2014

SESSION SUMMARIES
Introduction
The Legal Services Advocacy Project (LSAP) is pleased to present the 2014 Session Summaries. These session summaries cover a variety of substantive areas and the specific changes to Minnesota law made by the 2014 Legislature that LSAP believes is relevant to the lives of low-income Minnesotans and attorneys and advocates who represent them.

A Note About “Chapters”
Every bill that is passed by the Legislature and sent to the Governor is assigned a number by the Secretary of State, called a “Chapter.” The Chapter numbers are assigned in the order in which bills are presented to the Governor.

More than 2,800 bills were introduced in 2014. A total of 168 were sent to the Governor. The Governor signed 166, vetoed one, and line-item vetoed a second. The bills signed and assigned a Chapter number comprise the 2014 “Session Laws.”

These Chapters (Session Laws) are not to be confused with chapters of the codified Minnesota Statutes. The statutes are arranged by subject area (e.g., Health, Transportation, Public Safety, Crimes).

A Note About Session Summaries
Under each new law summarized you will find a notation listing the Chapter number. Listed in parenthesis next to the Chapter number is the bill number. The bill number will have either an HF (for House File) or an SF (for Senate File) in front of it. (Whether the Chapter is associated with a House File or Senate File depends on which body passed the bill first.)

This information is provided to enable you to more easily locate the exact language contained in the bill signed by the Governor. You can find the 2014 Chapters at the following link: https://www.revisor.mn.gov/laws/?view=session&year=2014&type=0
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I. **ASSET LIMITS**

Chapter 312, Article 28, Sections 6, 9, 11, 15, 18, 23, 29, 33, 35, and 37 (HF 3172)

Amends Minn. Stat. § 256D.08, subd. 1; 256D.405, subd. 1; 256D.425, subd. 2; 256I.04, subd. 2; 256J.08, subd. 47; 256J.210; 256J.32, subd.1; 256J.33, subd. 2; 256J.95, subd. 9

Adds Minn. Stat. §§ 256D.08, subd. 3; 256P.02; 256P.04; and 256P.05

Repeals Minn. Stat. §§ 256D.08, subd. 3; 256J.20

Various Effective Dates

A. **New Asset Limits**

Establishes a single asset limit to be applied to: (1) MFIP; (2) GA; and (3) some participants under MSA and GRH.

1. **Asset Limits Raised**

   Increases the asset limits to $10,000. Limits countable personal property to: (1) cash; (2) bank accounts; (3) liquid stocks and bonds that can be accessed without financial penalty; and (4) non-excluded vehicles.

   *Adds Minn. Stat. § 256P.02, subd. 2*

   *Effective June 1, 2016*

2. **Countable Assets (Property)**

   Requires counties to count the “equity value” of personal property that is legally available to the participant.

   *Adds Minn. Stat. § 256P.02, subd. 1*

   *Effective June 1, 2016*

   *Note:* See new definitions of “equity value” and “property” above in new Minn. Stat. § 256.01, subs. 5 and 6, respectively.

3. **Vehicle Exclusion**

   Excludes one vehicle per household member age 16 or older in the $10,000 limit. Assesses non-excluded vehicles using trade-in value and includes these vehicles in the $10,000 limit.

   *Adds Minn. Stat. § 256P.02, subd. 3*

   *Effective June 1, 2016*
4. **Self-Attestation for Determining Assets**

   Requires the agency, when determining assets, to accept a signed personal statement from the participant. Provides that the statement is provided under the penalty of fraud prosecution.

   *Adds Minn. Stat. § 256P.04, subd. 3*

   *Effective February 1, 2015*

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B. **Minnesota Family Investment Program (MFIP)**

1. **Asset Limits**

   Modifies the general eligibility requirements section with respect to asset (property) limitation by cross-referencing the new asset limits (e.g., $10,000 in personal property, excluding one vehicle per household member age 16 or older) found at Minn. Stat. § 256P.02.

   *Amends Minn. Stat. § 256J.10*

   *Effective June 1, 2016*

2. **Self-Attestation for Determining Assets**

   Requires the agency, when determining assets, to accept a signed personal statement from the participant. Provides that the statement is provided under the penalty of fraud prosecution.

   *Adds Minn. Stat. § 256J.32 subd. 3*

   *Effective February 1, 2015*

3. **Evaluation of Value of Vehicles**

   Requires counties to assess the trade-in value of vehicles rather than loan value when making asset limit determinations. Allows county workers to utilize Web-based car values guides.

   *Amends Minn. Stat. § 256J.20, subd. 3*

   *Effective July 1, 2014*

   *Note: This car valuation method is effective until the new vehicle asset limits take effect June 1, 2016.*

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C. **Diversionary Work Program (DWP)**

Provides that the asset limits and exclusions under new Minn. Stat. § 256P.02 (e.g., $10,000 in personal property, excluding one vehicle per household member age 16 or older) will apply to DWP applicants and participants.

*Amends Minn. Stat. § 256J.95, subd. 9*

*Effective February 1, 2015*
D. **General Assistance (GA)**

1. **New Asset Limits**
   Replaces existing asset limits with the new asset limits under asset limits established under Minn. Stat. § 256P.02 (e.g., $10,000 in personal property, excluding one vehicle per household member age 16 or older). Removes DHS authority to waive inclusion of an asset.
   
   *Amends Minn. Stat. § 256D.08, subd. 1*
   
   *Effective June 1, 2016*

2. **Self-Attestation for Determining Assets**
   Requires the agency, when determining assets, to accept a signed personal statement from the participant. Provides that the statement is provided under the penalty of fraud prosecution.
   
   *Adds Minn. Stat. § 256D.08, subd. 3*
   
   *Effective February 1, 2015*

E. **Minnesota Supplemental Aid (MSA)**

1. **Asset Limits**
   
   a. *For Supplemental Social Security Income (SSI) Recipients*
      Clarifies that, for persons receiving SSI the resource standards and restrictions for program eligibility are those used to determine eligibility for persons with disabilities in the SSI program.
      
      *Amends Minn. Stat. § 256D.425, subd. 2 by adding paragraph (a)*
      
      *Effective June 1, 2016*

   b. *For Recipients Who Do Not Qualify Due to Excess Income/Assets*
      Adds that the new asset limits (e.g., $10,000 in personal property, excluding one vehicle per household member age 16 or older) found at Minn. Stat. § 256P.02 apply to persons: (1) not receiving SSI who do not qualify due to excess income or assets; and (2) whose income and resources are within the MSA limits.
      
      *Amends Minn. Stat. § 256D.425, subd. 2 by adding paragraph (b)*
      
      *Effective June 1, 2016*

2. **Self-Attestation for Determining Assets**
   Requires the agency, when determining assets, to accept a signed personal statement from the participant. Provides that the statement is provided under the penalty of fraud prosecution.
   
   *Amends Minn. Stat. § 256D.405, subd. 1*
   
   *Effective February 1, 2015*
F. **Group Residential Housing**

Establishes that the new asset limits (e.g., $10,000 in personal property, excluding one vehicle per household member age 16 or older) found at Minn. Stat. § 256P.02 will apply in 2016 for certain applicants.

*A*mdes Minn. Stat. § 256l.04, subd. 1

Effective June 1, 2016

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II. **MINIMUM WAGE**

*Chapter 166, Section 2 (HF 2091)*

Amends Minn. Stat. § 177.24, subd. 1

Effective August 1, 2014

A. **Minimum Wage Increase**

Phases in minimum wage increases, starting – for large employers -- at $8.00 per hour effective August 1, 2014 and moving to $9.50 on August 1, 2016. Increases the minimum wage in similar phases for small employers, resort workers and others, by August 1, 2016, to $7.75.

<table>
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<th>Date</th>
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<th>Small Employer/Training, Youth Wage</th>
<th>Hotel/Motel/Summer Work/Other</th>
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<td>Aug. 1, 2016</td>
<td>$9.50</td>
<td>$7.75</td>
<td>$7.75</td>
</tr>
</tbody>
</table>

B. **Index**

Indexes minimum wage increases beginning January 1, 2018, specifying the method for 2018 and using a methodology based on national data for personal consumption expenditures thereafter.

C. **Caps**

Beginning January 1, 2018, caps the increase at the lesser of the rate of inflation or 2.5%.

D. **Exception**

Authorizes the Department of Labor and Industry, in consultation with Minnesota Management and Budget – after public notice, comment and, hearing -- to suspend the increase if leading federal and state “economic indicators…indicate the potential for a substantial downturn in the state's economy.” Authorizes the two agencies, in subsequent years, to make a supplemental increase in the minimum wage, subject to the same notice, comment, and hearing requirements.
III. Tax Credits

A. Renter’s Credit

Chapter 308, Article 1, Section 16 (HF 3167)
Uncodified Section
Effective for refund claims based on taxes payable in 2014 and rent paid in 2013 only.

Increases the Renter’s Credit (for rent paid in 2013) by 6%.

B. Working Family Tax Credit

Chapter 150, Article 1, Sections 18 and 19 (HF 1777)
Amends Minn. Stat. § 290.0671, subds. 1 and 7
Various Effective Dates

Conforms the credit to federal improvements reducing marriage penalties starting in tax year 2013, and increases the maximum credit starting in tax year 2014, which together represent approximately a 25% increase in Minnesota’s Working Family Credit, the state corollary (and supplement) to the federal Earned Income Tax Credit (EITC).

1. Phase-out/Restructuring

Reduces the marriage penalty in the working family credit phase-out by increasing the income level at which the credit begins to phase out for married joint filers. Restructures the credit by eliminating the two-tier structure, increasing the percentage of income used to calculate the credit for all claimants (those with no qualifying children, one qualifying child, and two or more qualifying children), and modifying the phase-out rates.

Amends Minn. Stat. § 290.0671, subd. 1
Increase effective retroactively to tax year 2013; restructuring effective for tax year 2014.

2. Inflation Adjustment

Updates the annual inflation adjustment of the income brackets and phase-out thresholds.

Amends Minn. Stat. § 290.0671, subd. 7
Increase effective for tax year 2015.
I. MINNESOTA PUBLIC BENEFIT CORPORATIONS ACT ("B Corps")

Chapter 172 (HF 2582)

Adds Minnesota Statutes, Chapter 304A (Minn. Stat. §§ 304A.011 – 304A.301)

Effective January 1, 2015

Provides for a new corporate structure – colloquially known as a “B Corporation” or “B Corps” -- that allows an entity established for a social or public purpose to incorporate as a for-profit business. This approach essentially combines the traditional nonprofit mission with the traditional for-profit organizational structure. Directors are answerable to shareholders, not on the basis of monetary success and profitability, but rather on whether the corporation succeeds in its social or public purpose mission.

