

2014 Minnesota Laws of Interest to Public Lawyers

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During the 2014 legislative session, the Minnesota Legislature passed 169 bills, with only one full veto and one line-item veto. 2014 was a bonding year, with capital investments made in [Chapter 294](#), H.F. 2490, and [Chapter 295](#), H.F. 1068. In addition, many policy provisions enacted are relevant to the practices of public attorneys, and this article lists some notable new acts.

Campaign Finance/Election Law

Campaign Finance. [Chapter 309](#), H.F. 2531, provides several changes to campaign finance and public disclosure law, including new requirements for complaints filed with the Campaign Finance and Public Disclosure Board, and provisions regarding compliance audits by the board. Generally effective May 22, 2014.

Electronic Rosters. [Chapter 288](#), H.F. 2166, authorizes the use of electronic rosters, effective May 21, 2014.

Online Registration. [Chapter 185](#), H.F. 2096, authorizes the secretary of state to operate a web site that allows individuals to register to vote online or to request an absentee ballot online. Effective April 30, 2014.

Contracting

Responsible Contractor Requirement. [Chapter 253](#), H.F. 1984, is intended to enhance the accountability and transparency in public construction contracts by adding a definition of a responsible contractor. Effective for construction contracts entered into on or after January 1, 2015.

Timberjay Bill. See “Data Practices/Open Meeting Law” section for explanation.

Criminal Justice/Civil Commitment

Cell Phones. [Chapter 241](#), S.F. 1740, requires certain record-keeping for the purchase or acquisition of a used wireless communication device, and makes intentional violation of the provisions by a wireless communications device dealer a misdemeanor. Effective July 1, 2014. Also, a new smart phone manufactured on or after July 1, 2015, and sold or purchased in Minnesota must be equipped with antitheft functionality.

Collisions. [Chapter 186](#), S.F. 1246, requires the driver of a motor vehicle involved in a collision to stop and reasonably investigate what was struck. If the driver knows or has reason to know that the collision resulted in injury or death of a person, damage to a vehicle driven or attended by another, or damage to an unattended vehicle, the driver must remain at the scene of the collision. Effective August 1, 2014.

Domestic Violence – Firearms. [Chapter 213](#), H.F. 3238, requires the surrender of firearms by a person who is subject to an order for protection regarding domestic abuse or domestic child abuse, or by a person convicted of domestic assault or stalking. The firearms are surrendered permanently or temporarily to a law enforcement agency, a federally licensed firearms dealer, or a third party. Effective August 1, 2014.

Exonerated Persons. [Chapter 269](#), H.F. 2925, establishes a new process for an exonerated person to petition the state for compensation. Effective July 1, 2014.

Expungement. [Chapter 246](#), H.F. 2576, reforms state expungement law. Effective January 1, 2015, courts may expunge all records relating to juvenile delinquency, including arrest and adjudication records. A business screening service that knows a criminal record has been sealed, expunged, or is the subject of a pardon must promptly delete the record, effective August 1, 2014. Effective January 1, 2015, the categories of criminal proceedings or convictions for which a petition for expungement may be filed is expanded, and no petition is required when the prosecutor agrees to the sealing of a criminal record. See act for additional provisions.

Forensic Laboratory Accreditation. [Chapter 168](#), S.F. 1725, requires forensic laboratories operating on or after January 1, 2015 to be accredited by an accrediting body meeting certain standards, and to post information about the accreditation on the department's web site.

GPS Pilot Projects. [Chapter 263](#), S.F. 2736, authorizes counties to establish pilot projects to use GPS to monitor domestic abuse offenders. Effective May 17, 2014.

Incarcerated Pregnant Women. [Chapter 234](#), S.F. 2423, adds requirements for the treatment of incarcerated women who may be or are pregnant, or have recently given birth. Restrictions are added for restraining incarcerated women known to be pregnant. Effective July 1, 2014 for state correctional facilities and July 1, 2015 for other correctional facilities.

Mental Health Exams. [Chapter 171](#), S.F. 685, requires courts to order simultaneous competency and civil commitment examinations for defendants facing criminal charges, in certain circumstances. Effective August 1, 2014.

Repeat Sex Offenders. [Chapter 270](#), H.F. 1851, enhances the penalties for certain repeat sex offenders. Effective August 1, 2014.

Synthetic Drugs. [Chapter 285](#), H.F. 2446, grants cease and desist authority to the Board of Pharmacy to prevent the sale of synthetic drugs, effective August 1, 2014. Also, mandatory restitution is required for a person convicted of selling a controlled substance or analog of a controlled substance under the false pretense that the substance is legal, effective July 1, 2014.

