



New Laws Effective Aug. 1, 1999

Editor's note: *The following is a listing of selected new laws that become effective Aug. 1, 1999. These are laws passed during the 1999 Legislative Session. A complete summary of all laws passed by the 1999 Legislature is available from the House Public Information Office. Ask for "New Laws 1999."*

BANKING

Warrants for bank records

A new law effective Aug. 1, 1999, allows judges to give extensions on search warrants when investigators are looking into financial records held by banks and other financial institutions.

Previous law gave investigators 10 days to conduct searches authorized by the warrant in all cases. After that time, investigators had to reapply for a new warrant.

The new measure provides an extension only in cases where investigators are seeking the information from financial institutions. The extended warrant must serve the same purpose as the original warrant and cannot exceed 30 days.

Rep. Mary Liz Holberg (R-Lakeville) and Sen. David Knutson (R-Burnsville) sponsored the new law.

HF1169/SF496*/CH117

BUSINESS

Auto rental charges

Auto repair businesses are accorded additional assurances that they will be paid for their services, under a new law effective Aug. 1, 1999.

The new law provides that when a car is being repaired and the customer is provided with a rental vehicle for use during the repairs, the business doing the repairs may hold the car being repaired until the charges for the rental vehicle are paid. The law requires the rental charges to be reasonable.

This right to keep property to secure a particular debt owed to the holder of property is called a lien and right of detainer.

State law provides similar options to other business operators, including warehouse operators and veterinarians.

Rep. Jim Seifert (R-Woodbury) and Sen. Dave Kleis (R-St. Cloud) sponsored the measure.

HF793*/SF1497/CH78

Preference on state bids

A new law modifies state policies that give preference to small businesses in economically disadvantaged areas on bids for state projects. The law, effective Aug. 1, 1999, is designed to promote growth in those areas.

Under the preference policy, the state will accept higher bids from certain businesses determined to be disadvantaged. The law increases the preference from 4 percent to 6 percent above the lowest bid for purchases of goods or services for the state. The law retains the current 4-percent bid preference to small businesses in state construction projects.

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A business qualifies for those preferences if the owner lives in a county where the median income for married couples is less than 70 percent of the state median income for married couples, or if the business is located in one of those counties. Or, a business would qualify if the area where the owner lives or the business is located is considered a labor surplus area by the U.S. Department of Labor, or if the business is a rehabilitation facility or work activity program.

Rep. Jim Tunheim (DFL-Kennedy) and Sen. LeRoy Stumpf (DFL-Thief River Falls) sponsored the new measure.

HF937/SF709*/CH232

CRIME

Last word for prosecutors

Minnesota joins the other 49 states that give prosecutors the final word in criminal trials, under a new law effective Aug. 1, 1999.

Prior Minnesota law stated that the prosecutor went first in final arguments and was followed by the defense attorney. Judges could give the prosecutor a response to the defense's final arguments only to address misstatements of fact or law, or if the defense's argument was prejudicial or inflammatory.

The new law guarantees the prosecutors an absolute right to respond following the defense's final arguments. The response can address only issues brought up by the defense's argument.

Majority Leader Tim Pawlenty (R-Eagan), the new law's sponsor in the House, said it is only fair that prosecutors who have the heavy burden of proving the case be allowed to go last. He pointed out that Minnesota was the only criminal system in the nation that allowed the defense to go last.

Pawlenty also said that crime victims and their families suffer under a system that gives defense attorneys the last word. He said sometimes the final remarks that victims' families hear in the courtroom are disparaging comments from the defense about the victim. And he said, under prior law, the prosecution wouldn't get a chance to challenge those claims.

Critics argued that the measure violates the separation of powers clause in the state constitution and that the Legislature shouldn't interfere in court procedures, an area that should be overseen by the courts themselves.

Sen. Randy Kelly (DFL-St. Paul) sponsored the measure in the Senate.

HF197/SF198*/CH72

Guns for sale

Local sheriffs and police chiefs can decide whether to sell confiscated firearms, under a new law.

Previous law required those agencies to destroy all forfeited weapons that they could not use, including firearms, ammunition, and firearm accessories.

The new measure, effective Aug. 1, 1999, gives agencies the authority to either destroy those weapons or to sell them to federally authorized dealers.

The new law also allows local agencies to sell to the public any antique guns they seize. But semi-automatic, military-style assault weapons will continue to be destroyed if the guns cannot be used by the agency, under the law.

In Hennepin and Ramsey counties, the county boards can vote to prohibit their respective sheriffs from selling confiscated firearms, under the measure.

Under existing law, local law enforcement agencies keep 70 percent of the proceeds from the sale of any forfeited property, county attorneys and other prosecutors get 20 percent of the proceeds, and the state receives the remaining 10 percent.

Critics of the plan say that the measure will just put guns back on the streets to be used illegally.

Rep. Roxann Daggett (R-Frazee) and Sen. Pat Pariseau (R-Farmington) sponsored the measure.

HF70*/SF197/CH148

Supplying underage drinkers

A new law increases penalties for providing alcohol to people under the legal drinking age.

Under previous law, a person was guilty of a gross misdemeanor crime if he or she gave alcohol to someone under the age of 21 who then became intoxicated and caused death or great bodily harm. A person was guilty of a felony if he or she sold the alcohol to the underage person who then became drunk and caused death or great bodily harm.

The new law, effective Aug. 1, 1999, increases the crime of giving alcohol to someone underage from a gross misdemeanor to a felony. It still applies only in cases where the minor causes death or great bodily harm, but the new law does away with the distinction between selling and simply providing alcohol.

The measure came in response to the tragic deaths of teen-agers such as Janice Rabideaux of Cloquet and Kevin Brockway of St. Paul.

Rabideaux died from alcohol poisoning after a 1997 Halloween party where alcohol was provided by an adult. Kevin Brockway died in an alcohol-related car crash following a 1997 New Year's Eve party, where vodka had been provided by an adult. Both were 16 years old when they died.

