

PUBLIC INFORMATION SERVICES
175 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155
651-296-2146
Fax: 651-297-8135
800-657-3550



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

FOR IMMEDIATE RELEASE
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Contact: Lee Ann Schutz
651-296-0337
leeann.schutz@house.mn

New Laws Effective Aug. 1, 2009

The following is a listing of select new laws passed during the 2009 legislative session that take effect Aug. 1, 2009. The asterisk following the bill number denotes language that became law. A complete summary of all laws passed by the 2009 Legislature is available online from the House Public Information Services Office. Go to <http://www.house.mn/hinfo/newlaws/newlawsmain.asp>.

CONSUMERS

No charges on lost cell phone

Lost your cell phone? No need to worry about being liable for charges the finder may rack up.

Under a new law, sponsored by Rep. John Lesch (DFL-St. Paul) and Sen. Ellen Anderson (DFL-St. Paul), a customer will not be liable for charges resulting from unauthorized use of their cell phone, if the wireless provider has been notified that the phone is lost or stolen. The customer will have to agree, however, to suspend use of the wireless device.

HF854/SF298*/CH54

Those who unfairly sell tickets could see ticket

Ticket sellers are required to make available for sale all tickets under their control or face a possible misdemeanor charge.

Under the law, the initial ticket seller will need permission from the event or venue provider before initial ticket sales can be diverted to a bid Web site, or under any other terms.

The law is sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Ron Latz (DFL-St. Louis Park).

HF819*/SF759/CH61

Payday lending protections added

Payday borrowers will have added protections from lenders, especially regarding harm that could result from "serial borrowing" that occurs if lenders allow customers to keep rolling over their loans. Sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Kevin Dahle (DFL-Northfield), the law tightens payday lending rules and creates penalties for lenders who violate them.

New requirements for payday lenders include keeping detailed records about their transactions; include in loan agreements provisions to protect customers from certain practices considered unfair; and provide the borrower with a copy of the loan agreement in the language that was used to negotiate the loan.

HF914/SF806*/CH68

CRIME

Tougher sex trafficker penalties

As part of an overall effort to stop sex trafficking in the state, criminal penalties will become more severe.

Effective for crimes committed on or after Aug. 1, 2009, the law changes the definition of sex trafficking and increases the fine. It also contains a provision for a 25-year sentence for first- and second-degree cases involving aggravating factors, such as repeat offenders, the victim suffering bodily harm during the offense, more than one victim is involved, or if the time the victim was held in debt bondage or forced labor was for more than 180 days.

The crime of “prostitution in a public place” is clarified so it is consistent throughout statutes, and the law enhances the penalty for repeat prostitution-related violations in certain instances.

The law adds language to state statute that an employer cannot retaliate against a victim of a violent crime, or the victim’s spouse or immediate family, for taking reasonable time off of work to attend criminal proceedings.

Sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Sandy Pappas (DFL-St. Paul), the law is based on a report commissioned by Minnesota’s Human Trafficking Task Force.

HF1505*/SF1514/CH137

EDUCATION

Student lifesavers trained properly

Schools that offer students training in cardiopulmonary resuscitation and automatic external defibrillator use will be required to use certain instruction.

A new law, sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. Kathy Saltzman (DFL-Woodbury), requires districts that voluntarily offer students training in CPR to ensure that training will be in accordance with the American Heart Association, the American Red Cross or other nationally recognized, evidence-based guidelines.

Mariani said the odds of surviving cardiac arrest are only 10 percent without the intervention, but acquiring the right kind of skills “properly trains our young people to be lifesavers as they go out into the world.”

HF648/SF567*/CH107

EMPLOYMENT

Contractor or employee?

A new law addresses the misclassification of some workers in the trucking and courier industry as independent contractors rather than employees.

Sponsored by Rep. Sheldon Johnson (DFL-St. Paul) and Sen. David Tomassoni (DFL-Chisholm), the law lays out factors all needing to be present for a worker to be considered an independent contractor, including when the individual:

- owns the equipment or holds it under a bona fide lease arrangement;
- is responsible for the equipment’s maintenance and operating costs;
- is paid based on work performed, not time expended;
- substantially controls the means and manner of the service performance; and
- enters into a written contract specifying that the relationship is one of an independent contractor and not that of an employee.

