

## ***2015 Minnesota Laws of Interest to Public Lawyers***

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In 2015, the regular session and first special session were largely devoted to passing a biennial budget for the state of Minnesota. Here are quick links to the major budget bills:

<a href="#">Ch. 65</a> - Public Safety/Courts	S.F. 878	1 <sup>st</sup> Spec. <a href="#">Ch.1</a> - Jobs/Econ. Dev.	H.F. 3
<a href="#">Ch. 69</a> - Higher Education	S.F. 5	1 <sup>st</sup> Spec. <a href="#">Ch. 2</a> - Legacy	S.F. 1
<a href="#">Ch. 71</a> - Health/Human Serv.	S.F. 1458	1 <sup>st</sup> Spec. <a href="#">Ch. 3</a> - E-12 Education	H.F. 1
<a href="#">Ch. 75</a> - Transportation	S.F. 1647	1 <sup>st</sup> Spec. <a href="#">Ch. 4</a> - Ag/Environment	S.F. 5
<a href="#">Ch. 77</a> - State Government	S.F. 888	1 <sup>st</sup> Spec. <a href="#">Ch. 5</a> - Bonding	H.F. 2

In addition to the budget, here are selected policy provisions that may be of interest to public lawyers.

**Criminal Law/DWI** – [Chapter 65](#), S.F. 878, the omnibus judiciary and public safety finance bill, also contained a number of policy provisions:

Adulteration by Bodily Fluid. Art. 6, Secs. 14 and 17, create a new misdemeanor crime for a person who adulterates, with a bodily fluid, any substance that the person knows or should know is intended for human consumption. Effective for crimes committed on or after August 1, 2015.

DWI. Art. 6, Secs. 5-9, lower the “aggravating factor” blood alcohol level from .20 to .16. Effective for crimes committed on or after August 1, 2015.

Firearm Permits. Art. 3, Sec. 32, shortens the list of exclusions from reciprocity for other states’ permits to carry firearms by changing the standard from “not substantially similar” to “not similar”. Effective July 1, 2015.

Forfeiture. Art. 6, Sec. 16, adds financial exploitation of a vulnerable adult to the felony-level forfeiture offenses. Effective for crimes committed on or after August 1, 2015.

Implied Consent. Art. 6, Sec. 10, adds an affirmative defense of necessity in implied consent proceedings. Effective July 1, 2015.

Prostitution. Art. 6, Sec. 11, adds as a 5-year felony when a person hires or agrees to hire an individual who the person reasonably believes to be under the age of 18 years for sex. Effective for crimes committed on or after August 1, 2015.

Reckless Driving. Art. 6, Sec. 3, changes the definition of reckless driving to driving while “aware of and consciously disregarding a substantial and unjustifiable risk” of harm to another or another’s property. Effective for crimes committed on or after August 1, 2015.

Suppressors. Art. 3, Sec. 19, narrows the crime of possession of firearm suppressors from a total prohibition to a prohibition of possession only when the suppressor is not lawfully possessed under federal law. Effective July 1, 2015.

### **Courts**

Conciliation Court Jurisdiction. [Chapter 27](#), H.F. 1770, grants jurisdiction to the conciliation court when a debt is owed to a county by a defendant who is not a resident of that county, after meeting certain notice provisions. Effective August 1, 2015.

## **Data Practices**

Automated License Plate Readers. [Chapter 67](#), S.F. 86, establishes a 60-day limit on law enforcement retention of license plate reader data not used in active criminal investigations. Effective August 1, 2015.

**Education** – For an excellent summary of the omnibus E-12 education bill, see: <http://www.house.leg.state.mn.us/hrd/bs/89/2015-1/HF0001.pdf>

## **Health**

Flame-Retardant Chemicals. [Chapter 62](#), S.F. 1215, prohibits the use of four specific flame-retardant chemicals, in amounts greater than 1,000 parts per million, on or after July 1, 2018 for manufacturers, and on or after July 1, 2019 for retailers. A broader study of the use of flame retardants is due by January 15, 2016.

Prenatal Trisomy Diagnosis Awareness Act. [Chapter 28](#), S.F. 462, requires a health care practitioner who orders tests for a trisomy condition, including Patau syndrome, Edwards syndrome, and Down syndrome, to provide information to the pregnant woman if the test reveals a positive result for any of the trisomy conditions. Effective August 1, 2015.

Right to Try Act. [Chapter 15](#), S.F. 100, permits patients with a terminal illness and meeting certain other conditions, the right to try an investigational drug, biological product, or device. Effective August 1, 2015.

