



New Laws Effective August 1, 1998

***Note:** The following is a listing of selected new laws which become effective Aug. 1, 1998. These are laws passed during the regular 1998 Legislative Session. A complete summary of all laws passed by the 1998 Legislature will be available in late July from the House Public Information Office. Ask for "New Laws 1998."*

AGRICULTURE

Marketing and bargaining

A new law makes adjustments to the way farmers can do business in associations.

The measure, effective Aug. 1, 1998, amends and clarifies the Agricultural Marketing and Bargaining Act passed in 1973, which allows agriculture producers to bargain and market their crops collectively to processors.

Most notably, the new measure outlines a mediation process that is to occur between agriculture producer associations and processors in cases of dispute. The new law also authorizes the association and the processor to enter into binding arbitration, if mediation fails and both parties agree to arbitration. Under prior law, disputes were resolved by the Minnesota Department of Agriculture. The department said that only a few producer associations have been formed and certified since enactment of the 1973 law.

Rep. Al Juhnke (DFL-Willmar) and Sen. Dennis Frederickson (R-New Ulm) sponsored the new measure.

HF2708*/SF2414/CH373

BANKING

Lost or stolen debit cards

A new law, effective Aug. 1, 1998, limits customer liability to \$50 on lost or stolen debit cards.

The law covers the debit cards that financial institutions issue to holders of checking accounts. Besides getting cash out of automatic teller machines, consumers can use debit cards to make purchases that are directly deducted from

their checking account, as long as the merchant has a terminal that can handle debit card transactions.

The law limits customer liability to \$50 if the card is lost or stolen. The limit applies to unauthorized transactions made before the bank receives notice that the card has been lost or stolen. (There is no liability for transactions made after the financial institution has been notified.) A similar liability limit for credit card holders exists in previous law.

Rep. Ann H. Rest (DFL-New Hope) and Sen. Edward Oliver (R-Deephaven) sponsored the measure.

HF2500*/SF2540/CH295

Reporting fraudulent checks

A new law, effective Aug. 1, 1998, aims to encourage banks and credit unions to report information concerning fraudulent check use to the crime alert network or law enforcement agencies.

The law limits the liability of financial institutions who provide stolen, forged, or fraudulent check information.

As long as an institution acts in good faith when they disclose information, they will be free of risk of being held liable by the subjects of the disclosure, under the new law.

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100 CONSTITUTION AVENUE
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The measure was sponsored by Rep. Mary Jo McGuire (DFL-Falcon Heights) and Sen. Ember Junge (DFL-New Hope).

HF3389/SF2493*/CH337

CONSUMERS

Good funds

Imagine signing away the title to your home and walking away from the deal with a bad check. Or waiting a month after closing for the money to roll in.

Due to a nationwide rash of mortgage company failures, a new state law aims to ensure that only "qualified" loan funds exchange hands at residential real estate closings. Some types of qualified funds include cash in the form of U.S. currency, cashier's checks or bank money orders issued by a federally insured financial institution, and U.S. Treasury checks.

Effective Aug. 1, 1998, lenders must deliver loan funds to closing agents in the form of qualified funds, unless the closing agent has conducted more than 25 successful transactions for the lender. Minnesota is now one of more than 10 states that have adopted "good funds" legislation to guarantee available funds at closings.

Rep. Matt Entenza (DFL-St. Paul) and Sen. Sam Solon (DFL-Duluth) sponsored the measure.

HF2971/SF2489*/CH344

CRIME

Omnibus crime bill

Several key provisions of the omnibus crime prevention legislation signed by Gov. Arne Carlson take effect Aug. 1, 1998.

One such provision classifies murder committed in the course of a kidnapping as a more serious type of murder. A person convicted of such a crime will be sentenced to life without parole, Minnesota's toughest sentence.

Rep. Stephen Wenzel (DFL-Little Falls), who backed the provision, said the measure comes in response to the 1996 murder-kidnapping of Paul Antonich, a Two Harbors, Minn., teen-ager taken from his father's car in Duluth after a minor traffic accident.

Another new provision, effective Aug. 1, 1998, makes intentional murder committed during a drive-by shooting a first-degree murder crime, increasing the prison sentence for the offense.

Rep. Mary Murphy (DFL-Hermantown) and Sen. Randy Kelly (DFL-St. Paul) sponsored the legislation.

Here's a look at other key provisions effective Aug. 1, 1998.

- Prosecutors told legislators this year that they are having difficulties bringing gang members to trial and making the penalties stick. Several provisions in the new law seek to address such concerns.
- One provision expands a current law that provides enhanced penalties for crimes committed for the benefit of a gang to include crimes "motivated by involvement with" a gang. The provision also increases these enhanced penalties.
- The new law increases penalties for witness tampering and adds witness tampering to the list of crimes that can receive enhanced penalties if committed for the benefit of a gang.
- The measure also seeks to get people to show up for court, both offenders and witnesses. One provision increases the penalty for alleged or convicted felony offenders who fail to appear in court. Another provision increases penalties for individuals who knowingly and willingly defy a court subpoena to appear in relation to a violent crime.

