

# Minnesota House of Representatives

## New Laws Effective Aug. 1, 2002

*Editor's note: The following is a listing of selected new laws that take effect Aug. 1, 2002. These are laws passed during the 2002 Legislative Session, with the exception of one 2001 measure. A complete summary of all laws passed by the 2002 Legislature will soon be available online from the House Public Information Office (<http://www.house.mn/hinfo/hinfo.htm>).*

### AGRICULTURE

#### Manure power

Effective Aug. 1, 2002 a new law establishes a methane digester loan program to help finance capital investment costs associated with using manure to produce electricity.

Rep. Tim Finseth (R-Angus) and Sen. Steve Murphy (DFL-Red Wing) sponsored the law.  
HF3183\*/SF3219/CH373

### ARTS

#### Picture this

Bovey native Eric Enstrom's world-renowned photograph "Grace" will be added as Minnesota's 14th state symbol, under a new law effective Aug. 1, 2002.

The photograph joins the other 13 state symbols, including the state song, flag, mushroom, fish, flower, muffin, and others.

Rep. Loren Solberg (DFL-Bovey) and Sen. Bob Lessard (Ind.-Int'l Falls) sponsored the measure.  
HF1097/SF1072\*/CH255

### BANKING

#### New credit union laws

Laws governing state credit unions will be up to par with those regulating their federal counterparts, under a new law.

Effective Aug. 1, 2002, the new law will explicitly allow state-chartered credit unions to assess fees for its member services and impose late charges for missed payments.

Rep. Doug Stang (R-Cold Spring) and Sen. Don Samuelson (DFL-Brainerd) sponsored the new law.

HF2751/SF2650\*/CH339

### BUSINESS

#### Real estate licensing

Effective Aug. 1, 2002, the commissioner of the Department of Commerce will be prohibited from intervention in monetary settlements between licensed real estate agents and consumers.

Specifically, the provision addresses instances when the department becomes involved in investigating a complaint. Though parties may settle the situation on their own, the new law will not allow the department to encourage or negotiate any specific monetary settlement.

In addition, the new law clarifies the material facts that brokers are not liable for disclosing. Those conditions include whether the property was the site of a suicide or homicide and if it is located near a nursing home or group home.

Rep. Doug Stang (R-Cold Spring) and Sen. Linda Scheid (DFL-Brooklyn Park) sponsored the law.

HF3078/SF2821\*/CH286

## **CHILDREN**

### **Reporting maltreatment**

All licensed child-care providers in the state will be required to develop policies for parents to report suspected child maltreatment, under a new law effective Aug. 1, 2002

The law requires the state to print the licensing agency phone number on the daycare provider's license, as a way of directing concerned parents where to call for more information.

The law was sponsored by Rep. Carol Molnau (R-Cologne) and Sen. Claire Robling (R-Prior Lake).

HF2813\*/SF2803/CH248

### **Gaining custody**

A new law effective Aug. 1, 2002 is designed to help de facto parents more easily obtain legal custody of the children they care for. About 71,000 children in Minnesota are being raised by their grandparents, siblings, or other caregivers.

In order to be awarded custody, the new law requires that a caregiver must show that the parent has abandoned or neglected the child, or that it is otherwise in the best interest of the child to be raised with the caregiver.

Rep. Mary Liz Holberg (R-Lakeville) and Sen. Richard Cohen (DFL-St. Paul) sponsored the measure.

HF2596/SF2673\*/CH304

### **Daycare swimming pools**

Family daycare providers will be allowed to let children they care for use their swimming pools, provided they meet a host of safety requirements, under a new law.

Effective Aug. 1, 2002, daycare providers must enter into a contract with the child's parent or legal guardian specifying that the provider agrees to perform all of the requirements in the law.

The daycare provider must also complete a swimming pool training operator course once every five years, and a CPR-trained individual must be at the pool when children are present.

Rep. Tim Wilkin (R-Eagan) and Sen. Deanna Wiener (DFL-Eagan) sponsored the law.