Rep. Matt Entenza (DFL-St. Paul) and Sen. Ember Reichgott Junge (DFL-New Hope) sponsored the legislation.

HF1289*/SF1109/CH207

Tracking sex offenders

A new law closes a loophole in the state's sex-offender registration law to make sure offenders like Roger Lloyd Zimmerman are registered.

In July 1996, Zimmerman broke into a Wayzata home and raped a 13-year-old girl who was babysitting for her neighbor. In 1998,

Zimmerman was found to have committed the crime but was found "not guilty by reason of mental illness." He is currently being held at the state hospital in St. Peter.

Under the prior law, Zimmerman wasn't required to register as a sex offender when released because he was found "not guilty" of first degree criminal sexual conduct and wasn't committed as a "sexually dangerous person."

Zimmerman was committed for being "mentally ill and dangerous to the public," which didn't fall under the notification law.

The new law, effective Aug. 1, 1999, changes the registration law to specifically state that offenders who are charged with crimes listed under the sex offender registration law but are found not guilty by reason of mental illness are to be registered.

The sex-offender registration law, passed in 1991, requires that offenders register their address with law enforcement officials for 10 years or more upon release from prison or commitment.

The new law also changes the registration law to require all offenders found guilty of kidnapping to register. Prior law only required registration for those found guilty of kidnapping a minor.

And the measure makes several changes to bring the state sex offender notification law into compliance with the federal notification law. Minnesota lawmakers were required to make these changes or risk losing federal funding to the state.

These provisions mandate certain disclosures in level III cases those offenders deemed most likely to re-offend except when public safety would be compromised or a more limited disclosure would protect the victim. Prior Minnesota law had given the local law enforcement agency more discretion with the information than the federal law.

Rep. Dave Bishop (R-Rochester) and Sen. Jane Ranum (DFL-Mpls) sponsored the new measure.

HF228/SF174*/CH233

Crimes by credit card

Victims of identity fraud say they often have a difficult time convincing people that they are truly victims of a crime.

And because merely possessing someone else's identification information including credit card and bank account numbers isn't a crime, law enforcement officials often found themselves unable to prosecute offenders.

But armed with that supposedly private information, criminals can run up credit cards and clear out entire bank accounts, often over

the phone or Internet and often without the victim discovering the fraud for weeks or months.

Federal law limits a consumer's liability for credit or banking fraud to \$50, so the real victim under the law is the financial institution liable for the loss. Financial institutions often choose not to pursue these cases because their losses don't justify the potential cost of investigating the crimes.

However, people who are identity theft victims often experience problems later, when they apply for loans, credit cards, and jobs. They spend countless hours writing letters and making phone calls in efforts to restore their good credit. Some victims have even been arrested for crimes committed by someone who took their identity.

A new law, effective Aug. 1, 1999, seeks to give prosecutors and consumers additional tools to deal with such offenses.

The measure creates a new crime of identity theft and defines it as transferring, possessing, or using another person's identity with the intent to commit an unlawful act.

Under prior law, police could arrest people who attempted the illegal transactions, but the ringleaders often went free. The new law allows prosecutors to charge these individuals for simply possessing or passing along someone else's identification numbers, as long as they can prove the intent to commit an unlawful act.

Penalties for the crime vary depending on the amount of loss incurred and the number of victims involved. Increased penalties can be applied if it can be proved that the action is done in connection with racketeering or organized crime.

The new law also states that any direct or indirect victim of an identity crime is a victim for purposes of the law and has rights to any court-ordered restitution.

Typically, identity theft means using another person's personal information name, address, social security number, mother's maiden name to commit economic fraud. Identity fraud can range from the unauthorized use of a credit card to a complete theft of another person's identity.

Most people agree that identity fraud is on the rise, and many claim that one of the main reasons is the easy access to information via the Internet.

Rep. Dave Bishop (R-Rochester) and Sen. Randy Kelly (DFL-St. Paul) sponsored the new law.

Countering counterfeiters

There will be new criminal penalties for people who trade in counterfeit products.

A new law effective Aug. 1, 1999, creates a crime of counterfeiting intellectual property. The law prohibits the manufacture, possession with intent to sell, or sale of counterfeited property.

Prior Minnesota law had no criminal penalty for counterfeiting property. Counterfeit claims had to be brought forward by the person or company owning the rights to the property, and had to go through the civil court process.

Rep. Chris Gerlach (R-Apple Valley), the measure's House sponsor, said that the practice of attaching registered trademarks or trade names to unauthorized products is growing. He said counterfeiters can see big profits from the sale of the fake goods and face no risk of prosecution.

Gerlach said tougher penalties are needed because counterfeiters take business away from legitimate companies, and defective and inferior goods produced and distributed by counterfeiters can pose a danger to consumers.

The new law also outlines penalties for the counterfeiting crime based on number and value of the items counterfeited. The maximum is a five-year prison sentence and a \$100,000 fine.

And the law includes the new crime under a list of crimes that can apply to racketeering charges. Increased penalties can be applied if the counterfeiting crime is proven to show a pattern of organized crime.

Sen. Dave Johnson (DFL-Bloomington) sponsored the measure in the Senate.

HF263/SF411*/CH142

Playing with fire

If you're a student, you may want to think twice before you flick your Bic.

Effective Aug. 1, 1999, a new law makes it a petty misdemeanor for a student to light a match or ignite a lighter inside a school in situations where there is an obvious risk of fire, unless the student uses the match or lighter in a manner authorized by the school.

Rep. Doug Fuller (R-Bemidji), the new law's House sponsor, said the measure seeks to address a dangerous stunt sometimes performed by students with butane lighters. He said the students

cup their hands and trap gas from the lighter and then light the gas, creating a small fireball.

