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Minnesota House of Representatives

Paul Thissen, Speaker

FOR IMMEDIATE RELEASE
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New Laws Effective Aug. 1, 2013

The following is a listing of selected new laws passed during the 2013 legislative session that take effect Aug. 1, 2013. The asterisk following the bill number denotes the language that became law. Summaries of all laws passed by the 2013 Legislature are available online from nonpartisan House Public Information Services at <http://www.house.mn/hinfo/Newlaws2013-0.asp>.

BUSINESS AND COMMERCE

100-year-old mining inspection policy will be updated

Mining companies and employees will have an updated list of mine inspection standards.

A new law, sponsored by Rep. Tom Anzelc (DFL-Balsam Township) and Sen. David Tomassoni (DFL-Chisholm), will clarify language related to mine inspection policy and require inspectors to have at least two years of practical experience in mining or mining-related safety work.

The law will allow counties to abate the nuisance of an abandoned mine through various remedies and recover costs through a special assessment. The law will also require notice of an accident to the inspector of mines within one hour of the stabilization of the scene.

HF1320/SF1291*/CH38

CIVIL LAW

Help to secure family possessions after a crime

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Bill Ingebrigtsen (R-Alexandria), a new law will amend the state's so-called "slayer statute," which is in place to prevent a killer from benefiting, through inheritance, from the victim's death.

As a law enforcement officer, Cornish was one of the first on the scene of a friend's murder in August 2010. Later, the victim's wife confessed to her husband's death.

The victim's family tried to recover mementos and personal property, both theirs and his, from the house. At the time, the law called for the property to be sealed until there was a guilty verdict or other court finding.

The new law will allow a personal representative to file with the court an inventory of the decedent's personal property that may be affected by the so-called "slayer statute." This list may serve as documentation for later claims. Additionally, the court will be authorized to order certain relief regarding the inventoried property, such as reserving determination of its distribution, holding it in trust or prohibiting its disposition pending a final determination under the statute. It would also provide a notice of the rights to crime victims.

HF161*/SF196/CH94

Marriage no longer limited to a male and female

The state's marriage laws will change from being male/female specific to authorize marriage and divorce of two persons, regardless of gender. It will provide exemptions for churches and other religious associations from providing goods or services related to same-sex marriage ceremonies, if doing so would be in violation of the entity's religious beliefs.

The law is sponsored by Rep. Karen Clark (DFL-Mpls) and Sen. D. Scott Dibble (DFL-Mpls). As a bill, its introduction into the legislative process came six months after voters turned down a ballot measure to place in the state constitution a definition of marriage as being between one man and one woman.

The debate in the Legislature was contentious, with frequent rallies at the State Capitol from those on both sides of the issue. But an amendment on the House Floor to insert "civil" before the word "marriage," in all state statute references, tempered the debate, bringing in enough bipartisan support for the measure to pass both bodies. The language change, it was thought, would clarify the distinction between state-sanctioned civil marriages and marriages within religious faith traditions.

HF1054*/SF925/CH74

New law helps clarify who owns what upon a partner's death

Sponsored by Rep. Mike Freiberg (DFL-Golden Valley) and Sen. Melisa Franzen (DFL-Edina), a new law will have Minnesota adopt the Uniform Community Property Rights at Death Act, which will clarify, upon death, disposition of the property acquired by a married person.

States vary on how they treat property acquired by married couples. For instance, Minnesota is a common law state, which means the property belongs to the person whose name appears on the ownership document. Wisconsin, on the other hand, is a community property state where property and possessions brought into the marriage remain with that partner; but whatever is earned or acquired during the marriage is co-owned by both parties, regardless of who earned it or whose name is on the title.

If a couple has lived and acquired property in different states, this can create problems for the courts when they attempt to determine rightful ownership upon one partner's death.

HF369*/SF350/CH24

CONSUMERS

Installment plans for prefunded funeral expenses available

Minnesotans will be able to prefund their funeral expenses and pay it out over a period of time.

