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Minnesota House of Representatives

Kurt Daudt, Speaker

FOR IMMEDIATE RELEASE

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New Laws Effective Aug. 1, 2017

The following is a list of select new laws passed during the 2017 regular and special legislative sessions that take effect Aug. 1, 2017. The asterisk following the bill number denotes the language that became law. Summaries of all laws passed by the 2017 Legislature in regular and special sessions are available online from nonpartisan House Public Information Services at <http://www.house.mn/newlaws/#/search/2017>.

AGRICULTURE

Farmers with revocable trusts won't have to file report

In general, state law prevents corporations, trusts, pension funds, and other similar entities from owning or operating farmland in the state. However the law authorizes the Department of Agriculture to lift this prohibition for certain entities that file annual reports with the Department.

A new law will maintain the existing exemption but end the reporting requirement for an estimated 3,600 revocable trusts, many of whose owners may be unaware of their duty.

The law, sponsored by Rep. Dennis Smith (R-Maple Grove) and Sen. Scott Newman (R-Hutchinson), adds this sentence to statute: "The trustee of a revocable trust with respect to which either the settlor, the settlor's spouse, or both, are the primary beneficiaries during the settlor's lifetime shall not be required to file with the commissioner a report under this section during any period that the trust is revocable."

HF22*/SF50/CH36

This story was updated Dec. 21, 2017

BUSINESS AND COMMERCE

Companies can limit life insurance to beneficiaries of suspected terrorists

A new law will give insurance companies the go-ahead in limiting life insurance payouts to beneficiaries of suspected terrorists.

If a person dies perpetrating a suspected terrorist-related act — they don't have to be convicted — the new law, sponsored by Rep. Joe Hoppe (R-Chaska) and Sen. Warren Limmer (R-Maple Grove), will allow insurance providers to only pay out the amount of premiums paid into a life insurance policy.

The new law states the death could be "directly or indirectly" related to furthering terrorism.

HF1397*/SF1243/CH22

Grocery, retail stores get updated price labeling

A new law removes the requirement for grocery and retail stores to affix pricing labels to individual items, but leaves in the requirement that prices must be displayed conspicuously.

The law, sponsored by Rep. Greg Davids (R-Preston) and Sen. Mark Koran (R-North Branch), scratches “stamp, tag, label or conspicuous marking device” from the price-label requirement. Under the new law, individual items won’t have to be marked.

HF2096/SF2008*/CH48

Law revises Joint Underwriting Association guidelines

The Legislature established the Minnesota Joint Underwriting Association as a means to provide insurance for medical malpractice, liquor liability and other “public purpose” businesses like daycares and foster homes that cannot obtain insurance but have coverage mandated by law.

A new law will clean up association statutes, remove antiquated language, and make technical changes to streamline personnel operations within the association.

Sponsored by Rep. Bob Loonan (R-Shakopee) and Sen. Paul Utke (R-Park Rapids), it will also increase the number of board members guiding the association from 11 to 15, with seven elected by the association — including one representative of medical malpractice insurers and one representing personal injury liability insurers — four appointed public members, and four members representing groups covered by the association’s insurance.

The law also changes requirements of the association’s operating plan, which is subject to approval by the commerce commissioner. Another change will give the association further authority for determining disqualifying factors for coverage.

HF1046/SF879*/CH34

CIVIL LAW

Co-owner may petition to get back car seized by civil forfeiture

When law enforcement agencies seize vehicles used in driving while intoxicated crimes, anyone who co-owns such a vehicle has no standing to ask a judge for the vehicle’s return.

A new law will allow joint owners of seized vehicles to petition the court.

Petitioners will have the burden of proving — by clear and convincing evidence — that they didn’t know the vehicle would be used unlawfully, or that they tried to stop the offender from using it.

The co-owner will be presumed to know if they are a member of the offender’s family or household and the offender has three or more prior convictions for impaired driving.

Rep. Marion O’Neill (R-Maple Lake) and Sen. Scott Newman (R-Hutchinson) are the sponsors.

HF389/SF151*/CH12

New law modernizes statutes on nonprofits

Nonprofit organizations will enjoy some efficiencies in statute that already apply to for-profit businesses.

For example, members of nonprofit boards of directors will be able to cast their votes electronically rather than only by “written action.” Another set of provisions will make it easier for out-of-state nonprofits to set up operations in Minnesota.

Rep. Dennis Smith (R-Maple Grove) and Sen. Ron Latz (DFL-St. Louis Park) sponsor the law, which also includes many technical changes to statutes governing nonprofits.