A. Applicability of and Conflict with Existing Corporate Law

Provides that Chapter 302A, the existing Minnesota Business Corporation Act, applies to a business incorporating as a Public Benefit Corporation, but that Chapter 302A applies if a conflict with the new Chapter 304A (Public Benefit Corporations Act) arises.

Adds Minn. Stat. § 304A.011

B. Key Definitions

1. General Benefit Corporation

Defines "General Benefit Corporation" as “a public benefit corporation that elects in its articles to pursue general public benefit and that may state in its articles a specific public benefit purpose it elects to pursue.”

Adds Minn. Stat. § 302A.021, subd. 2

2. General Public Benefit

Defines “General Public Benefit” as a “net material positive impact from the business and operations of a general benefit corporation on society, the environment, and the well-being of present and future generations.”

Adds Minn. Stat. § 302A.021, subd. 3
3. **Specific Benefit Corporation**
   Defines "Specific Benefit Corporation" as “a public benefit corporation that states in its articles a specific public benefit purpose it elects to pursue.
   
   *Adds Minn. Stat. § 302A.021, subd. 8*

4. **Specific Public Benefit**
   Defines "Specific Public Benefit" as “one or more positive impacts, or reduction of a negative impact, on specified categories of natural persons, entities, communities, or interests, other than shareholders in their capacity as shareholders, as enumerated in the articles of a public benefit corporation.”

C. **Incorporation**

1. **Purpose**
   Requires a Public Benefit Corporation to state in its articles whether its purpose is to be: (1) a General Benefit Corporation; (2) a General Benefit Corporation that includes a specific benefit; or (3) a Specific Benefit Corporation. Provides that the pursuit of a general or specific public benefit is in the best interests of the public benefit corporation.
   
   *Adds Minn. Stat. § 302A.101, subd. 1 (statement of purpose in articles)*
   *Adds Minn. Stat. § 302A.104, subd. 3 (effect of purpose)*

2. **Name**
   Requires the name of the corporation to include in its name “General Benefit Corporation” (or “GBC”) or “Specific Benefit Corporation” (or “SBC”).
   
   *Adds Minn. Stat. § 302A.101, subd. 2*

D. **Election to Become a Public Benefit Corporation**
   Provides that an existing corporation may elect to become a Public Benefit Corporation by amendment to its by-laws or through merger, exchange, conversion, or transfer.
   
   *Adds Minn. Stat. § 302A.103, subds. 1 (election) and 2 (merger, etc.)*

E. **Directors’ Standards of Conduct**
   Among other things, provides that directors may not give “may not give regular, presumptive, or permanent priority to the pecuniary interests of the shareholders.”
   
   *Adds Minn. Stat. § 302A.201, subd. 2*
I. CHILD CARE ASSISTANCE PROGRAM (CCAP)

A. Authorization for In-Home Child Care

*Chapter 291, Article 11, Section 4 (HF 2402)*

*Amends Minn. Stat. § 119B.09, subd. 13*

*Effective May 24, 2014*

Re-aligns authorizations for in-home child care for two-parent families when: (1) one parent is in an authorized activity or out of home care would disrupt the child’s sleep schedule; and (2) the other parent is unable to care for the child(ren). Does not change the eligibility requirements set forth in Minn. Rules, Part 3400.0040, subp. 5.

*Note:* The administrative rule governing much of this area was effectively overridden by legislative changes made in previous sessions.

B. Authorization for In-Home Child Care

*Chapter 312, Article 25, Sections 1 and 33 (HF 3172)*

*Amends Minn. Stat. § 119B.09, subd. 9a*

*Effective July 1, 2014 (to be implemented in phases)*

1. Definition of “Qualifying Child”

Amends definition of “qualifying child,” removing the restriction on CCAP payments for children who reside in the household of an employee of a child care center.

*Amends Minn. Stat. § 119B.09, subd. 9a (a)*

*Note:* No change was made to the rule that CCAP cannot be paid for children of child care center employees unless at least 50% of the children in the center receive CCAP. In essence, this restricts CCAP payments for a child whose parent works at the center, unless at least 50% of the children receive CCAP. It eliminates the restriction on payments, however, if the employee simply lives in the same household – unless the employee claims the child as a dependent.
2. **Implementation Schedule**
Requires DHS to: (1) by August 1, 2014, notify impacted providers that they will no longer be eligible for payments; and (2) no later than January 5, 2015, terminate payments to providers with non-qualifying children and do not meet the 50% threshold.
*Amends Minn. Stat. § 119B.09, subd. 9a by adding paragraph (d)*

3. **Notice of Adverse Action and Right to Appeal**
Requires counties to send a notice of adverse action that payments will terminate to both the provider and parent, including the right to appeal under Minn. Rules, part 3400.0185.
*Amends Minn. Stat. § 119B.09, subd. 9a by adding paragraph (e)*

4. **Status of Funds Paid**
Clarifies that funds paid to providers after the adverse notice but before payments are terminated are not overpayments due to noncompliance under Minn. Stat. § 119B.11, subd. 2a.
*Amends Minn. Stat. § 119B.09, subd. 9a by adding paragraph (f)*

5. **Culturally Appropriate Outreach**
Requires Cultural and Ethnic Communities Leadership Council – established under Minn. Laws 2013, Chapter 107, Article 2, Section 1 -- to work with DHS to: (1) review DHS’s existing competencies and strategies; and (2) recommend internal improvement competencies for outreach to New American child care providers impacted by these provisions.
*Uncodified Section*

C. **Family, Friend and Neighbor Grant Program Repealed**
*Chapter 262, Article 1, Section 12 (HF 2950)*
*Repeals Minn. Stat. § 119B.232*
*Effective July 1, 2014*

Repeals the grant program for Family, Friend and Neighbor child care.

*Note:* The legislation does **NOT** repeal legal, nonlicensed care in Minnesota. Although legal, nonlicensed care and “family, friend and neighbor” care have been used interchangeably, references to legal, nonlicensed care were not removed from the statutes.
D. Payment Authorizations/Maximum Hours  
*Chapter 291, Article 11, Section 3 (HF 2402)*  
*Amends Minn. Stat. § 119B.09, subd. 6*  
*Effective July 1, 2014*

Clarifies that the county may only pay up to 120 hours per child in a two-week period for child care assistance. Does not change the 120-hour limit and two week time frame.

*Note*: Current law established the limit of what counties could authorize in the period.

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I. EARLY EDUCATION SCHOLARSHIPS  
*Chapter 312, Article 20, Sections 10-12 and 18 (HF 3172)*  
*Amends Minn. Stat. § 124D.165, subds. 3-5; and Minn. Laws 2013, Chapter 116, Article 8, Section 5, subds. 3 and 8*  
*July 1, 2014*

A. Removal of Cap  
Lifts the $5,000 per scholarship cap and replaces it with an average scholarship target to be established by the Minnesota Department of Education, based on the child care market rate survey conducted under Minn. Stat. § 119B.02, subd. 7. Adds $4.65 million to previous appropriations to cover the changes for 2015 and establishes a base appropriation of $27,884,000 for 2016 and thereafter.  
*Amends Minn. Stat. § 124D.165, subd. 3*  
*Effective July 1, 2015*

*Note*: The initial increase in appropriations is estimated to cover approximately 1,000 additional scholarships.

B. Head Start and Other School Based Programs  
Beginning July 1, 2015, permits Head Start or school-based programs to enroll children on a waiting list, and request direct payment from the Department of Education.  
*Amends Minn. Stat. § 124D.165, subd. 3 by adding paragraph (f)*

*Note*: State payments under this provision do not begin until July 1, 2016.

C. Addition of Scholarship Pilot Sites  
Beginning July 1, 2015, expands programs eligible for scholarships to include any site that was a scholarship pilot program site, whether or not it meets other requirements to accept scholarships.  
*Amends Minn. Stat. § 124D.165, subd. 4*
D. **Report and Evaluation**  
Requires DHS to submit an evaluation of and report on the scholarship program to the Legislature by January 15, 2016.  
*Amends Minn. Stat. § 124D.165, subd. 5*

### IV. PARENT AWARE RATING SYSTEM  
*Chapter 312, Article 25, Section 32 (HF 3172)*  
*Uncodified language*  
*Effective May 21, 2014*

A. **Development of Recommendations**  
Requires DHS to develop recommendations on: (1) increasing Parent Aware accessibility for providers; and (2) increasing access to Parent Aware rated programs for families with children. Requires consultation with: (1) early childhood advocates; (2) child care providers; (3) parents; (4) the Minnesota Department of Education; (5) the Minnesota Department of Health; and (6) other stakeholders. Requires the group, in determining how to increase accessibility, to consider a variety of factors, including the availability of rated and nonrated programs by: (1) child care provider type; (2) within rural and underserved areas; and (3) as it relates to different cultural and non-English-speaking groups. Requires evaluation of provider time and resources necessary to participate in Parent Aware at various rating levels, including cultural and linguistic considerations.

B. **Report**  
Requires DHS to report to the Legislature by February 15, 2015, on the group’s recommendations, including: (1) how to increase access for both parents and providers to Parent Aware; and (2) benchmarks on maximizing participation in Parent Aware rated programs for families receiving CCAP.
CONSUMER LAW
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I. CURATIVE ACT CLARIFICATION
Chapter 191, Section 2 (HF 2213)
Amends Minn. Stat. § 582.27, subd. 1
Effective May 2, 2014

Clarifies that the statute of limitations for bringing claims of defective foreclosure provided under Minn. Stat. § 582.25 (the Curative Act) is effective notwithstanding any judicial decisions.

Note: The intent of this law is to prevent challenges to effectiveness of the Curative Act in validating mortgages after sales in light of recent court decisions declaring that strict compliance is standard with respect to foreclosure prerequisites.

