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Minnesota House of Representatives

Steve Sviggum, Speaker

FOR IMMEDIATE RELEASE
Date: June 22, 2006
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New Laws Effective July 1, 2006

Editor's note: The following is a listing of selected new laws passed during the 2006 Legislative Session that take effect July 1, 2006. The asterisk following the bill number denotes the language that became law. A complete summary of all laws passed by the 2006 Legislature will soon be available online from the House Public Information Services Office. Go to <http://www.house.leg.state.mn.us/hinfo/newlaws/newlawsmain.asp>.

Budget

Supplemental appropriations

Some proposals that saw their funding hopes dashed with the demise of many of this session's omnibus finance bills emerged as winners in the \$203 million supplemental spending legislation passed during the waning hours of the 2006 session. The law is sponsored by Rep. Jim Knoblach (R-St. Cloud) and Sen. Richard Cohen (DFL-St. Paul).

HF4162*/SF3781/CH282

Shortfall spending

The law addresses shortfall spending in a quartet of areas effective July 1, 2006.

Because more sex offenders than anticipated are being locked up in state hospitals, \$33.67 million is allocated. The law also includes \$31 million to cover the costs of higher than expected numbers of mentally ill and dangerous people being put into state hospitals, \$15 million for one-time water quality initiatives to meet federal mandates and \$6 million for the Veterans Home Board to correct deficiencies. (Art. 10, Sec. 1 and Art. 22, Secs. 2, 4)

Education

Overall, \$15 million is allocated for early childhood education and child care provider assistance. Schools will see their early childhood education appropriation increase from the current \$104 level to \$112 per student under the age of 5 in the district.

Child care assistance for eligible families on the basic sliding fee waiting list is increased by \$3.8 million for 2006, with an additional \$4 million appropriated for fiscal year 2007. The family child care provider or center will see an increase in their subsidy for eligible families as well.

The new law appropriates money to establish a branch campus of the University of Minnesota in Rochester. The project is funded at \$5 million in both fiscal years 2007 and 2008, and \$6.33 million in fiscal year 2009. The money will support academic planning and programming in the areas of biomedical technologies, engineering and computer technologies, as well as health-related programming. (Art. 8, Sec. 2)

Biotechnology and boxing

A collaborative partnership between the University of Minnesota and the Mayo Foundation in support of biotechnology and medical genomics received a onetime appropriation of \$15 million for fiscal year 2007. And in an effort to grow and create bioscience jobs in the state, the BioBusiness Alliance of Minnesota received \$467,000 in funding for fiscal year 2007. A report is due to the Legislature by June 30 of each fiscal year until the money has been expended. It must include the statistics on jobs created, including wages and benefits.

A boxing commission, which was abolished in 2001, is reestablished with a \$50,000 appropriation. By Dec. 15, 2006, the commission must report to the Legislature with a fee schedule that will generate enough income to make the commission self-supporting thereafter.

With a \$200,000 appropriation, the film production jobs program will be operated by the Minnesota Film and TV Board with administrative oversight and control by the director of Explore Minnesota Tourism. (Art. 11, Secs. 2-6)

Public safety

There is significant funding for public safety initiatives in the new law, including:

- \$1.53 million in fiscal year 2007 for additional Minneapolis peace officers;
- \$1 million in fiscal year 2007 and \$778,000 in fiscal years 2008 and 2009 to create a child pornography investigative unit to assist law enforcement throughout the state;
- \$800,000 in fiscal year 2007 to expand operations of the criminal gang strike and narcotics task forces;
- \$200,000 in fiscal year 2007 and \$116,000 in fiscal years 2008 and 2009 to enhance a predatory offender database to facilitate public notification of noncompliant sex offenders via the Internet; and
- \$177,000 in fiscal year 2007 for the financial crimes task force.

The judicial system will receive a onetime appropriation of \$600,000 in fiscal year 2007 to help handle the impact of the increasing number of alcohol and drug offenders coming into the state court system. (Art. 13, Secs. 2, 4)

Other provisions

- \$5 million for pandemic preparations (Art. 22, Sec. 3);
- \$1.25 million for adult literacy grants for recent immigrants (Art. 2, Sec. 28);
- \$312,000 to the State Patrol to outfit vehicles with defibrillators (Art. 13, Sec. 4); and
- \$250,000 for a newly created Legislative Commission to End Poverty in Minnesota by 2020. (Art. 2, Sec. 27)

Education

Transporting students

State law requires that each school district implement a comprehensive, written policy governing pupil transportation safety — including transportation of nonpublic school students, when applicable.

Included in the omnibus education law is a clarifying provision that a nonpublic or charter school student transported by a public school district must comply with district policies on student bus conduct and discipline.

For referenda conducted on or after July 1, 2006, a school district is permitted to include in the referendum ballot question that the per-pupil amount may increase by the annual inflation rate. Under previous law, the ballot could state a schedule “of increased revenue per resident marginal cost pupil unit that differs from year to year over the number of years for which the increased revenue is authorized.” This provision is also in the omnibus tax law.