HF1517\*/SF1443/CH333

## **CRIME**

### **Felony DWI**

A law passed during the 2001 special session will create a new drunken driving penalty, making a person's fourth conviction within 10 years a felony beginning Aug. 1, 2002.

The measure was included in the 2001 omnibus health, human services, and corrections law, sponsored by Rep. Kevin Goodno (R-Moorhead) and Sen. Linda Berglin (DFL-Mpls).

2001 Special Session: HF3/SF4\*/CH9

### **Requiring beer keg registration**

Under a new law, off-sale liquor retailers will be required to attach a registration tag to each beer keg they sell and a warning that removing the tag is a crime.

Effective Aug. 1, 2002 the law will also require off-sale retailers to record the driver's license number of the purchaser and keg identification number at the time of the sale.

Rep. Steve Dehler (R-St. Joseph) and Sen. Don Betzold (DFL-Fridley) sponsored the new law.  
HF58\*/SF389/CH232

### **Criminal history data sharing**

Effective Aug. 1, 2002, a new law makes Minnesota a participating state in the National Crime Prevention and Privacy Compact.

The compact is an agreement between member states and the federal government to share criminal history information for use in non-criminal background checks.

Rep. Rich Stanek (R-Maple Grove) and Sen. Charles Wiger (DFL-North St. Paul) sponsored the law.

HF1934/SF1030\*/CH269

### **Pay to stay**

Beginning Aug. 1, 2002, county boards will be able to charge inmates for room, board, and clothing, as well as for any necessary medical, dental, or other correctional services.

Sponsored by Rep. Maxine Penas (R-Badger) and Sen. Leo Foley (DFL-Coon Rapids), the new law allows county boards to waive the fees if the person doesn't have the means to pay, if payment is unlikely, or if it would unduly harm the person's family.

It will also require offenders to pay other obligations, such as fines and child support payments, before money would be taken for the jail expenses.

HF2841/SF2533\*/CH322

### **Bus driver sexual contact**

Effective Aug. 1, 2002, a new law clarifies that it is a crime for the driver of special transportation buses to engage in sexual contact with riders, regardless of consent.

Rep. John Tuma (R-Northfield), the House sponsor, said a Hennepin County attorney requested the change after a driver had sex with a mentally impaired rider and claimed the rider gave consent.

The new law specifies that consent by a complainant is not a defense for the crime.

Sen. Don Betzold (DFL-Fridley) was the Senate sponsor.

HF3304/SF2433\*/CH381

### **Restricting sex offenders**

Effective Aug. 1, 2002, the new law will require that law enforcement agencies notify any adults living in an immediate household with a registered sex offender.

In addition, the new law will require agencies supervising level 3 sex offenders, those most likely to reoffend, to take steps in an effort to reduce the concentration of the offenders near schools.

Also, level 3 sex offenders are prohibited from living in a building – such as a hotel, motel, or apartment complex – used to house or provide shelter to domestic abuse victims, and may not reside within 1,500 feet of a school or park with a few exceptions.

Rep. John Tuma (R-Northfield) and Sen. Dave Knutson (R- Burnsville) sponsored the law.

HF3613/SF3172\*/CH385

## **ELECTIONS**

### **Campaign contribution changes**

Effective Aug. 1, 2002, a new law changes penalties for failing to file reports with the state Campaign Finance and Public Disclosure Board from criminal penalties, primarily misdemeanors and gross misdemeanors, to civil penalties of either \$1,000 or \$3,000 depending on the nature of the violation.

Further, the law will also allow a political candidate, who has agreed with their opponent to prescribed spending limits, to be released from the limits if the opponent does not adhere to them.  
Rep. Jim Rhodes (R-St. Louis Park) and Sen. John Hottinger (DFL-Mankato) sponsored the new law.

HF3379/SF3384\*/CH363

## EMPLOYMENT

### **Workers' compensation changes**

Beginning Aug. 1, 2002, a new law will require payment of death benefits to an estate within 14 days of when the insurer receives notice that a personal representative for the estate has been appointed.

