



Minnesota House of Representatives

New Laws Effective Aug. 1, 2003

Editor's Note: The following is a listing of selected new laws that take effect Aug. 1, 2003. These are laws passed during the 2003 Legislative Session. A complete summary of all laws passed by the 2003 Legislature will soon be available online from the House Public Information Services Office (<http://www.house.mn/hinfo/hinfo.htm>).

AGRICULTURE

Building name

A new office building for the state Agriculture and Health departments, expected to open in fall 2005, will be named in honor of the late Orville L. Freeman, under a new law.

Freeman, who died Feb. 20 at age 84, was the state's 29th governor, serving from 1955-61, and he served in two presidential administrations as the U.S. Secretary of Agriculture from 1961 to 1969. In 1954, Freeman was the first gubernatorial candidate to be elected from the Democratic-Farmer-Labor Party.

Site preparation for the new \$77.2 million building, to be located just off the main State Capitol complex, began in April, according to the state Department of Administration.

Rep. Dean Urdahl (R-Grove City) and Sen. D. Scott Dibble (DFL-Mpls) are the sponsors.
HF1374*/SF1263/CH67

Regulating warranty work

Warranty work performed by independent farm equipment dealers on behalf of farm equipment manufacturers will be regulated, under a new law.

The new law requires manufacturers to reimburse dealer's labor expenses at a reasonable rate, and to reimburse for parts at a rate 15 percent higher than the dealer's net price. In addition, manufacturers must approve or deny dealers' reimbursement claims within 30 days, and pay claims that have been approved within 30 days.

Rep. Greg Davids (R-Preston) and Sen. Dallas Sams (DFL-Staples) sponsored the law.
HF547*/SF674/CH78

BUSINESS

Timber sales modernized

A new law is expected to simplify and standardize timber transactions.

It will update statutory language governing timber sales, much of which has not been changed since 1925. For example, the new law will consolidate references to timber areas, sale areas, or permit areas under one new term: forestry administrative area.

Under prior law, the state had the right to take cut timber if the permit holder had not properly marked the wood. The new law will instead designate the offense as trespassing.

Rep. Doug Lindgren (R-Bagley) and Sen. Tom Saxhaug (DFL-Grand Rapids) were the sponsors.
HF859*/SF888/CH73

New investors

A new law will allow certain member-owned cooperatives in an effort to encourage capital investment.

Sponsored by Rep. Howard Swenson (R-Nicollet) and Sen. Rod Skoe (DFL-Clearbrook), the law will allow all forms of co-ops in Minnesota to take on investor-members in addition to the traditional patron-members. Investor-members may not necessarily purchase products from the co-op but join the

cooperative to earn a profit on an investment and to provide capital funds for cooperative expansion.
HF984*/SF679/CH105

CONSUMERS

Phone bill assistance

A state program that provides a monthly telephone service credit to eligible households will change its participation rules under a new law.

Sponsored by Rep. Joe Hoppe (R-Chaska) and Sen. Steve Kelley (DFL-Hopkins), the new law requires that residents participating in the state's telephone assistance plan program meet federal Lifeline telephone service discount eligibility requirements to receive a greater monthly credit on their phone bill.

The law will drop state requirements for the program, which are income-based and limited to households with a disabled or elderly (at least 65 years old) member.

To continue in the program, a state resident will have to meet income-based federal program requirements, including participation in either Medicaid, food stamps, supplemental security income, federal public housing assistance, or low-income home energy assistance.

HF1115/SF1260*/CH79

Membership travel contracts

Travel clubs offering fraudulent and fictitious free and reduced vacations will find it harder to do business in Minnesota, under a new law.

The law requires that certain items be disclosed to consumers, provides the right for them to cancel, and prohibits certain practices that may involve misrepresentations of features of the travel.

The law sponsors were Rep. Doug Meslow (R-White Bear Lake) and Sen. Charles Wiger (DFL-North St. Paul).

HF501/SF420*/CH125

CRIME

Statements allowed

A new law will allow Minnesota's forensic scientists to submit reports regarding the handling of evidence in a criminal proceeding, rather than having to testify in person.