The omnibus education law is sponsored by Rep. Mark Buesgens (R-Jordan) and Sen. Steve Kelley (DFL-Hopkins).

HF3179/SF2994*/CH263

Elections

Registration changes

Included in the omnibus elections law are two provisions effective July 1, 2006.

For a tribal band member registering to vote on Election Day, a tribal identification card that does not show the bearer's address will be accepted to prove residency requirements if it is used in combination with a specified document that does contain the individual's address.

Current state statute says: "At any time except during the 20 days immediately preceding any election, an eligible voter or any individual who will be an eligible voter at the time of the next election may register to vote in the precinct in which the voter maintains residence." The law clarifies that the freeze on voter registrations applies to the 20 days before a regularly scheduled election by adding the words "regularly scheduled."

The law is sponsored by Rep. Torrey Westrom (R-Elbow Lake) and Sen. John Hottinger (DFL-St. Peter).

HF3110/SF2743*/CH242

Environment

Electronics disposal

Effective July 1, 2006, it will be illegal for someone to put an electronic product containing a cathode-ray tube into mixed municipal solid waste. Examples of such products include television sets and computer monitors.

Instead, owners will need to dispose of these products at recycling centers, or at a retailer holding a so-called "take-back" event.

According to the Minnesota Office of Environmental Assistance, "Televisions and computer monitors are hazardous because they contain up to eight pounds of lead and can cause an environmental problem if discarded with regular garbage." If tubes are incinerated, lead is released into the air; if they are put in a landfill, the lead could leach into groundwater.

When originally passed in 2003, the law had a July 1, 2005, effective date. However, the date was extended in 2005 in hopes that an e-waste bill would be passed this year. However, no bill was passed in 2006 to establish a statewide system of intermediate consolidation points to which households can bring televisions and computer monitors to be reused, refurbished and recycled.

The law is sponsored by Rep. Dennis Ozment (R-Rosemount) and Sen. Thomas Bakk (DFL-Cook).

2005 Special Session: HF78/SF69*/CH1

Family

Filing fee

Effective July 1, 2006, the first paper filed for a party in all proceedings for marriage dissolution, legal separation, annulment or proceedings to establish child support obligations shall be accompanied by a filing fee of \$50. This fee is in addition to any other prescribed in law. Previous law applied the fee to the initial pleading.

This comes from the omnibus family law legislation, sponsored by Rep. Steve Smith (R-Mound) and Sen. Thomas Neuville (R-Northfield).

HF3583/SF3199*/CH280

Health

Abortion changes

The omnibus health law contains modifications to the Women's Right to Know Act.

Effective July 1, 2006, in cases where a fetus has an anomaly incompatible with life and where the woman has declined perinatal hospice care, she is exempt from informed consent provisions in law, which require women to be informed that Medical Assistance may be available; fathers are liable to assist in the support of children; and that she has the right to review materials that include information on support services available and the gestational development of the fetus.

“Fetal anomaly incompatible with life” is defined as an untreatable anomaly detected before birth that will with reasonable certainty result in the death of the unborn child within three months.

The law also requires a woman seeking an abortion in cases where the fetus has an anomaly incompatible with life to be informed of available perinatal hospice services and offered the care as an alternative to abortion.

The law is sponsored by Rep. Jim Abeler (R-Anoka) and Sen. Sheila Kiscaden (DFL-Rochester).
HF1010/SF367*/CH267

Cost studies and evaluations

A handful of provisions in the omnibus health care cost containment law are effective July 1, 2006.

The human services commissioner is required to study the potential for improving the quality and cost-effectiveness of health care through greater use of alternative and complementary medicine. Furthermore, the commissioner is directed to incorporate these alternative health care methods into the Medical Assistance, MinnesotaCare and General Assistance Medical Care programs and provide recommendations as appropriate. The commissioners of human services and health are directed to consider whether the current system of community health clinics is adequate to provide racial and ethnic equality for health care access.

The health commissioner may consult with infection control specialists and others to obtain recommendations for implementing infection control reporting in hospitals and nursing homes. He or she is also required to study the trends, costs, policies and effects of hospitals providing uncompensated care.

The Medical Assistance medical director and the assistant commissioner for chemical and mental health services of the Human Services Department, in conjunction with the mental health licensing boards, are to evaluate the requirements for licensed mental health practitioners to receive Medical Assistance reimbursement. The study must be completed by Jan. 15, 2007, and results must be submitted to the Legislature.

The law is sponsored by Rep. Jim Abeler (R-Anoka) and Sen. Sheila Kiscaden (DFL-Rochester).
HF1010/SF367*/CH267

Local Government

Paying for bridge upkeep

A new law modifies the requirements for townships to receive state aid to pay for repairs and maintenance on bridges. Effective July 1, 2006, for a town to qualify for aid to cover 100 percent of engineering costs, its net tax capacity must be \$300,000 or less. Previous law set the cap at \$200,000.

The law is sponsored by Rep. Sondra Erickson (R-Princeton) and Sen. Steve Murphy (DFL-Red Wing).