HF13*/SF91/CH17

EMPLOYMENT

High school students' 11 p.m. punch-out, combative sports regulations updated

Current law bars high school students under the age of 18 from working between 11 p.m. and 5 a.m. on a school night without written permission from a parent or guardian. With a note, "the student may be permitted to work until 11:30 p.m. on the evening before a school day and beginning at 4:30 a.m. on a school day." A new law adds "a high school student age 18 or older" to those who can make a written request to the employer to work during the restricted hours.

The new law, sponsored by Rep. Jason Rarick (R-Pine City) and Sen. Mike Goggin (R-Red Wing), also makes housekeeping changes to laws affecting the Department of Labor and Industry, including:

- changing the procedure for handling incomplete licensing applications;
- updating language to be consistent with trade union terminology and alters the continuing education requirements from "units" to "hours"; and
- incorporating the Unified Rules of Mixed Martial Arts into combative sports regulations and modifies license fee payments.

HF1204/SF1457*/CH68

Fixes made to unemployment insurance

What counts as the date of discharge for an employee suspended indefinitely without pay? A new law clarifies that, for the purposes of unemployment insurance, it's the date of the suspension.

The law also makes several other changes to unemployment insurance policy.

Whether employee-leasing companies receive a certain exemption under worker's compensation law will no longer have bearing on the Department of Employment and Economic Development's determination of their unemployment insurance liability. The same will go for businesses where more than half the workers are from an employee-leasing company.

The department will be allowed as long as 48 months to determine that a worker also receiving workers' compensation benefits is ineligible for unemployment insurance.

Sponsored by Rep. Marion O'Neill (R-Maple Lake) and Sen. Rich Draheim (R-Madison Lake), the law will also make dozens of technical and housekeeping changes, as recommended by the Unemployment Insurance Advisory Council.

HF1419/SF1549*/CH35

Ramsey County may create jobs for people with disabilities

An exception will be made to Ramsey County's classified employment process, allowing for the county to create five full-time positions to be filled by people with intellectual and developmental disabilities who require a job coach.

Each position in the supported work program may be shared by as many as three people and a job coach.

The sponsors are Rep. Randy Jessup (R-Shoreview) and Sen. John Marty (DFL-Roseville).

HF2174*/SF1855/CH61

ENERGY

Green light for new natural gas-fueled electric plant in Becker

A new law will provide a faster track for construction of an electric generating plant that burns natural gas.

Sponsored by Rep. Jim Newberger (R-Becker) and Sen. Andrew Mathews (R-Milaca), the law gives authority to a public utility to "construct, own, and operate" a natural gas plant "at its sole discretion."

The law doesn't name a public utility, but specifies the current site of Xcel Energy's Sherco coal-fired electrical generating plants in Becker as the location for a potential future natural gas-fired plant.

It also specifies by docket number an Xcel Energy gas plant plan now before the Public Utilities Commission. That project may now proceed as proposed without a certificate of need from the commission. The commission will review it if the company revises its plans.

Two provisions of the law govern costs. Xcel Energy can seek to recover “reasonable and prudently incurred costs and investments” by bringing a rate case to the commission.

And the utility must file an independent evaluator’s report on cost forecasts at least 20 months before starting construction, with the option of asking the commission to set up a sliding scale rate of return mechanism as an incentive to complete the gas plant at or under forecasted costs.

The law authorizes construction starting after Jan. 1, 2018.

HF113*/SF85/CH5

HEALTH AND HUMAN SERVICES

Strategic plan to end spread of HIV/AIDS

The Health and Human Services departments will develop a comprehensive, statewide plan to address the spread of HIV/AIDS in Minnesota by February 2018.

Sponsored by Rep. Keith Franke (R-St. Paul Park) and Sen. Scott Dibble (DFL-Mpls), a new law orders the departments to develop a coordinated approach to determine what services, levels of care, and testing would be needed to eliminate HIV in the state. Nearly 300 new HIV infections are identified in Minnesota each year.

The plan, to be completed using existing resources, must identify strategies that can be used to reduce the number of new diagnoses by at least 75 percent and make sure that at least 90 percent of people with HIV know their status, are receiving treatment and are virally suppressed.

In addition, the plan must recommend how the state can most effectively use existing funds and propose any new or enhanced interventions and additional resources to meet the plan’s objectives.

HF2047*/SF847/CH75

More can sink their teeth into good dental care

A new law will provide Minnesotans with greater access to dental care by allowing some dental hygienists and assistants to serve patients who have not been first examined by a dentist in settings such as schools and long-term care facilities.

