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Minnesota House of Representatives

Paul Thissen, Speaker

FOR IMMEDIATE RELEASE
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New Laws Effective Aug. 1, 2014

The following is a listing of selected new laws passed during the 2014 legislative session that take effect Aug. 1, 2014.

The asterisk following the bill number denotes the language that became law. Summaries of all laws passed by the 2014 Legislature are available online from nonpartisan House Public Information Services at www.house.leg.state.mn.us/hinfo/Newlaws2014-0.asp

BUSINESS

'Threading' exempt from cosmetology licensure

Sponsored by Rep. Linda Slocum (DFL-Richfield) and Sen. James Metzen (DFL-South St. Paul), a new law will exempt threading from cosmetology licensure, classifying it as an unregulated service.

Threading is described as "a method of removing hair from the eyebrows, upper lip, or other body parts by using cotton thread to pull hair from follicles." While threading does not require the use of chemicals or waxes, it may include the use of over-the-counter astringents, gels and powders; and possibly tweezers and scissors.

HF2659*/SF2110/CH169

Notaries can charge more for services

Maximum fees for notary public services will increase from \$1 to \$5. Rep. Linda Runbeck (R-Circle Pines) and Sen. Roger Chamberlain (R-Lino Lakes) sponsor the law.

Some of the services notaries provide are for legal documents, oaths, deed acknowledgments and protest of unpaid bills.

HF155*/SF238/CH301

CIVIL LAW

Gender-specific language removed in real estate transactions

Changes relating to spousal ownership are part of a new law that deals with real estate. The law removes the terms such as "husband" and "wife" and replaces them with "spouses married to each other" to alleviate deed and mortgage problems under current law.

In addition to clarifying some definitions, the law, sponsored by Rep. Melissa Hortman (DFL-Brooklyn Park) and Sen. Scott Newman (R-Hutchinson), clarifies that a non-titled spouse who joins in the execution of a transfer on death deed — essentially used by a property owner to avoid probate — is not a grantor owner, does not have the right to later revoke the deed and has no claim to the property upon the death of the grantor owner. It also clarifies that property owned by joint tenants requires the

deed to be executed by all the owners and their respective spouses, even if the spouses are not record owners, and that revocation of a deed revokes the deed in its entirety.

Language will be removed that holds liable a person who wrongfully records a fraudulent mortgage satisfaction or release. Supporters say the intent is to place liability on the person executing the fraudulent satisfaction or release of a mortgage, not the person recording the document.

HF2188*/SF2003/CH266

Judges given more say over forfeiture actions

If a spouse commits a crime that involves a vehicle, such as drive-by shooting or controlled substance offense, the vehicle could be forfeited, even if it is owned by another party.

A new forfeiture law addresses what some say is an unfair action toward a person who may not have knowledge of the crime.

Sponsored by Rep. Susan Allen (DFL-Mpls) and Sen. Dave Thompson (R-Lakeville), the law moves the burden of proof for forfeiture action by the judge and lays out criteria for consideration, which includes if:

- a person is convicted of the criminal offense related to the action for forfeiture; or
- a person is not charged with a criminal offense related to action for forfeiture based in whole or in part on the person's agreement to provide information regarding the criminal activity of another person.

The law maintains the burden of proving by clear and convincing evidence that the property was used in the underlying offense.

HF1082/ SF874*/CH201

Data breach prompts new protections, penalties

Several recent high-profile data breaches by public employees, including one by a former Department of Natural Resources employee who inappropriately accessed thousands of driver's license files, spurred a new law that lays out penalties and preventive measures for these actions.

Sponsored by Rep. Mary Liz Holberg (R-Lakeville) and Sen. D. Scott Dibble (DFL-Mpls), the law will:

- require procedures for ensuring that private data is accessible only to those whose work assignment calls for that access;
- expand current law to require all government entities, not just state agencies, to notify individuals if a breach of their data has occurred; and
- establish penalties for employees responsible for the breach.

Once it has been determined that a breach has occurred, a report will be required that, at a minimum, must include:

- a description of the type of data accessed or acquired;
 - the number of individuals whose data was improperly accessed or acquired;
 - the name of each employee determined to be responsible for the unauthorized access or acquisition;
- and
- disciplinary action, if any, taken against each employee involved.

Those whose information has been compromised will receive written notification from the government entity of the breach, and the opportunity to request a copy of the completed report.