II. HOMEOWNERS INSURANCE
Chapter 198, Article 4, Section 7 (HF 2843)
Adds Minn. Stat. § 65A.285
Effective August 1, 2014

A. Prohibition of Surcharge
Prohibits an insurance company from imposing a surcharge on a homeowner’s insurance policy due solely to the fact that the homeowner made a “consumer inquiry.”
Adds Minn. Stat. § 65A.285, subd. 1

B. Definition
Defines “consumer inquiry” as a “telephone call or other communication made to an insurer that does not result in a paid claim and that is in regard to the general terms or conditions of or coverage offered under an insurance policy.”
Defines “surcharge” to include the removal of a claim-free discount.
Adds Minn. Stat. § 65A.285, subd. 2
III. INTEREST RATE FOR CONFESSIONS OF JUDGMENT

Chapter 308, Article 2, Sections 12 and 13 (HF 3167)

Amends Minn. Stat. §§ 279.03, subd. 2
Adds 279.37, subd. 2, paragraphs (a) - (f)

Effective for confessions of judgment entered into on or after January 1, 2015

Lowers the interest rate on unpaid property taxes for certain classes of real property for homeowners who enter into installment repayment agreements with counties ("Confessions of Judgment") with the intent to increase the likelihood that homeowners will not default on their agreements and thus will avert tax forfeiture.

A. Interest Rate

Lowers the interest rate for defaulting homeowners of certain classes of homesteaded real property who enter into installment repayment agreements ("Confessions of Judgment") from a minimum of 10% to the greater of 5% of two percentage points over the prime rate charged to banks to their most creditworthy borrowers.

Add Minn. Stat. § 279.37, subd. 2(b)

B. Second Judgment

Provides that a property owner may enter a second Confession of Judgment at the lower interest rate.

Adds Minn. Stat. § 279.37, subd. 2(d)

C. Eligible Homeowners

Makes homeowners of Class 1a and Class 1b property eligible for the lower interest rate.

Adds Minn. Stat. § 279.37, subd. 2(b)

Note: Class 1a property is residential property used for homestead purposes; Class 1b property includes brick and mortar and manufactured homes used for the purposes of a homestead by: (1) a person who is blind; (2) a person who is permanently and totally disabled; or (3) the surviving spouse of a permanently and totally disabled veteran. See Minn. Stat. § 273.13, subd. 22, paragraphs (a) and (b).

D. Composite Judgments

Applies the lower interest rate on unpaid taxes to a composite confession of judgment for qualified homeowners (i.e., where multiple defaults have been aggregated).

Amends Minn. Stat. § 279.03, subd. 2
E. **Interest Rate Fixed**
Provides that the rate, once set, is fixed for the life of the agreement, regardless of fluctuations in the prime rate and absent default.
*Adds Minn. Stat. § 279.37, subd. 2(c)*

F. **Default**
Provides that the interest rate reverts to the higher rate if the homeowner defaults on an agreement.
*Adds Minn. Stat. § 279.37, subd. 2(b)*

G. **Exclusions**
Excludes repurchase agreements or contracts for repurchase.
*Adds Minn. Stat. § 279.37, subd. 2(e)*

### IV. **LIENS ON MOTOR VEHICLES**
*Chapter 231 (HF 2912)*
*Amends Minn. Stat. § 514.21*
*Effective August 1, 2014, and applies to a vehicle in the possession of a licensed dealer on or after that date.*

Allows a motor vehicle dealer holding a lien on a motor vehicle to sell the vehicle either at public auction (presently the only option available) or at wholesale or retail. Requires three weeks’ prior notice to the owner, by certified mail: (1) describing the vehicle; (2) stating the grounds of the lien; (3) providing the name, address, and telephone number of the dealer; (4) indicating the total amount owed including any accrued storage charges; (5) providing the date after which the vehicle will be sold; and (6) notifying the owner how to reclaim the vehicle. Provides that the dealer relinquishes any right to a deficiency if the vehicle is sold using the wholesale or retail sale option.
V. LIENS ON PERSONAL PROPERTY IN SELF-STORAGE FACILITIES

*Chapter 215 (HF 2398)*

Amends Minn. Stat. §§ 514.971; 514.972, subd. 4; 514.973; 514.974; and 514.975

*Effective August 1, 2014, and apply to all rental agreements entered into, extended, or renewed on or after that date.*

Creates new provisions regarding enforcement of a lien in the Minnesota Liens on Personal Property in Self-Service Storage Act (Minn. Stat. §§ 514.970 – 514.979) and eliminates the cross-reference to and applicability of the notice of default and sale and procedures for sale contained in the Uniform Commercial Code (specifically, Minn. Stat. § 336.7-210). Retains many of the existing protections found in the Uniform Commercial Code, and creates new procedures, including: (1) allowing for e-mail notice if consent given by marking a required check box in the rental agreement; (2) permitting online auctions of property; and (3) addressing disposition of stored motor vehicles.

VI. MORTGAGE ORIGINATORS AND SERVICERS

*Chapter 198, Article 4, Section 2 (HF 2843)*

Amends Minn. Stat. § 58.12, subd. 1

*Effective August 1, 2014*

Adds to the powers of the Department of Commerce the ability to take enforcement actions against mortgage originator or servicer applicants and licensees for “negligently making a false statement or knowingly and willfully omitting a material fact.”

VII. MONEY TRANSMITTERS

*Chapter 198, Article 1, Section 11 (HF 2843)*

Uncodified Section, modifying 2013 Minn. Laws, Chapter 50.

*Effective August 1, 2014*

Extends from January 1, 2014 to January 1, 2016 the date by which the Department of Commerce must create an electronic list of individuals who are prohibited from making or receiving money transmissions. Does not change the substance of the 2013 Session directing creation of the list, which includes permitting certain persons to add names to the list and requiring money transmitters to convey names of individuals to be added to the list who the transmitters have detected are victims and perpetrators of money transmission fraud.
VIII. REAL ESTATE BROKERS
Chapter 199, Sections 1, 5, 15, 23, 26, and 35 (HF 2694)
Amends Minn. Stat. §§ 82.55, subd. 15; 82.67, subd. 3; and 82.75, subd. 5
Adds Minn. Stat. §§ 82.55, subds. 3a and 23a
82.66, subd. 2; 82.69; and 82.75, subd. 5
Effective August 1, 2014

Makes various technical changes to Minnesota Statutes, Chapter 82, governing Real Estate Brokers and Salespersons, including the following:

A. New or Amended Definitions

1. Buyer's Broker
Add new definition of “Buyer’s Broker” to read: "a licensee who represents a buyer under a signed buyer's broker agreement. A buyer's broker owes to the buyer fiduciary duties.”
Amends Minn. Stat. § 82.55 by adding subd. 3a

2. Primary Broker
Amends the definition of “Primary Broker” to mean, in the case of a limited liability company, each officer of the company who is individually licensed to act as a broker for the company. “
Amends Minn. Stat. § 82.55, subd. 15

3. Seller’s Broker
Add new definition of “Seller’s Broker” to read: "a licensee who represents a seller under a signed seller's broker agreement. A seller's broker owes to the seller fiduciary duties.”
Amends Minn. Stat. § 82.55 by adding subd. 23a

B. Purchase Agreements
Deletes the requirement that a licensee obtain a signed buyer’s broker agreement from a buyer before a purchase agreement is signed.
Amends Minn. Stat. § 82.66, subd. 2

C. Agency Disclosure Form
Deletes the term and description of “subagent.”
Amends Minn. Stat. § 82.67, subd. 3

D. Advertising Requirements
Requires the real estate brokerage name to be more prominently displayed than the licensee's name in any advertising.
Amends Minn. Stat. § 82.69
E. Trust Accounts

1. **When Earnest Money Must be Deposited**

Provides that the earnest money must be deposited in the broker’s trust account: (1) pursuant to the agreement between the parties; or (2) if the agreement is silent, within three business days of either receipt of the earnest money or final acceptance of the purchase agreement, whichever is later.

*Amends Minn. Stat. § 82.75, subd. 5*

2. **Disbursement of Trust Funds**

   a. **Trigger for Disbursement**

   Limits disbursement of the trust funds to pursuant only: (1) a closing; (2) a written agreement between the parties; (3) an affidavit of cancellation as required under Minn. Stat. § 559.217, subd. 7; or (4) a court order.

   *Amends Minn. Stat. § 82.75, subd. 5*

   b. **Timeliness of Disbursement**

   Requires that disbursement must be made: (1) in accordance with the agreement between the parties; or (2) if the agreement is silent on the matter, within 10 business days following the consummation or termination of a transaction.

   *Amends Minn. Stat. § 82.75, subd. 5*

   *Note:* Current law requires disbursement within “a reasonable time” following the consummation or termination of a transaction if the agreement is silent on the matter.

IX. **SMALL SERVICER EXCEPTION TO 2013 FORECLOSURE RELIEF ACT**

*Chapter 191, Section 1 (HF 2213)*

*Amends Minn. Stat. § 582.043, subd. 1*

*Effective May 2, 2014*

Makes permanent the temporary exemption for small servicers who conduct fewer than 125 foreclosures per year to the requirements of servicers to offer available loan mitigation options that were enacted under the Foreclosure Relief Act of 2013.
I. CIVIL RIGHTS ACTIONS

Chapter 233 (SF 2322)
Amends Minn. Stat. § 363A.33, subd. 6
Effective August 1, 2014

Entitles a plaintiff to a jury trial in civil actions for civil rights discriminatory practices.

II. COURT SEAL

Chapter 204, Sections 2, 8, and 12 (HF 2668)
Amends Minn. Stat. §§ 358.03; 600.13; and 645.44, subd. 10
Effective August 1, 2014

A. Form
Requires the seal of the court, if affixed electronically, to bear: (1) the likeness of the seal of the state; and (2) the name of the court in which it is to be used.
Amends Minn. Stat. §§ 358.03

B. Original Records, Probate Court Decrees, and Certified Copies as Evidence
Permits the court to affix its seal electronically in all cases where an original record, probate order, or certified copy requires one.
Amends Minn. Stat. § 600.13

C. Meaning of “Seal”
Adds that, where a court seal is required by law to be affixed, it includes an image of the court seal affixed by the court to an electronic image of the paper or document.
Amends Minn. Stat. § 645.44, subd. 10
III.  DEMAND FOR JUDGE IN HOUSING COURT CASES

Chapter 205 (HF 2479)
Amends Minn. Stat. § 484.013, subd. 3
Effective August 1, 2014

Eliminates the right of a party in housing court to bypass the referee and demand the case be heard by a district court judge.

Note: Nothing in the new language changes the current requirement that the findings of the referee be confirmed by a judge or impairs the right of a party to request a review of the referee’s findings by a district court judge.

IV.  ELECTRONIC NOTICE

Chapter 204, Sections 5 and 6 (HF 2668)
Adds Minn. Stat. §§ 524.1-401(e); and 524.5-113(f)

A.  In Probate Matters
Requires electronic service in probate actions for wills and intestate succession, consistent with court rules.