Hygienists will be allowed to perform procedures outside the clinic in settings where they can better reach underserved communities, provided they have a collaborative agreement with a dentist. The law doesn’t change which procedures they can perform, but expands access.

Procedures they will be allowed to perform include taking vital signs, providing topical preventative agents, polishing crowns and taking x-rays without a dentist present.

Dental assistants employed by a health care facility, program or organization will also be able to provide their services, if they have a collaborative agreement with a dentist and have completed the required emergency medical training.

Rep. Nels Pierson (R-Rochester) and Sen. Michelle Benson (R-Ham Lake) are the sponsors.

HF1712*/SF1496/CH30

Generic drug substitution requirements expanded

Affording consumers more choices and communication, a new law will expand state law on generic drug substitution to apply to biological products.

Sponsored by Rep. Tony Albright (R-Prior Lake) and Sen. Carla Nelson (R-Rochester), the law requires pharmacists to substitute less expensive biological products, when safely interchangeable, unless the consumer or purchaser specifies otherwise.

An “interchangeable biological product” must be licensed by the U.S. Food and Drug Administration

and determined to meet the standards for “interchangeability,” or has determined to be therapeutically equivalent.

HF712*/SF1184/CH84

Post-discharge CEMT support will be available for both nursing facilities and hospitals

A technical fix will allow community medical response emergency technicians to visit people on Medical Assistance who were recently discharged from skilled nursing facilities, as well as hospitals.

Under current law, a CEMT can provide safe home checks for people after a hospital discharge to identify any hazards in their homes, to confirm access to medication and food and to identify home hazards. The law will allow CEMTs to also provide reminders of discharge orders, and record and report vital signs for a person discharged from a skilled nursing facilities.

Rep. Nick Zerwas (R-Elk River) and Sen. Jeff Hayden (DFL-Mpls) sponsor the law.

HF106*/SF93/CH53

Technical change will clarify protection of some medical titles

The protection of titles for professionals licensed by the Board of Medical Practice, including medical doctors, doctors of osteopathic medicine, physicians and surgeons will be clarified.

Sponsored by Rep. Roz Peterson (R-Lakeville) and Sen. Carla Nelson (R-Rochester), the law will also make clear the list of improper conduct which could prompt the board to refuse a license or impose disciplinary action.

This will include engaging in conduct likely to harm the public, failure to properly supervise a physician’s assistant or health care provider, or having a “willful and careless disregard” for the health, welfare or safety of a patient.

HF643/SF482*/CH56

Telemedicine defined, standards upheld

A new law will define telemedicine and clarify that health care providers working with patients remotely are subject to the same professional standards as those working with patients in person.

Sponsored by Rep. Matt Dean (R-Dellwood) and Sen. Julie Rosen (R-Vernon Center), the law addresses both professional standards and what services can be provided via telemedicine, which include assessment, diagnosis, treatment, education and care management.

The law also clarifies that “telemedicine” refers to real-time, two-way interactive audio, visual and audio-visual communications — like secure video conferencing — but not a telephone conversation, email or fax between licensed health care providers and patients.

HF1314/SF1353*/CH58

Changes to CNA training reimbursement will increase access

Nursing facilities will be required to directly reimburse whoever paid for the training and evaluation of certified nursing assistants. CNAs will be reimbursed for training and evaluation expenses only if the person actually incurred the expenses.

Sponsored by Rep. Joe Schomacker (R-Luverne) and Sen. Karin Housley (R-St. Marys Point), a new law is intended to simplify the process and increase access to training by giving institutions the ability to turn around funding more quickly.

Reimbursement can cover the cost of tuition, textbooks and evaluations, as well as additional training in mathematics, vocabulary, literacy and professional skills such as resume writing and interviewing. Reimbursement cannot exceed 30 percent of the total cost for an individual’s training and testing.

HF1400*/SF1433/CH71

New law makes changes to some mental health regulations

A new law will make changes to some mental health services and change which facilities qualify for Medical Assistance payments for children's therapeutic services.

Sponsored by Rep. Nels Pierson (R-Rochester) and Sen. Jeff Hayden (DFL-Mpls), the law expands the definition of mental health practitioner and clarifies that Medical Assistance covers service plan development before completion of a child's individual treatment plan.

It also modifies a requirement that a qualified mental health practitioner of adult day services needs to meet 2,000 hours of supervised experience, if that person instead receives 40 hours of training within six months of employment and receives weekly clinical supervision until the 2,000 hours are met.

HF1186*/SF915/CH79

HOUSING

Electronic cancellation of condo sales permitted

A new law will allow buyers of condominiums or apartments in cooperative buildings to cancel those purchases under certain circumstances using electronic communication.