HF183*/SF211/CH284

EMPLOYMENT

Minimum wage increased for the first time in 10 years

The state's minimum hourly wage begins its climb to \$9.50 by 2016. Under the new law, sponsored by Rep. Ryan Winkler (DFL-Golden Valley) and Sen. Jeff Hayden (DFL-Mpls), the state's minimum hourly wage will increase to \$8 from \$6.15, phasing up to \$9.50 by 2016.

Details of the law include:

- for businesses with gross annual sales of at least \$500,000, \$8 minimum hourly wage beginning August 2014, \$9 in August 2015 and \$9.50 one year later;
- for businesses under \$500,000 in gross annual sales, \$6.50 minimum hourly wage beginning August 2014, \$7.25 in August 2015 and \$7.75 one year later;
- the \$7.75 minimum wage rate would also apply for large businesses in the following circumstances: 90-day training wage for 18 and 19 year olds, all 16 and 17 year olds and employees working under a J1 visa;
- beginning in 2018, all wages would increase each year on Jan. 1 by inflation measured by the implicit price deflator capped at 2.5 percent; and
- the indexed increase could be suspended for one year by the commissioner of the Department of Labor and Industry if leading economic indicators indicate the possibility of a substantial downturn in the economy. The suspension could only be implemented after a public hearing and public comment period. In better economic times, the suspended inflationary increase or a lesser amount could be added back into the minimum wage rate in a subsequent year.

The law also includes a provision to allow state employees to use up to 80 hours of vacation donation from a sick leave account after the death of a spouse or dependent child.

HF2091*/SF1775/CH166

ENVIRONMENT

Products containing toxic chemicals further regulated

Manufacturers of thermostats that contain mercury will be taking on greater financial responsibility for keeping these products out of the state's waste stream.

Under the new law, previous exemptions to the mercury ban are removed and no mercury-containing products will be allowed into a solid waste or wastewater disposal system, or a solid waste processing or disposal facility. Manufacturers will be held accountable for the costs of collecting and replacing old mercury thermostats. The law also removes exemptions from the ban on mercury thermometers, including mercury thermometers for food research and processing.

The law, sponsored by Rep. Melissa Hortman (DFL-Brooklyn Park) and Sen. John Marty (DFL-Roseville), also bans the retail sale of cleaning products containing the anti-bacterial compound triclosan beginning Jan. 1, 2017.

The ban on triclosan, one of several toxic chemicals regulated in the law, includes products used by consumers for sanitizing or hand-and-body cleansing. The ban will not apply to products that have been specifically approved for consumer use by the U.S. Food and Drug Administration.

HF2542/SF2192*/CH277

HIGHER EDUCATION

Reporting measures about students studying abroad increase

Colleges will be required to report to the secretary of state about instances in which students die or have accidents and illnesses while participating in study abroad programs. The provisions are part of the omnibus supplemental appropriations law sponsored by Rep. Lyndon Carlson Sr. (DFL-Crystal) and Sen. Richard Cohen (DFL-St. Paul).

The law also directs the Office of Higher Education to use its existing funds to assess the “appropriate state regulation” of study abroad programs, with a report due to higher education legislative committees by Feb. 1, 2015.

Another provision in the law allows military veterans to receive the resident tuition rate at Minnesota public higher education institutions. This is effective for academic terms beginning after Aug. 1, 2014.

HF3172*/SF2785/CH312

HUMANITIES

Cesar Chavez Day in Minnesota set for March 31

Beginning next year, Minnesota will celebrate Cesar Chavez Day every March 31.

The new law, sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. Patricia Torres Ray (DFL-Mpls), seeks to recognize the contributions Latinos have made to the state and to provide an opportunity for residents to learn about the Latino community. Chavez was a community organizer who worked to improve the working conditions of Latinos throughout the country.

HF1631/SF1509*/CH159

Two sites receive official historic designation

The Sibley Historic Site and Mill City Museum are added to the list of the state’s historic sites.

Washburn Crosby Complex (Mill City Museum) is located in downtown Minneapolis and is a National Historic Landmark. It was built between 1878 and 1880 and for over a century was used to process grain. After lying dormant for several decades, the area is now a hub of revitalization.

The Sibley Historic Site in Mendota holds some of Minnesota’s oldest buildings, including the home of the state’s first governor, Henry Hastings Sibley.

The law, sponsored by Rep. Mike Freiberg (DFL-Golden Valley) and Sen. Bev Scalze (DFL-Little Canada), also changes Meighen Store to Historic Forestville in the state historic sites law and the name of the State History Center to the Minnesota History Center.

