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Minnesota House of Representatives

Kurt Zellers, Speaker

FOR IMMEDIATE RELEASE
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New Laws Effective Aug. 1, 2011

The following are some of the new laws that take effect Aug. 1, 2011. The asterisk following the bill number denotes the language that became law. Summaries of all laws passed by the 2011 Legislature during its regular session are available online from nonpartisan House Public Information Services at www.house.mn/hinfo/Newlaws2011-0.asp.

BUSINESS

Employers can organize tip sharing

Rep. Sarah Anderson (R-Plymouth) worked her way through college as a restaurant server. A new law she sponsors with Sen. Dave Thompson (R-Lakeville) makes it easier for restaurant workers to pool their tips or for a restaurant owner to safeguard them for employees.

The law allows employers, at their employees' request, to safeguard and disburse tips according to a sharing agreement; and to report the amounts received for tax purposes. Employees may not coerce employees to share gratuities.

HF809/SF1280*/CH105

Pawn shop regulations eased

A new law will make it easier for pawn shops to manage their inventory.

The law standardizes a 60-day maximum redemption period for a pawn transaction. It allows pawnbrokers to return, sell or remove inventory from display after the redemption period is reached, or after 31 days for inventory purchased other than through a pawn transaction.

It also repeals a state requirement that pawn shops be located at least 10 driving miles from any casino.

Except for the standardized redemption period, municipalities may regulate pawn businesses or transactions more restrictively.

The law is sponsored by Rep. Tim Sanders (R-Blaine) and Sen. David Brown (R-Becker).

HF1152/ SF955*/CH82

Easier filing for businesses

A new law will make it easier for businesses to file their records online.

Sponsored by Rep. Pat Mazorol (R-Bloomington) and Sen. Benjamin Kruse (R-Brooklyn Park), the law removes a number of statutory stumbling blocks to implementing an online filing system.

Selected provisions include:

- standardizing the types of data required to be printed on certificates issued to businesses;
- streamlining the filing process for business trusts and municipal power and gas agencies; and

- eliminating mandates requiring the secretary of state to use the U.S. Postal Service rather than electronic means to provide certain notices to businesses.

HF1643/SF1234*/CH106

CONSUMERS

Home repair contractors

Minnesota home repair contractors have been busy during the past few years as homes have taken a beating from hail storms, twisters and other natural disasters.

A new law modifies a 2010 law relating to contracts for residential home repair, and it offers more consumer protection from “fly-by-night” contractors, including those from out of state, who compete for Minnesota contracts after storms or natural disasters.

The law will add siding contractors as well as roofing contractors to those prohibited from offering to pay for an insured’s deductible or to compensate an insured as an incentive to gain a contract. It also broadens the current law’s language regarding the types of inducements that contractors are forbidden from offering to property owners. It also gives the labor and industry commissioner authority to enforce the law.

Rep. Tim Sanders (R-Blaine) and Sen. Benjamin Kruse (R-Brooklyn Park) sponsor the law.

HF1420/SF249*/CH63

EDUCATION

Alternative pathways to teacher licensure

Beginning with the 2011-2012 school year, alternative licensure programs may be created by a school district or charter school in partnership with a college or university with a Board of Teaching-approved alternative teacher preparation program.

A new law directs the board to approve qualified programs offering alternative pathways to teacher licensure in order to improve academic excellence, improve ethnic and cultural diversity in the classroom, and close the academic achievement gap.

Alternative licensure candidates who meet all criteria will be granted a two-year limited license that the board may renew for an additional year, and may prepare for a standard teaching license. Candidates must have a 3.0 or higher grade-point average or a waiver from the board; pass basic reading, writing and math skills exams; and obtain qualifying scores on board-approved content and pedagogy exams.

The board is directed to streamline the path for teachers holding out-of-state licensure from accredited programs to Minnesota licensure. Candidates who have completed another state’s alternative teacher preparation program may apply for a standard Minnesota license.

Rep. Pat Garofalo (R-Farmington) and Sen. Gen Olson (R-Minnetrissa) sponsor the law.

