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# Minnesota House of Representatives

Kurt Zellers, Speaker

FOR IMMEDIATE RELEASE  
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## New Laws Effective Aug. 1, 2012

The following is a list of selected new laws passed during the 2012 legislative session that take effect Aug. 1, 2012.

The asterisk following the bill number denotes the language that became law. Summaries of all laws passed by the 2012 Legislature are available online from nonpartisan House Public Information Services at <http://www.house.mn/hinfo/Newlaws2012-0.asp>.

### BUSINESS AND COMMERCE

#### Going after gas drive-offs

Small businesses that sell gas will see the process streamlined for collecting money owed from motor vehicle drive-offs.

The law will allow a trade association acting on behalf of member organizations and retailers to serve notice and collect payments within current civil liability statutes. It also creates a permissive inference of theft if a person drives off without paying. For a fee, the association can contact the individual, in certain circumstances, and give them 30 days to reply and hopefully collect payment and give the money to the retailer.

The Minnesota Petroleum Marketers Association, which represents many smaller convenience stores across the state, brought forward the proposal. The law is sponsored by Rep. Chris Swedzinski (R-Ghent) and Sen. Scott Newman (R-Hutchinson).

HF2333\*/SF1870/CH173

#### Sump pump installation changes

Minnesota's plumbing code will broaden to allow licensed waterproofing contractors to install a sump pump in an existing single-family dwelling.

The law, sponsored by Rep. Tim Sanders (R-Blaine) and Sen. John Pederson (R-St. Cloud), addresses code inconsistencies between cities and counties as they relate to sump pump installation.

HF2354/SF1993\*/CH159

### ENERGY

#### Status quo for who gets to build power lines first

Electric utilities that own high-voltage transmission lines will still get the first crack at building new ones.

Until recently, the federal government gave electric utilities the option to build new transmission lines whenever a regional planning process calls for their construction. This option is also known as the "right

of first refusal.” Federal regulatory changes last year took away this right and left it up to the states; the new law basically preserves the status quo by creating a state-level “right of first refusal.”

The law, sponsored by Rep. Tom Hackbarth (R-Cedar) and Sen. David Brown (R-Becker), states that electric utility companies have the right to build, own and maintain new electric transmission lines that have been approved for construction under a regional planning process. It also lays out the procedure for utilities to accept or reject their right to build the new power lines.

HF1989/SF1815\*/CH179

## ENVIRONMENT

### **Northern Minnesota state land exchanges authorized**

State lands within the Boundary Waters Canoe Area Wilderness could be swapped out for federal lands located outside of its borders.

A new law provides for expedited land exchanges in northern Minnesota that supporters hope will benefit the state’s K-12 schools. The state currently owns school trust lands within the BWCAW that, because of their location, don’t actually generate revenue for the Permanent School Trust Fund. The law will allow these land parcels to be exchanged for others that will generate revenue.

Other provisions in the law include:

- a number of boundary adjustments for state parks, forests and recreation areas;
- authorizing the sale and conveyance of a number of publicly owned lands;
- allowing the Department of Natural Resources to convey road easements across school trust lands to private individuals for up to 50-year terms;
- requiring the Heartland Trail to connect to Itasca State Park;
- allowing the DNR to lease certain lands for up to 21 years instead of 10 years; and
- exempting certain portions of the Mississippi River in the cities of Dayton and Ramsey from the state’s wild, scenic and recreational rivers system and establishing their zoning standards.

Rep. David Hancock (R-Bemidji) and Sen. John Carlson (R-Bemidji) sponsor the law.

HF2214/SF1750\*/CH236

## HEALTH AND HUMAN SERVICES

### **Electronic prescriptions permitted under more circumstances**

Doctors will be allowed to issue prescriptions electronically in instances where current law requires prescribing through a written or oral method.

Rep. Bob Barrett (R-Lindstrom) and Sen. David Hann (R-Eden Prairie) sponsor the law that makes technical changes to laws governing how doctors submit prescriptions to pharmacies for controlled substances.

HF2532\*/SF2128/CH246

### **Treatment options expanded**

Parents of children who are deaf, deaf blind or hard-of-hearing and who need mental health treatment will have more options for where they can seek treatment for their children.

Current law limits reimbursement from public health care programs for specialized mental health services to facilities located in Minnesota or in bordering states.

Sponsored by Rep. Kathy Lohmer (R-Lake Elmo) and Sen. Michelle Benson (R-Ham Lake), a new law will allow residential treatment in any state that meets a set of criteria: be located in a state that is a member of the Interstate Compact on Mental Health; accept clients who use American Sign Language as their first language; and be licensed by the state in which it is located.

HF2253\*/SF1861/CH148

## **HOUSING**

### **Late fees on subsidized renters may be adjusted**

People renting under a federally subsidized program may see their interest rate on late fees come down from the current cap of 8 percent to correspond with the federal standard.