Tracking Warrants. [Chapter 278](#), S.F. 2466, requires law enforcement to have a tracking warrant to receive electronic device location information. Probable cause that the person who possesses the electronic device is committing, has committed, or is about to commit a crime is required. The term of the warrant is limited to 60 days, with an extension of up to 60 days. Effective August 1, 2014.

Data Practices/Open Meeting Law

Legislative Commission on Data Practices. [Chapter 193](#), S.F. 2066, establishes a Legislative Commission on Data Practices and Personal Data Privacy. Meetings are to begin in mid-2014, and the section expires June 30, 2017.

Social Media. [Chapter 274](#), H.F. 2236, states that the use of social media by members of a public body does not violate the open meeting law so long as it is an exchange with all members of the public. State agencies may also give notice of a public meeting by posting on the agency's website as an alternative to the State Register. Effective August 1, 2014.

Timberjay Bill. [Chapter 293](#), S.F. 1770, makes it clear that a private contractor performing a government function under a contract is subject to the Data Practices Act,

regardless of whether those specific terms are included in the contract, effective January 1, 2015. The portion of this bill appropriating data security fees to the legislative auditor was line-item vetoed by the governor. This act also includes provisions regarding procedures and fees for bulk vehicle data requests.

Unauthorized Data Access. [Chapter 284](#), H.F. 183, requires the responsible authority to establish procedures to ensure that only those with a work assignment can access not public data, clarifies procedures for dealing with unauthorized access to data, and the penalty for knowing access to not public data without a work reason is a misdemeanor. Effective August 1, 2014.

Education

Anti-Bullying Policy. [Chapter 160](#), H.F. 826, establishes state-wide anti-bullying standards and definitions for bullying, and requires school districts and schools to adopt policies, provide prevention programs, and establish reporting procedures. Effective for the 2014-2015 school year and later.

Family Law/Child Support

Uniform Interstate Family Support Act. [Chapter 189](#), H.F. 892, updates UIFSA to comply with the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. This act becomes effective on the date that the United States deposits the instrument of ratification for the Hague Convention on this topic with the Hague Conference on Private International Law.

Health

Commercial Breeder Bill. [Chapter 312](#), art. 13, H.F. 3172, the supplemental budget bill, included a new law requiring the Board of Animal Health to license and inspect commercial dog and cat breeders that have ten or more adult animals and produce more than five litters per year. Beginning July 1, 2014, until June 30, 2015, a commercial breeder must register each facility it owns or operates with the board, and must obtain a license beginning July 1, 2015.

Drug Overdoses. [Chapter 232](#), S.F. 1900, also called “Steve’s Law”, gives police officers, emergency responders, social service workers and others permission to use an opiate antagonist called naloxone hydrochloride starting August 1, 2014. Doctors and other health professionals who prescribe naloxone hydrochloride in good faith, or others who administer the drug in good faith, have immunity from criminal prosecution effective May 10, 2014. Effective July 1, 2014, persons who seek medical assistance for someone who is or is believed to be experiencing a drug overdose receive certain protections from criminal prosecution.

Food Safety. [Chapter 163](#), S.F. 2060, authorizes food product sampling and food product demonstration at farmers’ markets and community events without requiring a food handler license, but with certain regulatory oversight. The law also allows certain seasonal food stands to remain in one location for more than 21 days each year. These two changes are effective April 12, 2014. Effective August 1, 2014, nonprofit chili or soup cook-off fundraisers are added to the list of events that are exempt from state food safety licensing and standards.

Medical Marijuana. [Chapter 311](#), S.F. 2470, permits the use of medical cannabis in liquid or pill form for patients with certain medical conditions, who must enroll in a patient registry. Up to two manufacturers, and up to eight distribution sites are allowed. Effective May 30, 2014.

Newborn Screening. [Chapter 203](#), S.F. 2047, authorizes the Department of Health to retain blood spots from newborns indefinitely, unless the parents or guardians elect not to have the blood samples stored. If the blood samples are to be used for public health studies or research not related to newborn screening, however, written consent from the parent or guardian is required. Effective August 1, 2014, for blood samples collected on or after that date.

Public Beaches. [Chapter 179](#), S.F. 2245, provides that, if a political subdivision requires lifeguards to be present at a public beach, each lifeguard must have certain minimum training. This is also known as “Tony Caine’s Law”, and effective January 1, 2015.

Labor/Employment Law

Joint Powers Agreements. [Chapter 223](#), S.F. 2490, provides employee protections in joint powers agreements. Effective for entities established on or after January 15, 2015.

