue an order to comply with the law violated; or refer the complaint for consideration of criminal charges.

A complainant who "substantially" prevails will be presumed to be entitled to an award of reasonable attorney fees up to \$5,000 and will be refunded the \$1,000 filing fee minus \$50.

HF2899*/SF2354/CH297

LAW

Transcribing DWI arrest not needed

Action seen or heard on a tape should be able to speak for itself. But that is not always the case in some Minnesota courts.

Sponsored by Rep. Steve Simon (DFL-St. Louis Park) and Sen. Leo Foley (DFL-Coon Rapids), a new law will clarify that a pretrial filing of a written transcript from an audiotape or videotape in a law enforcement vehicle is not a prerequisite for admission of that recording evidence in a DWI criminal trial or license revocation hearing. Simon said some courts have been reading into the law a requirement that is not there.

HF212*/SF333/CH231

MILITARY

Veterans of Foreign Wars Day

A new law designates May 28 as Veterans of Foreign Wars Day in Minnesota.

Sponsored by Rep. Jerry Newton (DFL-Coon Rapids) and Sen. Lisa Fobbe (DFL-Zimmerman), the law recognizes May 28 because it is the same day the Veterans of Foreign Wars was founded in 1899. The group was federally chartered by Congress on May 28, 1936.

HF2674/SF2475*/CH244

SAFETY

Who can draw blood for DWI

In an effort to expedite the process for police and the courts, a new law will allow medical personnel trained in a licensed hospital or educational institution to withdraw blood to determine the presence of alcohol, controlled substances or hazardous substances.

The current DWI statute limits who can draw blood for implied consent to a physician, medical technician, emergency medical technician-paramedic, registered nurse, medical technologist, medical laboratory technician, phlebotomist or laboratory assistant.

Supporters want it made clear that anybody who is qualified to take blood for DWI samples can do so. The law is sponsored by Rep. Kory Kath (DFL-Owatonna) and Sen. Kevin Dahle (DFL-Northfield).
HF2881*/SF2817/CH225

Predatory offender registration

Predatory offenders will be prohibited from listing homeless shelters as their primary or secondary address.

Under current law, if an offender registers as homeless, they are required to check in weekly with local law enforcement; however, by using the shelter as a primary or secondary residence, the offender does not need to check in weekly, even if they are not staying at the shelter.

Rep. Karla Bigham (DFL-Cottage Grove) and Sen. Linda Scheid (DFL-Brooklyn Park) sponsor the law.

HF3174*/SF2862/CH251