Currently, forensic scientists from the state Bureau of Criminal Apprehension must appear in court to testify that a chain of custody report is accurate. Chain of custody reports detail when, where, and by whom pieces of evidence were handled.

Defense attorneys who wish to challenge or question the reports may still subpoena scientists up to 10 days before a trial.

Rep. Eric Lipman (R-Lake Elmo) and Sen. Satveer Chaudhary (DFL-Fridley) were the sponsors.
HF909/SF942*/CH29

Obtaining search warrants

A new law will change the way search warrants are granted in Minnesota.

It eliminates a restriction that search warrants can only be issued to officers with jurisdiction in the area where the search is to be conducted. It will allow any officer to apply for a search warrant in any jurisdiction as long as they notify a local police chief before conducting the search. If the search is to take place in an area with no police chief, the officer must notify the local county sheriff.

Judges issuing search warrants will still have to have jurisdiction over the area to be searched.

Rep. Steve Strachan (R-Farmington) and Sen. Mike McGinn (R-Eagan) sponsored the legislation.
HF522/SF256*/CH86

Breath-test accuracy

A new law will more clearly specify when the results of a breath-test on a suspected drunken driver are sufficiently accurate.

It provides that two separate breath tests registering a blood-alcohol concentration within 0.02 percent of one another are acceptable. If there is a greater discrepancy, the test is considered deficient and another must be administered. Two deficient tests will constitute a refusal by the offender.

The combination of the two samples is used to determine the level of alcohol in the suspected drunken driver's system.

Rep. Steve Strachan (R-Farmington) and Sen. Don Betzold (DFL-Fridley) were the sponsors.

Victims rights laws

Several changes will be made to Minnesota's victims' rights laws under a new law, including the way certain videotapes are handled, what judicial hearings victims may attend, and who bears the costs of certain medical examinations.

Videotaped interviews of child abuse victims will be more closely regulated. Under the law, such tapes may only be used by prosecutors and defense attorneys while preparing for a case or while in the courtroom. No copies or transcripts may be made. Once a case is finished, tapes must be returned to the prosecuting attorney.

Crime victims will be allowed to attend plea agreement hearings under the law. It also allows them to express orally or in writing any objections they have to the agreement reached. Prior law only allowed this right in sentencing hearings.

Rep. Eric Lipman (R-Lake Elmo) and Sen. Mee Moua (DFL-St. Paul) sponsored the law.
HF1278/SF964*/CH116

Public safety radio compliance

Volunteers assigned to carry police radios in order to help out law enforcement officials will no longer be violating Minnesota law, effective Aug. 1, 2003.

The law changes a statute that made it illegal for people not licensed by the state Bureau of Criminal Apprehension to receive police radio communications. It's not uncommon for law enforcement to use volunteer security personnel at events that require extra security, but giving the volunteers radios violated a state law dating back to 1935.

The new law permits people to carry emergency radio equipment with the written permission of their local sheriff or police chief instead of having to apply to the state Bureau of Criminal Apprehension.

Rep. David Dill (DFL-Crane Lake) and Sen. Tom Bakk (DFL-Cook) sponsored the law.
HF808/SF351*/CH121

Omnibus provisions

As part of the omnibus criminal justice, corrections, and public safety appropriations law Minnesota's probation officers will gain new powers to punish the offenders they monitor, beginning Aug. 1, 2003.

For example, probation officers in the 29 counties that do not utilize Department of Corrections probation services are permitted to mete out sanctions to offenders who commit technical violations of their agreements.

Nearly any violation of probationary terms that does not constitute an additional criminal offense will be considered a technical violation. Under the law, probation officers set up a meeting with the offender and other interested parties to discuss appropriate penalties for the violation.

Any sanctions worked out by a probation officer under the proposal will still have to be formally approved by a judge.

Also effective Aug. 1, 2003, the attempt to manufacture methamphetamine is a felonious crime, and anyone committing identity theft that affects eight or more people or effects a combined loss of \$35,000 or more will be guilty of a felony and subject to up to 20 years in prison and a \$100,000 fine.

