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# Minnesota House of Representatives

## New Laws Effective July 1, 2002

*Note: The following is a listing of selected new laws that take effect July 1, 2002. These are laws passed during the 2002 legislative session.*

*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>).*

### BUDGET

#### Budget bill phase one

Several provisions in a budget reconciliation law dealing with a \$1.9 billion deficit take effect July 1, 2002.

Gov. Jesse Ventura vetoed the bill, but legislators overrode the veto, making the bill law.

Rep. Rich Stanek (R-Maple Grove) and Sen. Doug Johnson (DFL-Tower) sponsored the measure.

HF351\*/SF264/CH220

#### Health and human services

Effective July 1, 2002, hospitals will face a 0.5 percent reduction in Medical Assistance and General Assistance Medical Care payments from the state.

The law also repeals a provision that would have affected low-income children. Children who qualify for MinnesotaCare would have been exempt from premium payments for 12 months after termination of their medical assistance. The provision was to take effect July 1, 2002.

#### Higher education

The law includes a measure eliminating procedural differences in estimating costs at public and private institutions.

In addition to living and other miscellaneous expenses, the state had previously recognized only the actual tuition and fees at public institutions. However, at private institutions, the recognized cost was equal to the lesser of the actual tuition and fees charged by the school, or the private institution tuition and fee maximums established in law.

The new law cancels the distinction between public and private institutions. Effective July 1, 2002, the recognized cost of attendance at either institution consists of allowances for living and other expenses, and an allowance for tuition and fees equal to the lesser of the actual amount charged by the institution, or the private institution maximums.

The Higher Education Services Office will receive \$5 million from the general fund to help pay for state higher education grants. The office has until July 1, 2002 to decide whether the additional money is enough to pay for the state grant program through fiscal year 2003.

If officials project a lack of funds, money from a work study appropriation and funds from a childcare grant appropriation will be used to fulfill state grant awards in fiscal year 2003.

### **Budget bill phase two**

The second budget-balancing law eliminates the remaining \$439 million deficit by transferring funds and using accounting shifts, such as delaying some payments.

Rep. Kevin Goodno (R-Moorhead) and Sen. Doug Johnson (DFL-Tower) were the sponsors. Several items in the law affecting appropriations are effective July 1, 2002.

HF3270\*/SFnone/CH374

### **Health and human services**

Effective July 1, 2002, the Veterans Nursing Homes Board will receive any remaining portion of payments received from contractors for mold damage at a facility in Luverne.

The board will continue to receive any payments made during fiscal year 2003 to settle legal issues regarding the mold damage. Under the law, the total amount paid to the board must remain less than \$500,000.

## **CRIME**

### **Habitual truancy**

Habitual truancy will no longer be considered a juvenile petty offense, under a law effective July 1, 2002.

Sponsored by Rep. James Clark (R-New Ulm) and Sen. Leo Foley (DFL-Coon Rapids), the law changes current regulation of juvenile offenses.

Under law, "habitual truant" means a child under the age of 16 who is absent without lawful excuse from elementary school for seven school days or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school. The law also applies to a child who is 16 or 17 years old and who is absent from school on at least part of seven days, given that the student has not lawfully withdrawn from school.

In cases where the sole petition is habitual truancy, children, parents, guardians, or custodians are not eligible for a public defender, unless out-of-home placement is being sought.

The law is a culmination of several adjustments to criminal statutes.

HF2840/SF2580\*/CH314

### **Taking responsibility for crimes**

Activist groups and others who take credit for crimes will face a tougher penalty, under a new law.

The law is designed to discourage activist groups from taking responsibility for crimes, proponents say.

The new law will allow those who destroy crops, animals, or other organisms used for research to be civilly liable for up to three times the amount of the value of the damage, including the estimated value of the research related to the organisms or items destroyed. That change takes effect July 1, 2002.

A \$100,000 fine could be assessed to compensate for any delays in research resulting from the crime.

Rep. Tom Workman (R-Chanhassen) and Sen. Dave Kleis (R-St. Cloud) sponsored the law.

HF3048/SF2460\*/CH348

## **EMPLOYMENT**

### **Unemployment benefits**

Part of a law that will extend unemployment benefits for certain workers takes effect July 1, 2002.

An extra 13 weeks of benefits are available, under the law, for workers laid off from Farmland Foods Company in Albert Lea, Fingerhut Companies, Inc., and a number of Minnesota-based airlines, including Northwest and Sun Country airlines.