HF813/SF910*/CH89

GAME AND FISH

Game, fish and forest regulations updated

The omnibus game, fish and forestry law includes new regulations related to fishing and hunting, all-terrain vehicle and watercraft usage, plus uses for parks and state trails.

Sponsored by Rep. David Dill (DFL-Crane Lake) and Sen. Satveer Chaudhary (DFL-Fridley), most of the law is effective July 1, 2009, however some provisions take effect Aug. 1, 2009.

All-terrain vehicle drivers are subject to new penalties designed to protect wetlands and other environmentally sensitive areas. Violations are a gross misdemeanor and may result in license suspension and/or the seizure of the vehicle upon a second offense.

Off-highway motorcycle riders under age 16 were required to ride alongside another rider age 18 or older, which prevented them from legally participating in track-style events. The law is revised so that they may now ride while under adult supervision.

Several changes are made regarding state parks. Visitors will be able to request multiple vehicle permits beyond the two previously allowed; vehicles carrying students on school-sanctioned trips will not be charged state park entry fees; and a permit will no longer be required to enter John A. Latsch State Park or Greenleaf Lake State Recreation Area.

The law updates a number of fishing policies, including:

- the minimum age of a resident is lowered from 18 to 16 who may fish free during “Take a Kid Fishing Weekend” when accompanied by a child under age 16;
- anyone may fish from shore in water that is wholly contained within a state park, except in waters that require a trout stamp;
- residents discharged from active federal military service during the preceding two years may obtain a free license to hunt deer of either sex;
- spearing of fish is added to the list of available lifetime licenses, with exceptions; and
- a nonresident license may be issued to spear fish from a dark house.

HF1237*/SF1110/CH176

GOVERNMENT

Divesting from Iran

A new law requires the State Board of Investment to divest assets it currently holds with companies that do business with, or invest in, Iran’s energy sector.

Sponsored by Rep. Ryan Winkler (DFL-Golden Valley) and Sen. Terri Bonoff (DFL-Minnetonka), the board must identify and compile a list of companies engaging in “scrutinized business operations” in Iran. It will then notify the affected companies that they may be subject to divestment. If a company does not take action within 90 days to cease its scrutinized business operations, the board will begin selling, redeeming, divesting or withdrawing its stock in the company. The law includes a prohibition on acquiring new stocks in such companies. Exemptions are provided to companies involved in humanitarian and similar work in Iran.

HF111*/SF131/CH90

E-meetings for state agencies

State agencies will be allowed to hold some meetings electronically instead of in person — as long as the public has access to the meetings, and other certain conditions are met.

Sponsored by Rep. Sheldon Johnson (DFL-St. Paul) and Sen. Mee Moua (DFL-St. Paul), the law applies to all state departments, boards, commissions and other state government entities.

Under the law, all meeting participants must be able to hear all discussion and testimony; at least one member of the government entity must be physically present at the regular meeting location; members of the public who are present at the regular meeting location must be able to participate in testimony and hear all member discussion and votes; and all votes must be conducted by roll call.

HF456/SF764*/CH80

HEALTH

Safe patient handling and Alzheimer's disease study

Various health care policy changes are included in a new law sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. Tony Lourey (DFL-Kerrick).

Provisions effective Aug. 1, 2009, include:

- a study group is created to examine, and report back to the Legislature, the needs and services of individuals diagnosed with Alzheimer's disease and the state's role in providing support;
- by July 1, 2010, every clinical setting that moves patients in the state will be required to develop a written safe patient handling plan to achieve, by Jan. 1, 2012, "the goal of ensuring the safe handling of patients by minimizing manual lifting of patients by direct patient care workers and by utilizing safe patient handling equipment;" and
- two members are added to the Health Care Reform Review Council from the Minnesota Psychological Association and the Minnesota Chiropractic Association.