A requirement for an injured minor or incapacitated person to have a guardian or conservator in order to receive benefits will now only pertain if the total amount of benefit exceeds \$3,000. Previous law required a guardian or conservator regardless of the amount.

Rep. Bud Nornes (R-Fergus Falls) and Sen. Arlene Lesewski (R-Marshall) sponsored the law.  
HF3348/SF3136\*/CH262

## ENVIRONMENT

### **Citizen water monitoring**

The Minnesota Pollution Control Agency will have the authority to encourage a citizen-based, water quality-monitoring project, under a new law effective Aug. 1, 2002.

The agency will not be required to develop the program. But if the agency determines that it has adequate resources, the law directs the agency to provide technical assistance and training to volunteers to ensure the water quality data has uniform standards.

Rep. Chris Gerlach (R-Apple Valley) and Sen. Jane Krentz (DFL-May Township) sponsored the legislation.

HF3275/SF2932\*/CH253

### **Friendlier fuels**

Under a new law, state agencies must buy cleaner-burning fuels for their fleet if it is "reasonably available at similar costs" to other fuels and is compatible with the vehicle's motor.

It also directs state agencies, when replacing vehicles, to purchase vehicles capable of running on the cleaner-burning fuels if they are available and comparable in price to other vehicles.

Rep. Dennis Ozment (R-Rosemount) and Sen. Jane Krentz (DFL-May Township) were the sponsors.

HF3519/SF2675\*/CH312

### **Game and fish changes**

Effective Aug. 1, 2002 a new law will ban the use of motorized duck decoys during part of the duck-hunting season, specifically opening day through the Saturday nearest Oct. 8.

In addition, the new law restricts recreational shining — the practice of using car headlights or a flashlight to spot deer.

Also under the new law, a person who does not possess a turtle seller's license must obtain a recreational turtle license to take turtles for personal use with commercial equipment.

HF2920/SF2674\*/CH351

## FAMILY

### **Postnuptial agreements**

Effective Aug. 1, 2002, a new law will permit couples to enter into postnuptial agreements regardless of the couple's assets.

Prior law required each spouse to have at least \$1.2 million in assets before an agreement could be entered into.

The law will also allow an exception to existing law that states a postnuptial agreement is not valid if either spouse files for divorce or legal separation within two years of the agreement's execution.

An agreement is presumed to be unenforceable in such cases, but it allows for exceptions if the spouse who wants the divorce or separation can establish that the settlement is fair.

Rep. Rob Leighton (DFL-Austin) and Sen. David Knutson (R-Burnsville) sponsored the law.  
HF3455/SF3380\*/CH338

## **HEALTH**

### **Commitment change**

A new law will give police and family members of mentally ill people more discretion in having the person taken to a medical facility if they pose a danger to themselves or others.

The change strikes the word "imminent" from current law used by law enforcement to determine whether a person poses an "imminent danger" to themselves or others.

Rep. Mindy Greiling (DFL-Roseville) and Sen. Linda Berglin (DFL-Mpls) sponsored the law.  
HF2735/SF2457\*/CH335

### **Contact lens prescriptions**

Effective Aug. 1, 2002, patients will have better access to their contact lens prescriptions.

Under a new law, anyone who performs an eye exam must provide patients a copy of their prescription after an exam and fitting. However, the patient may be required to first pay for the exam before receiving the prescription.

Rep. Erik Paulsen (R-Eden Prairie) and Sen. Sheila Kiscaden (R-Rochester) were the sponsors.  
HF2603/SF2627\*/CH259

### **Reporting incidents mandated**

Physical aggression between mentally retarded residents at licensed programs serving them or those with related conditions will warrant reports to the individuals' legal representatives and case managers, under a new law.

Sponsored by Rep. Jim Abeler (R-Anoka) and Sen. John Marty (DFL-Roseville), the new law will add "consumer-on-consumer" aggression to a list of incidents caregivers must inform a person's legal representative or case manager about.