- A provision of the new law makes it easier to prosecute people who illegally enter a property by expanding the definition of burglary to include accomplices.
 - Prosecutors said the new language would make the law more explicit and allow them to bring charges against anyone who illegally enters a dwelling, even if they don't personally break in or steal something.
 - Several provisions in the new law seek to make it easier and safer for police officers to do their jobs.
 - One such provision comes as a result of an incident where two Richfield police officers were accused of sexual assault. Although the allegations were proven false, the incident greatly disrupted the criminal justice process, not to mention the lives of the two officers.
 - The provision expands the state's stalking law by making it a criminal violation to harass police officers because of the performance of official duties.
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- In addition, the new law makes it easier to prosecute people who interfere with officers making an arrest by expanding the legal definition of obstruction of justice.
- Certain juvenile court proceedings and documents will be open to the victim of the crime beginning
- Aug. 1, 1998. The measure also increases penalties for contributing to the delinquency of a juvenile. Another provision creates a civil penalty for this crime, requiring a person found liable for the delinquency of a juvenile to provide restitution to victims.
- Finally, a provision of the new law prohibits owners of public accommodations, such as restaurants and hotels, from discriminating against motorcyclists. The new law provides exceptions if the owner feels that the person's conduct poses a risk to property or the safety of other patrons, or if the clothing worn by the motorcyclist is obscene or includes the symbol of a criminal gang.

HFnone/SF3345*/CH367

EDUCATION

Superintendents' salaries

A new measure effective Aug. 1, 1998, removes the cap at 95 percent of the governor's annual paycheck on Minnesota school superintendents' salaries.

Officials from several metropolitan-area districts complained they've had trouble recruiting and retaining top-notch superintendents because of the salary cap.

And many lawmakers argued that superintendent salaries should be decided by local school boards, not state legislators.

The provision was part of omnibus K-12 education finance legislation sponsored by Rep. Becky Kelso (DFL-Shakopee) and Sen. Lawrence Pogemiller (DFL-Mpls).

HF2874*/SF3378/CH398

EMPLOYMENT

Nursing mothers

Employers are required to make a "reasonable effort" to provide adequate private space and unpaid breaks for new mothers to pump breast milk, under a new law.

Effective Aug. 1, 1998, employers must provide "a room or other location, in close proximity to the work area, other than a toilet stall," where a woman can privately pump breast milk. However, employers will not be held liable if they have made a "reasonable effort" to comply, and the law does not contain penalties. The law stipulates that break times can run concurrently with any other provided breaks. Employers will not have to provide the breaks if doing so would "unduly disrupt the operations of the employer."

The law also exempts breast-feeding from indecent exposure laws.

Rep. Mindy Greiling (DFL-Roseville) and Sen. Ellen Anderson (DFL-St. Paul) sponsored the legislation.

HF3459/SF2751*/CH369

Emergency dispatcher status

Emergency dispatchers are classified as essential employees, under a new law.

Effective Aug. 1, 1998, police, fire, and 911 dispatchers join law enforcement personnel, health care workers, prison guards, and others as essential employees. Under that status, workers give up the right to strike, but they are still entitled to binding arbitration in a labor dispute. Supporters of the new measure said it was needed because a dispatchers' strike would threaten public safety.

Rep. Thomas Pugh (DFL-South St. Paul) and Sen. Randy Kelly (DFL-St. Paul) sponsored the legislation.

HF1693/SF1074*/CH355

ENVIRONMENT

Extending the Gateway Trail

Effective Aug. 1, 1998, a new law authorizes an extension of the Gateway Trail, which is a portion of the Willard Munger State Trail system, in two directions to the state Capitol on one end and to Taylors Falls, Minn., on the other.

Supporters said the new trail will afford hiking and bicycling enthusiasts a spectacular view of the St. Croix River Valley and bring the grand vision of the Duluth-to-St. Paul Munger Trail one step closer to reality.

The northern segment of the Munger Trail, from Duluth to Hinckley, is already in use, offering 49 miles of paved bike trails, 97 miles of hiking trails, and 58 miles for horseback riding.

Under the new law, the Gateway Trail, which now runs from a St. Paul neighborhood north of the Capitol to Stillwater, Minn., will eventually wind through Pine Point County Park in Stillwater; William O'Brien State Park, north of Marine on St. Croix, Minn.; Interstate State Park on the St. Croix River; and on to Taylors Falls.

The money for the Munger Trail improvements is contained in the 1998 bonding law

(HF3843*/SFnone/CH404), which provides the Department of Natural Resources with \$10.3 million for the acquisition and development of statewide trails.