Minimum Wage. [Chapter 166](#), H.F. 2091, raises the minimum wage in annual steps, to \$9.50 per hour beginning August 1, 2016 for large employers, and to \$7.75 per hour beginning August 1, 2016 for small employers, employers that are a “hotel or motel”, “lodging establishment”, or “resort”, or employees under 18 who work for a large employer. Beginning January 1, 2018, the Commissioner of Commerce is authorized to make inflationary increases in these rates.

Public Employment Relations Board. [Chapter 211](#), H.F. 3014, establishes a Public Employment Relations Board, essentially for the purpose of making decisions regarding claims of unfair labor practices. Decisions of the board may be reviewed on certiorari by the Court of Appeals. See law for details, but generally, funding and establishment provisions are effective July 1, 2014, with decision-making sections effective July 1, 2015.

Women’s Economic Security Act. [Chapter 239](#), H.F. 2536, called the “Women’s Economic Security Act” or “WESA”, contains a number of provisions. Effective August 1, 2014, no government contract for \$500,000 may be executed with a private sector vendor with 40 or more full-time employees, unless the vendor has an equal pay certificate or documentation it is exempt. Also effective August 1, 2014, unpaid leave for parenting is expanded from six to twelve weeks, and use of leave for pregnancy-related needs is permitted. Certain accommodations for pregnant and nursing employees are required, including reasonable efforts to provide a room other than a bathroom for expressing milk. Grandparents may use sick leave to care for an ill or injured grandchild. See act for additional provisions.

Liquor

Omnibus Liquor Bill. [Chapter 240](#), S.F. 2336, permits brewer taprooms to be open and conduct on-sale business on Sundays if authorized by the municipality. Microdistilleries that manufacture distilled spirits on premises may apply to the

municipality for a cocktail room license. Both provisions effective May 14, 2014; see act for additional provisions.

Taxation

First Omnibus Tax Bill. [Chapter 150](#), H.F. 1777, provided for federal conformity and repealed three business-to-business taxes enacted in the 2013 session.

Second Omnibus Tax Bill. [Chapter 308](#), H.F. 3167, provides additional tax relief, including an increase in the agricultural homestead market value credit, effective for taxes payable in 2015. In addition, the bill expands the local government sales tax exemptions by providing a definitive list of good and services that are taxable, effective for sales and purchases made after June 30, 2014. The definition of tax exempt local governments is also expanded to include special districts; city, county, and township instrumentalities; and joint powers boards and organizations. Newly exempted purchases for the Metropolitan Council are effective beginning January 1, 2017, and effective January 1, 2016 for other newly exempted local governments. See act for additional provisions, including mechanisms to fund the Lewis and Clark Pipeline Project.

Unsession Bills

Governor Dayton suggested that the 2014 legislative session could be an “unsession” with a focus on repealing or modifying laws that were considered unnecessary, obsolete, or redundant. The following is a list of the unsession bills, per topic:

Higher Education. [Chapter 149](#), H.F. 2647.

Military Affairs. [Chapter 152](#), H.F. 2665.

Housing Finance Agency. [Chapter 161](#), S.F. 2569.

Agriculture. [Chapter 181](#), H.F. 2746.

Health. [Chapter 192](#), H.F. 2874.

State Government. [Chapter 196](#), S.F. 2312.

Public Safety. [Chapter 212](#), H.F. 3017.

Corrections. [Chapter 218](#), H.F. 2755.

Commerce. [Chapter 222](#), H.F. 2854, and [Chapter 254](#), Sec. 26, H.F. 2834.

Transportation. [Chapter 227](#), H.F. 3084.

Natural Resources and Pollution Control Agency. [Chapter 248](#), S.F. 2454.

Motor Vehicles. [Chapter 255](#), H.F. 3072.

Human Services. [Chapter 262](#), H.F. 2950.

DEED, Metropolitan Council, MN.IT. [Chapter 271](#), H.F. 2948.

Education. [Chapter 272](#), articles 8 and 9, H.F. 2397.

Taxation. [Chapter 308](#), art. 9, H.F. 3167.

Not Enacted

Ban on Online Lottery Sales. [Chapter 303](#), S.F. 2642, which would have banned online lottery sales, was fully vetoed by the governor.

Rulemaking Reform. H.F. 2724, which was the unsession bill containing a number of rulemaking reforms, passed the House but not the Senate.

Sunday Liquor Generally. Proposals to allow Sunday growler sales at brewer taprooms and to generally permit off-sale liquor sales on Sunday were removed from proposed legislation and were not adopted.

New on Revisor's web site

Banner Alert for 2014 Session Laws. A new feature on the statutes pages of the Revisor's web site alerts you to 2014 session law changes to a statutes section or chapter, with a bright yellow banner and links to take you to relevant session laws.