Adds Minn. Stat. § 524.1-401(e)

B.  Under the Uniform Guardianship and Protective Proceedings Act
Provides that service of notices and documents may – or where required by Supreme Court rule must – be made electronically (other than by fax) if authorized by Supreme Court rule or order. Excepts circumstances where personal service is statutorily required for the petition to appoint: (1) a guardian under Minn. Stat. § 524.5-308; or (2) a conservator under section Minn. Stat. § 524.5-404.

Adds Minn. Stat. § 524.5-113(f)

V.  ELECTRONIC SIGNATURES

Chapter 204, Section 13 (HF 2668)
Amends Minn. Stat. § 645.44, subd. 14
Effective August 1, 2014

Provides that the signature of a person on a document that will be filed with a court, when required by law, may be made electronically if otherwise authorized by statute or court rule.
VI. EXPUNGEMENT OF CRIMINAL RECORDS AND EVICTION RECORDS  
*Chapter 246 (HF 2576)*

*See Expungement section of these summaries.*

VII. HARRASSMENT RESTRAINING ORDERS  
*Chapter 204, Section 10 (HF 2668)*  
*Amends Minn. Stat. § 609.748, subd. 3*  
*Effective August 1, 2014*

Shortens the time within which a hearing on a petition must be requested from 45 days after the filing or receipt of the petition to 20 days of service of the petition.

VIII. IN FORMA PAUPERIS  
*Chapter 200 (HF 2660)*  
*Amends Minn. Stat. § 563.01, subd.3*  
*Adds Minn. Stat. § 563.01, subd. 8a*  
*Effective August 1, 2014*

Clarifies the *In Forma Pauperis* (IFP) statute’s intent that no fees may be charged if a person is categorically eligible for the IFP fee waiver.

*Note:* A client is categorically eligible for IFP status if the client: (1) is represented by Legal Aid/volunteer attorney representation; (2) is a public assistance recipient; or (3) has income under 125% of Federal Poverty Guidelines.

A. Categorical Eligibility – Clarification of “Public Assistance”  
Clarifies what constitutes “public assistance” – one of the categorical bases for IFP status – by cross-referencing the definition of “public assistance” in the garnishment statues (Minn. Stat. § 550.37, subd. 14).  
*Amends Minn. Stat. § 563.01, subd.3 (b)*

B. Low-Income Clients Who Are Not Categorically Eligible  
Clarifies that the court may order reduced fees if: (1) a person does not meet the “categorical” eligibility for IFP; and (2) the court determines the person cannot pay the full filing fee.  
*Amends Minn. Stat. § 563.01, subd.3(c)*
C. **Reimbursement to the Court**

Adds that a party may be ordered to reimburse the court for fees that were waived or reduced if the court subsequently determines that the person has the ability to pay increased fees.

*Adds Minn. Stat. § 563.01, subd. 8a*

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IX. **NOTARIES PUBLIC**

A. **Fees**

*Chapter 301 (HF 155)*

Amends Minn. Stat. § 357.17

*Effective August 1, 2014, and applies to notary services provided on or after that date*

Increases the maximum fee Notaries Public can charge from a maximum of $1.00 to $5.00.

B. **Electronic Notarial Acts**

*Chapter 204, Section 4 (HF 2668)*

Amends Minn. Stat. § 359.01, subd. 5

*Effective August 1, 2014*

Clarifies that electronic notarial act requirements do not apply to: (1) peace officers administering oaths to determine probable cause (under Minn. Stat. § 358.15(a)(4)); or (2) judges, court administrators, or deputy court administrators (under Minn. Stat. § 358.43(a)(2)).

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X. **NOTARIZATION OF COURT DOCUMENTS**

*Chapter 204, Sections 3 and 9 (HF 2668)*

Amends Minn. Stat. § 609.48, subd. 1

*Adds Minn. Stat. § 358.116*

*Effective August 1, 2014*

A. **No Notarization Required**

Provides that, unless specifically required by court rule, notarization is not required for: (1) pleading; (2) motion; (3) affidavit; or (4) other document filed with a court.

*Adds Minn. Stat. § 358.116*
B. **No Oath Required Under Certain Circumstances**
Provides that signing a document “constitutes ‘verification upon oath or affirmation’” with no oath being necessary if the signature is immediately above a declaration “in substantially the following language: "I declare under penalty of perjury that everything I have stated in this document is true and correct." Amends the criminal to add false statement under this provision an act constituting perjury.

*Adds Minn. Stat. § 358.116*
*Amends Minn. Stat. § 609.48, subd. 1*

C. **Information Required**
Requires that documents filed with the court must contain, in addition to the signature, the date and the county and state where the document was signed.

*Adds Minn. Stat. § 358.116*
DATA PRACTICES LAW
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I. HEALTH CARE DATA HELD BY STATE CONTRACTORS
Chapter 293, Section 3 (SF 1770)
Adds Minn. Stat. § 13.387
Effective June 30, 2015

Applies the data practices/privacy protections of Minn. Stat. § 13.05, subd. 11, to health plan companies, managed care organizations, county-based purchasing plans, third-party administrators, providers, or other vendors, or their parent or subsidiary, contracting with a government entity for health care related services.

Note: Minn. Stat. § 13.05, subd. 11, provides that: If a government entity contracts with a private person to perform any of its functions, the government entity must include in the contract terms that make it clear that all of the data created, collected, received, stored, used, maintained, or disseminated by the private person in performing those functions must comply with and is subject to the requirements of Data Practices Act.

II. LEGISLATIVE COMMISSION ON DATA PRACTICES AND PERSONAL DATA PRIVACY
Chapter 193, Section 1 (SF 2066)
Adds Minn. Stat. § 3.8843
Effective May 2, 2014

Creates the Legislative Commission on Data Practices and Personal Data Privacy to: (1) study issues relating to government data practices and individuals' personal data privacy rights; and (2) review legislation impacting data practices, data security, and personal data privacy. Specifically tasks the Commission with: (1) providing the Legislature with research and analysis regarding emerging issues of government data practices and personal data privacy and security; and (2) reviewing and making recommendations regarding legislative proposals relating to the Minnesota Government Data Practices Act, personal data privacy rights, data security, and related issues.
III. OPEN MEETING LAW
Chapter 274 (HF 2236)
Amends Minn. Stat. § 13.D.04, subd. 6
Adds Minn. Stat. § 13D.065
Effective August 1, 2014

A. Notice Requirements for Agencies, Boards and Commissions
Limits existing notice requirements for all state agencies, boards or commissions to only those that are permitted or required to transact public business in a meeting. Within that limited scope, expands notice provisions related to publication to include posting on the agency, board or commission’s Web site. Requires the agency, board or commission to keep a schedule of meetings on file in the entity’s primary office or on the entity’s Website.
Amends Minn. Stat. § 13.D.04, subd. 6

B. Social Media
Creates new general provision exempting social media communication use by members of a public body from violation of the open meeting law, provided the communication is limited to exchanges with the general public. Specifies that e-mail is not included in the definition of “social media.”
Adds Minn. Stat. § 13D.065

IV. UNAUTHORIZED DATA ACCESS BY PUBLIC EMPLOYEES
Chapter 284, Section 1-3 (HF 183)
Amends Minn. Stat. §§ 13.05, subd. 5; 13.055; and 13.09
Effective August 1, 2014

A. Limiting Access to Data
Adds requirement for responsible data authority to include procedures that ensure that “not public data” are: (1) accessible only to persons whose work reasonably requires access; (2) being accessed only for those purposes.
Amends Minn. Stat. § 13.05, subd. 5

B. Data Breaches

1. Entities Required to Notify
Replaces the narrower “state agencies” with the broader “government entities” that are made subject to notification requirements in the event of a data breach. Made applicable to data breaches occurring on or after August 1, 2014.
Amends Minn. Stat. § 13.055
2. **Exclusion**
Broadens the definition of what is not a data breach to include: (1) access to – not just “acquisition of” as is current law – of government data; (2) access to or acquisition of data not viewable by unauthorized persons; or (3) data accessed for purposes not listed in the required procedures under Minn. Stat. § 13.05, subd. 5. Covers data maintained by a person under contract with the government entity providing access to the data. 
*Amends Minn. Stat. § 13.055, subd. 1(a)*

3. **Security Assessments**
Directs that the security assessment already required under law to be conducted annually.
*Amends Minn. Stat. § 13.055, subd. 6*

4. **Report Following Security Breach**
Requires the responsible data authority to prepare a report, after investigation of any security breach and the exhaustion of appeal rights, that includes: (1) a description of the data accessed or acquired; (2) the number of persons whose data was compromised; (3) the name of employee who committed the breach (excepting employees performing duties under the Safe at Home Program); and (4) the final disciplinary action taken against each employee.
*Amends Minn. Stat. § 13.055, subd. 2 by adding paragraph (b)*

5. **Penalties for Breach**
Adds that an employee who knowingly and without authorization accessed “not public data” is subject to: (1) a misdemeanor crime; and (2) suspension without pay or dismissal.
*Amends Minn. Stat. § 13.09*

6. **Legislative and State Auditors Exempt**
Clarifies that no requirements restrict access to “not public data” by the Legislative Auditor or State Auditor in performance of their official duties.
*Amends Minn. Stat. § 13.055 by adding subd. 7.*
V. USE OF DATA FOR CHILD WELFARE

Chapter 291, Article 11, Section 1 (HF 2402)
Amends Minn. Stat. § 13.46, subd. 2
Effective July 1, 2014

Expands current child welfare agency access to child support data to include relatives included in the child support system.

Note: This legislation is intended to aid child welfare agencies in locating relatives as potential out-of-home placements for a child.
I. BACKGROUND STUDIES – NETSTUDY 2.0

Chapter 250 (HF 2467), and Chapter 312, Article 26, Sections 1-3 (HF 3172)
Amends Minn. Stat. §§ 245C.03, subd. 2; 245C.04, subds. 1 and 4a; 245C.05, subds. 1, 2, 2c, 4, and 5; 245C.07; 245C.13, subd. 1; and 245C.17, subd. 1
Adds Minn. Stat. §§ 245C.02, subds. 4a, 13a, 13b, and 17a; 245C.03, subd. 8; 245C.04, subd. 7; 245C.051; 245C.10, subd. 10; 245C.20, subd. 3; and 245C.32, subds. 1a and 1b

Various Effective Dates

Replaces existing Department of Human Services’ internal electronic background study system (called NETStudy) with an updated, expanded, fingerprint-based one (called NETStudy 2.0) – to be fully implemented by September 15, 2015. Embodies the goals to: (1) allow employers to initiate study requests online; and (2) permit an employer to immediately know whether the subject of the study is eligible for work or is disqualified and would need to seek a set aside or variance. Adds community-first services and supports providers and workers to general background study requirements. Makes background studies for Personal Care Attendants (PCAs) the first to apply fingerprinting requirements. Expands the “traveling set-aside”* so long as the initial background study included a social security number. Does not change existing prohibition on subject providing direct contact services until the completed background study shows either: (1) no disqualifications; or (2) that any disqualifications have been set aside.