HF1760*/SF1526/CH159

Dental therapist licensure required

A provision in the omnibus higher education law, sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. Sandy Pappas (DFL-St. Paul), calls for a new class of mid-level dental practitioners — dental therapists. These oral health care practitioners will serve as a middle option between dentists and hygienists, and work in underserved areas. The law lays out educational requirements for dental therapists and "advanced dental therapists," and also establishes licensure requirements and other regulations. The Board of Dentistry will receive \$110,000 to pay for licensing dental therapists.

HF869/SF2083*/CH95

HIGHER EDUCATION

U.S. manufactured clothing, vet student loan forgiveness

Among provisions in the omnibus higher education law taking effect Aug. 1, 2009, is a requirement that campus bookstores at public colleges and universities, to the extent possible, offer clothing for sale that was manufactured in the United States.

Veterinary students can look forward to a new large animal veterinary loan forgiveness program that will focus on helping veterinarians who operate full-time practices in "underserved" rural areas and work mostly with food animals. The law includes \$225,000 for the program.

The law is sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. Sandy Pappas (DFL-St. Paul).

HF869/SF2083*/CH95

HUMAN SERVICES

Training for shaken baby syndrome

Shaken baby syndrome training for certain providers caring for children up to age 5 is increased, effective Aug. 1, 2009.

Sponsored by Rep. Phil Sterner (DFL-Rosemount) and Sen. Sharon Erickson Ropes (DFL-Winona), the law requires 30 minutes of training for both shaken baby syndrome and sudden infant death syndrome for licensed chemical dependency treatment programs that serve clients with children, licensed child care centers and providers, and child foster care providers that care for children. The training is required at least once every five years.

Previous training was only required for those caring for infants.

HF782/SF978*/CH26

HUMANITIES

Resolving a Dakota conflict

One year after the Dakota Conflict of 1862 in Minnesota, President Lincoln signed the Minnesota Indian Removal law, resulting in removal of the Dakota people from the state.

The law is still on the books.

A new law effective Aug. 1, 2009, in the form of a nonbinding resolution, urges the president and Congress to repeal the federal legislation.

Rep. Dean Urdahl (R-Grove City), who sponsors the law with Sen. Steve Dille (R-Dassel), said the measure is “largely symbolic, but it is important to the tribes in Minnesota.”

Under the resolution, the secretary of state is to prepare copies of the memorial to be sent to the president, Congressional leadership and its members.

HF1825/SF1623*/CH171

INDUSTRY

Paying subcontractors promptly

Beginning Aug. 1, 2009, subcontractors and suppliers working on residential jobs will have the same assurance as those working for commercial contractors that they’ll be paid in a timely manner.

A new law, sponsored by Rep. Larry Howes (R-Walker) and Sen. Linda Scheid (DFL-Brooklyn Park), strikes language excluding residential subcontractors and suppliers from an existing law requiring prompt payment. Prime contractors or subcontractors who hire other subcontractors or suppliers must pay those they hire within 10 days from the date payment is requested. The law also stipulates interest to be paid on late payments.

HF1056*/SF638/CH66

INSURANCE

Speeding up insurance claims

Let’s say you own a store and a fire destroys the building and your inventory. You have insurance, but you may find you have to hire a lawyer to get the insurance company to pay up.

Sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Tom Bakk (DFL-Cook), a new law will allow for a 10 percent interest charge on the insurance proceeds calculated from the time the insured requests payment of the policy amount, plus reasonable attorney fees and court costs.

It also clarifies the term and usage of “surviving spouse” as it relates to a business of a deceased professional who was the sole owner of a firm at the time of their death. The law gives the surviving spouse one year after the professional’s death to sell the practice; prior law allowed only 90 days.

HF417*/SF528/CH148

Sale of life insurance policies modified

Some people who purchase a life insurance policy sell it to a third party before the policy matures. A new law sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Chris Gerlach (R-Apple Valley) modifies statutes regulating viatical settlements.

Under the law, a broker or provider will need to be licensed by the state where the person selling the policy resides. A licensed insurance producer agent in good standing will be allowed to operate as a viatical settlement broker. The law also lays out grounds for a license to be suspended or revoked and for refusal to issue or renew the license of the provider, broker or agent.

Although the law is effective Aug. 1, 2009, a viatical settlement provider, broker or investment agent transacting business in Minnesota may continue to do so pending approval or disapproval of the provider’s, broker’s, or investment agent’s application for a license as long as the application is filed with the state by Dec. 31, 2009.

