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Minnesota House of Representatives

Kurt Daudt, Speaker

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New Laws Effective Aug. 1, 2015

The following is a list of select new laws passed during the 2015 regular and special legislative sessions that take effect Aug. 1, 2015. The asterisk following the bill number denotes the language that became law. Summaries of all laws passed by the 2015 Legislature in regular and special sessions are available online from nonpartisan House Public Information Services at www.house.mn/hinfo/Newlaws2015-0.asp.

CIVIL LAW

Family law reforms come after two years of consensus building

A process set in motion by Gov. Mark Dayton's pocket veto four years ago reached a successful conclusion this session with his signature enacting a suite of reforms to family law.

After his 2011 veto, Dayton asked both sides battling over contentious questions involving children and divorce to work together. The result was a child custody dialogue group that worked for more than two years to come to consensus on reform legislation.

Sponsored by Rep. Peggy Scott (R-Andover) and Sen. Scott Newman (R-Hutchinson), the law:

- clarifies how either parent may take the child income tax dependency exemption;
- integrates parenting rights that previously took the form of a separate appendix into the body of a court order;
- allows judges to set interest rates for certain awards in family law actions;
- revises the child's best interest standards for custody decisions;
- clarifies that 25 percent is a presumed minimum amount of parenting time in a child support determination; and
- makes a variety of changes to laws concerning custody and visitation as they apply to parents who are deployed with the armed services.

HF465/SF1191*/CH30

New law puts limits on license plate readers

A contentious issue involving privacy and police reached a resolution with a new law on automated license plate readers (ALPRs).

It's the first Minnesota law regulating use of the devices, which several law enforcement agencies have been using for some time. A temporary rule classifying the data they gather as private or nonpublic is set to expire on Aug. 1, 2015 — the same day the new law will take effect, continuing that classification.

A key provision of the law, sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Ron Latz (DFL-St. Louis Park), will require agencies to destroy ALPR data not related to an active criminal

investigation after 60 days. Privacy advocates wanted immediate destruction of the data or “zero retention,” while law enforcement representatives argued for 90 days or more.

Law enforcement agencies holding ALPR data on Aug. 1, 2015, will be required to destroy it within 15 days.

Exceptions to 60 days

The law will allow police to keep ALPR “hits” and “non-hits” for 60 days with a couple exceptions. Police will be required preserve the data beyond 60 days whenever a person who is the subject of criminal charges or complaints asks them to preserve the data because it might exonerate him or her.

Police will have to destroy the data earlier than 60 days if requested to do so by a participant in the Safe at Home Address Confidentiality Program.

Restrictions on use

The new law limits the data that ALPRs may gather to vehicle license plate numbers; date, time and location data on vehicles; and photos of license plates, vehicles and the area around vehicles. Police will be able to match the data they gather with ALPRs only to the Minnesota license plate data file, unless they need to access additional databases in the course of an active criminal investigation. The law will prohibit a statewide database of ALPR data.

Police will only be able to use ALPRs to monitor or track a person who is the subject of an active criminal investigation if they first seek and obtain a warrant from a judge, with probable cause as the standard. However, in emergency circumstances, such as the kidnapping of a child, police will be able to track a person with ALPRs without first obtaining a warrant.

Limits on access

Law enforcement agencies will have restricted access to the ALPR data they collect. Only personnel who receive written authority from an agency head will have access for “a legitimate, specified, and documented law enforcement purpose” when they have “a reasonable suspicion that the data are pertinent to an active criminal investigation.” The law will prohibit sharing data with any other entities.

Access will be subject to standard data-practices procedures such as notifications about security breaches, as well as each agency’s own policies and procedures, including a written policy on ALPRs that each agency using the devices must create and adopt by Jan. 15, 2016.

Audit trail

The law will require an independent audit every two years of each agency’s compliance with provisions on ALPR data classification, destruction and access.

Agencies will have to:

- include in public arrest records that they used ALPR data as part of the arrest;
- list in public data all electronic-recording technology they maintain; and
- keep a public log of their use of ALPRs.

Public logs must include the time of day the agencies used the devices, the number of vehicles or license plates they recorded, the number of “hits” they recorded, and the locations of stationary ALPRs.

Law enforcement agencies must also notify the Bureau of Criminal Apprehension within 10 days of any ALPR use, along with the location of any stationary ALPR. The BCA will maintain on its website a public list of agencies using ALPRs, including stationary locations.

The agency or BCA may keep its use of ALPRs or the location of stationary out of the public record, but a judge may be asked to review if the information meets the standard of “security data.”

HF222/SF86*/CH67

Marriage dissolution document is now mandatory

A new law makes a certificate mandatory when a marriage is dissolved. Previous statute provides for a certificate if a court or one of the parties to the divorce wanted one.