HF63/SF40*/CH5

HEALTH AND HUMAN SERVICES

CPR requirements at child care centers

Sponsored by Rep. Mary Liz Holberg (R-Lakeville) and Sen. Dan Hall (R-Burnsville), a new law requires all teachers and assistant teachers at a child care center to successfully complete CPR training, including CPR techniques for infants and children. At least one staff person with training must be present during field trips and when transporting children. The training would have to occur within 90 days after the start of employment.

Prior to the law, child care centers were required to have at least one trained staff person present in the facility when children are present.

The so-called “Hannah’s Law” is named after a 4-year-old girl who died in June 2010 after choking on a grape at a child care center.

HF235*/SF381/CH23

‘Leo’s Law’ to raise awareness of mitochondrial diseases

A young boy named Leo is the inspiration for a new law designed to raise awareness of mitochondrial diseases.

Sponsored by Rep. Rod Hamilton (R-Mountain Lake) and Sen. Doug Magnus (R-Slayton), a new law establishes the third week of September as Mitochondrial Disease Awareness Week. During this time, Minnesotans will be urged to become better informed about mitochondrial diseases, which affect mitochondria — the “power plants” in every cell of the body.

The provisions may be cited in statute as “Leo’s Law,” so named after Leo James Chapman-Nesseth, a 1-year-old who died from a mitochondrial disorder in 2010.

According to the United Mitochondrial Disease Foundation’s website, Mitochondrial disorders occur when the power plants in a body’s cells fail to convert oxygen and food into energy. They can cause a wide range of serious health problems, from strokes and seizures to organ failure and immune system problems. Mitochondrial diseases can be inherited, or they can develop due to environmental factors.

HF287/SF361*/CH104

Food inspection exceptions

The efforts of a couple of self-professed “church ladies” from Goodhue County saved their church dinners thanks to a new law that exempts meals served by faith-based organizations from certain Health Department food inspection regulations, including inspections.

Sponsored by Rep. Steve Drazkowski (R-Mazeppa) and Sen. John Sterling Howe (R-Red Wing), the legislation grants certain organizations with tax-exempt status exemption from food regulation statutes. It would also affect organizations that are affiliated with or related to a sportsman organization. It also adds a limitation that events must be held in the organization’s building or on the grounds.

Pat Irrthum and Kathy Theel began their efforts to reform the law that jeopardized their church dinners at St. Paul’s Catholic Church in Zumbrota after Goodhue County relinquished its food inspection service for nonprofits last year as a cost saving measure. The Department of Health took over the duties for the county and last spring informed parishioners at the church and other area churches that they were in violation of a state law that requires permits for nonprofit events where homemade food is served.

HF637/SF477*/CH92

Modifications to health services policy provisions

A 2009 law required the Department of Human Services to develop a uniform statewide rate setting methodology to replace the county negotiated rates with providers of mental and chemical health care.

A new law, sponsored by Rep. Diane Anderson (R-Eagan) and Sen. Scott Newman (R-Hutchinson), makes notable changes to chemical and mental health care-related statutes in order to reflect that directive and to streamline the chemical and mental health care-related areas of the department to conform to the recent federal instruction.

Many of the changes were developed from the work of a 2010 Legislature-appointed task force charged with the responsibility of making recommendations to the human services commissioner on ways to improve quality care access for individuals with complex conditions, including mental illness, chemical dependency, traumatic brain injury and developmental disabilities.

Provisions in the new law include:

- an adult diagnostic assessment update is to be completed when an assessment has been completed within three years preceding admission for health services and there has been no marked change in the client’s mental health status;