* A “traveling set-aside” is a set-aside that remains in effect for a person moving into a new position in the same area without the need for the person to file a new set-aside request.

A. Design Goals
Establishes the goals of NETStudy 2.0 as increasing efficiencies in and speeding up the hiring process through: (1) Web-based access and updating capability for employment eligibility; (2) decreased repeat studies, which will now be triggered through automated interface updates with MNCIS and federal crime databases; (3) additional identification verification through Social Security number, fingerprints and photos; (4) faster, electronic notifications to employers; and (5) immediate employment verifications.

- Adds Minn. Stat. § 245C.02, subd. 13b (Definition of “NETStudy 2.0”)

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B. **Databases Accessed**
Includes access to both the Minnesota Courts Information System (MNCIS) and
the national crime database.
*Adds Minn. Stat. § 245C.02, subd. 13b (Definition of “NETStudy 2.0”)*

C. **System Access and Security**

1. **Access**
Requires employers, license holders, and other covered entities to sign
and submit to DHS an acknowledgment of responsibility form, which
must include the name of the employee responsible for sensitive
background study information *prior to* being granted any access to
NETStudy 2.0.
*Amends Minn. Stat. § 245C.17, subd. 1*

2. **Security**
Mandates that the NETStudy 2.0 system must: (1) comply with all data
security requirements from the FBI, Minnesota IT, Minnesota
Department of Public Safety and Minnesota Bureau of Criminal
Apprehension; (2) meet all data encryption requirements both in its
database and when information is exchanged among agencies, vendors,
and the FBI; and (3) have data security that allows DHS to control field
level data access by DHS or county employees, and ensure that
employees only have access to the minimum amount of individual private
data needed to perform background studies.
*Amends Minn. Stat. § 245C.32 by adding subd. 1a(b)*

D. **Fingerprinting and Photographs**
Requires that fingerprinting and the taking of photographs be conducted by an
“authorized fingerprint collection vendor.”

1. **“Authorized Fingerprint Collection Vendor” Defined**
Defines “authorized fingerprint collection vendor” as “a qualified
organization under a written contract” with DHS to provide the
required services.
*Adds Minn. Stat. § 245C.02, subd. 4a*

2. **Main Functions**
Provides that authorized fingerprint collection vendors: (1) record
“classifiable” fingerprints and photographs at the same time; and (2)
submit the fingerprints and photographs to DHS through the agency’s
secure data system.
*Amends Minn. Stat. § 245C.05, subd. 5 by adding paragraph (d)*
3. **Retention of Fingerprints**

   a. **By Government Agencies**
      
      Prohibits retention of the fingerprints by: (1) the Minnesota Department of Public Safety; and (2) the Minnesota Bureau of Criminal Apprehension; and (3) DHS. Provides that the fingerprints will be retained by the FBI.
      
      *Amends Minn. Stat. § 245C.05, subd. 5 by adding paragraph (d)*

   b. **Restriction on Vendor Retention of Information**
      
      Limits vendor retention of information to the subject's name and the date and time the subject's fingerprints were recorded and sent, only as necessary for auditing and billing. Requires notification to the subject of the limitations of the authorized fingerprint collection vendor.
      
      *Amends Minn. Stat. § 245C.02, subd. 5 by adding paragraph (d) (limitations on retention)*
      
      *Amends Minn. Stat. § 245C.02, subd. 2c by adding paragraph (c), clause (3) (notice to subject)*

4. **Oversight of Vendors**

   Requires DHS to oversee regular quality and compliance audits of the fingerprint vendors.
   
   *Amends Minn. Stat. § 245C.32 by adding subd. 1a(d)*

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E. **Establishment of “Rosters”**

   Creates three rosters – the electronic means to identify employers required to conduct background studies with which a subject is affiliated – on which subjects may appear: (1) “Active”; (2) “Inactive”; and (3) “Master.”

1. **Active Roster**

   Includes persons eligible to work (and who are working) with a specific employer. Provides that a person remains on the active roster until DHS determines s/he is ineligible or the employer removes the person from the roster.
   
   *Adds Minn. Stat. § 245C.02, subd. 17a(b)*
2. **Inactive Roster**
Includes persons eligible to work, but not yet working with a specific employer. Provides that a person remains on the inactive roster for 180 days, unless an extension is requested an extension. Requires DHS to remove a person from the inactive roster if there is evidence that may disqualify the person from active employment. Requires a new background study for the person if s/he is removed.
*Adds Minn. Stat. § 245C.02, subd. 17a(c)*

3. **Master Roster**
Is the combination of both the Active Roster and the Inactive Roster (i.e., those eligible for employment).
*Adds Minn. Stat. § 245C.02, subd. 17a(d)*

F. **Self-Initiated Studies**
Creates ability for individuals to self-initiate a background study. Provides that upon approval, the individual is placed on the Inactive Roster, to move to the Active Roster if employed.
*Amends Minn. Stat. § 245C.03 by adding subd. 8*

G. **Destruction of Data**

1. **Mandatory Destruction**

   a. **Photograph**
   Requires DHS to destroy a subject’s photographic image if the subject has not been on the Master roster for two years.
   *Adds Minn. Stat. § 245C.051(c)*

   b. **All Data on the Subject**
   Requires DHS to destroy any existing information after: (1) two years from the individual’s actual death, if reported to DHS; or (2) 90 years from the individual’s birth, except when readily available data indicates that the person is still alive.
   *Adds Minn. Stat. § 245C.051(d)*

2. **Destruction Upon Request of Subject**
Permits a background study subject to request that information used to complete a study under NETStudy 2.0 be destroyed. Requires the request to be in writing. Provides that the information may be destroyed (except for the subject’s name and the date the information was destroyed) if the subject: (1) has not been on the Active Roster for past two years; and (2) has no current disqualifying characteristics.
*Adds Minn. Stat. § 245C.051 (a) and (b)*
F. Notices to Subject

1. **DHS Notice of Initiation of Study**
   Requires DHS to notify a subject when an employer initiates a background study.
   Amends Minn. Stat. § 245C.05, subd. 2c by adding paragraph (c)

2. **Privacy Notice From Employer Initiating Study**
   Requires the employer initiating the study to provide a privacy notice, prior to initiation, informing the subject about: (1) what government agencies may and may not retain the subject’s fingerprints and photograph; (2) to whom is the subject’s information available for viewing and identity verification; and (3) the data destruction policies and procedures
   Amends Minn. Stat. § 245C.05, subd. 2c by adding paragraph (c)

3. **Notice of Results of Background Study**
   Reduces from 15 to three the number of days within which DHS must notify the subject of the results of the background study. Provides that notice is through the NETStudy 2.0 system.
   Amends Minn. Stat. § 245C.17, subd. 1

G. Notices to Initiating Employer

Requires DHS -- via the NETStudy 2.0 system -- to notify the initiating employer whether the person: (1) is immediately eligible to work based on a previous background study; or (2) requires a new background study. Permits the employer to view previously-submitted information, including the person’s residence and photograph, for purposes of identification verification if the subject is immediately eligible. Prohibits the employer access to employers who previously requested a study.
Amends Minn. Stat. § 245C.04, subd. 4a by adding paragraph (c)

H. Transferability of Previous Background Studies

Provides that a new study will be required and a previous background study may not be transferred to a new employer if the previous study failed to include the subject’s Social Security number.
Amends Minn. Stat. § 245C.04, subd. 4a by adding paragraph (d)

I. Civil Remedies

Subjects employers authorized to initiate background studies and fingerprint vendors, when they are accessing private data on individuals via NETStudy 2.0, to the responsibilities and civil remedies under Minn. Stat. §13.08.
Amends Minn. Stat. § 245C.32 by adding subd. 1b
II. BACKGROUND STUDIES – PROCESS
Chapter 228, Article 5, Sections 1, 2, 4, and 5 (HF 1340)
Amends Minn. Stat. §§ 245C.04; 245C.05, subd. 6; 245C.16, subd. 1; and 245C.20, subd. 1
Effective May 10, 2014

A. Use of NETStudy Required
Requires employers to submit background study requests using electronic system (NETStudy).
Amends Minn. Stat. § 245C.04, various subdivisions

B. When New Study is Required

1. Absence from the Licensed Facility
   Extends to 120 from 90 the number of days a subject must be absent from a licensed facilities before a new study is triggered.
   Amends Minn. Stat. § 245C.04, subd. 1(h)

2. Name Change
   Requires a new background study when an individual affiliated with the employer obtains a legal name change.
   Amends Minn. Stat. § 245C.04 by adding subd. 7

C. New Requirement for Documentation of Personnel Files
   Adds to existing documentation requirements that licensed facilities must document personnel files with the date a background study subject first had direct contact with individuals served by the program.
   Amends Minn. Stat. § 245C.20, subd. 1

D. Information Provided to DHS for Background Study
   Adds law enforcement to the existing entities that are required to provide DHS with conviction and maltreatment report data as part of a background study.
   Amends Minn. Stat. § 245C.05, subd. 6(a)

E. PCA Background Studies
   Clarifies that, for PCA background studies, DHS retains the ability to order removal or continuous supervision of a person who presents an imminent risk of harm.
   Amends Minn. Stat. § 245C.16, subd. 1(e)
III. BACKGROUND STUDIES – RECONSIDERATION AND SET ASIDE

Chapter 228, Article 5, Sections 6-11 (HF 1340)
Amends Minn. Stat. §§ 245C.22, subd. 1; 245C.23, subd. 2; 245C.28, subds. 1 and 3; 245C.29, subd. 2; and 256.045, subd. 3b
Effective May 10, 2014

A. Conditions for Reconsideration
Clarifies that the time frame for DHS’s response to a request for reconsideration of a disqualification is additionally contingent on the request being complete and including all relevant information.
Amends Minn. Stat. § 245C.22, subd. 1

B. Continuation of Work Despite Disqualification
Specifies a person may continue working if disqualified and have requested both: (1) reconsideration; and (2) either a fair hearing, a contested case hearing or an administrative review of the denial of a set aside. Requires DHS to continue to allow the person to work with continuous supervision pending review (including review under the Administrative Procedures Act, Minnesota Statutes, Chapter 14) if there was no previous removal order issued. Clarifies that requests for contested case hearings must be timely in order to invoke the right to the hearing.
Amends Minn. Stat. § 245C.23, subd. 7

Note: Under current law, the person would be ordered immediately removed, even if s/he were seeking further review of the reconsideration and set aside. However, this change would require immediate removal if there is no right to a hearing.