The new law, sponsored by Rep. Carolyn Laine (DFL-Columbia Heights) and Sen. Dan Sparks (DFL-Austin), will exempt preneed insurance from the graded death benefit law, which requires the policy premium to be paid in a single upfront payment. The specialty life insurance product is sold through a life insurance contract.

HF654/SF748*/CH53

GAME AND FISH

Hunting license provisions changed for critically ill, disabled veterans

Critically ill people will be allowed, once in a lifetime, to purchase hunting licenses otherwise limited by a lottery drawing — including wild turkey, deer, bear, prairie chicken and wolf — under a provision of the omnibus game and fish law.

The law will allow veterans with 100 percent permanently disabled status to receive a permanent card allowing them to more easily obtain a hunting license, for deer or small game, free of charge.

In addition, the law requires the DNR to designate one weekend each year when an all-terrain vehicle may be operated on state and grant-in-aid trails without registration.

The law, sponsored by Rep. David Dill (DFL-Crane Lake) and Sen. Matt Schmit (DFL-Red Wing), also allows non-residents to participate during the designated weekend without a state trail pass.

HF742/SF796*/CH121

HEALTH AND HUMAN SERVICES

Construction restrictions remain on radiation facilities

The moratorium on non-hospital radiation therapy facilities, which was set to expire in the Twin Cities metropolitan area in 2014, has been extended through 2020.

In 2003, legislators put restrictions on the construction of new radiation therapy facilities, unless they are owned, operated or controlled in partnership with a hospital. Then, in 2007, a moratorium on new facilities was enacted, which would have expired on Aug. 1, 2014. The new law extends that moratorium through Dec. 31, 2020.

Rep. Kim Norton (DFL-Rochester) and Sen. Jeff Hayden (DFL-Mpls) sponsor the law. Norton said the law is needed because current facilities are still operating under capacity. Also, there is a growing interest in privately-run facilities owned by oncologists who refer patients to facilities that the oncologist owns, giving them an unfair advantage over hospitals, she said.

The new law also lengthens the radius of how close new facilities can be to existing ones, from seven to 15 miles.

HF164*/SF118/CH11

Requirements eased for critical access hospitals

Hospitals and other providers of advanced diagnostic imaging services must be accredited by one of three national accreditation organizations to be eligible for payment when they provide the service.

Accreditation can be expensive, especially for about 50 small rural hospitals, according to House members representing Greater Minnesota. A new law will permit payment for advanced diagnostic imaging services at hospitals, even if the hospital is not accredited. They still will need to be licensed by the Department of Health.

Rep. Jay McNamar (DFL-Elbow Lake) and Sen. Kent Eken (DFL-Twin Valley) sponsor the new law.
HF582*/SF493/CH8

More training for paramedics required

In addition to existing certification requirements, community paramedics will need to take an additional 12 hours of study in clinical topics in order to renew or earn their certification.

The ambulance service medical director must approve the clinical topics to be studied.

Rep. Dan Schoen (DFL-St. Paul Park) and Sen. Julie Rosen (R-Fairmont) sponsor the new law. Schoen described the need for the law as an oversight in previous legislation and said it will ensure community paramedics receive continuing education.

HF75*/SF39/CH18

Showing respect for people with mental illness

When people who lived in state institutions died, they were buried there and their graves marked with a number. A nonprofit group wants to replace the numerical grave markers with the deceased's name, birth date and date of death.

Rep. Zachary Dorholt (DFL-St. Cloud) and Sen. Chris Eaton (DFL-Brooklyn Center) sponsor a new law that will enable the Department of Human Services to share the names of the individuals with Remembering with Dignity, a coalition of disability rights organizations, who are replacing numerical markers with more respectful ones that honor each individual.

Insensitive language is repealed in law and replaced with updated terminology, such as substituting the word "retarded" with a "person with developmental disabilities."