- modification of the foster care licensing moratorium by carving out an exception for the human services commissioner to grant new foster care licenses if needed due to restructuring of state-operated services;
- changes to the consolidated chemical dependency treatment fund section of law due to a provision passed by the Legislature instructing the department to develop a new chemical dependency rate methodology that is uniform statewide;
- changes to the law authorizing Medical Assistance payments for intensive rehabilitation mental health services by requiring the commissioner to streamline the rate setting process of certified community treatment teams an intensive residential services;
- modifying the definition of “intensive nonresidential rehabilitative mental health services” and clarifies that these services are for recipients ages 16-21 with a serious mental illness or co-occurring mental illness and substance abuse addiction;
- modifying the foster care licensing moratorium by carving out an exception for the commissioner of human services to grant new foster care licenses if needed due to restructuring of state-operated services; and
- requiring that a mobile crisis intervention team must be available to meet face to face with a person in a hospital emergency room in a mental health crisis. The law also adds to the list of issues that must be evaluated in the crisis assessment, including the recipient’s preferences as communicated verbally or in a health care directive treatment plan, crisis prevention plan or a wellness recovery action plan.

HF1500/SF1285*/CH86

Psychiatric facility for youth can expand

The recently opened PrairieCare children and adolescent psychiatric hospital wants to expand its 20-bed facility in Maple Grove. It needed legislative approval because of an existing moratorium on construction of new hospitals.

Sponsored by House Speaker Kurt Zellers (R-Maple Grove) and Sen. Julie Rosen (R-Fairmont), a new law amends the existing moratorium exception that first allowed construction of the 20-bed hospital specifically geared for individuals age 21 and younger, by adding that the permitted project includes expansion for the hospital for up to 50 beds.

The hospital moratorium was enacted in the early 1980s to prevent overbuilding hospital facilities in the Twin Cities metropolitan area. Since that time, the Legislature has granted 24 exceptions, including in 2009 to add the 20-bed PrairieCare children and adolescent psychiatric inpatient facility in Maple Grove.

HF1018/SF749*/CH51

High standard for pro athlete drug tests

Minnesota drug testing laws will recognize labor agreement provisions regarding drug and alcohol testing for professional athletes.

Professional sports contracts often include drug testing requirements that are more stringent and tougher than Minnesota laws. The measure has the support of professional teams and labor organizations.

Rep. Steve Simon (DFL-St. Louis Park) and Sen. John Pederson (R-St. Cloud) sponsor the law.

HF1422/SF1265*/CH62

PUBLIC SAFETY

Vulnerable adult protections

Sponsored by Rep. Tim Kelly (R-Red Wing) and Sen. Warren Limmer (R-Maple Grove), a new law makes reforms to the Vulnerable Adult Act, which was last substantially revised in 1995 to include making it a crime for vulnerable adult care facility workers or caregivers to engage in sexual conduct or penetration with a vulnerable adult in their care. But the law does not include language that requires someone convicted of these crimes to register as a predatory offender.

The law will also increase the fourth-degree assault penalty from a misdemeanor to a gross misdemeanor for those who know or have reason to know their target is a vulnerable adult and still assault that person because of the perceived vulnerability and cause bodily harm in the act.

In Minnesota, a vulnerable adult is defined as someone who receives nursing home care services or has impairments that make it impossible for them to care for themselves on a daily basis and are sufficiently impaired that they cannot protect themselves from maltreatment.

HF447*/SF195/CH28

Protecting law enforcement assistants

New legal protections will be afforded reserve law enforcement officers, horses operated by reserve officers, utility workers and postal carriers.

Sponsored by Rep. Ron Shimanski (R-Silver Lake) and Sen. Scott Newman (R-Hutchinson), the law adds to the word “statutory” to the definition of a law enforcement reserve officers and will make it a gross misdemeanor to assault the person. Additionally, horse-mounted reserve officers or trail horses will be given the same protection afforded to mounted peace officers and their horses, “while the reserve officer is operating at the direction of, under the control of, or on behalf of a peace officer or a law enforcement agency.”

The law also expands the gross misdemeanor fourth-degree assault crime to include attacks against utility employees and contractors, as well as postal carriers while involved in their professional duties.

HF506/SF301*/CH85

Tougher penalty for fleeing peace officer

The crime of fleeing a peace officer when the result of doing so results in a death that does not constitute murder or manslaughter has been modified.

A new law extends current law to situations where a suspect initially flees police in a motor vehicle, but abandons the vehicle and continues to flee in another way.