## **Human Services**

ABLE Plans. [Chapter 71](#), Art. 7, S.F. 1458, authorizes the establishment of “Achieving a Better Life Experience” or “ABLE” plans, as defined in IRS code 529A(b), which allow individuals with disabilities and their families to save private funds for disability-related expenses. Effective July 1, 2015.

Child Protection. [Chapter 4](#), H.F. 8, amends Minn. Stat. Sec. 626.556 to clarify that the health and safety of children is of paramount concern in intervention and prevention efforts. Effective March 18, 2015. [Chapter 71](#), Art. 1, Sec. 99, S.F. 1458, further amends Sec. 626.556 to require reporting of maltreatment of minors, effective August 1, 2015. Article 1 also establishes grant programs to reduce racial disparities in the child welfare system.

Mental Health. [Chapter 71](#), Art. 2, S.F. 1458, increases funding for and expands access to a range of residential and community-based mental health services for adults and children. See act for various effective dates.

Nursing Homes. [Chapter 71](#), Art. 6, S.F. 1458, creates a new system for establishing nursing facility payment rates. See act for various effective dates.

Public Assistance. [Chapter 71](#), Art. 5, S.F. 1458, expands on the public assistance simplification efforts begun in 2014 by establishing standards for income calculations, reporting of income and changes, and corrections of overpayments and underpayments. Article 5 is effective August 1, 2016.

## **Liquor**

Omnibus Liquor Bill. [Chapter 9](#), S.F. 1238, allows growlers to be sold off-sale on Sundays in taprooms and brewpubs, effective May 2, 2015, but efforts to repeal the ban on off-sale Sunday liquor failed. The law also prohibited the manufacture or sale of powdered alcohol until June 1, 2016, and required a study in the meantime.

## **Public Safety**

Blue Alert System. [Chapter 65](#), Art. 3, Sec. 36, S.F. 878, requires the establishment of a Blue Alert system to aid in the apprehension of individuals suspected of killing or seriously wounding a local, state, or federal law enforcement officer. Criteria and procedures must be adopted by October 1, 2015.

Electronic Proof of Insurance. [Chapter 53](#), H.F. 307, permits proof of automobile insurance to be provided in an electronic format. Effective May 20, 2015.

Religious Objections to Autopsies. [Chapter 60](#), S.F. 1694, requires coroners or medical examiners to give notice to the representative of the decedent of an intended autopsy; if religious objections are raised, then the autopsy must not be performed unless the coroner or medical examiner determines there is a compelling state interest to perform the autopsy. Generally effective August 1, 2015, but coroners and medical examiners must have policies for communication with families during a death investigation by July 1, 2015.

Silver Alert System Working Group. [Chapter 36](#), S.F. 857, establishes an 11-member working group to study the need for a silver alert system, to aid in the recovery of missing senior citizens with dementia or other mental disabilities. The group must have the first meeting by August 15, 2015, and submit a report by January 15, 2016.

## **Rulemaking**

Electronic Documents Permitted. [Chapter 63](#), H.F. 1725, permits an agency to file documents with the Office of Administrative Hearing and the Office of the Revisor of Statutes by electronic transmission, in the manner approved by each office. Effective January 1, 2016.

## **Taxation**

Sales Tax Exemption Postponed. First Special Session [Chapter 3](#), Art. 6, Sec. 7, H.F. 1, delays the date on which the sales tax exemption will apply to special districts, instrumentalities of cities, counties, and townships, and all joint powers boards. Under the 2014 tax bill, the effective date was to be January 1, 2016; it is now January 1, 2017.

## **Uniform Acts**

Deployed Parents Custody and Visitation Act. [Chapter 30](#), S.F. 1191, provides uniform procedures for custody matters involving parents who are services members who are deployed or notified of impending employment. Effective August 1, 2015.

Faithful Presidential Electors Act. [Chapter 70](#), Art. 2, S.F. 455, adopts uniform procedures for assuring that a presidential elector casts ballots consistent with the nominees of the party that nominated the elector. Effective August 1, 2015.

Fraudulent Transfers. [Chapter 17](#), S.F. 1816, enacts the uniform fraudulent transfers act. Effective for a transfer made or an obligation incurred on or after August 1, 2015.

Minnesota Trust Code. [Chapter 5](#), S.F. 578, enacts the uniform trust code as the Minnesota Trust Code. Effective January 2, 2016.