A new law clears up an “inadvertent oversight when state statutes were updated in 2010,” according to Rep. Mary Liz Holberg (R-Lakeville), who sponsors the law with Sen. Scott Newman (R-Hutchinson). Landlords operating a lease under a federally subsidized tenancy program will be allowed to charge late fees, but on a schedule consistent with that of federal guidelines.

It will also delay the effective dates on several provisions related to tenant evictions in a foreclosed property. The effective dates vary depending on the circumstances of the foreclosure.

HF1515\*/SF1272/CH132

## **MILITARY**

### **Honor guard stipends increased**

Members of some military honor guards will be eligible for a larger stipend for their performances.

Charitable gambling organizations will be authorized to pay a per diem stipend of up to \$50 per person for military honor guard, color guard or “marching unit” performances. The stipend was previously capped at \$35 per person.

Under statute, stipends for military honor guards are among the lawful uses of gross profits from charitable gaming operations.

Rep. Bob Dettmer (R-Forest Lake) and Sen. Mike Parry (R-Waseca) sponsor the law.

HF2259/SF1754\*/CH242

### **Awards provided for the non-military who serve with distinction**

The governor can award medals for valor, distinguished service and good conduct, as well as certain marks of distinction to officers and enlisted personnel who served in war or other declared emergencies, provided the honor does not overlap with federal service medals.

A new law will allow the governor to also issue suitable awards to non-military individuals for distinguished service or support to military forces of the state.

Rep. Bruce Anderson (R-Buffalo Township) and Sen. Al DeKruif (R-Madison Lake) sponsor the law.

HF2494/SF2271\*/CH202

## **PUBLIC SAFETY**

### **Selling forfeited firearms to dealers**

Law enforcement agencies will be permitted to sell forfeited firearms to federally licensed firearms dealers.

Under current law, any contraband weapons that are subject to summary forfeiture must be destroyed, unless they are used by the appropriate law enforcement agency for training purposes.

As stated in statute, 70 percent of the sale proceeds will go to the law enforcement agency, 20 percent to the prosecuting agency and 10 percent to the state’s General Fund.

Rep. Mike LeMieur (R-Little Falls) and Sen. Paul Gazelka (R-Brainerd) sponsor the law.

HF1468/SF1371\*/CH127

## **Establishing an inmate gardening program**

The Corrections Department is to establish an inmate gardening program at each correctional facility where space and security allows. The provision is part of the omnibus corrections law which mostly takes effect Aug. 1, 2012.

The produce is to be used for feeding the offenders; excess produce will be donated to food shelves or charities.

Other provisions in the omnibus law will:

- allow victims who want to be informed when their offender is released from prison or a secure hospital to be notified electronically;
- allow the Department of Corrections' Fugitive Apprehension Unit to apply for a search warrant;
- bar offenders convicted of murder, manslaughter, criminal sexual conduct, assault, drive-by shooting, assault, robbery, arson and other specified crimes from participating in the Challenge Incarceration Program; and
- eliminate an annual department performance report, instead reverting back to a biennial report. This is expected to save approximately \$8,000.

Rep. Tony Cornish (R-Vernon Center) and Sen. Warren Limmer (R-Maple Grove) sponsor the law.  
HF2415/SF2084\*/CH155

## **Civilian review authority changes**

Sponsored by Rep. Ron Shimanski (R-Silver Lake) and Sen. Scott Newman (R-Hutchinson), a new law will allow Minneapolis to give its law enforcement personnel the same rights and privileges as other law enforcement agencies across the state.

Under current law, the Minneapolis Civilian Police Review Authority has a statutory exemption from compliance with the Peace Officer Discipline Procedures Act. The law will prohibit the authority from making binding findings of fact about police complaints and imposing discipline on peace officers, and, like other authorities, can only make advisory recommendations.

The authority can now make findings of fact and determinations that become a part of an officer's record even if he or she is exonerated or the chief does not agree with the charges. The chief decides whether to impose discipline.

In the past year, the authority filed 53 complaints against officers, but only seven were acted upon by the police chief.

HF2409/SF1981\*/CH156

## **Harsher vulnerable adult penalties**

People who intentionally neglect a vulnerable adult or mistreat a child could face a more serious criminal charge.

Sponsored by Rep. Steve Gottwalt (R-St. Cloud) and Sen. Warren Limmer (R-Maple Grove), a new law creates a felony crime for intentional deprivation of a vulnerable adult, such as with food, clothing, shelter or health care, when the caregiver "is reasonably able to make the necessary provisions."

Supporters said the law comes in response to a number of cases where people were literally left to rot in their own filth and other abuse stories where the perpetrator could only be charged with gross misdemeanor.

The bill provides for three affirmative defenses:

- the person employed by a facility is unable to "reasonably make the necessary provisions due to inadequate staffing levels, inadequate supervision, or institutional policies;"
- the defendant operates or manages a facility and did not knowingly or intentionally permit an employee to permit the criminal act; and
- where the caregiver "was acting reasonably and necessarily to provide care to another identified vulnerable adult."

Additionally, the law creates a new two-year felony offense for child mistreatment that results in “demonstrable bodily harm.”