Rep. Mark Holsten (R-Stillwater) and Sen. Jane Krentz (DFL-May Township) sponsored the measure to extend the trail.

HF2489*/SF2381/CH318

GOVERNMENT

Emergency assistance compact

A new law enables Minnesota to offer and receive assistance during times of natural or human-caused disaster.

The measure, effective Aug. 1, 1998, adds Minnesota to a list of over 20 states participating in the Interstate Emergency Management Assistance Compact. North Dakota, South Dakota, and Iowa have all ratified the agreement.

Under the compact, Minnesota's disaster response agencies, such as the Minnesota National Guard, can be used in disaster areas in participating states. In turn, Minnesota can receive emergency support and personnel from outside states.

Proponents argued that the new law was necessary to remove barriers which prevented states from assisting each other in times of crisis. Legislators were told of a situation where a helicopter owned by

North Dakota could not be used in a rescue situation in Minnesota during the 1997 flooding because of legal issues.

The new law also requires that costs incurred by an assisting state be reimbursed by the state requesting aid, unless those debts are forgiven by the assisting state.

Rep. Stephen Wenzel (DFL-Little Falls) and Sen. LeRoy Stumpf (DFL-Thief River Falls) sponsored the measure.

HF3442/SF2945*/CH298

Donating 'distressed' foods

Food handlers can donate "distressed" foods to local governments or to the state, under a new law effective Aug. 1, 1998.

Food is considered distressed when it cannot legally be sold but is still deemed safe unspoiled milk that has not sold before the expiration date, for example.

Under existing law, food handlers can donate distressed foods to nonprofit organizations who supply the food to the elderly or needy. The new law will allow them to donate these foods to units of government as well.

The measure removes liability for food handlers who choose to donate the distressed food, except in instances of gross negligence or intentional misconduct.

Rep. Elaine Harder (R-Jackson) and Sen. Dennis Frederickson (R-New Ulm) sponsored the bill.

HF176/SF154*/CH333

HEALTH

Hepatitis B vaccinations

Children who enroll in kindergarten beginning in the 2000-2001 school year must be vaccinated against hepatitis B, under a new law effective Aug. 1, 1998.

The law also applies to children enrolling in the seventh grade beginning with the 2001-2002 school term, but the law exempts families who object to the vaccination for religious or other reasons.

Hepatitis B is caused by a virus and is spread by contact with an infected person's blood or other body fluids. It can also be spread by sharing washcloths, razors or needles, and through tattooing. The vaccination process involves a schedule of three doses of the vaccine. The disease causes liver inflammation that can lead to liver failure or cancer.

Roughly 80 percent of infants receive the vaccination in conjunction with other childhood vaccinations. The law's purpose is to inoculate those who now do not receive the vaccination. The cost of the vaccination program for those entering kindergarten is covered under a federal program.

Rep. Nora Slawik (DFL-Maplewood) and Sen. Becky Lourey (DFL-Kerrick) sponsored the measure.

HF2681/SF2372*/CH305

Automatic external defibrillators

Volunteers and others who provide emergency medical care with an automatic external defibrillator without expectation of compensation are not liable for civil damages, under a new law effective Aug. 1, 1998.

The law broadens the existing "Good Samaritan statute," which provides immunity to volunteers or others who give emergency care, unless a patient objects.

Many airlines and businesses now carry automatic external defibrillators, which restore the heart's rhythm by delivering an electric shock. To use an automatic external defibrillator, the rescuer places two pads on the victim's chest and the device measures the heart's rhythm. If the device detects ventricular fibrillation, the machine directs the user to push a button to deliver a shock.

Under the new law, any volunteer or other person who does not expect compensation can render the emergency care without fear of civil liability, unless the person giving the care acts in a reckless manner. The law applies only to the scene of an emergency outside

a hospital or other medical facility where licensed health practitioners are available.

Rep. Geri Evans (DFL-New Brighton) and Sen. John Hottinger (DFL-Mankato) sponsored the measure.

HF3138/SF2861*/CH329

HOUSING

Paying off liens

Effective Aug. 1, 1998, a new law gives homeowners less time to pay off liens so they can keep their property.

The changes are related to mechanic's liens, which contractors can file to ensure payment for construction or related work. The liens can be filed with the county recorder, the registrar of title, or the county real-estate records. They give the contractor the ability to go to court to have the property sold to pay for the work.

Under the new law, the redemption period for a property with a lien is reduced from one year to six months. The redemption period is the time in which the owner can redeem the property from the court-ordered sale by paying what is owed. The owner can live in the property during the six months.

Rep. Joe Mullery (DFL-Mpls) and Sen. Deanna Wiener (DFL-Eagan) sponsored the new measure.