In addition, an unconventional sentencing technique that has shown success in Minnesota will be specifically allowed in state statute for use in drunken driving cases. Under "staggered sentencing," the defendant immediately serves some portion — usually a third — of their sentence in jail. The judge orders another third of the sentence to be served a year later and the last third a year after that. However, a defendant can earn forgiveness of each year's incarceration if he or she stays sober and gets the backing of their probation officer.

Sponsors of the law were Rep. Steve Smith (R-Mound) and Sen. Leo Foley (DFL-Coon Rapids).
2003 Special Session: HF2/SF2*/CH2

DEVELOPMENT

Paying for parks

Developers may find counties requiring them to pay for or build parks, trails, and open spaces when constructing housing subdivisions, under a new law.

State statute already allows cities and townships to require parkland or in-lieu-of fees of

developers. The law simply allows the same authority to counties, said the House sponsor, Rep. Peter Nelson (R-Lindstrom). Sen. Betsy Wergin (R-Princeton) is the Senate sponsor.

Specifically, the law will permit a county by ordinance to require dedication of some portion of a proposed subdivision for public use as parks, recreational facilities, playgrounds, trails, wetlands, or open space, or to accept cash in lieu of such a dedication.

Any county desiring to invoke such authority must first adopt a capital improvement program and a parks and open space plan, or have a component in its comprehensive plans for parks, trails, and open spaces.

HF657/SF484*/CH95

EDUCATION

Department of Education

The state agency responsible for K-12 public schools will get back its former name under a new law. Effective Aug. 1, 2003 the department will revert to the name Department of Education.

In 1995, the Legislature changed the department's name to the Department of Children, Families and Learning as part of a state agency reorganization led by Gov. Arne Carlson's administration.

Rep. Randy Demmer (R-Hayfield) and Sen. Geoff Michel (R-Edina) were the law's sponsors.
HF517/SF296*/CH130

ELECTIONS

Township special elections

Townships will be required to hold a special election if they are unable to fill a vacancy of an elected town official by appointment, under a new law.

Rep. Tony Kielkucki (R-Lester Prairie), who sponsored the law with Sen. Dallas Sams (DFL-Staples), said townships have had trouble getting vacancies filled.

Under previous law, a town board was directed to fill a vacancy through an appointment process, with a special election necessary if members failed to agree. The new law provides procedures for holding the election.

HF361*/SF329/CH56

Ballot question deadline

Ballot questions must be submitted by a deadline prior to an election in order to be considered for placement on a ballot, under a new law.

Sponsored by Rep. Tony Kielkucki (R-Lester Prairie) and Sen. Jim Vickerman (DFL-Tracy), the law clarifies timelines that petition organizers must meet in order for their proposals to be considered.

Previous law didn't specifically state a deadline, so there wasn't anything to show a resident why a question couldn't be accepted.

HF504*/SF384/CH75

ENVIRONMENT

Limiting arsenic in fertilizers

Effective Aug. 1, 2003, fertilizers containing certain levels of arsenic will be illegal in Minnesota.

The state's agriculture commissioner will be prohibited from licensing or registering any fertilizer containing more than 500 parts per million by weight of arsenic for sale or use in Minnesota, under the new law.

Fertilizer must be registered with the state before it is sold.

On a national level, public health and environmental groups have cited a brand of fertilizer called Ironite, saying it contains high levels of arsenic. According to those advocates, Ironite is produced from the mine tailings of a proposed Superfund environmental clean-up site in Arizona and sold to consumers as a lawn and garden fertilizer. The company that produces Ironite maintains that the fertilizer is safe.

Rep. Dan Dorman (R-Albert Lea) and Sen. D. Scott Dibble (DFL-Mpls) are the sponsors.
HF258*/SF680/CH33

FAMILY

Custody changes

A new law will allow parents to give up custody of a child to someone outside their family, as long as certain parties all agree to the change.