HF2937*/SF2654/CH174

FAMILY

Modifications made to court-ordered parenting time factors

One of the most contentious issues to resolve during divorce is parenting time. A new law makes changes to factors that could be considered in court-ordered plans.

A significant change will allow for modification of court-ordered parenting time plans over time, based on the child’s best interest and their developmental needs.

Other provisions in the law sponsored by Rep. Tim Mahoney (DFL-St. Paul) and Sen. Chris Eaton (DFL-Brooklyn Park) include:

- no presumption for or against joint physical custody, except when domestic abuse, as defined in the order for protection statute, has occurred between the parents;
- a provision that when the court is considering awarding either joint legal or joint physical custody, it may not use one of the four factors considered to the exclusion of all the other factors;

that a disagreement over sole or joint custody is not to be considered an inability of parents to cooperate when considering the factors in awarding joint legal or physical custody; and

- a requirement that the court make detailed factual findings whenever the parties disagree about an award of either sole or joint physical or legal custody.

HF2722*/SF2732/CH197

GAME AND FISH

Controversial wolf hunt law receives minor changes

The federal government in 2012 removed the gray wolf in the western Great Lakes area from the endangered species list and the Department of Natural Resources established a wolf hunt. This year's game and fish law has two wolf hunting-related provisions: a person with multiple convictions for unlawfully killing wolves is liable for a civil penalty equal to the restitution value of the wolf and the DNR must compile a list that's updated quarterly on known wolf deaths.

Sponsored by Rep. David Dill (DFL-Crane Lake) and Sen. Matt Schmit (DFL-Red Wing), the new law has other non-wolf related sections that:

- prohibit snowmobiles on state forest lands, except designated forest roads, during the firearms deer hunting season in areas where rifles are permitted. The law makes an exception for licensed deer hunters before or after legal shooting hours;
- increase the maximum weight of an all-terrain vehicle that may be classified as a Class 1 all-terrain vehicle;
- allow a person aged 60 or older to hunt deer, bear, turkey or rough fish with a crossbow during the archery season. Currently, crossbow hunting is only allowed during the regular firearms seasons;
- direct the DNR to administer a grant program to local recreational trap shooting clubs;
- allow for a person with permanent disabilities or a disabled veteran to obtain hunting and fishing licenses with a driver's license or Minnesota identification card that provides proof of their disability;
- prohibit people from hunting with thermal imaging equipment;
- direct the DNR to amend its rules regarding the minimum size limits for muskie;
- direct the DNR to study the feasibility of restoring Minnesota's wild quail population; and,
- allow an organization to conduct raffles in conjunction with wild game or fishing events.

HF2852*/SF2227/CH290

LOCAL GOVERNMENT

Open meeting law changed to reflect digital age

Sponsored by Rep. Mike Freiberg (DFL-Golden Valley) and Sen. Patricia Torres Ray (DFL-Mpls), a new law allows social media communication between elected officials and the general public.

Also included in the law is a provision that allows state agencies to post scheduled meetings on their websites along with an up-to-date schedule of upcoming meetings. Previously, state agencies were required to post meeting notices in the State Register.

HF2236*/SF2472/CH274

PUBLIC SAFETY

Law targets synthetic drug problem

The manufacturing and distribution of synthetic drugs continues to remain problematic; however, a new law aims to reduce the chances of these ending up in Minnesota communities.

Sponsored by Rep. Erik Simonson (DFL-Duluth) and Sen. Roger Reinert (DFL-Duluth), the law largely comes from recommendations of the bipartisan House Select Committee on Controlled Substances and Synthetic Drugs that met between the 2013 and 2014 sessions.

The law expands the statutory definition of drug to include “any compound, substance, or derivative which is not approved for human consumption by the United States Food and Drug Administration or specifically permitted for human consumption by Minnesota law,” and when introduced to the body induces an effect similar to that of scheduled drugs.

The Board of Pharmacy will be permitted to issue cease and desist orders to businesses selling synthetic drugs that contain a banned substance. An affected business will be entitled to an administrative hearing to fight the order. If no hearing is requested within 30 days of the order, the cease and desist order will become permanent and will remain in effect until modified or vacated by the board.

Sellers of synthetic drugs offering the drug under the false pretense that the substance is legal shall be ordered by a court to pay restitution for the costs and expenses resulting from the sale. This could include emergency response costs and potential long-term care costs for the victim.