Other provisions will:

- repeal an outdated children's mental health service program for preschoolers because there are newer alternatives;
- expand the assessment period for children's therapeutic services and supports from six months to one year;
- allow such an assessment to be completed by a mental health practitioner who is a clinical trainee; and
- clarify that counties are responsible for any charges not covered by other means when counties temporarily hold a person in confinement for observation, evaluation or treatment.

HF969*/SF1297/CH59

Advanced EMT added as permitted ambulance staff

Minnesota law requires an advanced life-support ambulance to be staffed by at least one emergency medical technician and one paramedic. A new certification, advanced emergency medical technicians, is created and those meeting the qualification will be able to serve as advanced life-support ambulance staff.

Advanced EMTs are allowed to treat patients with epinephrine, nitroglycerin, aspirin, and nebulizer treatments.

Advanced EMTs will be required to complete education requirements, overseen by the Emergency Medical Services Regulatory Board. The law also allows the board to begin receiving inspection files electronically.

Rep. Dan Schoen (DFL-St. Paul Park) and Sen. Melissa Wiklund (DFL-Bloomington) sponsor the new law, which conforms to national standards and renames the Emergency Medical Technician Intermediate as an AEMT.

HF201/SF166*/CH13

Service animals clarified as dogs

Service animals help people with disabilities navigate through their day-to-day activities. Under current law, it is an unfair discriminatory practice to prohibit these animals from being in a public place.

Sponsored by Rep. Zachary Dorholt (DFL-St. Cloud) and Sen. Bobby Joe Champion (DFL-Mpls), a new law will amend state statute regarding these animals and bring the state in line with the federal Americans with Disabilities Act.

"It helps clarify the definition of service animal as defined by the Americans with Disabilities Act," Dorholt said. "Service animals are defined as dogs that do tasks for people with disabilities ... service animals are working animals not pets."

The law also deletes a provision that requires service animals to be properly identified as being trained. This is generally done through papers that should be carried by the animal's owner.

HF1811/SF1086*/CH14

New law creates pathway for parents, children to reunite

A new law will create a way for some teenagers to reunite with parents whose rights had been terminated.

The Family Reunification Act lays out a legal process that doesn't currently exist in Minnesota. It is sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Kathy Sheran (DFL-Mankato).

The law can be applied only to children who are at least age 15 and have not been adopted, among other conditions. Before families can reunite under the new process, the relevant county attorney and social services agency have to agree that the move is in the child's best interest. Parents seeking reunification have to show that they've fixed the problems that led to their loss of rights and can take care of their children.

HF704/SF422*/CH30

HOUSING

Protecting tenants from eviction

When a landlord knows that a property's contract for deed is being cancelled or that the mortgage is entering foreclosure, the landlord is required to notify the tenants. However there is no penalty for not doing so.

A new law will add a \$500 civil penalty for landlords who violate the notification requirement.

Additionally, a tenant is no longer required to put a month's rent in escrow if a hearing is scheduled for violations in a residential building and no rent is currently due.

The new law repeals a Dec. 31, 2014, sunset clause regarding eviction proceedings and it extends the time limit to file an appeal from 10 to 15 days.

Rep. Susan Allen (DFL-Mpls) and Sen. Bobby Joe Champion (DFL-Mpls) sponsor the law.

HF829*/SF967/CH100

LOCAL GOVERNMENT

New law seeks more open bidding process

Local governments will be able to advertise bids for public improvement projects in a recognized industry trade journal instead of the official newspaper, if the project is over \$100,000. The law defines trade journals as printed or digital publications or websites that contain building or construction news of interest to contractors, or that publish projects for bidding and review by contractors, and others, in their regular course of business.

Supporters believe the new law, sponsored by Rep. Mike Nelson (DFL-Brooklyn Park) and Sen. Bev Scalze (DFL-Little Canada), will save local governments money by allowing them to advertise bids on websites free of charge, rather than buying space in a newspaper.