Sponsored by Rep. Eric Lucero (R-Dayton) and Sen. Warren Limmer (R-Maple Grove), the law will allow a cancellation if the seller or seller's agent has provided an electronic address at which they agree to receive electronic communication as defined in statute.

HF1118*/SF920/CH38

Condo associations need to clear higher standards before filing suit

Condominium associations and similar organizations will have to clear a higher bar before they file lawsuits over construction defects.

A new law adds definitions to the term "construction defect claims" and requires common interest communities, also known as CICs, to get a majority of association voters' approval before filing litigation. It will also require CICs to have a maintenance schedule and gives contractors and developers immunity for losses and damages due to CICs failing to follow those maintenance plans.

Rep. Dennis Smith (R-Maple Grove) and Sen. Kari Dziedzic (DFL-Mpls) sponsor the law.

Under current law, CICs aren't required to create maintenance plans and schedules, so the new law gives them until Jan. 1, 2019, to create those plans. Those plans must be based on "the best available information" and "generally accepted standards of maintenance."

A new standard will allow CICs and a development party to go to mediation before pursuing a construction defect claim.

HF1538*/SF1455/CH87

LOCAL GOVERNMENT

County license bureaus will set their own hours

State law will still continue to state: "County license bureaus shall maintain hours to best serve the public."

But a new law will replace existing statute's specific requirements that bureaus be open "each week for at least three hours one evening after 5:00 p.m. or on Saturday" with a more general requirement: "for at least 40 hours each week."

Rep. Nolan West (R-Blaine) and Sen. Jim Abeler (R-Anoka) are the sponsors.

HF1519/SF1399*/CH67

Electronic notification of proposed ordinances to be required

Cities with electronic notification systems will be required to use them to send notices of proposed ordinance changes.

Sponsored by Rep. Chris Swedzinski (R-Ghent) and Sen. Andrew Mathews (R-Milaca), the law requires cities that post ordinances on their websites to post proposed ordinances at least 10 days before city council meetings where those ordinances are scheduled for a final vote.

If the city does not have an electronic notification system, it must post notice of the proposed ordinance in the same location as other public notices are posted at least 10 days before the final scheduled city council votes.

Cities with electronic notification systems must notify anyone who has signed up for email notifications or proposed ordinances at least 10 days before final scheduled city council votes. They must also notify any person who applies for a new business license or renewal of their notification procedure.

Failure to provide these notices does not invalidate the ordinances and interim ordinances are exempt.

The law also says these are “minimum requirements” and a city may provide more notice if it has the ability to do so.

HF1242*/SF1224/CH77

Cities, others join school districts in paying claims electronically

School districts are already permitted to pay claims electronically. Effective Aug. 1, 2017, local governments will have the same authority.

A new law opens the electronic payment option for counties, local social service agencies, towns, park districts and home rule charter cities of the second, third and fourth class. Certain policy controls must be adopted by those local units of government before making such electronic payments.

Another provision will repeal a requirement for a declaration form. By making a claim, a claimant will be declaring that it is just, correct and hasn't been paid.

Rep. Randy Jessup (R-Shoreview) and Sen. Andrew Mathews (R-Milaca) are the sponsors.

HF997*/SF1245/CH52

Firefighters' civil service commission members can donate, receive political contributions

Firefighters' civil service commission members will be able to donate to political campaigns and solicit political party contributions – activities previously deemed misdemeanors.

The new law scrubs the misdemeanor provision from state law, allowing commission members to engage financially with political parties. The law also gives commissions more time to fill vacancies — stretching it from 30 days to 90 days — and allows commissions to meet anywhere but keep records at a city hall. The commissions were previously required to meet at a city hall.

The law generally applies to any city with a population exceeding 2,000 that has a fire department of two or more regularly employed firefighters. Cities of the first class are excluded.

Rep. Peggy Flanagan (DFL-St. Louis Park) and Sen. Ron Latz (DFL-St. Louis Park) are the sponsors.

HF1640/SF1354*/CH97

MILITARY AND VETERANS

Veterans memorials can be located anywhere within counties

County-funded veteran memorials can be constructed anywhere in the county.

Sponsored by Rep. Chris Swedzinski (R-Ghent) and Sen. Gary Dahms (R-Redwood Falls), the new law strikes previous language that required county-funded memorials be located in the county seat — and limited to “on the courthouse square, or in a public park at the county seat, or in a cemetery adjacent to the county seat.”

HF375*/SF620/CH9

PUBLIC SAFETY

Impersonating military, peace officer penalties increased

The omnibus public safety law, sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Warren Limmer (R-Maple Grove), includes some new penalties for crimes committed on or after Aug. 1, 2017.