HF2601*/SF2677/CH289

Tenant security deposits

A new law, effective Aug. 1, 1998, extends the current interest rate paid by property owners on tenant security deposits.

Existing law set the rate at 3 percent until May 1999, and at that time, the rate was to be increased to

4 percent. The rate increase was supposed to parallel an increase in interest rates generally; however, interest rates have remained low.

Property owners said that after 1999 they would be paying a higher rate to hold deposit funds than most financial institutions would pay.

The new law changes the date of the increase to 4 percent from May 1, 1999, to May 1, 2001.

Rep. Loren Jennings (DFL-Harris) and Sen. James Metzen (DFL-South St. Paul) sponsored the measure.

HF2590*/SF2122/CH266

INSURANCE

No rebates on insurance

Insurance companies and their affiliates in Minnesota may not sell insurance coverage to a particular customer at a discount when that customer's risk is identical to those charged the normal rate, under a law effective Aug. 1, 1998.

The law expands an existing law that did not include the affiliates. It will prevent, for example, a realty company from providing a home buyer discounted premiums on homeowner's insurance from an insurance company affiliate of the realty company.

That practice is known as "rebating," and it does not help the consumer, according to House sponsor

Rep. Greg Davids (R-Preston), who owns and operates an insurance agency.

"It really disrupts the process. Insurance is not something you just go give away free," he said, adding that the bill has the support of the insurance industry. "It basically says you can't be an insurance agent enticing people by giving away free policies for rebate." Insurance is an important commodity that ought to be bought with careful consideration, and the insurance agent is supposed to explain complicated parts to the client, he said.

Sen. John Hottinger (DFL-Mankato) sponsored the legislation in the Senate.

HF3402/SF2928*/CH375

LAW

A health care directive

Effective Aug. 1, 1998, Minnesotans have a new way to ensure that their wishes are carried out by health care providers.

Under existing law, a patient can create a document called a living will designating the care to be received if he or she cannot communicate those wishes. In addition, a patient can name a person as his or her durable power of attorney, which authorizes

that person to make health care decisions. The living will and durable power of attorney provisions are in two separate statutes.

The new law combines the living will and the durable power of attorney into one document called a health care directive. The measure provides the criteria necessary for a directive to be valid.

The new law dictates that a living will or durable power of attorney document created under previous law will remain in effect, unless the patient chooses to replace the old document with a new health care

directive.

Rep. Dave Bishop (R-Rochester) and Sen. Ember Junge (DFL-New Hope) sponsored the new measure.
HF2521/SF2050*/CH399

TAXES

This old house

Owners of deteriorating homes those needing at least \$20,000 worth of repairs and located in "marginal" neighborhoods are eligible for a five-year exemption on property taxes after they rehabilitate the home.

Effective Aug. 1, 1998, the program applies only to the cities of Minneapolis, St. Paul, and Duluth, and lasts until May 1, 2003.

The homes must be in an area where the median home value is less than 80 percent of the median value of owner-occupied homes for the entire city. Homes must have an estimated market value of less than

60 percent of the median value of owner-occupied homes for the entire city.

The program was included in omnibus tax legislation sponsored by Rep. Dee Long (DFL-Mpls) and Sen. Douglas Johnson (DFL-Tower).

HF3840*/SF2985/CH389

TRANSPORTATION

Ignoring highway barricades

A new state law aims to knock some common sense into motorists who think closed highways and lowered railway crossing gates don't apply to them.

Effective Aug. 1, 1998, a stranded motorist who has blatantly disregarded an official trunk highway closing could be liable for up to \$10,000 in rescue costs.

The legislation resulted from a number of incidents during the 1996-1997 winter when drivers ignored highway barricades.

In the past, it was simply reckless and foolish to drive around a lowered gate at a railway crossing. Now it's illegal, under the new law.

Rep. Jean Wagenius (DFL-Mpls) and Sen. Janet Johnson (DFL-North Branch) sponsored the measure.

HF2589/SF2592*/CH403

Bowe Memorial Highway

For the first time in Minnesota history, a stretch of highway will be named after a slain state trooper.

Gov. Arne Carlson signed into law a measure that renames a stretch of Trunk Highway 95 after

Cpl. Timothy Bowe.

Effective Aug. 1, 1998, the new law requires the commissioner of transportation to adopt a design and to erect the signs to mark the memorial highway. The signs are to be paid for by the community of Cambridge, Minn.

Last year, Bowe was the first Minnesota State Patrol officer killed in the line of duty since 1978. The 36-year-old Coon Rapids, Minn., man was shot to death in Chisago County while answering a call about a shooting at a rural home. Bowe, a 15-year veteran, was the seventh Minnesota trooper killed in the line of duty.

Rep. Loren Jennings (DFL-Harris) and Sen. Janet Johnson (DFL-North Branch) sponsored the measure.

HF2612*/SF2335/CH290