HF1196/SF843*/CH46

PUBLIC SAFETY

Helping intoxicated underage drinkers do the right thing

Underage drinkers looking out for their health or that of a friend will be able to avoid a minor consumption ticket.

Sponsored by Rep. Tina Liebling (DFL-Rochester) and Sen. Barb Goodwin (DFL-Columbia Heights), a new law provides that a person under age 21 who consumes or possesses an alcoholic beverage will not be subject to prosecution "if the person contacts a 911 operator to report that the person or another person is in need of medical assistance for an immediate health or safety concern provided that the person who initiates contact is the first person to make a report, provides a name and contact information, remains on the scene until assistance arrives and cooperates with the authorities at the scene."

The person receiving medical attention will also not be charged with underage drinking; nor will one or two persons acting in concert with the caller provided they provide contact information and cooperate at the scene.

The law does not protect underage drinkers from other alcohol-related charges.

HF946*/SF744/CH112

New law to toughen penalties for fake 911 calls

The list of acts that constitutes criminal conduct related to emergency telephone calls will expand.

Sponsored by Rep. Steve Simon (DFL-Hopkins) and Sen. Susan Kent (DFL-Woodbury), a new law will make it a misdemeanor if someone “makes or initiates an emergency call, knowing that no emergency exists, and with the intent to disrupt, interfere with, or reduce the provision of emergency services or the emergency call center’s resources, remains silent or makes abusive or harassing statements to the call recipient.” Doing this a second time would result in a gross misdemeanor. Three or more infractions would be felonies.

It would also be a gross misdemeanor to report a fictitious emergency to prompt an emergency response. If someone suffers great bodily harm or is killed as a result of the response, the charge would be a felony.

HF1043/SF1168*/CH20

Vulnerable adult financial protections enhanced

The county where a victim resides will become an eligible venue for cases when a vulnerable adult is financially exploited.

Currently, the criminal case must be tried in the county the offense was committed.

Rep. Debra Hilstrom (DFL-Brooklyn Center), who sponsors the law with Sen. Barb Goodwin (DFL-Columbia Heights), said the vulnerable adult is sometimes moved to another county and the law will ensure that prosecution can still occur.

The law will also allow such offenses to be aggregated over a six-month period.

Supporters said the aggregation is needed to demonstrate the extent of the crime because financial exploitation generally occurs over time, such as misuse of a vulnerable adult’s financial transaction card.

The Vulnerable Adults Justice Project brought forth the plan as a way for investigators and prosecutors to have the proper tools to address such offense.

HF90*/SF187/CH5

Public transit operators to get added protection

A stronger tool is on the way to help law enforcement officials better protect operators of some public buses and light-rail lines.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Chuck Wiger (DFL-Maplewood), a new law will add Metro Transit and other public transit operators to the list of protected occupations and individuals under the fourth-degree assault statute.

It will be a gross misdemeanor to either assault a transit operator or intentionally throw or transfer bodily fluids onto them if the transit operator is operating, aboard or otherwise responsible for a transit vehicle.

Supporters told a House committee about bus drivers being spit on by unruly passengers or having things thrown at them. Concern was also expressed about a driver losing control of a multi-ton bus during an assault and potentially injuring passengers and anyone driving or walking near the bus.

Metro Transit Police Chief John Harrington said there were 129 assaults on Metro Transit drivers in 2012 and 43 arrests were made.

HF590*/SF1068/CH133

Harsher wildfire arson penalties enacted

An April 2009 fire set by a Forest Lake firefighter burned 2,637 acres in and around the Carlos Avery Wildlife Management Area, threatening nearly 150 homes on that dry and windy day.

More than 120 apparatus from 31 departments were needed to extinguish the blaze. In excess of 250 people fought the fire.

Because no building was damaged, the culprit could only be sentenced to probation.