Eligible employees must have been laid off during specifically designated periods of time. The state Department of Economic Security regulates and disburses unemployment.

The new law also designates \$12 million to pay administration costs for an unemployment insurance program.

Funds for the project will be transferred out of money from the federal Reed Act, which appropriated \$163 million to the state in March 2002.

Rep. Dan McElroy (R-Burnsville) and Sen. Ellen Anderson (DFL-St. Paul) sponsored the law.  
HF3648/SF3431\*/CH380

## **FAMILY**

### **Family courts**

Effective July 1, 2002, a new law will allow all judicial matters of a family to be heard by the same judge or referee.

The measure does not include juvenile delinquency proceedings.

Most other districts are organized to operate that way already.

The new law stemmed from a pilot program begun in 1996 that placed all cases – including divorce, domestic abuse, or child protection – with the same judge or referee.

The process allows the family and the judge to become familiar with each other and helps the judge when making decisions about family matters.

The law specifically addresses the Second and Fourth judicial districts, encompassing Ramsey and Hennepin counties respectively.

Rep. Mary Jo McGuire (DFL-Falcon Heights) and Sen. Richard Cohen (DFL-St. Paul) sponsored the law.

HF3344\*/SF2892/CH242

## **GAME & FISH**

### **Chronic wasting disease funding**

Deer hunters will be helping fund efforts to manage chronic wasting disease in Minnesota's deer population, under a new law effective July 1, 2002.

Rep. Mark Holsten (R-Stillwater) and Sen. Leonard Price (DFL-Woodbury) sponsored the legislation, which modifies a current law that designates 50 cents from every deer license to an emergency deer-feeding fund. Under the new law, the money will be split between the feeding appropriation and a fund for the management of chronic wasting disease.

The disease affects the brains of infected deer and elk, causing the animals to lose weight and behave abnormally. Officials testified during the session that no wild or captive animals in Minnesota are known to have the disease, although it has been found in animals in some nearby states, including Wisconsin.

HF2973/SF2738\*/CH376

## **HEALTH**

### **Donated dentistry**

Dentists will be permitted to volunteer their services to low-income patients, under a new law effective July 1, 2002.

Thirty-two states have established similar programs.

Sponsored by Rep. Jim Abeler (R-Anoka) and Sen. Sheila Kiscaden (R-Rochester), the measure includes a \$75,000 appropriation for fiscal year 2003 to implement the donated dental services program. It will also appropriate \$50,000 for medical liability insurance.

HF3350\*/SF2811/CH399

### **Guest dental licenses**

A new law will allow dental professionals in border states to provide services to low-income Minnesotans.

Specifically, the new law allows for licensed professionals in those states to receive guest licenses in Minnesota, practice at one location within the state, and provide services in a non-profit, public health setting to Minnesotans who would otherwise have difficulty obtaining dental care.

The new law applies to dentists, dental hygienists, and dental assistants licensed in another state. Funds to administer the program are effective July 1, 2002, though the program has been effective since May.

Rep. Kevin Goodno (R-Moorhead) and Sen. Sheila Kiscaden (R-Rochester) were the sponsors.  
HF3200\*/SF3713/CH370

### **Nursing certification**

Legislators provided a loophole for specialized nurses who want to practice in the state.

Existing law mandates that a person must be certified by a national certification organization in order to practice nursing or use the title of advanced practice registered nurse, clinical nurse specialist, nurse anesthetist, nurse-midwife, or nurse practitioner.

However, some nurses specialize in areas for which there is no certification within the clinical nurse specialist role. Effective July 1, 2002, a clinical nurse specialist may petition for a waiver of the state certification requirement if the nurse specializes in an area that is not certifiable through an accredited certification organization.

Rep. Jim Abeler (R-Anoka) and Sen. Deanna Wiener (DFL-Eagan) sponsored the law.  
HF3359\*/SF3005/CH362

## **HUMAN SERVICES**

### **Behavior disclosure**

School districts will be required to disclose an employee's record of violent behavior or sexual misconduct on the job to a prospective employer at another school, under a new law.

The disclosure requirement is dependent on obtaining "written, informed consent" of the employee, however.

Effective July 1, 2002, the new law also includes a provision protecting employers from liability for disclosing information about disciplinary action taken against a current or former staff member at a licensed facility serving children, mentally retarded people, or the developmentally disabled, among others.