Fuller said that by classifying the act a petty misdemeanor, the measure places a penalty on this behavior, and in severe cases, the students might be placed in the juvenile justice system where prosecutors and judges could refer them to diversion programs taught by counselors and fire safety officials.

Sen. Steve Novak (DFL-New Brighton) sponsored the measure in the Senate.

HF621*/SF584/CH176

Supervising sex offenders

A \$1.1 billion judiciary finance measure contains several policy provisions that are effective Aug. 1, 1999.

One such provision requires that agencies responsible for supervising level III sex offenders those deemed most likely to re-offend must consider concentrations of sex offenders in certain areas when working with these offenders.

An earlier plan considered by the Legislature would have prevented these offenders from living within 1,500 feet from another offender or within a block of schools, parks, or licensed day-care centers.

Proponents said that certain low-income areas are forced to house a disproportionate share of these offenders.

The law requires the agencies to work to prevent that to the "greatest extent feasible."

The new law also provides funding to the state court and correctional systems, law enforcement and public safety agencies, and other agencies, such as the human rights department and the crime victim services center.

Rep. Sherry Broecker (R-White Bear Lake) and Sen. Randy Kelly (DFL-St. Paul) sponsored the omnibus judiciary finance measure.

HF2404/SF2221*/CH216

Other crime measures

Below are other crime-related laws effective Aug. 1, 1999:

- A new measure clarifies the definition of child pornography crimes to make it easier to prosecute Internet offenders. The law also increases the penalty for possessing and distributing child pornography. Rep. Wes Skoglund (DFL-Mpls) and Sen. Dave Johnson (DFL-Bloomington) sponsored the new law.

HF1081/SF1404*/CH217

- A new measure expands the law against adulteration, which is the crime of intentionally adding a dangerous or poisonous substance to another person's food, drink, or medication. The measure increases penalties for the crime, and creates a penalty for cases in which actual physical harm does not occur. Rep. Mike Osskopp (R-Lake City) and Sen. David Knutson (R-Burnsville) sponsored the new measure.

HF735*/SF495/CH64

- A new law seeks to close a loophole for repeat drug offenders. The measure makes stays of adjudication for certain first-time drug offenders the same as a prior drug conviction when courts consider if enhanced penalties can apply for later convictions. House Majority Leader Tim Pawlenty (R-Eagan) and Sen. David Knutson (R-Burnsville) sponsored the measure.

HF142*/SF1634/CH98

- A new law classifies gamma hydroxybutyrate a drug commonly known as GHB as a schedule III controlled substance, allowing doctors to prescribe GHB if the U.S. Food and Drug Administration approves the drug. Rep. Wes Skoglund (DFL-Mpls) and Sen. Dave Johnson (DFL-Bloomington) sponsored the measure.

HF1255/SF2120*/CH163

- Harming or killing a search and rescue dog is a crime punishable by up to two years imprisonment, under a new law sponsored by Rep. Darlene Luther (DFL-Brooklyn Park) and Sen. Dave Johnson (DFL-Bloomington).

HF67*/SF32/CH77

- A new law aims to get tough on people who fail to return rental property. Criminal theft law now applies to rental situations where the value of the property is \$100 or more, classifying such actions as failure to return the property and failure to pay the agreed-upon rental charge as violations of criminal law. Rep. Tom Hackbarth (R-Cedar) and Sen. Paula Hanson (DFL-Ham Lake) sponsored the measure.

HF868*/SF866/CH76

· A new measure makes it clear that sex-offender registration is mandatory for those found guilty of sex offenses and cannot be waived as part of a plea agreement. Rep. Barb Haake (R-Mounds View) and Sen. Warren Limmer (R-Maple Grove) sponsored the new law.

HF1707*/SF1602/CH127

EDUCATION

Offenders barred from boards

Registered sex offenders are prohibited from becoming school board members, under a new law effective Aug. 1, 1999.

Any person who has been convicted of a sexual offense and is a registered predatory offender is ineligible to run for election to a local school board, according to the measure.

The law follows a New Ulm school board election that included a candidate who had served 41 months in prison for sexual abuse. The man's history was revealed shortly before the election, and he was not elected.

Sen. Dennis Frederickson (R-New Ulm), who sponsored the legislation in the Senate, said that incident prompted him to introduce the measure this year.

He said sex offenders should not have access to positions of authority over children, especially those that would allow them entrance to school facilities.

Rep. Marty Seifert (R-Marshall) sponsored the bill in the House.

HF1845/SF1527*/CH101

ELECTIONS

Election law changes

A person who votes in the wrong precinct no longer faces the possibility of a felony charge on the first offense, under a new measure that also updates other provisions of election law.

Under the new law effective Aug. 1, 1999, the Office of the Secretary of State will send letters to those voting in the wrong precinct, citing the mistake and informing the person of the correct polling place.

The person will then have to provide proof of residency before voting in the next election. If the same person votes in the wrong precinct a second time, it will be considered a misdemeanor, and a third instance will be considered a felony.

The new law repeals a previous law that made all instances of voting in the wrong place a felony. Many instances of voting in the wrong place were reported, but county attorneys rarely prosecuted them as felony offenses. Proponents of the new law say it will be easier to identify and prosecute instances of repeated violations.

Also, the law allows townships to designate the first Tuesday after the first Monday in November as the date of their elections. Previous law had required townships to hold their local elections in March, but it allowed exceptions for some townships near the Twin Cities.

The new law allows all townships to schedule November elections. The measure is designed to reduce election costs and continue a move toward a uniform statewide election day. All Minnesota cities have November election dates.

Another provision in the law drops the requirement that a person can only be a witness to vouch for another person to register to vote if both people live in the same county. The new law allows any registered voter in Minnesota to vouch for another person to allow them to vote.

Rep. Chris Gerlach (R-Apple Valley) and Sen. Linda Scheid (DFL-Brooklyn Park) sponsored the measure.