Sponsored by Rep. Brian Johnson (R-Cambridge) and Sen. Sean Nienow (R-Cambridge), a new law will increase the felony penalties for wildfire arson based on certain damages:

- if a fire threatens to damage or damages in excess of five buildings or dwellings, burns 500 or more acres or results in at least \$100,000 in crop damage the arsonist could receive up to 10 years imprisonment and/or a \$15,000 fine;
- when the numbers are increased to 100 buildings or dwellings, 1,500-plus acres and \$250,000 in crop damage, the maximum penalty will be 20 years imprisonment and/or a \$25,000 fine; and
- if the fire causes another person to suffer demonstrable bodily harm, the maximum penalty will be 10 years imprisonment and/or a \$15,000 fine.

HF228*/SF614/CH139

Losing cash for prostitution offense

A person engaging in a prostitution or sex trafficking offense will lose more than just their vehicle.

Law enforcement can now take a motor vehicle used in a prostitution crime, including solicitation or taking a prostitute back to a motor vehicle to perform a sexual act.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Barb Goodwin (DFL-Columbia Heights), the law will allow law enforcement to also confiscate the perpetrator's cash. Under the law, forfeited funds would be distributed as follows:

- 40 percent to the local law enforcement agency;
- 40 percent to the Department of Public Safety to be distributed in the Safe Harbor for Youth account for distribution to crime victim services organizations that provide services to sexually exploited youth; and
- 20 percent to the prosecuting authority.

HF411/SF346*/CH80

TRANSPORTATION

State highway will honor slain officer

A stretch of state highway is to be renamed in memory of a Minnesota police officer killed in the line of duty.

Sponsored by Rep. Jeff Howe (R-Rockville) and Sen. Michelle Fischbach (R-Paynesville), the law honors fallen Cold Spring police officer Tom Decker by designating an 11-mile stretch of Trunk Highway 23 from Wakefield Township to Richmond in Stearns County the Officer Tom Decker Memorial Highway. Decker was shot and killed Nov. 29, 2012, while responding to a call in downtown Cold Spring. His murder remains unsolved.

HF146/SF76*/CH12

Law alters rules for school bus use for special events

Non-pupils will be able to hitch a ride on school buses for transport to certain special events, under a new law.

Sponsored by Rep. John Ward (DFL-Baxter) and Sen. Carrie Ruud (R-Breezy Point), the law lays out an exception to state law that allows school buses to be used for one- or two-day special events without being required to register as a commercial bus.

Use of flashing lights and the crossing stop arm will be prohibited under the amended law, and the nonprofit entity utilizing the school bus will be required to obtain a special temporary vehicle identification card.

HF1304*/SF1133/CH102

Bicycle safety a priority in new transportation policy law

New protective measures for bicyclists, a permanent position to aid Department of Transportation dispute resolution and the establishment of a periodic review of MnDOT-owned property for possible sale are part of an omnibus transportation policy law.

Sponsored by Rep. Ron Erhardt (DFL-Edina) and Sen. D. Scott Dibble (DFL-Mpls), the law contains a number of measures aimed at providing safeguards for the increasing number of bicyclists on Minnesota roads. The law includes provisions that:

- tighten restrictions on vehicles turning through bike lanes and vehicles passing through bike lanes;
- prohibit parking, standing or stopping in bicycle lanes unless noted otherwise by posted signage; and
- eliminate language requiring riding a bicycle at the right-hand curb or edge of the road if the biker is riding in a designated bicycle lane.

Bikers will be able to use a wider range of equipment to meet nighttime bicycle lighting requirements and the sale of a bicycle without pedals will be allowed.

A prohibition on the use of a cell phone for personal reasons by school bus operators is expanded to all times when the vehicle is in the flow of traffic, including stopped at a traffic light, and state law requiring school bus drivers to wear a seat belt has been clarified to specify the safety belt must be worn across the shoulder and lap.

HF1416/SF1270*/CH127