Sponsored by Rep. Mary Liz Holberg (R-Lakeville) and Sen. Richard Cohen (DFL-St. Paul), the new law changes one that currently only allows parents to give custody of a child to another family member. Both parents must agree with the decision.

The law also corrects a misunderstanding between the Legislature and the courts over a law allowing *de facto* custody of children. Under a law passed in 2002, individuals or couples who have cared for a child for one year or more without a parent's active participation can take custody of that child. For children under age 3, the time limit is six months. However, courts applying the 2002 law held that the time a child spent with the third party custodian must be consecutive. Holberg said this was not the law's intent.

HF457/SF356*/CH7

Parental history

A new law will make it easier for Minnesota's adoptees and their parents to get social and medical background information from biological parents.

Since 1994, the state has required birth families to provide prospective adoptive parents with detailed social and medical histories of their families. That information is collected on a particular form that is designed not to reveal any personally identifiable information about the biological parents or birth families.

The new law states that when an adopted person or adoptive parent requests the birth family's social and medical history adoption agencies must provide the information collected on that form.

The information can be useful in determining the best medical treatments for a given individual based on family medical history.

Rep. Stephanie Olsen (R-Brooklyn Park) and Sen. David Knutson (R-Burnsville) sponsored the law.
HF653/SF727*/CH68

HEALTH

Defining commitment examiners

A new law will make changes to definitions associated with civil commitment proceedings, effective Aug. 1, 2003.

Under the new law, an examiner may be someone who either practices diagnosis or assessment or actively treats mental illness. Previously, an examiner was more limited to those who diagnose disorders, including a licensed physician or psychologist, and did not specify that treatment professionals could serve as examiners.

In addition, the law allows emergency room nurses to sign 72-hour holds for a mentally ill person. Previously, such an action required a law enforcement officer's approval, which often delayed the action or pulled officers away from other more pressing duties.

Rep. Chris DeLaForest (R-Andover) and Sen. Leo Foley (DFL-Coon Rapids) were the sponsors.
HF678/SF578*/CH22

Disposing of bodies

A new law adds a fourth method — alkaline hydrolysis — for lawfully disposing of a dead human body.

Alkaline hydrolysis uses high temperature, pressure, and pH levels to break remains down to a sterile liquid and leftover bone fragments. The benefits of the process, according to scientific studies, are that it sterilizes any bacteria or disease that may have existed in the organism and its environmental impacts are much less than those associated with incineration.

Under existing law, a body must be "decently buried, entombed, or cremated" within 72 hours after death, with some exceptions.

Rep. Duke Powell (R-Burnsville) and Sen. David Senjem (R-Rochester) were the sponsors.
HF1384/SF1071*/CH32

Alzheimer's training

Organizations that provide care for people with Alzheimer's disease will have to ensure their staff is trained to work with Alzheimer's patients, under a new law.

That training will include an explanation of Alzheimer's disease and related disorders,

assistance with activities of daily living, problem solving with challenging behaviors, and appropriate communication skills.

Each organization will have to provide consumers with a written description of the nature and frequency of their staff's training.

Rep. Jim Abeler (R-Anoka) and Sen. Linda Higgins (DFL-Mpls) were the sponsors.
HF410/SF433*/CH37

Allowing prescriptions

A new law will increase the types of medication Minnesota optometrists may prescribe to their patients.

The law extends to optometrists some of the prescribing authority currently reserved for ophthalmologists, who hold medical degrees. Optometrists, who are not medical doctors but hold degrees in optometry, traditionally specialize in prescribing glasses and contacts. In 1993, legislators gave them authority to prescribe topical medications like eye drops to patients. The new law allows them to prescribe certain oral medications, as well.

The law limits the scope of the new authority to less powerful oral medications. Optometrists still cannot prescribe medications containing strong narcotics, like Tylenol III, according to the law.

Rep. Bud Nornes (R-Fergus Falls) and Sen. D. Scott Dibble (DFL-Mpls) sponsored the legislation.

HF373/SF418*/CH62

Reporting medical errors

A new law will create a statewide reporting system for medical errors and other adverse health care events.