HF1168/SF1144*/CH132

Other related laws

Below are other election laws effective Aug. 1, 1999:

- A new law expands the secretary of state's rulemaking authority so that officials may make minor changes to local election district boundaries. Rep. Ron Abrams (R-Minnetonka) and Sen. Larry Pogemiller (DFL-Mpls) sponsored the measure.

HF1015*/SF1064/CH237

- A measure gives statutory cities the choice between using an appointment process or holding special elections to fill vacancies for elected posts. Previously, most elections for vacant offices in such cities could only be held during a regularly scheduled municipal election. Rep. Mark Buesgens (R-Jordan) and Sen. Claire Robling (R-Prior Lake) sponsored the measure.

EMPLOYMENT

References for firefighters

A new law aims to provide fire chiefs with better information on prospective hires and, at the same time, to give former and current employers legal protections when they provide that information.

Effective Aug. 1, 1999, fire chiefs are authorized by law to request employment information on prospective employees from the applicant's former or current fire department.

The measure requires former or current employers to disclose the information as long as the prospective employer and the prospective employee authorize the request in writing. It also provides a process by which the prospective employer can request that a court force the former or current employer to provide the information.

Information that can be disclosed includes the candidate's initial job application, performance reviews, attendance records, and disciplinary actions.

And, aside from cases of fraud or malice, the former or current employer is immune from civil liability.

Proponents want to ensure that fire departments are getting the best information about candidates before an agency actually does the hiring.

A similar law exists for law enforcement agencies; however, in those instances, the agency is required, not just authorized, to conduct a previous employment check.

Rep. Jim Knoblach (R-St. Cloud) and Sen. Ember Reichgott Junge (DFL-New Hope) sponsored the new law.

HF963/SF486*/CH197

ENVIRONMENT

Cleaning up fuel leaks

Uses for the state's petroleum tank cleanup fund are expanded under a new law designed to help improve polluted lands.

The cleanup fund is administered by the Department of Trade and Economic Development to help clean up pollution from fuel storage tanks. Previous law restricted the use of that fund to areas where petroleum is the only pollutant. So in areas where petroleum is one of several pollutants, the money could pay for cleaning up petroleum but no other pollutants at the site.

The new law, effective Aug. 1, 1999, allows the fund to be used to clean up all pollutants in such a situation. The law also allows the fund to be used to upgrade above-ground fuel tanks to comply with state rules.

Proponents of the new law said it will help the state be more effective in cleaning up "brownfields," which are abandoned commercial or industrial properties. Those sites often remain vacant or under-used because redevelopment would involve legal liability for cleaning up the pollution, such as petroleum that leaked from fuel tanks.

Rep. Mark Holsten (R-Stillwater) and Sen. Steven Novak (DFL-New Brighton) sponsored the new law.

HF595*/SF365/CH203

Honoring DNR leader

A new law requires the visitor center at Gooseberry Falls State Park to be renamed in honor of a former Department of Natural Resources (DNR) commissioner, effective Aug. 1, 1999.

In addition to honoring Joseph N. Alexander, the new law permits additions to several state parks and allows land within another to be sold.

Alexander was the state's longest-serving commissioner. He began his 33-year DNR career as a game warden in 1957 and was promoted to regional enforcement supervisor in 1966. In 1971, he became assistant commissioner for administration. He was serving as special assistant to the commissioner in July 1978 when Gov. Rudy Perpich appointed him commissioner, a position he held until January 1991. Alexander died Oct. 22, 1998.

The new law also authorizes additions to Banning, Camden, Charles A. Lindbergh, Forestville/Mystery Cave, Judge C.R. Magney, St. Croix Wild River, Scenic, Temperance River, Whitewater, and William O'Brien state parks.

It approves a land exchange at Lake Bronson State Park and stipulates that Cross River State Wayside becomes part of Temperance River State Park. Another provision deletes a four-acre parcel from Blue Mounds State Park and allows it to be sold.

Rep. Ray Vandever (R-Forest Lake) and Sen. Leonard Price (DFL-Woodbury) sponsored the measure

HF1301/SF1449*/CH157

FAMILY

Kids in treatment

Parents of teen-agers with chemical dependency problems often find their hands are tied when dealing with their children. A new law, effective Aug. 1, 1999, aims to give them aid.

Under prior law, children under the age of 16 could be admitted by their parents to a chemical dependency treatment program, provided that an independent evaluator confirmed the need for treatment. But for minors ages 16 and 17 the treatment had to be voluntary.

The new law makes 16- and 17-year-olds subject to the same requirements as children under the age of 16.

"It is highly questionable that a 16- or 17-year-old who is chemically dependent can make this choice by themselves," said Rep. Mark Buesgens (R-Jordan), who sponsored the measure in the House.

Sen. Claire Robling (R-Prior Lake) was the Senate sponsor.

HF183*/SF144/CH32

GAMBLING

Bingo for seniors

Minnesota's nursing homes and senior citizen organizations are now able to conduct bingo for the pure enjoyment of those participating, with a minimum of regulatory intrusion by the state.

A new law effective Aug. 1, 1999, assures that. The law strikes a provision from statute that required the bingo manager to be registered with the state, and it eliminates state-mandated record keeping.

To qualify for the exemption, the bingo operation must not be high-dollar, cannot be offered more than twice a week, and the manager and others who operate the games cannot be paid.

Rep. Bob Ness (R-Dassel) and Sen. Steve Dille (R-Dassel) sponsored the measure.

HF132*/SF1138/CH128

GAME & FISH

Licensed fishing guides

Anyone planning to work as a fishing guide on the St. Louis River estuary now needs to get a license.

A new law, effective Aug. 1, 1999, expands the licensing requirement for Lake Superior guides to include the estuary.

The new law was requested by the Lake Superior Charter Captains Association and the Western Lake Superior Trolling Association, groups that represent licensed fishing guides. Those organizations expressed concerns that rogue guides weren't following approved safety, training, and insurance practices and that their operations could eventually have an economic impact on the licensed guides.