C. Procedures for Public Employees Seeking Review
Clarifies that public employees may seek review under either Chapter 14 or Minnesota Rules, parts 1400.8505 to 1400.8612 (Revenue Recapture Act). Requires the Administrative Law Judge to consider: (1) the same general set aside factors for non-public employees (See Minn. Stat. §245C.22); and (2) whether the employee met their burden of proof that s/he is a risk of harm. Denies an employee the right to a contested case hearing if there was a previous hearing on the same basis for disqualification.
Amends Minn. Stat. § 245C.28, subd. 3
D. Conclusive Disqualification Determinations

1. **Scope of Determination**
   Adds that, notwithstanding any other statute, a disqualification is conclusive for current and future background studies if: (1) the person did not request reconsideration on the basis of incorrect information; (2) the person did not timely request reconsideration under Chapter 245C, Chapter 14, or a DHS appeal with a Human Services Judge after being given the right to do so (note: current law applies this standard only to DHS appeals with a Human Services Judge); or (3) for public employees, DHS has issued a final order on appeal.
   *Amends Minn. Stat. § 245C.29, subd. 2(a)*

2. **Right to Reconsideration on Risk of Harm**
   Clarifies that the person retains the right to request reconsideration on the risk of harm if a disqualification is conclusive, unless the disqualification is a permanent bar.
   *Amends Minn. Stat. § 245C.29, subd. 2(c)*

3. **No Right to Reconsideration on Risk of Harm**
   Clarifies that there is no right to an administrative hearing before a Human Services Judge on the underlying conduct if the disqualification is based upon either a: (1) conviction; or (2) conclusive determination.
   *Amends Minn. Stat. § 245C.045, subd. 3b by adding paragraph (c)*

4. **DHS Decision Regarding Risk of Harm Final**
   Declares DHS’ decision regarding risk of harm to be: (1) the final agency decision; and (2) not subject to a hearing under Chapter 245C, Chapter 14, or Minn. Stat. §256.045 (i.e., DHS appeals before a Human Services Judge).
   *Amends Minn. Stat. § 245C.29, subd. 2(c)*

IV. CONSOLIDATED CONTESTED CASE HEARINGS

*Chapter 228, Article 2, Section 10 and Article 5, Section 8 (HF 1340)*

*Amends Minn. Stat. §§ 245A.08, subd. 2a; and 245C.28, subd. 1*

*Effective May 10, 2014*

Permits only timely reconsideration requests to be consolidated into contested case hearings with a licensing sanction or licensing denial, except as otherwise permitted under existing law. Applies to both individuals and license holders.
V. DATA PRACTICES/DISCLOSURE OF INFORMATION

Chapter 228, Article 1, Sections 1-3, and Article 2, Section 2 (HF 1340)
Amends Minn. Stat. §§ 13.46, subds. 3 and 4; and 245A.02, subd. 5a
Effective May 10, 2014

A. Disclosure to Recipient of an Investigation
Permits DHS to disclose the existence of an investigation of an overpayment of funds to a recipient, if the Commissioner determines the disclosure will not compromise the investigation.
Amends Minn. Stat. § 13.46, subd. 3(c)

B. Disclosure of Public Data Classification
Expands disclosure of public data classification when a licensing action or complaint is resolved to include: (1) the general nature of the allegations or complaint that led to a temporary immediate suspension; (2) the existence of settlement negotiations in all situations (i.e., not limited to temporary immediate suspension cases); and (3) the name of a “controlling individual” in a licensed facility who has committed maltreatment. Defines “controlling individual” to exclude a site director who has no ownership interest in the program.
Amends Minn. Stat. § 13.46, subd. 4 (substantive amendments)
Amends Minn. Stat. § 245A.02, subd. 5a (Definition of “controlling individual”)

VI. DISQUALIFIED INDIVIDUAL IN LICENSED HOME

Chapter 228, Article 2, Section 9 (HF 1340)
Adds Minn. Stat. § 245.075
Effective May 10, 2014

Authorizes DHS to choose among sanctions in cases where a license holder – who provides services in the license holder’s home – allows a person disqualified person (without a set aside or variance) to have direct contact with individuals receiving services. Permits DHS to issue an order: (1) for denial of application; (2) conditional license; or (3) revocation. Makes explicit that license holders subject to any order have corresponding rights to notice and appeal under: (1) Minn. Stat. §245A.05 (denial of application); (2) Minn. Stat. §245A.06 (conditional license); and (3) Minn. Stat. §245A.07 (revocation of license).
V. EXPUNGEMENT PETITIONS – DATA DISCLOSURE

Chapter 246, Sections 1, 2 and 9
Amends Minn. Stat. §§ 245C.22, subd. 7; 245C.23, subd. 1; and 609A.03, subd. 3

Various Effective Dates

Note: See Expungement Section for a summary of the major expungement legislation enacted in 2014.

A. Disclosure of Private Data in Response to Petition
Permits state agencies to submit private data in response to an expungement petition, provided the submission notify both the court and petition that the private data will become public data. Permits the petitioner to immediately or subsequently file a motion to seal the private data.

Amends Minn. Stat. § 609A.03, subd. 3 by adding paragraph (c)
Effective May 15, 2014

Note: This amendment responds to the discontinuance by DHS of its policy to include a motion to seal with its filings. Establishing a statutory procedure involving the motion to seal was necessitated because the Legislature cannot statutorily classify court data.

B. Expunged Criminal Records Accessed by DHS
Provides that expunged criminal records remain private properly accessed by DHS.

Amends Minn. Stat. §§ 245C.22, subd. 7 by adding paragraph (f)
Effective August 1, 2014

C. Restrictions on DHS’ Notice of When Disqualifications are Rescinded or Set Aside
Allows DHS -- in notice to applicants, license holders, and other entities required when DHS rescinds or sets aside a disqualification – to disclose only that a disqualification was based upon a record sealed under a court order where: (1) the underlying offense was based upon an expunged record; and (2) DHS properly accessed the record.

Amends Minn. Stat. § 245C.23, subd. 1 by adding paragraph (d)
Effective August 1, 2014
VI. LICENSING SANCTION APPEAL – TIME FRAMES
*Chapter 228, Article 2, Section 8 (HF 1340)*
*Adds Minn. Stat. § 245A.07, subd. 7*
*Effective May 10, 2014*

Requires: (1) DHS to request assignment of an Administrative Law Judge – and propose a date, time, and place for the hearing -- within 15 days of receipt of a timely sanction appeal, except in temporary immediate suspension cases; and (2) the hearing to be held within 90 days of the request for assignment, unless an extension is granted for good cause or for the purpose of discussing settlement. Disallows extensions (beyond a total of 90 calendar days, unless there is a criminal or juvenile court action pending against either the license holder or another individual subject to a background study.

VII. TEMPORARY IMMEDIATE SUSPENSION
*Chapter 228, Article 2, Sections 6 and 7 (HF 1340)*
*Amends Minn. Stat. § 245A.07, subds. 2 and 2a*
*Effective May 10, 2014*

A. **Conditions for Immediate Action**

Adds that a DHS determination that a law or rule violation that jeopardizes the health and safety of persons served has occurred while a program is operating pending appeal of a revocation order is another condition triggering temporary immediate license suspension.

*Amends Minn. Stat. § 245A.07, subd. 2*

B. **DHS Order Affirming Suspension When Appeal Withdrawn or Dismissed**

Requires DHS to issue a final order affirming a temporary immediate suspension within 10 calendar days of DHS’ receipt of a withdrawn or dismissed appeal.

*Amends Minn. Stat. § 245A.07, subd. 2a*
Acronyms Used in this Section

ASD = Autism Spectrum Disorder
CADI = Community Alternatives for Disabled Individuals
CDCS = Consumer-Directed Community Supports
CFSS = Community First Services and Supports
DHS = Minnesota Department of Human Services
EPSDT = Early and Periodic Screening, Diagnostic and Treatment
EW = Elderly Waiver
HCBS = Home and Community-Based Services
MA = Medical Assistance
MDH = Minnesota Department of Health
MSOP = Minnesota Sex Offender Program
NEMT = Non-Emergency Medical Transportation
NFLOC = Nursing Facility Level of Care
PCA = Personal Care Assistant
SFY = State Fiscal Year
TEFRA = Tax Equity and Fiscal Responsibility Act of 1982

I. HEALTH CARE

A. Autism Spectrum Disorder (ASD) Changes

1. Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Federal Authority

*Chapter 312, Article 27, Section 54 (HF 3172)*
*Amends Minn. Stat. § 256B.0949, subd. 11*
*Effective July 1, 2014*

Provides authority for DHS to use new federal guidance on ASD services under Medicaid’s EPSDT provisions as long as it is consistent with the purposes of the 2013 legislation and cost effective.

*Note: DHS submitted a Medicaid state plan amendment for federal approval under this EPSDT provision on September 23, 2014.*
2. **Diagnosis Change**  
*Chapter 312, Article 27, Sections 52 and 53 (HF 3172)*  
*Amends Minn. Stat. § 256B.0949, subds. 4 and 5*  
*Effective July 1, 2014*

Lowers the number of professionals required to diagnose ASD from two to one. Allows the professional to be either: (1) a physician; or (2) a mental health professional.

3. **Delay of 2013 MA Autism Benefit from March to July 1, 2014**  
*Chapter 312, Article 27, Section 73 (HF 3172)*  
*Amends Laws 2013, Chapter 108, Article 7, Section 14 effective date*  
*Effective retroactive to March 1, 2014*

Delays new autism benefit and saves $4.7 million.

*Note:* The ASD benefit has now been delayed at least another six months, until January 1, 2015, due to state and federal changes.

4. **ASD Resources Website for Four State Agencies’ Information**  
*Chapter 312, Article 30, Section 2, subd. 2(c) (HF 3172)*  
*Uncodified Section*  
*Effective July 1, 2014 and expires June 30, 2017*

Implements a 2013 Autism Disorder Task Force recommendation to develop a state website for ASD resource information with one-time funding which expires June 30, 2017. Appropriates $769,000 (state and federal funds) for DHS for the consolidated ASD website.