HF2446*/SF2028/CH285

False claims protection extended for cops, corrections employees

Someone who files a false record, such as one not related to a valid lien or security agreement, with intent to retaliate against a judicial or court officer, prosecutor, defense attorney, sheriff and county recorder because of their performance of official duties is guilty of a felony and could receive up to five years imprisonment.

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Julianne Ortman (R-Chanhassen), a new law adds to the list a police officer or chief of police and a state or local corrections official or employee.

HF1585/SF1360*/CH306

Crime of violence definition expands

Three crimes will be added to the state’s crime of violence statute while others will be removed.

Sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Vicki Jensen (DFL-Owatonna), a new law adds felony fifth-degree assault, felony domestic assault and felony domestic assault by strangulation. If convicted of a crime of violence, a person is prohibited for life from legally possessing firearms in the state.

Coming off the list would be theft of a motor vehicle and theft involving property from a burning, abandoned or vacant building or from an area of destruction caused by a civil disaster, riot, bombing or the proximity of battle.

HF263*/SF1772/CH260

Domestic abusers, stalkers prohibited from having a firearm

Someone who commits domestic violence or stalks another person will lose access to a firearm.

A new law prohibits a person subject to an order for protection in a child or domestic abuse case from possessing weapons for the length of the order under certain circumstances and requires them to surrender their firearms as would someone convicted of a domestic assault or stalking offense if being prohibited from possessing firearms is part of their punishment.

Rep. Dan Schoen (DFL-St. Paul Park) and Sen. Ron Latz (DFL-St. Louis Park) sponsor the legislation.

The new law does not allow the government to take guns without due process or a court conviction nor does it allow illegal searches and seizures.

An abusing party will need to transfer possession of their firearms to a law enforcement agency, a federally licensed firearms dealer or a third party within three business days. A person who accepts a transferred firearm from an abusing party or offender will be guilty of a gross misdemeanor if the offender obtains possession of the transferred firearm while prohibited from possessing firearms.

HF3238*/SF2639/CH213

STATE GOVERNMENT

More than 1,000 provisions eliminated

Dubbed the “Unsession,” Gov. Mark Dayton wanted the Legislature to eliminate redundant, old and outdated rules and laws in an effort to make state government more efficient. Many of the more than 1,000 provisions signed into law during the 2014 session, take effect Aug. 1. Here is a sampling of the laws that are no more, seen their implementation delayed or tweaked to be more workable.

Agriculture

State lawmakers in 2008 passed legislation that required diesel fuel sold in Minnesota to contain at least 20 percent biodiesel, known as “B20,” by May 1, 2015. The new law delays the mandate until May 1, 2018. The mandate for B10 and B20, when in effect, will also no longer apply in the month of October. That means the mandate will only apply from April to September. The new law, sponsored by Rep. Jeanne Poppe (DFL-Austin) and Rep. Dan Sparks (DFL-Austin), also creates an exemption for companies that test engines for sale in states that don’t have a biodiesel mandate.

In addition, the new law:

- removes a requirement that the Department of Agriculture create an agricultural product processing and marketing grant program;
- eliminates inspection and licensing requirements for non-resident frozen food manufacturers;
- eliminates certain apple and potato grading statutes; and
- repeals statute requiring the department to develop a list of manure management research and monitoring needs.

HF2746*/SF2618/CH181

Local Government

A 1980s-era law that allowed municipalities to contract with private entities for water and wastewater services has been repealed.

Rep. Rick Hansen (DFL-South St. Paul), who sponsors the law with Sen. James Metzen (DFL-South St. Paul), said that municipalities haven’t utilized the law. The law allows the Metropolitan Council to continue to use the authority.

HF2622*/SF2764/CH258

Public Safety

At one time the Department of Corrections sold farm equipment, and if a farmer who could not make payment on a piece of machinery bought from the department they could have their land taken as a payment. The statute is no longer needed because the department does not sell farm equipment.

Sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Ron Latz (DFL-St. Louis Park), the law also deletes language related to a state correctional facility in Sauk Centre that no longer exists.