Boats used by the guides must be approved by the U.S. Coast Guard. A license to operate is issued by the Department of Natural Resources.

Rep. Willard Munger (DFL-Duluth) and Sen. Sam Solon (DFL-Duluth) sponsored the measure.

HF1109/SF803*/CH57

GOVERNMENT

Art in prisons

State officials cannot use any part of the state's funding for new prison construction to supply art for those facilities, under a new law effective Aug. 1, 1999.

The prohibition on prison art funding is included in a larger measure that makes several changes to corrections policy outlined in state law.

Existing state law authorizes the state to spend up to 1 percent of any state building's construction budget to buy art for the facility.

The appropriation, which is controlled by the Minnesota Department of Administration, is based on the costs of a new building or alteration project that costs more than \$500,000.

The new measure simply prohibits the state officials from using those funds for art in or around the state's prison facilities.

"I believe we as legislators are here to set priorities," said Rep. Marty Seifert (R-Marshall), who backed the plan. "As much as art adds to the ambiance of a prison, I feel this is not a wise way to use state resources."

Seifert said the 1984 law would have allowed up to \$890,000 to be spent on art for the state correctional facility being built in Rush City. But, he said, officials for that project had already decided not to spend that much money for art.

However, Seifert said, other correctional facilities have used the 1-percent appropriation for art projects. The correctional facility in Faribault has used the money for three different art projects: \$40,000 for five benches sculpted from granite, \$44,000 for a mural and trellis at the entrance of a building for visitors, and \$15,000 for several murals with messages that are designed to encourage inmates to stay out of prison after they are released.

The separate omnibus judiciary finance and crime prevention measure (HF2404/SF2221*/CH216) clarifies that this prohibition doesn't apply to art produced through programming at the correctional facility.

Rep. Mary Jo McGuire (DFL-Falcon Heights) and Sen. David Kleis (St. Cloud) sponsored the measure.

HF1553*/SF2078/CH126

HEALTH

Paying spouses for care

A new law allows qualified people to be paid under very specific circumstances to provide private duty nursing for their own spouses.

Effective Aug. 1, 1999, the measure permits someone who is a licensed nurse employed by a Medicare-certified home health agency to be paid when he or she cares for a spouse.

Under previous law, payment wasn't possible in certain instances, which caused hardships for some Minnesota families.

Rep. Bill Haas (R-Champlin), the House sponsor of the measure, told the story of a family in his district a husband, wife, and three children.

Haas said the woman worked outside the home as a nurse and her husband played the "Mr. Mom" role. One day, the husband suffered an accident and became paralyzed, requiring nearly around-the-clock care from a registered nurse.

Because of a shortage of nurses, the firm that coordinates his care often called his wife at the last minute and advised her that nobody was available for the upcoming shift. The woman was then forced to call in to her work at the last minute and then find drop-in day care service for the children, all under the age of four.

Because the woman could not be paid by the health care provider under state law, she lost a day of pay and incurred additional child care costs.

Haas said that something needed to be done to make the situation more equitable.

Sen. Don Betzold (DFL-Fridley) sponsored the measure in the Senate.

HF60*/SF591/CH156

Planning organ donation

Tissue and eyes have been added to the list of organs available for donation on the state's suggested health care directive form, under a new law effective Aug. 1, 1999.

The new law is designed to help draw attention to the need for donated tissue and eyes a need said to be critical by regional organ donation program officials.

Under the state's 1998 health care directive law, people can use a directive to address all aspects of advanced planning for health care by either appointing an agent to make their health care decisions or by making statements concerning how they want their health care to be handled.

Proponents of the measure said that while many people are aware of the possibility of donating organs, they do not know that tissue and eyes are organs that can be donated.

Rep. Darlene Luther (DFL-Brooklyn Park) and Sen. Becky Lourey (DFL-Kerrick) sponsored the legislation.

New health laws

Other health-related new laws effective Aug. 1, 1999:

- A new law allows ambulance services to consider controversial incidents through the use of the peer review process without being subject to discovery should a lawsuit arise. Rep. Greg Davids (R-Preston) and Sen. Becky Lourey (DFL-Kerrick) sponsored the measure.

HF463*/SF578/CH84

- A new measure allows ambulance services to participate in shared service purchasing arrangements for supplies, materials, and equipment. Rep. Greg Davids (R-Preston) and Sen. Jim Vickerman (DFL-Tracy) sponsored the legislation.

HF302*/SF579/CH13

- In response to a shortage of nursing home workers, a new law allows the commissioner of health to establish categories of nursing assistants such as assistants trained in other states and countries who are exempt from the state-mandated 75-hour nursing assistant educational requirements. Rep. Mike Osskopp (R-Lake City) and Sen. Sheila Kiscaden (R-Rochester) sponsored the measure.

HF1119/SF1099*/CH210

- A new law clarifies fee-splitting practices for psychologists and stiffens penalties for violating the Psychology Practice Act. Rep. Richard Mulder (R-Ivanhoe) and Sen. Steve Kelley (DFL-Hopkins) sponsored the measure.

HF984/SF983*/CH109

HOUSING

Fees for nothing

A new law targets landlords who are not upfront with prospective tenants about application fees.

The law, effective Aug. 1, 1999, prohibits landlords from taking a screening fee when the landlord knows or should know that there are no units available.

Many landlords require that prospective tenants pay a screening fee to be used for background checks when the tenant applies for an apartment.

Rep. Julie Storm (R-St. Peter), sponsor of the measure in the House, said that while most landlords treat prospective tenants fairly, some are taking advantage of the state's housing shortage and charging prospective tenants when they know that they don't have any properties available. Those landlords then pocket the money.

Storm said that the new law "sends a message to unscrupulous landlords."

"It protects prospective tenants," she said. "It also gives a message to landlords that they cannot do this anymore."