HF3091/SF2764\*/CH289

### **Organ donation**

A new law will provide a plan to increase awareness about organ donation.

Sponsored by Rep. Carol Molnau (R-Cologne) and Sen. Linda Scheid (DFL-Brooklyn Park), the new law will require driver's education programs to teach new drivers about organ donation.

It will also require schools to inform students of the opportunity to become a donor when applying for a driver's license.

From now on, the state driver's manual will also contain information about organ donation.  
HF3328/SF3278\*/CH305

### **Telemedicine assistance**

A new law will permit out-of-state physicians to practice telemedicine in Minnesota, provided they meet a number of licensure requirements in their home state.

Telemedicine is defined as the "practice of medicine when the physician is not in the physical presence of the patient." The law primarily targets physicians practicing medicine over the Internet.

Effective Aug. 1, 2002, the new law will require the physician to register with the Minnesota Board of Medical Practice and pay a \$75 annual fee and a \$100 application fee.  
Rep. Richard Mulder (R-Ivanhoe) and Sen. Steve Kelley were the sponsors.  
HF3346/SF3026\*/CH361

## **HOUSING**

### **Affordable housing costs**

Cities will be able to take steps to ensure affordable housing remains affordable for low- to moderate-income households for up to 20 years, under a new law, effective Aug. 1, 2002.

Cities will be allowed to impose a number of requirements, including the limiting on sale prices or rents, on housing that has received regulatory breaks to maintain affordability over time.

Rep. Ray Vandever (R-Forest Lake) and Sen. Richard Cohen (DFL-St. Paul) sponsored the legislation.

HF3169/SF2881\*/CH315

## **HUMAN SERVICES**

### **Informing foster parents**

A new law will require that foster parents be informed of children's known communicable diseases before caring for them.

Under the new law, counties and child-placement agencies that assign children or adults with a known communicable disease in licensed foster care homes will be bound by the disclosure requirement. The agencies must also determine if the foster care provider has the ability to provide care to the individual.

Rep. Barb Sykora (R-Excelsior) and Sen. Sheila Kiscaden (R-Rochester) sponsored the measure.  
HF2932/SF2614\*/CH290

### **Employee screening**

A new law will add a number of crimes to the list of offenses barring applicants from jobs at licensed facilities serving the state's most vulnerable citizens.

Effective Aug. 1, 2002, the new law will allow the human services commissioner to continue using discretion in granting set-asides to disqualifications for certain criminal offenses.

With the individual's written consent, the department may release, to the employer, all information about the individual's background study, disqualification, and the commissioner's decision to set aside the disqualification.

Rep. Jim Abeler (R-Anoka) and Sen. Dallas Sams (DFL-Staples) sponsored the new law.  
HF2757/SF2692\*/CH292

## **INSURANCE**

### **New insurance fraud division**

A new law will create an insurance fraud division in the Department of Commerce that will be charged with investigating and prosecuting a crime for which consumers ultimately pay.

Under the new law, the division will be responsible for initiating an investigation when "there is reason to believe insurance fraud has been or is being committed," and to report incidents of alleged insurance fraud to law enforcement authorities, such as the attorney general or county attorney.

Rep. Greg Davids (R-Preston) and Sen. Linda Scheid (DFL-Brooklyn Park) sponsored the new law.

HF3497/SF3015\*/CH331

### **Credit scoring**

A new law will regulate the use of the insurance practice known as "credit scoring" in determining automobile and homeowner policies in the state.

Sponsored by Rep. Greg Davids (R-Preston) and Sen. Dave Johnson (DFL-Bloomington), the law will prohibit insurers from rejecting, canceling, or not renewing automobile or homeowner's insurance in whole or in part solely on the basis of credit information.

Beginning Aug. 1, 2002, insurers will also be prohibited from using a credit score when the applicant's score is adversely affected by the lack of a credit history.

HF2492/SF2363\*/CH357

### **HMO limits go up**

Health maintenance organization (HMO) enrollees may pay more in deductibles and co-payments, effective Aug. 1, 2002.