Rep. Lynda Boudreau (R-Faribault) and Sen. Steve Kelley (DFL-Hopkins) sponsored the law.

The law will give the Minnesota Department of Health authority to collect information and create a database of mistakes in order to find ways to prevent them in the future.

The information will include data about the hospital reporting it, but no personally identifiable information about patients involved. The information will not be admissible in court cases, including malpractice suits or settlements.

HF1001/SF1019*/CH99

HOUSING

Security deposits

Landlords will not have to pay as much interest to tenants when returning their security deposits, under a new law.

According to long-standing law, landlords must accumulate interest on the rental deposits and give that interest to the tenant, along with whatever portion of the deposit is returnable, when the tenant moves.

The interest rate was to be 3 percent until May 1, 2004, and at 4 percent thereafter. The new law, however, reduces the interest rate to 1 percent effective Aug. 1, 2003. The change reflects the market in which interest earnings are on average between zero and 1 percent.

The sponsors were Rep. Arlon Lindner (R-Corcoran) and Sen. James Metzen (DFL-South St. Paul).
HF438/SF645*/CH52

INSURANCE

Health insurance purchasing alliances

A new law will modify regulations governing health care purchasing alliances, particularly as they relate to stop-loss coverage.

It allows the human services commissioner to accept grants from public or private entities for the stop-loss fund. Generally, stop-loss funds are available to reimburse insurers for unusually large costs so that insurers may share risk.

It will also allow third-party contributions, which have the effect of lowering premiums for those purchasing the coverage.

Purchasing alliances are formed by a group of employers that buy employee health coverage as a group to pool risk and reduce premiums. They are typically used by small businesses.

Rep. Brad Finstad (R-New Ulm) and Sen. Sheila Kiscaden (IP-Rochester) sponsored the new law.

LAW

Reporting crimes

Effective Aug. 1, 2003, people who seek assistance from law enforcement or who report illegal activities they witness will be immune from lawsuits arising from any damages their actions may cause, as long as they act with good intentions. People who deliberately mislead police or misreport a crime will still be liable for the results of their action, under the new law.

The law permits the awarding of reasonable attorney's fees to people who are sued but found not liable under the law.

Rep. Rob Eastlund (R-Isanti) and Sen. Leo Foley (DFL-Coon Rapids) were the sponsors.
HF700*/SF722/CH35

Broadcast immunity

Broadcasters who unwittingly pass along incorrect information as part of an emergency broadcast will be immune from liability for damages that occur as a result of those broadcasts.

The new law protects Web sites, television stations, and radio stations from lawsuits resulting from information relayed through the Emergency Alert System, Amber Alert System, or other emergency notifications. Those systems are designed to quickly spread word of emergency information in the event of severe weather, war, or child abduction.

Rep. Paul Kohls (R-Victoria) and Sen. Julianne Ortman (R-Chanhassen) were the sponsors.
HF628*/SF673/CH65

LOCAL GOVERNMENT

Recuperating emergency costs

A new law will clarify that cities can legally place liens on personal property if the recipient does not pay the expense of an emergency service, such as a fire.

Cities have had this right since 1997, but clarification was needed, according to law sponsors Rep. Greg Blaine (R-Little Falls) and Sen. Don Betzold (DFL-Fridley).

The legislation arose from a May 2001 fire in Blaine that cost \$107,000 to extinguish.

Involved in the 24-hour fire fight were 12 firefighting agencies and nine other entities and contractors, including the Department of Natural Resources, which dropped water on the blaze from special airplanes and helicopters.

HF428*/SF354/CH64

MILITARY

Tuition reimbursement

Minnesota National Guard soldiers and airmen will indefinitely receive reimbursement of their college tuition and the cost of books at current rates, under a new law.

Sponsored by Rep. Laura Brod (R-New Prague) and Sen. James Metzen (DFL-South St. Paul), the law will keep the reimbursement at 80 percent. As part of the 2001 state government finance bill the rate was increased from 75 percent to 80 percent. That provision was scheduled to expire June 30, 2003.