The measure also requires that landlords return any screening fees collected if they don't actually do the background check, and provides methods for returning the payment. And it requires landlords to tell prospective tenants which screening service will be used.

The new law provides penalties for violators, including a \$100 civil penalty to be paid along with any court costs and the return of the original screening fee to the would-be tenant.

Sen. Steve Murphy (DFL-Red Wing) sponsored the measure in the Senate.

HF1613/SF1471*/CH150

New regulations for deposits

A new law, effective Aug. 1, 1999, specifies how pre-lease deposit agreements can be made between landlords and tenants.

A pre-lease deposit is money put down on an apartment by a prospective tenant to help secure the apartment. The pre-lease deposit doesn't include money provided to the landlord for credit or criminal background checks.

The new measure stipulates that tenants and landlords must have the terms of the pre-lease deposit in writing, including how the deposit will be returned if the tenant isn't accepted by the landlord. The law also requires the deposit to be returned within seven days as specified in the agreement.

If a landlord accepts the tenant, the law requires the pre-lease deposit to go toward either the damage deposit or the rent. And the new law provides legal remedies if the terms for pre-lease deposits are violated.

Proponents of the measure argued that it is necessary to regulate such deposits because there is a shortage of affordable housing and the practice of requiring pre-lease deposits has become more common. They said the new law will provide protection for both landlords and tenants who make such agreements.

Rep. Dan McElroy (R-Burnsville) and Sen. Steve Novak (DFL-New Brighton) sponsored the measure.

HF1178*/SF1253/CH97

HUMAN SERVICES

Services for hard-of-hearing

A new law helps make life easier for the state's deaf citizens.

Effective Aug. 1, 1999, the process for obtaining deaf interpreting services is amended and outdated provisions dealing with the way the Department of Human Services purchases communication devices for the state-run Equipment Distribution Program are repealed.

Also, the state Department of Health is added as a fourth member of the interagency management team for the Deaf and Hard-of-Hearing Service Division.

Through feedback from forums held around the state, the division learned that there continues to be a shortage of quality interpreter services across Minnesota. The new law adds "interpreting services" to the division's purview to enable it to explore alternatives for getting interpreting services to consumers in those areas of the state where there are no freelance interpreters.

The new law also repeals the requirement to contract out for referral services in the metro area, making it optional instead. The repeal is designed to accommodate the changing nature of services in the area.

For many years, there was only one sign language interpreter referral service available in the Twin Cities area the service receiving state support. In recent years, competition in the referral marketplace has developed because of increasing demands for interpreting services.

As a result, it is expected over time that the metropolitan area's need for state-supported referral services will diminish. The new law gives flexibility to allow that to happen.

Rep. Lynda Boudreau (R-Faribault) and Sen. Charles Wiger (DFL-North St. Paul) sponsored the measure.

HF1414*/SF1584/CH149

INSURANCE

Selling settlement funds

The practice of buying a person's rights to structured settlement payments from an insurance company is now regulated under a state law effective Aug. 1, 1999.

People who sell the rights to such payments are generally claimants in personal injury or workers' compensation cases.

In the past, critics of the transactions said that some people who sold their rights to such payments did not have experience dealing with complex financial transactions. In some instances, people squandered the cash they received and were unable to pay their bills when they stopped receiving the insurance payments.

Under the new law, a company that pays a lump sum for a person's rights to future insurance payments must disclose detailed financial information about the transaction, known as a factoring transaction.

The claimant must receive advice on the proposed transaction, such as how the present value of the cash being offered compares to the total amount of money from the scheduled payments, tax implications of the

proposed transaction, and explanations of other possible consequences of the transaction.

Also, the law requires the claimant to be advised of closing costs, legal fees, brokers' commissions, and any other administrative fees or costs that may reduce the gross amount of money the claimant will receive.

The new law also requires more disclosure of that type of information in the initial negotiations of structured settlement claims.

Factoring transactions will be allowed only if the court determines it is in the best interests of the claimant and the claimant's dependents.

And the law clarifies a previously existing law prohibiting the sale of structured settlements of Minnesota workers' compensation claims.

Rep. Bill Haas (R-Champlin) and Sen. Edward Oliver (R-Deephaven) sponsored the measure.

HF478/SF148*/CH212

AIDS study volunteers

People who participate in AIDS vaccine research are protected from being unfairly denied insurance, under a new law effective Aug. 1, 1999.

AIDS vaccine clinical tests involve injecting candidates with a synthetic substance designed to cause the immune system to develop antibodies against the HIV virus. The vaccine itself doesn't contain the virus.

However, people who participate in the trials may develop antibodies to the HIV virus. And when insurance companies test applicants for life, disability, and other types of insurance, they often test for the presence of HIV antibodies as a method of determining whether a person is HIV positive.

The new law requires insurers to look more carefully before denying coverage. When informed that a client has participated in a vaccine test, an insurer must obtain a confidential certificate from the sponsor of the trial verifying the person's HIV status.

If it can be proven that the person's HIV antibodies are a result of exposure to the vaccine and that the person was HIV negative prior to the injection, the insurer cannot refuse to issue a policy on the basis of the HIV test.

The legislation was requested by the Minnesota AIDS Project, which is coordinating four test sites in the state involving about 200 volunteers.

The National Institutes of Health has evaluated over 20 vaccine possibilities, which are undergoing nationwide trials to determine the safety of the vaccines and their impact on stopping the disease.

Rep. Peg Larsen (R-Lakeland) and Sen. John Hottinger (DFL-Mankato) sponsored the measure.

HF1106*/SF1075/CH121

LAW

Malpractice limit extended

A new law promises to give more victims of medical malpractice their day in court.

Previous law required lawsuits dealing with medical malpractice to be initiated within two years of the alleged occurrence of the

malpractice. The new law allows up to four years to take legal action.