The provision comes from HF2220/SF1725, sponsored by Rep. Jeanne Poppe (DFL-Austin) and Sen. Dan Sparks (DFL-Austin), which is based on a 2011 Mower County case where a 5-year-old child was chained to the slats of his crib every evening. The parents could only be charged with a gross misdemeanor.

Because there wasn’t substantial bodily harm, only demonstrable bodily harm — any harm that can be observed by another person — could be used in the charging.

HF1945/SF1586\*/CH175

### **Seeking to demonstrate firearm silencers**

Federally licensed firearms dealers, manufacturers or importers will be permitted to possess silencers for the purpose of selling them or firearms tested with silencers for authorized activities. A silencer partially suppresses, but does not actually fully eliminate, the sound of a gunshot.

The sale and possession of firearm silencers is currently prohibited, except for certain law enforcement and wildlife control activities. Therefore, federally licensed firearms manufacturers and dealers in Minnesota who wish to sell firearms to police and government agencies throughout the nation have been unable to fully demonstrate their products. There are an estimated 25 federally licensed firearms manufacturers and 1,600 dealers in the state.

The law is sponsored by Rep. Mike Benson (R-Rochester) and Sen. Bill Ingebrigtsen (R-Alexandria).  
HF1816\*/SF2125/CH194

### **Crime of genital mutilation to have enhanced penalty**

Within the state’s domestic violence statutes is a list of offenses that qualify a person for an enhanced offense, potentially leading to a harsher sentence.

The crime of female genital mutilation has been added to the list.

The law is based on a July 2011 case in Hopkins where a man held his wife against a wall by her chest and neck during an argument and then threw her to the floor.

Following the man’s arrest, the city’s prosecuting attorney reviewed the man’s criminal history to see if he had been previously convicted of a qualified domestic violence-related offense that would have allowed the case to start as a gross misdemeanor, rather than a misdemeanor.

Current qualified domestic violence-related offenses include: murder; violating an order for protection; harassment restraining order or no-contact order; stalking; domestic assault; or criminal sexual conduct. None of these was in the man’s past, but he had been convicted of female genital mutilation in 2000 for which he was on probation until 2001.

Rep. Steve Simon (DFL-St. Louis Park) and Sen. Ron Latz (DFL-St. Louis Park) sponsor the law.  
HF2149\*/SF1657/CH227

### **Fighting synthetic drug sale, use**

The goal of a new law is to help keep synthetic drugs — also called designer drugs — out of storefronts and off the streets by making them more difficult to sell.

Sponsored by Rep. Bob Barrett (R-Lindstrom) and Sen. Scott Newman (R-Hutchinson), the law will enhance the penalty for selling such substances to a felony, expand the list of illicit synthetic substances and grant the Board of Pharmacy expedited rulemaking authority to handle new chemical formulas used by drug producers.

The law piggybacks on a 2011 law that added substances known as 2C-E and 2C-I, “plant food,” “bath salts” and synthetic cannabinoids to the Schedule I drugs in the controlled substances chapter of state law; made it a gross misdemeanor to sell synthetic marijuana; and made possession a misdemeanor.

According to the law, if the Board of Pharmacy adds a drug to the schedule through expedited rulemaking they must notify the Legislature, which must ratify the addition the following session to keep

it on the schedule. Additionally, there is a two-year sunset on the expedited rulemaking.

Courts will also be permitted to offer a diversion program to first-time users of synthetic drugs, just as they can to other first-time other drug users.

HF2508\*/SF2319/CH240

## **TRANSPORTATION**

### **School bus crossing arm requirement**

Sponsored by Rep. Larry Howes (R-Walker) and Sen. Pam Wolf (R-Spring Lake Park), a new law requires all school buses used in the state that are manufactured after Jan. 1, 2013, to be equipped with a crossing control arm on the front right bumper that automatically expands out whenever the bus is stopped and the flashing red lights are in use.

The law also makes updates to use the most recent version of national standards for manufacture of school buses, beginning with buses manufactured on or after Jan. 1, 2013. The changes in standards also provide permissive authority for the placement of cameras on buses, modify color requirements and allowed equipment around the flashing signal lamps, and eliminate minimum seat depth and seat back height requirements because those are addressed in the revised national standards. This will raise the minimum seat back height from 20 to 24 inches.

HF392\*/SF992/CH137

### **Restored pioneer vehicles titling**

The intent of a new law is to create a titling process that allows for pre-1919 manufactured vehicles to have a pioneer plate, have a title that does not say the vehicle is reconstructed, and use vehicle identification numbers that are already stamped on the engine or frame.

Many of these cars are found in very poor condition and they take hundreds or thousands of hours and tens of thousands of dollars to restore.

According to Rep. Mike Benson (R-Rochester), who sponsors the law with Sen. Carla Nelson (R-Rochester), what happens now is when an owner seeks a new title they receive one saying the car is a reconstructed vehicle, it will have a Vehicle Identification Number that doesn't correspond to numbers previously on the vehicle and the year on the title will be the year the vehicle was restored, not its manufactured year.

HF2239\*/SF2202/CH195