HF2677*/SF2602/CH274

Retirement

Fund merger

A new law, portions of which are effective July 1, 2006, merges the Minneapolis Teachers Retirement Fund Association into the Teachers Retirement Association (TRA). The formula used to calculate TRA benefits for coordinated members in most cases will rise from 1.7 percent to 1.9 percent of high-five salary for each year of service. The formula increase applies only to service after the effective date. Employer and employee contributions to the association are increased by 0.5 percent of pay each, with the increased employer contribution not taking effect until July 2007. State aid to school districts, whose teachers are TRA members on July 1, 2007, will be increased for fiscal year 2008 and beyond by the amount of the school districts' increase in the TRA contribution.

The law is sponsored by Rep. Dennis Ozment (R-Rosemount) and Sen. Larry Pogemiller (DFL-Mpls).
HF1120/SF1057*/CH277

Safety

Child restraint systems

A new law changes requirements to child passenger restraint systems used on school-aged children.

Under the law, child care providers that only transport school-aged children in school buses are exempt from the training requirements for certain staff members in proper installation of a car seat or booster seat in a motor vehicle. School-aged children are currently defined in state law as children who are at least of sufficient age to have attended the first day of kindergarten, or are eligible to enter kindergarten within the next four months, but are younger than 13 years of age. Buses have their own safety laws.

The law also changes the requirement that programs licensed by the Department of Human Services serving children less than 9 years old have a staff person or caregiver complete child passenger restraint training.

Rep. Brad Finstad (R-Comfrey) and Sen. John Hottinger (DFL-St. Peter) sponsor the law.
HF3368/SF3087*/CH254

Omnibus bill provisions

The omnibus public safety law contains all or parts of more than 50 other bills heard during the 2006 session.

Among the topics addressed in the law, sponsored by Rep. Steve Smith (R-Mound) and Sen. Jane Ranum (DFL-Mpls), are sentencing provisions, public safety policy, emergency communications, cell phone use by teenage drivers, counterfeiting money and the mandatory use of carbon monoxide detectors.

The following are select provisions of the law effective July 1, 2006.
HF2656*/SF2633/CH260

Public safety policy

The governor's office is permitted to conduct background checks on governor's residence employees and gubernatorial executive branch appointments. (Art. 3, Sec. 1)

In an effort to get public safety officers to seek peer counseling, confidentiality protections are extended to comments made by peace officers during one-on-one peer counseling. Previously, only comments made during post-traumatic event group debriefings were protected. (Art. 3, Sec. 6)

Schools, day cares or other entities that primarily educate or serve children will be required to notify parents when notified of a Level III predatory offender working or residing in the surrounding community if the offender is given access through their child to other children at the facility. (Art. 3, Sec. 11)

The local law enforcement agency where a missing person was last seen is required to take a missing person report from an interested party. The agency where the person last resided will take the report if the last location cannot be determined. Additionally, the superintendent of the Bureau of Criminal Apprehension is to "develop a model policy to address law enforcement efforts and duties related to missing adults and provide training to local law enforcement agencies on this model policy." (Art. 3, Secs. 16, 27)

A prosecutor who chooses not to press charges or dismisses criminal charges in a criminal sexual offense case must notify the victim. If a prosecutor dismisses the charges, a record of reason must be made. The law is already enforced in cases of domestic assault or harassment. (Art. 3, Sec. 23)

Corrections/courts

A person confined for 14 or more consecutive days in a facility operated, licensed or inspected by the Corrections Department must be screened for tuberculosis. Effective July 1, 2006, if an inmate refuses to be tested the corrections commissioner may order the inmate be tested. (Art. 4, Sec. 2)

Local correctional agencies will be permitted to impose a fee on all persons under the supervision of a local jail, regardless if a sentence has been imposed by a court. Previously, the person must have been sentenced before the fee could be imposed. (Art. 4, Sec. 13)

The law provides for an expedited court process so a person harmed by a fraudulent financing statement can challenge its validity and get a court determination. It also provides a civil cause of action against a person who files a fraudulent statement or files one for an improper purpose. (Art. 7, Secs. 11-12)

Taxes

Omnibus law provisions

Portions of the omnibus tax law, which contains a number of provisions ranging from tax credits for specific dairy operators and military personnel to federal conformity to local property tax levies, are effective July 1, 2006.

For deeds executed and recorded beginning July 1, 2006, the law establishes a deed tax of \$1.65 for transfers of real property if the transfer is to a builder or contractor, intended to be temporary and is done solely to enable the builder or contractor to obtain financing to build an improvement on the conveyed property under a contract for improvement with the grantor that requires the conveyed property to be reconveyed to the grantor upon completion of and payment for the improvement. A transfer from the builder or contractor back to the grantor is also subject to a \$1.65 tax.

The law also updates the definition of distilled spirits and flavored malt beverage to follow federal regulations.

Rep. Phil Krinkie (R-Lino Lakes) and Sen. Larry Pogemiller (DFL-Mpls) sponsor the law.

HF785*/SF318/CH259