HF1719/SF1539*/CH62

Acupuncturist services reimbursement

Treatment by licensed acupuncture practitioners will become more widely reimbursed by health care plans that already offer physician-supervised or provided coverage only.

A new law provides equal access to a licensed acupuncture practitioner for services covered under a regulated health plan. If acupuncture services provided by a physician are covered, the same services provided by a licensed acupuncture practitioner must also be covered. It does not require health plans that don't cover any acupuncture services to begin doing so. It applies to coverage issued, renewed or continued on or after Aug. 1, 2009.

Rep. Karen Clark (DFL-Mpls), who sponsors the law with Sen. Linda Berglin (DFL-Mpls), said the law is a memorial to Edith R. Davis, considered Minnesota's pioneer acupuncturist.

HF286/SF245*/CH45

LAW

Greater attorney fee awards

Sponsored by Rep. Joe Mullery (DFL-Mpls) and Sen. Don Betzold (DFL-Fridley), a new law eliminates a per-hour cap on an award of attorney's or agents fees in a civil action or contested case where the state is a party.

Under current law, when a court finds the state is not justified in bringing forth an action, the defendant is entitled to an award of attorney fees and expenses. However, the \$125 hourly cap, established in 1986, is still in statute.

Supporters said it is hard to get good legal representation at that limited price.

The law will allow a judge to issue a reasonable award based on the prevailing market rate for the kind and quality of service received by the defense.

HF1529*/SF798/CH125

LOCAL GOVERNMENT

Changes to temporary drawdowns

Cities and counties will no longer need the approval of every lakefront property owner along a public water body in order to temporarily lower the lake's water level.

A new law, effective Aug. 1, 2009, allows the commissioner of natural resources to issue public waters work permits to public entities for a drawdown, if the commissioner deems it is in the public's best interest, at least 75 percent of the riparian landowners agree to the drawdown and the permit applicant holds a public hearing. The permit applicant must mail notices of the hearing to affected property owners and publish the date, time and place of the hearing in a local newspaper.

Local governments and watershed districts temporarily drawdown the water level in a lake as a management tool to prevent or eradicate invasive species.

The law, sponsored by Rep. Paul Rosenthal (DFL-Edina) and Sen. Ken Kelash (DFL-Mpls), excludes public waters that have been designated by the commissioner for the protection and management of wildlife.

HF1539/SF640*/CH48

PUBLIC SAFETY

Alert notification assurance

Law enforcement agencies that issue crime alerts will be required to put them in a format that "a disabled person can access with commercially available text-based screen reader software."

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. Ken Kelash (DFL-Mpls), the law also classifies as private the names and contact information of citizens requesting a crime alert.

HF254/SF265*/CH22

No laser pointing at planes

Knowingly pointing a laser at an aircraft could result in a jail sentence.

A new law sponsored by Rep. Rick Hansen (DFL-South St. Paul) and Senate President James Metzen (DFL-South St. Paul) makes the action a gross misdemeanor, punishable by up to a year in jail and a \$3,000 fine.

When the laser hits an aircraft windshield, it turns the plexiglass opaque, blinding the pilot. Lasers that run on AAA batteries can be purchased at many office supply stores or big box retailers and some have a range of up to 10 miles.

The law exempts search and rescue situations when the person on the ground is indicating their location.

HF1097/SF1408*/CH73

Mental health 911 assistance

Beginning Aug. 1, 2009, mental health crisis teams will be added to the list of emergency 911 responders, where available.

Supporters said there is not one number to call when someone is having a mental health crisis and is in need of help, and that mobile crisis teams can assess a situation and provide cost-effective ways to stabilize the individual, including a referral to mental health centers, clinics or crisis homes.

Rep. Joe Mullery (DFL-Mpls) and Sen. Tom Saxhaug (DFL-Grand Rapids) sponsor the law.

HF448/SF707*/CH128

Licensing full-time firefighters

Full-time firefighters hired on or after July 1, 2011, will need a license, and volunteer and on-call firefighters will have the option of getting a license by following the same requirements as full-time firefighters.