The maximum annual deductible will be raised from \$1,000 to \$3,000 per person, or \$6,000 per family, under the new law.

In addition, the maximum annual out-of-pocket expense is presently \$3,000 per person and \$5,000 per family. Those amounts may be raised to \$4,500 and \$7,500.

Rep. Bill Haas (R-Champlin) and Sen. Linda Scheid (DFL-Brooklyn Park) sponsored the law.

HF2989/SF3024\*/CH387

## **LOCAL GOVERNMENT**

### **Disclosing grant applications**

Certain public officials would be allowed to participate in state and federal grant and loan programs, under a new law.

Sponsored by Rep. Larry Howes (R-Walker) and Sen. Yvonne Prettner Solon (DFL-Duluth), the new law will allow people who serve on local housing and redevelopment authority boards to apply for grants or loans administered by the authority. However, they must first disclose, as part of the official minutes of a meeting, that they have applied for the funds as part of a private development they are involved with.

Effective Aug. 1, 2002, the new law will also require that the individual abstain from voting on the application.

HF3509/SF3257\*/CH356

### **Filling township board vacancies**

Town boards will be able to fill temporary vacancies, under a new law effective Aug. 1, 2002.

The new law will authorize townships to appoint another person to serve in place of a board member who is unable or unwilling to serve after a 90-day period.

It will also allow town boards to declare temporary vacancies and fill them temporarily when an officer is unable or unwilling to serve in the office or attend board meetings for a 90-day period because of illness or absence.

Rep. Dennis Ozment (R-Rosemount) and Sen. Jim Vickerman (DFL-Tracy) were the sponsors.

HF2637\*/SF2472/CH241

## **SAFETY**

### **Make way for emergency vehicles**

Drivers who don't pull over for emergency vehicles will soon face harsher penalties.

Effective Aug. 1, 2002, a new law makes it a petty misdemeanor for drivers who don't yield to emergency vehicles either because they don't know the law or don't notice the vehicle and a misdemeanor for those who intentionally impede the emergency vehicle.

Rep. Matt Entenza (DFL-St. Paul) and Sen. Richard Cohen (DFL-St. Paul) sponsored the law.

HF2706\*/SF3076/CH319

## **TRANSPORTATION**

### **Flashing red for funerals**

A new law will allow the driver of a funeral home motorcycle or vehicle to use a flashing red light to warn drivers that a funeral procession is following.

Drivers could previously recognize a funeral procession because vehicles would have their lights on. However, many cars now have their lights on all the time as a safety feature, so other drivers may not realize when cars are part of a procession.

Rep. Jim Knoblach (R-St. Cloud) and Sen. Dave Kleis (R -St. Cloud) sponsored the new law.  
HF3076/SF2612\*/CH316

### **Policy provisions enacted**

A new law contains a number of miscellaneous policy provisions related to the state Department of Transportation.

Rep. William Kuisle (R-Rochester) and Sen. Dean Johnson (DFL-Willmar) sponsored the new law, effective Aug. 1, 2002.

It allows the Transportation Department to purchase land for future highway projects, allow advance funding for certain highway construction projects, and encourage the use of agricultural-based de-icing solution for state roads.

In addition, the new law prohibits the department from eliminating the St. Croix Bridge project in Stillwater from its statewide improvement plan during 2003.

Large-capacity buses will be allowed to use the shoulders of freeways and expressways, just as transit buses are. They will be limited by certain speed restrictions, however, to ensure safety.

HF3199/SF3298\*/CH364

## **VETERANS**

### **Veterans home admission**

A new law changes the criteria used to determine a veteran's eligibility to qualify for residence in the state's veterans homes.

State tax refunds and rebates could not previously be considered as means of support when a veteran was applying for admission into a home. Earnings that a resident received from participating in a work therapy program were also excluded.

The new law, sponsored by Rep. Sondra Erickson (R-Princeton) and Sen. Dan Stevens (R-Mora), includes federal tax rebates among admission criteria that cannot be used when determining income.

HF2647/SF2569\*/CH313