5. **Respite Services Development**  
*Chapter 312, Article 30, Section 2, subd. 4(e) (HF 3172)*  
*Uncodified Section*  
*Effective July 1, 2014 and expires July 1, 2017*

Provides $2.5 million for SFY 2015 for service development grants to develop in-home and out-of-home respite care for children and adults with autism living in their family home. Includes funding for technical assistance by clinicians to provide training for caregivers to assure appropriate programming, support and coordination of out-of-home respite. Provides for exceptions of up to eight beds to the license moratorium if needed.
6. **Culturally Appropriate Autism Provider Training**  
*Chapter 312, Article 27, Section 55 (HF 3172)*  
*Adds Minn. Stat. § 256B.0949, subd. 12*  
*Effective July 1, 2014*

Appropriates $815,000, including $285,000 in federal matching funds, for SFY 2015, and $540,000 for ‘16-’17, to create a statewide capacity for web-based training in multiple languages for providers, families, lead agencies, advocates, and others to learn about – and how to access -- the new autism benefit. Includes funding for a fulltime position to develop and maintain a curriculum.

7. **Autism Spectrum Disorder Statewide Strategic Plan Implementation**  
*Chapter 291, Article 8, Section 20 (HF 2402)*  
*Uncodified Section*  
*Effective the day following final enactment*

Requires the Departments of Education, Employment and economic Development, Health, and DHS to: (1) collaboratively implement the Strategic Plan; (2) prepare semi-annual progress reports; and (3) offer two opportunities for public input on the implementation each year.

B. **Parent Fee 10% Reduction**  
*Chapter 312, Article 27, Section 49 (HF 3172)*  
*Amends Minn. Stat. § 252.27, subd. 2a*  
*Effective July 1, 2014*

Reduces fees for parents whose children have significant disabilities and are eligible under the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) or Home and Community-Based Services (HCBS) waiver options by 10%. Appropriates $423,000 in state funds which reduces families’ fees by $846,000 per year due to the fact that only half the parental fee is retained by the state and the other half is paid to the federal government.

C. **Dental Services Change in Prior Authorization**  
*Chapter 291, Article 9, Section 1 (HF 2404)*  
*Amends Minn. Stat. § 256B.0625, subd. 9*  
*Effective August 1, 2014*

Prohibits prior authorization for comprehensive, periodic, and limited dental examinations for adults in the MA fee-for-service (FSS) program and MA managed care and county-based purchasing.
D. Non-Emergency Medical Transportation (NEMT)

Chapter 312, Article 24, Sections 28-34 and 45

Amends Minn. Stat. § 256B.0625, subds. 17, 18b, 18c, 18d, 18e and 18g and

Adds Minn. Stat. § 256B.0625, subd. 18h

Various effective dates

Makes changes to address the Legislative Auditor’s recommendation to move to a single administrative structure for all MA fee-for-service, with counties responsible for special transportation and regular transportation, including:

- Requiring the development of a web-based system to operate 24 hours/seven days a week to handle enrollee assessment, eligibility determination, mode authorization, and trip reconciliation.
- Requiring vehicles to meet standards set by the Minnesota Department of Transportation.
- Clarifying that NEMT is only for medical appointments.
- Establishing a new process for eligibility to be determined by an advisory committee and implemented by counties once a web-based system is established.

When the new rate structure is developed, the new modes of transportation will include: (1) client reimbursement; (2) volunteer transport; (3) unassisted transport; (4) assisted transport; (5) lift-equipped/ramp transport; (6) stretcher transport; and (5) protected transport for persons with mental illness who may be in crisis and need safety features as an alternative to police or ambulance.

Continues the advisory committee to develop assessment standards and other implementation requirements.

1. Coverage of Medical Transportation

   a. Emergency and Nonemergency

      Clarifies that MA covers medical transportation for those who need either emergency or nonemergency medical care.

      Amends Minn. Stat. § 256B.0625, subd. 17(b)
b. **Definition of NEMT Service**  
Defines NEMT services to include transportation provided by public or private persons to beneficiaries who do not need emergency ambulance service for the purpose of obtaining covered medical services. Clarifies that NEMT includes but is not limited to the definition of special transportation at Minn. Stat. § 174.29, subd. 1.  
*Amends Minn. Stat. § 256B.0625, subd. 17(a)*

c. **Who Determines Level of Service for Fee-for-Service MA Enrollees**  
Provides that the commissioner or commissioner-approved entity will determine the level of service for fee-for-service MA enrollees for those who need assisted transport, lift-equipped/ramp transport and stretcher transport until a single administrative structure and delivery system is implemented.  
*Adds Minn. Stat. § 256B.0625, subd. 17(e)*

d. **Additional Professionals Allowed to Certify Enrollee for NEMT**  
Adds a “medical or mental health professional” as professionals allowed to certify an enrollee for NEMT in addition to one’s physician.  
*Amends Minn. Stat. § 256B.0625, subd. 17(f)*

e. **Requirement to Provide Driver-Assisted Services**  
Requires NEMT providers to provide driver-assisted services when appropriate and maintain trip logs which are signed by the medical provider or client verifying the medical appointment.  
*Amends Minn. Stat. § 256B.0625, subd. 17(f)*

f. **“Protected Transport” to be Added**  
When the new rate structure is implemented, “Protected Transport” will be added as a new mode of NEMT for prescreened individuals such as persons experiencing a mental health crisis who need a vehicle with specified safety features and a trained driver in order to forego transportation in an ambulance or police car.  
*Adds Minn. Stat. § 256B.0625, subd. 17(g)*

g. **Single Administrative Agency Required**  
Requires local agencies (counties) to act as the single administrative agency for NEMT to reimburse and administer all modes of transportation covered once a new rate structure is adopted. Provides that the local agency shall pay for NEMT services provided and seek reimbursement from the commissioner.  
*Amends Minn. Stat. § 256B.0625, subd. 17(h)(i)*
2. **Broker Dispatching Prohibition**  
   Allows DHS to use a broker or coordinator for establishing the enrollee level of service process but not for dispatching.  
   *Amends Minn. Stat. § 256B.0625, subd. 18b*

3. **Non-Emergency Medical Transportation Advisory Committee**  
   Amends provisions regarding an NEMT advisory committee meeting frequency and processes.  
   *Amends Minn. Stat. § 256B.0625, subd. 18c*

4. **Advisory Committee Members**  
   Provides for various categories of advisory committee members, including three who represent MA enrollees and one from the Minnesota State Council on Disability.  
   *Amends Minn. Stat. § 256B.0625, subd. 18d*

5. **Single Administrative Structure and Delivery System**  
   Requires DHS to implement a single administrative structure and delivery system for NEMT beginning no earlier than: (1) July 1, 2016; or (2) when a new single administrative assessment tool for determining enrollee level of service has been developed. Requires DHS to develop and authorize a web-based single administrative structure and assessment tool to be available 24 hours, seven days a week, for enrollee level of services assessment regarding NEMT transportation.  
   *Amends Minn. Stat. § 256B.0625, subd. 18e*

6. **Use of Standardized Measures**  
   Delays requirement for DHS to collect, audit and analyze performance data on NEMT and report via DHS’ web site until calendar year 2015.  
   *Amends Minn. Stat. § 256B.0625, subd. 18g*

7. **Managed Care Exemption**  
   Exempts managed care entities providing MA coverage from: (1) the new single administrative structure; (2) the use of standardized measures; (3) operational requirements for fee-for-service MA enrollees; (4) the rate structure; and (5) new modes of transportation descriptions.  
   *Adds Minn. Stat. § 256B.0625, subd. 18h*

8. **Waiver for NEMT Providers**  
   Allows new providers to apply for a variance from the special transportation service operating standards until February 1, 2016 or the date on which the Department of Transportation begins certifying new providers.  
   *Adds Chapter 312, Article 24, Section 45, subs. 1-3 (Uncodified)*
9. **Report by Commissioner of Transportation**

Requires the Commissioner of Transportation to report to the Legislature by February 1, 2015 regarding implementation issues with the NEMT services provisions, including recommendations on the fee for vehicle inspection and certification.

*Adds Chapter 312, Article 24, Section 45, subd. 4*

E. **Health Care Grants for the Uninsured**

*Chapter 312, Article 23, Section 7 and Article 30, Section 3, subd. 3*

*Adds Minn. Stat. § 145.929 and Uncodified Section*

*Effective July 1, 2014*

Establishes health care grants for nonprofit dental providers and community mental health clinics which serve uninsured individuals: (1) under age 21; and (2) whose family income is under 275% Federal Poverty Level (FPL). Provides grants to hospitals to defray underpayments for individuals eligible for Emergency Medical Assistance. Appropriates $1.7 million for SFY 2015 and $1 million per year for the next biennium for these grants.

F. **Health Care Homes Advisory Committee**

*Chapter 312, Article 24, Section 36 (HF 3172)*

*Adds Minn. Stat. § 256B.0751, subd. 10*

*Effective July 1, 2014*

1. **Establishment**

Directs DHS and MDH to establish a health care homes advisory committee to advise the commissioners on the ongoing statewide implementation of the health care homes.

*Adds Minn. Stat. § 256B.0751, subd. 10(a)*

2. **Representation**

Requires representation on the advisory committee to include representatives of: (1) the health care professions; (2) mental health providers; (3) nursing and care coordinators; (4) certified health care home clinics with statewide representation; (5) health plans; (6) state agencies; (7) employers; (8) academic researchers; (9) consumers; and (10) organizations that work to improve health care quality in Minnesota. Requires that at least 25% of the committee members be consumers or patients in health care homes.

*Adds Minn. Stat. § 256B.0751, subd. 10(b)*
3. **Duties**

Specifies the duties to include providing advice concerning: (1) implementation of certified health care homes across the state on performance management and implementation of benchmarking; (2) implementation of modifications to the health care homes program based on results of the legislatively mandated health care home evaluation; (3) statewide solutions for engagement of employers and commercial payers; (4) potential modifications of the health care home rules or statutes; (5) consumer engagement, including patient and family-centered care, patient activation in health care, and shared decision making; (6) oversight for health care home subject matter task forces or workgroups; and (7) other related issues as requested by DHS and MDH.

*Adds Minn. Stat. § 256B.0751, subd. 10(c)*

G. **Health Disparities/Chronic Conditions**

*Chapter 291, Article 9, Section 4 (SF 2404)*

*Uncodified Section*

*Effective August 1, 2014*

Directs the DHS to incorporate planning efforts and design of the state Medicaid plan option under the ACA that address chronic medical or behavioral health conditions complicated by socioeconomic factors such as race, ethnicity, age, immigration, or language.