Current flee-on-foot statute does not address penalties for causing serious harm or death to others if pursuit of a felonious criminal goes from vehicle to foot. However, if the occupants are still in the car, they can be charged for all the harm caused by their actions.

Rep. John Kriesel (R-Cottage Grove) and Sen. John Harrington (DFL-St. Paul) are the sponsors.

HF361*/SF515/CH32

Donating public safety equipment

Some larger fire departments receive grants to upgrade their equipment, leaving them with the problem of how to dispose of used equipment that still may be in good working order. Donating to smaller departments is problematic because of the possible liability issue. So some departments simply mothball the equipment and some ship it to other countries.

Rep. Tara Mack (R-Apple Valley) and Sen. Warren Limmer (R-Maple Grove) sponsor a new law that will extend civil immunity to a municipality that donates vehicles and equipment used in firefighting, ambulance and emergency medical treatment services, rescue and hazardous materials response.

The issue of concern to city officials is that equipment exposed to high heat situations may not perform as expected and the donating government jurisdiction could be held liable.

HF695*/SF735/CH75

Sex offender residency restriction clarified for courts

A new law authorizes a court to bar a juvenile found guilty of a sex crime from residing within 1,000 feet, or three city blocks, of the victim.

Sponsored by Rep. Keith Downey (R-Edina) and Sen. Geoff Michel (R-Edina), the law inserts permissive language to ensure the court system fully understands that a judge has the option to issue such restraining orders in cases where the juvenile offender is over age 15 and does not live in the same home as the victim.

The law also states that the residency restriction could be ordered for all or part of the time that the offender is under court jurisdiction.

HF229*/SF76/CH72

Tough penalty for harming police dog

A new law will increase the penalty for injuring public safety dogs and impose mandatory restitution on offenders who harm these animals. It also extends the gross misdemeanor offense of harming a public safety dog to cases where the dog suffers demonstrable bodily harm. Further, the law creates a new offense whereby it is a misdemeanor to assault a public safety dog where the animal does not suffer “demonstrable bodily harm.”

Rep. Tony Cornish (R-Good Thunder), who sponsors the law with Sen. Dan Hall (R-Burnsville), said the impetus for the law was Major, a German Shepherd stabbed Nov. 12, 2010, as Roseville police assisted Maplewood officers responding to a break-in.

After finding a suspect, officers heard Major crying in pain. He had been stabbed four times. He was rushed to the University of Minnesota Veterinary Medical Center for emergency surgery. While Major survived, he did not regain use of his back legs.

HF141*/SF121/CH9

TRANSPORTATION

Disability placard usage changes

The allowed placement of disability placards in a vehicle will be changing, as will an exemption from fines when using them far after their expiration date.

A disability placard must now be hung from the rearview mirror of a vehicle. However, if there is no rearview mirror or the certificate holder’s disability precludes them from placing the certificate on the mirror, the certificate must be displayed on the driver’s side dashboard.

Sponsored by Rep. Mary Kiffmeyer (R-Big Lake) and Sen. David Brown (R-Becker), the law will allow the certificate to be placed anywhere on the dashboard.

Under current law, an original permit holder can get any ticket dismissed if they are cited for using an expired placard. The law limits that to 90 days. If a person is ticketed for this, they will have to surrender the permit if it’s more than 90 days expired.

HF721*/SF430/CH30

Obtaining a disability motorcycle plate

Things will get easier for those wanting parking privileges for their motorcycle.

Sponsored by Rep. Ron Shimanski (R-Silver Lake) and Sen. Al DeKruif (R-Madison Lake), a new law will modify issuance of disability plates and certificates.

Under current law, persons with a disability are allowed one handicap placard and one set of handicap license plates, although individuals may apply to the State Council on Disability for a second set. The council has generally given its approval when the second set is for a motorcycle.

Under the new law, the Driver and Vehicle Services Division of the Public Safety Department can issue disability plates for a motorcycle for a person that may already have disability certification on another motor vehicle, and must design a certificate that can be secured to a motorcycle.

HF1094/SF478*/CH60