Bill sponsor Rep. Henry Todd Van Dellen (R-Plymouth) said that some cases of malpractice do not become evident within two years. When the victims discovered their problems, it was often too late to take action under the old law.

Van Dellen said his plan will not change the standard for malpractice; it will just allow more legitimate cases to move forward.

The new law is effective Aug. 1, 1999, and applies to legal actions commenced on or after that date.

Sen. Don Betzold (DFL-Fridley) sponsored the measure in the Senate.

HF56*/SF90/CH23

Blocking fraudulent liens

Elected officials and public employees have new protections from nonconsensual common law liens, under a new law effective Aug. 1, 1999.

Liens are used by creditors to secure property in place of payment of debt. For example, a plaintiff can file a lien against a defendant's property when the defendant cannot pay a judgement, or a home contractor can file a lien against the property when the owner hasn't paid a debt. The lien must be filed under the authority of the court, and the subject of the lien must be notified.

However, nonconsensual common law liens have been used as a political tactic by some anti-government organizations such as the Montana Freemen to put pressure on elected officials and public employees. The documents don't have a legitimate claim and often don't even include information on the person filing the lien.

The lien is often based on a "breach of contract" claim stating that the official didn't perform the function of the job and therefore owes money. Sometimes the documents are filed under the authority of "courts" created by members of the movement.

In some cases, the person filing the fraudulent claim deposits the lien in the bank as credit and then writes bad checks against the lien.

If the nonconsensual common law lien is successfully filed, the document can cause serious financial problems for the official named in the lien.

In the early 1990s, the Montana Freeman filed millions of dollars in nonconsensual liens against public officials in that state and wrote millions of dollars of bad checks against these claims. The Freeman also claimed that the group had the authority to seize state property as payment for the liens.

The new Minnesota law states that a nonconsensual lien against an elected official or public employee based on the performance of official duties is not valid unless authorized by a recognized court with proper jurisdiction.

And officials can seek damages from the person filing the invalid claim, under the law. A person found to have filed such a lien is liable for \$5,000 or the actual damages, whichever is greater. And the court can provide additional punitive damages.

The law also states that for a common law lien to be valid it must be authorized by a court of proper jurisdiction, have proof that the subject has been notified, and include the address of the claimant.

And the law provides a process whereby any subject of a nonconsensual common law lien can have the court force the person filing the lien to appear in court to explain the filing. In those cases, judges can award damages and attorneys' fees if the court determines the claim is fraudulent.

Rep. Wes Skoglund (DFL-Mpls) and Sen. Richard Cohen (DFL-St. Paul) sponsored the new law.

HF578/SF84*/CH170

Court reporters under contract

A new law, effective Aug. 1, 1999, requires freelance court reporters to disclose contracts or agreements they may have with litigants.

The measure comes in response to a growing use of contracted court reporters. These contracted employees are often used by large companies, such as insurance companies, that frequently need the services of court reporters for depositions and other legal proceedings.

Under such deals, the company agrees to use the court reporter exclusively and the court reporter provides services at a reduced rate. The practice is used as a way to reduce overall litigation costs.

The new law requires that court reporters disclose any contracts or agreements both in writing and orally before the beginning of any legal proceeding.

The measure also outlines procedures for cases where attorneys object to the use of contracted reporters and provides legal remedies for litigants who aren't given the information before a proceeding.

Earlier versions of the legislation would have simply outlawed such contracts altogether and freelance court reporters would have been required to work only on a case-by-case basis.

Critics of the agreements say that reporters need to provide services that are neutral and fair and that the contracts give the impression the court reporter is biased toward one side in the legal dispute.

Rep. Steve Smith (R-Mound) and Sen. John Hottinger (DFL-Mankato) sponsored the measure.

HF346*/SF278/CH215

LOCAL GOVERNMENT

Challenging state rules

A local unit of government can request a state agency to amend or repeal an administrative rule through a petition process, under a new law effective Aug. 1, 1999.

State law allows many agencies to adopt rules, such as specific standards for water quality or regulations for industries or occupations. Those rules are adopted through a process that includes public hearings.

Under the new law, if there is new evidence that a rule is unnecessary or that there would be a less expensive way to achieve the rule's purpose, a city council or county board can request the appropriate agency to amend or repeal the rule.

An agency that receives a petition must reply in writing within 30 days to indicate if it agrees or disagrees with the petition. The agency will then have 90 days to begin taking action on the request. The agency could either give public notice of its intent to comply with the request or schedule a public hearing with an administrative law judge to resolve the disagreement.

The costs of the administrative hearing are to be shared equally by the state and the local unit of government that submits the petition.

Rep. Jim Knoblach (R-St. Cloud) and Sen. LeRoy Stumpf (DFL-Thief River Falls) sponsored the measure.

HF879/SF1636*/CH193

Funding historical projects

Most Minnesota cities can now make unlimited donations to historical projects, under a new law.

A \$500 cap on what cities could spend on historical projects was enacted in 1957 and later raised to \$2,000 in 1977.

The proposal to eliminate that cap was supported by the Minnesota Historical Society as a way of encouraging additional historical investment by cities.

The new law, effective Aug. 1, 1999, also clarifies state law regarding contributions to senior and youth centers. That provision was requested by the city of Paynesville, where officials discovered that while the city could operate a transit program, it couldn't legally give financial support to an existing service operated by someone else.

Rep. Doug Stang (R-Cold Spring) and Sen. Michelle Fischbach (R-Paynesville) sponsored the measure.

HF371*/SF461/CH155

Other related measures

Below are other local government laws effective Aug. 1, 1999:

- A new law requires Minnesota cities that issue permits for amusement machines such as pinball or video games to charge only as much as it costs them to issue the permit or \$15 per site and \$15 per machine, whichever is lower. Rep. Rob Leighton (DFL-Austin) and Sen. Jim Vickerman (DFL-Tracy) sponsored the measure

HF1140/SF1329*/CH179

- Under a new law, townships may accumulate tax money in an account specifically dedicated for capital projects. And the electors, or citizens, of townships may designate the use of the money. Rep. Ray Vandever (R-Forest Lake) and Sen. Jane Krentz (DFL-May Township) sponsored the legislation.