A certificate of marriage dissolution will no longer contain the Social Security numbers of the parties to the dissolution or the names and Social Security numbers of any living minor or dependent children. It will contain the former and new name of any party to the dissolution who is granted a name change.

The sponsors are Rep. John Persell (DFL-Bemidji) and Senate President Sandy Pappas (DFL-St. Paul).
HF1357*/SF1539/CH57

CONSUMERS

Banks and savings institutions will be allowed to offer raffles

In an effort to increase the practice of savings, credit unions and banks will be allowed to offer raffle participation to their customers.

Rep. Jenifer Loon (R-Eden Prairie) and Sen. Vicki Jensen (DFL-Owatonna) sponsor the law.
HF1127*/SF1043/CH29

ENERGY

Energy conservation definition amended to create more savings

An amended definition of “energy conservation measure” will include more measures to a program aimed at helping reduce energy usage.

Sponsored by Rep. Tim O’Driscoll (R-Sartell) and Sen. Kevin Dahle (DFL-Northfield), the new law changes what is defined as an energy conservation measure in the Uniform Municipal Contracting Law to include water metering devices that increase efficiency or accuracy of water measurement and reduce energy use.

The guaranteed energy savings contract program is aimed at finding operational cost savings in local government units through implementing energy conservation measures.

HF1358*/SF1439/CH22

HEALTH AND HUMAN SERVICES

Terminal patients have ‘Right to Try’ FDA investigational drugs

A terminally ill patient who has exhausted all conventional forms of recovery will be able to have their physician write a prescription for an experimental treatment as a last resort.

Under the Right to Try Act, an experimental drug or device will need to have passed the first phase of a clinical trial, but have yet to be approved for general use by the federal Food and Drug Administration.

Manufacturers of qualifying experimental drugs or devices will be able to provide the product free of charge and insurance companies will not be required to cover the cost.

Rep. Nick Zerwas (R-Elk River) and Sen. Branden Petersen (R-Andover) sponsor the law.

HF236/SF100*/CH15

Education for moms with prenatal diagnosis of chromosome disorders

Prenatal mothers of babies diagnosed with a specific trisomy conditions, including Edwards, Patau or Down’s syndromes, will receive more evidence-based education about giving birth to a baby diagnosed with the disorder.

Referred to as the Prenatal Trisomy Diagnosis Awareness Act, the law will require those who order a trisomy screening test to provide a woman whose tests results are positive with more information about the diagnosis, including current, evidence-based information, which has been reviewed by medical experts and national trisomy organizations.

Sponsored by Rep. Kathy Lohmer (R-Stillwater) and Sen. John Hoffman (DFL-Champlin), the law also requires medical professionals to tell their patients how to contact nonprofit support groups for trisomy conditions.

The Department of Health will be required to post trisomy condition education information on its website in cultural and linguistically-appropriate languages. To comply, providers can simply direct the patient to the department's website.

HF439/SF462*/CH28

MILITARY AND VETERANS

Hire a veterans month will move to later in calendar year

For the past decade, the month of May has statutorily been Hire a Veterans Month in Minnesota to urge employers to “give fair and appropriate consideration for hiring military veterans.” That designation will move to July.

Rep. Dale Lueck (R-Aitkin), who sponsors the law with Sen. Jim Carlson (DFL-Eagan), said the change was requested because May is a busy month for people with things like school graduations, the fishing opener and Mother's Day all happening. Additionally, the Department of Veterans Affairs would like to better work with the Department of Employment and Economic Development which puts on some larger job fairs in July.

HF1556*/SF1446/CH40

Military Spouses and Families Day created

A day has been set aside to honor “the vital support and sacrifice that the spouses and families of military personnel make for the betterment and support of this country.”

Sponsored by Rep. Kathy Lohmer (R-Stillwater) and Sen. Karin Housley (R-St. Marys Point), a new law will designate the Sunday before Memorial Day as Military Spouses and Families Day.

Minnesota is the second state with such a designation. The governor shall issue a proclamation each year honoring this observance.

HF450*/SF617/CH41

PUBLIC SAFETY

BCA to perform tribal background checks

Sponsored by Rep. Steve Green (R-Fosston) and Sen. Tony Lourey (DFL-Kerrick), a new law requires the Bureau of Criminal Apprehension, upon request by a law enforcement agency of an American Indian tribe with a reservation in Minnesota, to perform a background check “to determine an individual's eligibility for a license, employment, housing, or candidacy for elective office.”

A fee charged to the tribe will cover the associated costs.

Private vendors had been performing these checks, but supporters said this had not been done satisfactorily. The bands want the BCA to perform the background checks to ensure timeliness, integrity and result accuracy.

These checks will not be in conflict with background checks being performed under the state tribal gaming compacts.