To receive a three-year license, a person must demonstrate competency in fire prevention, fire suppression and hazardous material operations. A license will be renewed without testing, provided the firefighter had at least 72 hours of training during the previous three years. The approximately 2,000 current full-time firefighters would be exempted.

To ensure there is no fiscal impact to the state, a \$75 fee is established for the original license and each renewal.

The new law, effective Aug. 1, 2009, calls for the Board of Firefighter Training and Education to appoint an accredited organization to prepare and administer firefighter certification examinations.

Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Ann Rest (DFL-New Hope) sponsor the law.

HF1805/SF1219*/CH153

Fallen Firefighters Memorial Day created

Firefighters who have lost their lives in the line of duty now have their own day of remembrance in Minnesota.

Sponsored by Rep. Mike Obermueller (DFL-Eagan) and Sen. Jim Carlson (DFL-Eagan), a new law designates the first Sunday in October as Fallen Firefighters Memorial Day. On that day, each U.S. and Minnesota flag on the Capitol grounds will be flown at half-staff.

According to the Minnesota Fallen Firefighters Memorial Association, there have been 197 line-of-duty firefighter deaths in Minnesota, with the first being recorded in 1881 in Minneapolis, and the most recent in 2008 in Pine City.

HF422/SF237*/CH87

GPS usage, toy safety addressed in public safety law

Global Positioning Systems can be mounted or located near the bottommost portion of a vehicle's windshield beginning Aug. 1, 2009. The provision, initially proffered by Rep. Al Juhnke (DFL-Willmar) and Sen. David Tomassoni (DFL-Chisholm) as HF85/SF323, is part of the larger omnibus public safety policy law sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Mee Moua (DFL-St. Paul).

Other provisions taking effect Aug. 1, 2009, include:

- a business that sells over-the-counter methamphetamine precursor drugs is required to retain a sales log for three years and make it available for inspection by law enforcement at all reasonable times;
- commercial retailers are prohibited from selling a toy designed primarily for children under age 12 that has been recalled for safety reasons; and
- the state's trespass law is amended to include entering any public or private area lawfully cordoned off by a peace officer.

HF1301/SF993*/CH59

TRANSPORTATION

Passing speed limit increased for some

Drivers will be allowed to exceed the speed limit by 10 mph when passing another vehicle going the same direction on a two-lane highway with a speed limit of at least 55 mph. This provision is part of a new law making failure to wear a seatbelt by a primary offense.

Although the law is sponsored by Rep. Kim Norton (DFL-Rochester) and Sen. Steve Murphy (DFL-Red Wing), the passing provision is taken from HF464/SF601, sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. David Tomassoni (DFL-Chisholm).

HF108*/SF42/CH165

Honoring a former legislator

Trunk Highway 53 from Virginia to International Falls will be designated as the "Speaker Irvin N. Anderson Memorial Highway." The Department of Transportation will design and erect signs that will be paid for through nonstate funds.

First elected in 1964, Anderson spent 34 non-consecutive years in the Legislature, serving from 1964-82 and 1990 until retiring in 2006. He was House speaker from 1993-96. He passed away last November.

MnDOT is also given permission to remove a memorial highway sign if it needs maintenance and a reasonable attempt has been made to obtain necessary funds from nonstate sources for repair or replacement.

Rep. Tom Anzelc (DFL-Balsam Township) and Sen. Tom Saxhaug (DFL-Grand Rapids) sponsor the law.

HF110/SF335*/CH23

Highway designation honors veterans

A stretch of northern Minnesota highway will be designated to honor those that have protected America.

About 1.5 miles of Trunk Highway 200 from County State-Aid Highway 39 to its junction with Trunk Highway 92 at Zerkul, and about 27 miles of Trunk Highway 92 from that intersection north to County State-Aid Highway 5 in Clearbrook will be designated the "Clearwater County Veterans Memorial Highway."

The Transportation Department will design and erect appropriate signs, subject to the availability of nonstate funds to pay the costs. The law is sponsored by Rep. Brita Sailer (DFL-Park Rapids) and Sen. Rod Skoe (DFL-Clearbrook).

HF121/SF451*/CH18