The current misdemeanor offense of impersonating a military officer is expanded to impersonating any member of the military, or a veteran. To be convicted, an impersonator must intend to wrongfully obtain money, property or any other tangible benefit.

A gross misdemeanor is created for someone who impersonates a peace officer and attempts to gain access to a public building that is not open to the public; without legal authority, directs or orders another person to act or refrain from acting; or operates a motor vehicle marked with lettering or symbols that identify the vehicle as a law enforcement vehicle. The penalty is raised to a felony for someone with a previous violation in the past five years.

Knowingly damaging a public safety motor vehicle — including law enforcement vehicles, fire apparatuses, ambulances and marked vehicles used by conservation officers — will be a gross misdemeanor.

If someone boards a school bus when the bus is on its route or otherwise in operation, or while it has pupils on it, and refuses to leave the bus upon demand of the bus operator, they will be guilty of a misdemeanor.

A person who knows of a geographic restriction order issued against them and intentionally enters or remains in the restricted area is guilty of a misdemeanor.

The law also updates Schedule I of the controlled substance schedules by adding nine synthetic drugs, including cannabinoids, stimulants, hallucinogens, psychedelics and opioids. The Board of Pharmacy has concluded that each of the drugs can be abused, are potentially addictive, and have no approved medical uses, which are the criteria for placing a drug on Schedule I.

HF470*/SF1098/CH95

TAXES

Sales suppression device penalties, selling tax-forfeited property

A trio of provisions from the omnibus tax law are effective Aug. 1, 2017:

- a county auditor can sell tax-forfeited property through an online auction;
- the Revenue Department can assess civil penalties on persons who sell, transfer, develop, manufacture, or possess with the intent to sell or transfer automated sales suppression devices; and
- it is a felony — punishable by up to five years in prison or \$10,000 fine or both — to sell, purchase, install, transfer, develop, manufacture or use a sales suppression device knowing that the device may be used to commit tax fraud.

Rep. Greg Davids (R-Preston) and Sen. Roger Chamberlain (R-Lino Lakes) are the sponsors.

SSHF1*/SSSFnone/CH1

TRANSPORTATION

Fine to rise for stop arm violations

A provision in the omnibus transportation law aims to protect the littlest learners.

The law increases the minimum fine from \$300 to \$500 for failure to stop for a school bus that has activated its stop arm and flashing red lights system, and for passing a school bus on the right when its warning light system is activated.

Rep. Paul Torkelson (R-Hanska) and Sen. Scott Newman (R-Hutchinson) sponsor the law.

SSHF3*/SSSFnone/CH3

Stretch of state highway to honor Medal of Honor recipient from Paynesville

A segment of Trunk Highway 23 in west-central Minnesota will be named to honor a Minnesotan who lost his life while serving in the Vietnam War.

The stretch of highway in both the city and town Paynesville will be designated the “Medal of Honor Recipient Kenneth L. Olson Highway,” after the Paynesville native who was posthumously awarded the Medal of Honor after he was killed in action in 1968.

Rep. Jeff Howe (R-Rockville) and Senate President Michelle Fischbach (R-Paynesville) sponsor the law.

The Department of Transportation will develop signage dedicating the stretch of roadway. All funding for signage must come from non-state sources.

HF326*/SF232/CH69

Bridge to honor Coates soldier killed in Afghanistan

A bridge over U.S. Highway 52 in Coates will be renamed in honor of an Army Ranger killed in Afghanistan in July 2009.

Sponsored by Rep. Anna Wills (R-Rosemount) and Sen. Greg Clausen (DFL-Apple Valley), the law will designate the crossing as “Corporal Benjamin S. Kopp Bridge” in honor of the 21-year-old from Coates who was killed in action.

The law directs the Department of Transportation to develop signage for the memorial bridge. Funding for the signage must come from non-state sources.

HF745*/SF589/CH70

Isanti County highway to pay respect to firefighter killed on job

A stretch of state highway in Isanti County will honor a volunteer firefighter in Cambridge who died on the job.

Sponsored by Rep. Brian Johnson (R-Cambridge) and Sen. Mark Koran (R-North Branch), the law designates a stretch of Trunk Highway 65 from Isanti County Highway 19 to the northern edge of Cambridge Township as the “Chip A. Imker Memorial Highway.”

Imker lost his life in a training accident in 2011 at the age of 35.

The law directs the Department of Transportation to develop signage. Only non-state funds may be used to design and erect signs along the memorial route.

HF1636/SF1564*/CH81