HF1432/SF1563*/CH8

Working group to consider need for statewide Silver Alert system

Minnesota is taking a more cautious approach to implementing the Silver Alert system by assembling a working group to study whether the state should create a similar system to aid in the recovery of missing persons who are senior citizens with dementia, traumatic brain injury, Alzheimer's disease or other mental disabilities.

Rep. Cheryl Youakim (DFL-Hopkins) and Sen. Kathy Sheran (DFL-Mankato) sponsor the law.

The 11-member group will include designees of the public safety commissioner, Bureau of Criminal Apprehension superintendent, the Amber Alert coordinator, and transportation commissioner. In addition, public safety appointees will include representatives from Tubman elder care, the state chiefs of police and sheriff's associations, the Minnesota Broadcasters Association and the state Brain Injury Alliance.

The group will meet between Aug. 15, 2015, and Feb. 15, 2016, and must submit a report to the Legislature summarizing their recommendations. The group will sunset the following day or Feb. 15, 2016, whichever is earlier.

HF805/SF857*/CH36

Extra protection for state security hospital employees

Extra assault protection will be in place for employees supervising and working directly with mentally ill and dangerous patients at the state security hospital in St. Peter.

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Kathy Sheran (DFL-Mankato), the law provides for an enhanced penalty for anyone that assaults a direct care worker at the facility or intentionally throws or otherwise transfers urine, blood, semen or feces onto the person.

Supporters said residents can already be charged with a low-level crime for their actions, but the law will provide for a felony. Residents will maintain the right to go before a court and see if they're competent to stand trial.

The law also expands the definition of "secure treatment facility" to include the entire state security hospital. Currently, just the sex offender program at the state security hospital falls under the definition, as does the sex offender program in Moose Lake.

HF783/SF1120*/CH23

Omnibus public safety law addresses guns, bondsman and DWIs

It will be a gross misdemeanor to purchase or obtain a firearm on behalf of a person ineligible to purchase or possess one. The omnibus public safety law also clarifies and delimits the authority of a public official or entity to seize or regulate weapons during a state of emergency.

The law, sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Ron Latz (DFL-St. Louis Park), also expands the firearms prohibitions placed on certain offenders to include prohibitions on ammunition, establish criteria for a civilly committed person to regain the right to possess ammunition, clarify that long guns can be purchased and sold to persons in other states, and clarify that prohibitions on possessing ammunition do not apply to ammunition designed for antiques and ornaments.

Other policy provisions that take effect Aug. 1, 2015, include:

- allowing for an initial civil commitment hearing or hearing related to the continued commitment of someone committed as a sexually dangerous or a sexual psychopathic personality to be held by interactive video conference;
- stating that a person or entity cannot be compelled to disclose the actual address of a participant in the Safe at Home Address Confidentiality Program in a legal proceeding unless it is determined there is reason to believe the matter cannot proceed without disclosure and there is no other practicable way of obtaining the information or evidence;
- clarifying that vehicles used and uniforms worn by bail bondsmen or bail enforcement agents can be any color other than those specified for law enforcement;
- creation of a Blue Alert system to disseminate urgent information to the public to help locate an individual suspected of killing or injuring a law enforcement officer;
- creation of the crime of adulteration by bodily fluid;
- creation of "Colton's Law" to require the Department of Corrections, when imposing electronic monitoring as a condition of the offender's release, not release the offender until the offender's electronic monitoring is activated;

- creation of the “Jacquelyn Devney and Thomas Considine Roadway Safety Act” to increase the penalty for reckless driving to a gross misdemeanor if the action results in great bodily harm or death;
- lowering the blood-alcohol concentration from 0.20 to 0.16 in DWI cases for the definition of aggravating factors, which enhance criminal provisions;
- amending DWI implied consent law to specifically authorize a petitioner to raise the affirmative defense of necessity; and
- creating a five-year felony for hiring or agreeing to hire someone the individual reasonably believes is under age 18 to engage in prostitution.

HF849/SF878*/CH65

TRANSPORTATION

Increased fine for texting while driving repeat offenders

While a comprehensive transportation funding package was not enacted in the 2015 regular or special session, an omnibus law contains more than three-dozen transportation policy provisions, including these that take effect Aug. 1, 2015:

- a fine increase to \$225 for second and subsequent texting while driving convictions;
- a requirement that deaths of active firefighters — whether or not the death is presumed to be in the line of duty — be reported to the state fire marshal;
- requiring a report to the Legislature on the use of constitutionally dedicated transportation funds;
- providing that proceeds from the sale or licensing of software products or services developed by the Department of Transportation be credited to the Trunk Highway Fund;
- requiring municipalities seeking Safe Routes to School funds to pass complete streets ordinances for new residential developments; and
- aerodynamic devices on semitrailers that meet federal regulations will be excluded from vehicle length limits.

Rep. Tim Kelly (R-Red Wing) and Sen. D. Scott Dibble (DFL-Mpls) are the sponsors.

HF1733/SF1647*/CH75