HF1538/SF1463*/CH113

RECREATION

Antique boats on parade

Owners of antique boats have more leeway in displaying their boat licenses, under a new law effective Aug. 1, 1999.

The measure allows owners of restored historic boats to affix the license number and decals to a detachable device on the boat instead of to the boat itself. It affects boats that were built before July 1, 1959, and that are used solely as collector's items.

Rep. Jim Rostberg (R-Isanti), House sponsor of the measure, said it allows owners of those boats to participate in parades or events without having to deface the valuable crafts with license stickers.

Gov. Jesse Ventura, who allowed the measure to become law without his signature, stated that he believes the law should apply to all watercraft.

"It is my expectation that the Legislature will revisit this issue in a future legislative session and pass a bill exempting all watercraft from the license display requirement during any exhibit, regatta, or boat parade held in Minnesota," he wrote in his letter with the measure.

Sen. Douglas Johnson (DFL-Tower) sponsored the measure in the Senate.

HF137*/SF463/CH22

SAFETY

Responding to gas leaks

An explosion in downtown St. Cloud on Dec. 11, 1998, spawned a new law that changes statewide notification requirements in the event of a gas leak.

The St. Cloud blast killed four and injured 15. It was caused when a crew installing fiber-optic cable struck a gas line.

State law enacted in 1988 requires anyone excavating to call Gopher State One Call, which in turn contacts utilities in the area of the dig. The utilities then send locaters to the sites before excavation begins, and the locaters mark each utility with a different color.

The 1988 law also called for notifying utility operators "as soon as reasonably possible" in the event of damage to an underground facility.

The new law, effective Aug. 1, 1999, clarifies that provision to require prompt notification of damage to an underground facility or its protective covering to the owner or operator of the facility.

The law also requires the local 911 emergency service to maintain a response plan for notifications generated under the provisions.

Rep. Jim Knoblach (R-St. Cloud) and Sen. Dave Kleis (R-St. Cloud) sponsored the measure.

HF1184/SF794*/CH43

TAXES

Regulating subsidies

Effective Aug. 1, 1999, state and local government units have new regulations on how, when, and why they provide subsidies to attract new businesses.

Under a provision in the 1999 omnibus tax measure, government agencies awarding business subsidies have to establish a specific public purpose for the subsidy and enter specific subsidy agreements. The agreements must include an obligation to repay part or all of the subsidy if the recipient does not meet its obligations.

The new rules generally apply to subsidy amounts of more than \$25,000.

The provisions were offered in response to public concern that too much money is being "given away" to attract businesses by cities, counties, and some state entities with little to show for it.

Rep. Ron Abrams (R-Minnetonka) and Sen. Douglas Johnson (DFL-Tower) sponsored the omnibus tax law.

HF2420*/SF1276/CH 243

TRANSPORTATION

Slowdown on town roads

A new law, effective Aug. 1, 1999, reduces speed limits in residential areas of rural townships.

The law sets a speed limit of 30 miles per hour on town roads that run through residential developments.

Under a previous law, many of those roads had limits of 55 miles per hour. The roads did not qualify for a lower speed limit because they do not pass through areas that meet the state's definition of an urban district.

In an urban district, the speed limit is 30 miles per hour where buildings are within 100 feet of each other.

The new law, sponsored by Rep. Tom Workman (R-Chanhassen) and Sen. Janet Johnson (DFL-North Branch), creates a separate definition for rural residential districts, allowing the reduced speed limit when houses are within 300 feet of each other for a distance of at least one quarter of a mile.

HF1265/SF1150*/CH44

Commuter rail and helmets

A new law puts into law a planning process for a commuter-rail system, if lawmakers decide to go forward with such a project, and repeals a law considered punitive by many motorcyclists.

Those provisions, both effective Aug. 1, 1999, are parts of a largely technical bill that makes several changes to laws governing the operations of the Minnesota Department of Transportation.

The measure strikes from the books a state law that allows into evidence proof of whether a motorcyclist

was wearing a helmet. The law had applied in civil cases where the cyclist was seeking damages, but many cyclists considered it unfair because state law does not require helmet use.

Under the new law, the commissioner of transportation is required to adopt a plan for commuter rail, a system that uses passenger cars on existing freight railroad lines. That provision is effective Aug. 1, 1999.

The transportation department has been studying how such a system would work in the Twin Cities area for the past two years at the direction of the Legislature.

A master plan for the region's transit system is also required by the Metropolitan Council. The law calls for that plan to be completed by Feb. 1, 2000, when the Legislature reconvenes.

And the law authorizes a construction method for officials who are preparing for the planned light-rail transit line in Minneapolis.

Rep. Tom Workman (R-Chanhassen) and Sen. Carol Flynn (DFL-Mpls) sponsored the legislation.

HF1551/SF1762*/CH230

Other transportation laws

Here are other transportation measures effective Aug. 1, 1999:

- A new law decreases the amount of time banks are allowed to release a title after a car is paid off. Under previous law, banks had 15 days to do so. The new law reduces that to seven days when the cars are sold by most types of auto dealerships. Rep. Bill Kuisle (R-Rochester) and Sen. Dallas Sams (DFL-Staples) sponsored the legislation.

HF790/SF778*/CH131

- A new law removes a requirement for people who apply for disability license plates for a vehicle that has been modified for permanent use by a person with a disability. Applicants no longer need additional proof of their disability by a physician's statement or other means to obtain the special license plates. Rep. Doug Stang (R-Cold Spring) and Sen. Michelle Fischbach (R-Paynesville) sponsored the legislation.

HF165/SF460*/CH25