Other provisions include:

- deletion of a reference to the obsolete PREPARE program at the Red Wing juvenile facility;
- removing obsolete language about a former University of Minnesota program that trained new probation and supervised release officers;
- removing obsolete language in the Interstate Compact on Juveniles to maintain agreement with other states in the compact;
- repealing language to the Work and Learn Facilities for Youth, a program that no longer exists;
- repealing language relating to conservation camps, which the department no longer runs;
- deleting an obsolete reference to inmates serving on the board of directors or holding executive positions that are subordinate to the correctional staff on prison corporations, industry or educational programs; and

- repealing language for the Grants-In-Aid to Counties for Adult Detention Facilities and Programs and Juvenile Detention Services Subsidy Program. The department has not distributed funds to counties for construction of adult or juvenile detention facilities in at least 15 years.
HF2755*/SF2410/CH218

Transportation

There was a time when telephone booths were found along highway right-of-ways. These utilities housed a connection for emergency service or a place to make a call and get directions. With the proliferation of cell phones and other technology in our vehicles, phone booths have gone the way of the phone book. A new law repeals authorization for outdoor telephone booths on highway right-of-way.

Sponsored by Rep. Connie Bernardy (DFL-Fridley) and Sen. D. Scott Dibble (DFL-Mpls), the law also:

- eliminates a report on jobs created or retained for MnDOT state-aid projects under \$5 million;
- adds passenger rail to a list of types of capital projects exempt from final advisory review by the Senate Finance Committee and House Ways and Means Committee;
- strikes language allowing funds from the town bridge account to be used to construct a culvert that replaces a deficient bridge;
- eliminates Department of Transportation authority to acquire lands to be used for driver's license exam stations;
- removes a mandated report to the House and Senate transportation committees on all projects funded by the American Recovery and Reinvestment Act of 2009;
- removes references to the now obsolete Star City and County sign program;
- strikes a requirement that a report on oil pipelines be delivered to the Legislature by Jan. 1, 1979;
- re-establishes and modifies permissible uses of state grants for local bridges in cities and towns with fewer than 5,000 residents, and removes a cap on the size of the grant;
- repeals a requirement that state officials receive approval from the secretary of the Army before constructing a bridge over navigable waters; and
- repeals a section of law declaring it a gross misdemeanor against a railroad officer who employs an engineer who cannot read that is also chargeable against the engineer.

HF3084*/SF2616/CH227

TRANSPORTATION

Motorists involved in a collision required to stop and investigate

Sponsored by Rep. Paul Rosenthal (DFL-Edina) and Sen. Kevin Dahle (DFL-Northfield), a new law expands a driver's responsibility following a collision by requiring them to stop and investigate what was struck. It also expands what conditions require a motorist to remain at the scene.

Additionally, the term "accident" will be replaced by "collision" in hit-and-run provisions in state statute.

HF1335/SF1246*/CH186

Roads renamed to honor two fallen heroes

A portion of Highway 8 from Center City through Chisago City will be renamed the "Nicholas Patrick Spehar Memorial Highway," and Minnesota Highway 36 running through North St. Paul will be designated the "Officer Richard Crittenden, Sr., Memorial Highway."

A highly-decorated Navy SEAL, Spehar was killed in a 2011 helicopter crash while serving in Afghanistan, his third deployment. The law, sponsored by Rep. Bob Barrett (R-Lindstrom) and Sen. Sean Nienow (R-Cambridge), specifies that funding for the signage must come from non-state sources.

Rep. Leon Lillie (DFL-North St. Paul) and Sen. Chuck Wiger (DFL-Maplewood) sponsor the law to honor Crittenden, a North St. Paul police officer who was killed in the line of duty on Sept. 7, 2009. Signage funding must come from non-state sources.

HF2219*/SF2035/CH216

HF1979/SF1892*/CH155

Special license plates for veterans and firefighters authorized

Individuals who were wounded during active military service in a foreign war and those who served more than 10 years as a member of a fire department can apply for special combat wounded veteran license plates for a motorcycle or retired firefighter license plates, respectively.

Sponsored by Rep. Kathy Brynaert (DFL-Mankato) and Sen. Kathy Sheran (DFL-Mankato), firefighters and wounded veterans will pay a \$10 special fee for the plates along with other motor vehicle fees.

Veterans applying for the plates must have a certified copy of their discharge papers, indicating the nature of their discharge. The veterans affairs commissioner may certify those veterans who served in the active military in a branch of the armed forces for an ally of the United States in a foreign war but unable to obtain a record of their service and discharge status. The special plate had previously been available for various passenger vehicles, but under the new law will now also be an option for motorcycles.

Retired firefighters must provide a letter from a fire chief affirming their 10 or more years of service and retirement in good standing.

HF2092*/SF2071/CH280