Rep. Jim Abeler (R-Anoka) and Sen. John Hottinger (DFL-Mankato) were the sponsors.  
HF3092\*/SF3085/CH396

## **LAW**

### **Temporary driver's licenses**

Those who have lost their driver's licenses because of failure to pay child support may receive a temporary license, under a new law.

Effective July 1, 2002, a new law will grant a one-time, 90-day license to people more than three months behind in child support payments if the person needs a license to get to a job, go to a chemical dependency program, or attend post-secondary classes.

Driver's licenses are currently taken away from people who are more than three months behind in child support payments and have not made arrangements to pay.

Rep. Lynda Boudreau (R-Faribault) and Sen. Thomas Neuville (R-Northfield) sponsored the law.

HF3393/SF3114\*/CH344

## **METRO AFFAIRS**

### **Metro council service capacity**

The Metropolitan Council will be allowed to lease its services and property to outside parties beginning July 1, 2002.

The law allows the council to provide "service capacity" to governmental or private entities, meaning the council could receive payment for providing an existing service, operation, or property to another organization.

The council may not provide the service capacity for more than five years and must receive sufficient compensation to pay for the cost of employee salaries and benefits, materials and supplies, and administrative overhead, among other things.

Rep. Mark Buesgens (R-Jordan) and Sen. Myron Orfield (DFL-Mpls) sponsored the law.  
HF3030/SF3322\*/CH320

## **RETIREMENT**

### **Pension revisions**

Retroactive to July 1, 2002, a new law will allow members of the Public Employees Retirement Association, the Minnesota State Retirement System, or the Teachers Retirement Association to obtain service credit for strike time of up to one year.

To obtain credit the employee must pay an amount equal to the employee and employer contributions plus interest.

Rep. Harry Mares (R-White Bear Lake) and Sen. Dean Johnson (DFL-Willmar) were the sponsors.

HF3127\*/SF2984/CH392

## **SAFETY**

### **Anti-terrorism provisions**

In response to the Sept. 11, 2001 attacks, a new law will provide Minnesota law enforcement with training, equipment, and new legal tools to prevent and respond to terrorist attacks.

Rep. Kevin Goodno (R-Moorhead) sponsored the law. There was no Senate sponsor.

The following policy provisions and appropriations are effective July 1, 2002.

HF2515\*/SFnone/CH401

### **Crime and punishment**

Several provisions in the new law define terrorism and set penalties in place for those convicted.

As defined by the law, a crime is committed to further terrorism if it is a violent, premeditated, felony-level crime intended to "terrorize, intimidate, or coerce a considerable number of members of the public in addition to the direct victims of the act."

Laws governing first-degree murder will be expanded, under the law, to include causing the death of a person while "committing, conspiring to commit, or attempting to...further terrorism." In addition, if the crime shows "an extreme indifference to human life," it will also be considered first-degree murder.

The newly defined crimes under the murder statute will be subject to the life in prison without release penalty.

The new definitions and penalties will apply to crimes committed on or after July 1, 2002.

In addition, the new law makes damage to certain public service facilities, such as utilities and pipelines, a felony. Trespassing on such properties will be subject to gross misdemeanor penalties.

The law also establishes guidelines and penalties for manufacturing or possessing weapons of mass destruction, including biological and chemical agents.

**Funds for training, equipment**

A total of \$13 million is appropriated for the purchase of equipment and development of staff and training facilities for emergency responders.

The largest chunk – \$7.5 million – is set aside as grants to local response units for terrorism-related training.

Another \$3.75 million will be used for grants to local law enforcement to produce personal protection, chemical detection, and decontamination equipment. Grants will require a 25 percent local match.

In addition, another \$600,000 will help reimburse bomb disposal units, convert the state's chemical assessment teams to also handle emergency responses, and ensure that up to five chemical responders are available for incidents.

**DNA collection**

Felons incarcerated in Minnesota will be required to provide a DNA sample for future testing, under the new law.

The collection period will last from July 1, 2002 to June 30, 2003 and samples must be collected upon sentencing or prior to release.

Out-of-state offenders housed in Minnesota are also subject to the requirements.

Collecting samples from people convicted of other crimes provides an information base that can help investigators identify suspects.

Prior to the new law, 12 states required all felons to submit DNA samples upon conviction.