Approximately 2,600 guard members now take advantage of the benefit, said Col. Dennis Lord, executive director of the Minnesota National Guard. An additional 320 soldiers now active in Iraq are expected to participate in the program upon their return.

HF1080*/SF971/CH34

RECREATION

Hunting fees

New hunting license fees are part of the omnibus environment, natural resources, agriculture, economic development, and housing law.

Effective Aug. 1, 2003 license fees for people age 16 and older to take deer with either a firearm or by archery increase from \$25 to \$26. For people ages 12-15 the fee will decrease from \$25 to \$13 in each case. The fee to take an antlered deer in more than one zone increases from \$50 to \$52 and to take two deer throughout the state in any open deer season, except as restricted under state statute increases

from \$75 to \$78.

The law also increases by \$10 (to \$135) nonresident fees for hunters seeking to take deer with a firearm or by archery, and by \$20 (to \$270) the license to take antlered deer in more than one zone.

Rep. Dennis Ozment (R-Rosemount) and Sen. Steve Murphy (DFL-Red Wing) sponsored the law.
HF967/SF905*/CH128

SAFETY

Tougher penalties for OSHA violations

A new law increases penalties on employers who violate state occupational safety standards.

Among the changes, employers can be fined up to \$25,000 if a violation of state standards, rules, or orders results in the death of an employee.

In other circumstances, the new law may help protect small companies from bankruptcy by allowing the \$25,000 fine to be broken up into five annual \$5,000 installments as long as the violation is not deemed to be willful or part of a pattern.

Businesses will be exempt from such fines if the owner or an employee with a controlling interest in the company is the one who dies.

Rep. Tim Mahoney (DFL-St. Paul) and Sen. Michele Bachmann (R-Stillwater) were the sponsors.
HF817/SF1098*/CH38

Hazardous duty expansion

A new law expands the authority of hazardous materials teams in Minnesota.

Chemical assessment teams will be authorized to deal directly with the hazardous materials they encounter. Under current law, those teams are limited to only assessing the situation and performing certain defensive duties related to protecting the surrounding area while they call in emergency hazardous materials response teams to deal directly with the chemical threat.

Rep. Kurt Zellers (R-Maple Grove) and Sen. Dan Sparks (DFL-Austin) sponsored the legislation.
HF1066/SF941*/CH39

Felons and firearms

A provision of the new law changing how handgun permits are issued imposes a lifetime ban on possessing a firearm on individuals convicted of a felony-level violent crime. Prior law banned possession for the 10 years following release from supervision for the offense.

This section of the law is effective Aug. 1, 2003, and is applicable to sentence or court supervision for a crime of violence on or after Aug. 1, 1993.

Rep. Tony Cornish (R-Good Thunder) and Sen. Pat Pariseau (R-Farmington) sponsored the new law. Rep. Lynda Boudreau (R-Faribault) initially sponsored the handgun legislation in the House.
HF823/SF842*/CH28

VETERANS

Victory Memorial Drive

Minnesota will have a new historic district effective Aug. 1, 2003: Victory Memorial Drive, a road bordering Minneapolis and Robbinsdale.

When established in 1921 as a memorial to World War I veterans, 568 elm trees were planted in straight military-style rows in memory of fallen soldiers from Hennepin County. In 1928, a marker was placed in front of each tree with the name, rank, and company of a soldier. Dutch Elm disease forced some trees to be cut down and replanted.

As a result of the historic designation, the road may now be eligible for preservation grants to help maintain it as a memorial.

Rep. Joe Mullery (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls) were the sponsors.
HF456*/SF511/CH30

Hmong memorial

A memorial to honor Hmong veterans who fought for the United States in the Vietnam War is now eligible for a home in the Capitol Complex.

Rep. Cy Thao (DFL-St. Paul), who sponsored the law with Sen. Steve Murphy (DFL-Red Wing), said that the cost of the statue would come from the Hmong community with no state funding. The Capitol Area Architectural and Planning Board will oversee the project.

HF1335/SF1282*/CH69