H. **Health Equity Grants**

*Chapter 312, Article 30, Section 3, subd. 2 (HF 3172)*

*Uncodified Section*

*Effective July 1, 2014*

Appropriates $501,000 in SFY 2015 through the Community Grant Program under Minn. Stat. § 145.928, subd. 8, for health equity grants designed to assist refugee populations. Requires that a portion of the funds be used to: (1) address health equity issues facing East African communities; (2) conduct a conference focused on mental health in immigrant and refugee communities; and (3) fund women’s reproductive health and dementia outreach projects.
I. Health Care Data Held By State Contractors
   Chapter 293, Section 3 (SF 1770)
   Adds Minn. Stat. § 13.387
   Effective June 30, 2015

Applies the data practices/privacy protections of Minn. Stat. § 13.05, subd. 11, to the following if they contract with a government entity for health care related services: (1) health plan companies; (2) managed care organizations: (3) county-based purchasing plans; (4) third-party administrators; and (5) providers or other vendors, or their parent or subsidiary.

Note: Minn. Stat. § 13.05, subd. 11, provides that: “If a government entity contracts with a private person to perform any of its functions, the government entity must include in the contract terms that make it clear that all of the data created, collected, received, stored, used, maintained, or disseminated by the private person in performing those functions must comply with and is subject to the requirements of Data Practices Act.”

II. LONG-TERM SERVICES AND SUPPORTS (LTSS)

A. Home and Community-Based Services (HCBS) Waiver-Related Changes

1. Community Service 5% Provider Rate Increase
   Chapter 312, Article 27, Sections 71 and 75 (HF 3172)
   Adds Minn. Stat. § 256B.5012, subd. 16; and Uncodified Sections
   Effective July 1, 2014

   Appropriates $80 million in state funds for a 5% community service provider rate increase which will be matched by federal Medicaid funds, dollar for dollar, beginning July 1, 2014. Requires 80% of the increase to be used for worker pay and benefits. Provides that 1% be tied to quality improvements. Provides continued funding of $192.7 million for the rate increase in the next biennium, SFY 2016-17.
2. **Community Alternatives for Disabled Individuals (CADI) and Elderly Waiver (EW) Services Eligibility Changes**

*Chapter 312, Article 27, Section 2 (HF 3172)*

*Amends Minn. Stat. § 144.0724, subds. 4, 11, and 12*

*Effective January 1, 2015*

a. **Qualifying Criteria**

Adds “at risk of being homeless” to criteria qualifying one to meet the new nursing facility level of care (NFLOC) criteria used for CADI and EW eligibility adopted in 2009 but only effective January 1, 2015. Allows a person at risk of being homeless to qualify for the new criteria if the person has: (1) experienced a fall resulting in a fracture; (2) been determined to be at risk of maltreatment or neglect, including self-neglect; or (3) has a sensory impairment that substantially impacts functional ability and maintenance of a community service.

b. **Advance Notice of Change in Eligibility Due to NFLOC Criteria**

Requires a minimum of 30 days advance notice to the person before the effective date of a change in eligibility for long-term care services, including CADI and EW, resulting from the revised NFLOC criteria.

c. **Extended Appeal Time Period For CADI And EW Terminations**

Extends the timeline from 10 to 30 days for persons in the “transition” population affected by the NFLOC criteria charges to request continued services pending an appeal between January 1, 2015, and December 31, 2016. Provides funding of $21,000 for 2015 and $26,000 for 2016 to cover costs related to the extended appeal time to request services pending appeal.

3. **HCBS Performance-Based Incentive Payment Program Change**

*Chapter 312, Article 27, Sections 56 and 57 (HF 3172)*

*Amends Minn. Stat. § 256B.439, subds. 1 and 7*

*Effective dates:*

- Amendments to subd. 1: Retroactively effective to February 1, 2014.
- Amendments to subd. 7: July 1, 2014.

Adds home care providers to the list of providers eligible for the performance-based incentive payment program and quality add-on rate increase. Changes the appropriation of funds for the HCBS quality rate add-on from a fixed amount to a forecasted appropriation.
4. HCBS License Changes, 245D

a. Positive Behavior Supports and Restrictive Intervention Changes

1) Rules for Positive Support Strategies and Restrictive Interventions
   Chapter 312, Article 27, Section 5 (HF 3172)
   Amends Minn. Stat. § 245.8251, subd. 1
   Effective July 1, 2014

   Provides for rules to govern the use of positive support strategies and restrictive interventions for all: (1) facilities and services covered by Chapter 245D; and (2) licensed facilities and licensed services which serve persons with developmental disabilities or a related condition.

   Note: More information is available at the DHS website.

2) External Program Review Committee for Restrictive Interventions
   Chapter 312, Article 27, Section 5
   Adds Minn. Stat. § 245.8251, subd. 3
   Effective July 1, 2014

   Provides that rules adopted shall establish requirements for an external program review committee to be appointed by the Commissioner to respond to requests, monitor the implementation of rules and make recommendations for needed policy changes regarding restrictive interventions.

3) Interim Review Panel
   Chapter 312, Article 27, Section 5
   Adds Minn. Stat. § 245.8251, subd. 4
   Effective July 1, 2014

   a) Establishment
   Requires DHS to establish an interim review panel by August 15, 2014 in order to review requests for the emergency use of procedures that have been part of an approved positive support transition plan when necessary to protect a person from imminent risk of serious injury due to self-injurious behavior. Provides the interim review panel shall operate only until the external program review committee is established.
b) **Duties**
Requires the panel to make recommendations to DHS based on established criteria.

c) **Categories**
Lists categories of membership for review panel.

4) **Mechanical Restraint Changes**
*Chapter 312, Article 27, Section 13*
*Amends Minn. Stat. § 245D.02, subd. 15(b)*
*Effective July 1, 2014*

Reorganizes exceptions to mechanical restraint which continue to include: (1) devices worn by the person to trigger electronic alarms to warn staff that a person is leaving the room or area, which do not, in of themselves, restrict freedom of movement; and (2) the use of adaptive aids or equipment or orthotic devices ordered by a health care professional used to treat or manage a medical condition.

5) **Seclusion Definition**
*Chapter 312, Article 27, Section 15 (HF 3172)*
*Amends Minn. Stat. § 245D.02, subd. 29*
*Effective July 1, 2014*

Clarifies that seclusion is: 1) involuntary removal or a separation of a person to a room from which exit is prevented; or 2) other involuntary removal from an area, activity, situation or social contact and blocking the person’s return.

6) **Time Out Definition**
*Chapter 312, Article 27, Section 17*
*Amends Minn. Stat. § 245D.02, subd. 34(a)*
*Effective July 1, 2014*

Clarifies that: (1) time out is the involuntary removal of a person for a period of time to an area from which the person is not prevented from leaving; and (2) time out does not include taking “a brief break or rest from an activity for the purpose of providing the person an opportunity to regain self-control.”
7) **Variance Not Available for Restrictive Procedures**  
*Chapter 312, Article 27, Section 22 (HF 3172)*  
*Amends Minn. Stat. § 245D.03, subd. 3*  
*Effective July 1, 2014*

Adds citation for restrictive procedures (Minn. Stat. 245D.06, subd. 6) to the list of provisions which are not subject to variance.

8) **Protection-Related Rights Addition**  
*Chapter 312, Article 27, Section 23 (HF 3172)*  
*Amends Minn. Stat. § 245D.04, subd. 3*  
*Effective July 1, 2014*

Adds the right to be free from restrictive intervention or other prohibited procedures identified in Minn. Stat. § 245D.06, subd. 7 or successor provisions to protection-related rights. Provides for an exception to this right for emergency use of manual restraint under limited conditions and the use of “safety interventions as part of a positive support transition plan under Minn. Stat. § 245D.06, subd. 8 or successor provisions.”

9) **Prohibited Practices**  
*Chapter 312, Article 27, Section 34 (HF 3172)*  
*Amends Minn. Stat. § 245D.06, subd. 6*  
*Effective July 1, 2014*

Adds a list of nine conditions which cannot be used in a restricted procedure under Chapter 245D.

10) **Permitted Actions and Procedures**  
*Chapter 312, Article 27, Section 34 (HF 3172)*  
*Amends Minn. Stat. § 245D.06, subd. 7*  
*Effective July 1, 2014*

Add to permitted procedures by clarifying that a block without holding or the redirection of the person to interrupt a behavior that may result in a serious injury to self or others is permitted with less than 60 seconds of physical contact by staff if the redirection of a person’s behavior does not pose a serious threat to anyone.
11) **Positive Support Transition Plan**  
*Chapter 312, Article 27, Section 36 (HF 3172)*  
*Amends Minn. Stat. § 245D.06, subd. 8*  
*Effective July 1, 2014*

Lists conditions under which the Commissioner may grant approval for emergency use of restricted procedures that have been part of an approved positive support transition plan if the person is at imminent risk of serious injury due to self-injurious behavior. Requires expanded support team and interim review panel support as well as documentation of all efforts to eliminate the procedure, including the clinicians consulted.

b. **Other 245D License Changes**

1) **Implementation Timeline for 245D Requirements**  
*Chapter 312, Article 27, Section 7*  
*Amends Minn. Stat. § 245A.042, subd. 3*  
*Effective July 1, 2014*

Requires implementation and compliance with various 245D requirements, including: (1) service planning for basic and intensive support services; (2) staff orientation; (3) development of policies and procedures; and (4) written notice of policies and procedures by various dates.

2) **Changes to Medication Requirements**  
*Chapter 312, Article 27, Sections 24, 25, 26, 27, 28, 29, 30*  
*Amends Minn. Stat. §§ 245D.05, subds. 1, 1(a), 1(b), 2, 4, and 5; and 245D.051, subds. 1 and 2*  
*Effective July 1, 2014*

Makes numerous changes to requirements for personnel who can set up or provide medication administration.

a) **Levels of Responsibility**  
Clarifies the different levels of responsibility for medication, including: (1) medication set up; (2) medication assistance; (3) medication administration; (4) medication reporting; (5) injectable medication and; (6) conditions for psychotropic medication use and monitoring.
b) **Authorization Required to Administer**  
Prohibits a license holder from administering the medication if a person or legal representative does not authorize administration of psychotropic medication as ordered by the prescriber.

c) **Reporting of Refusal to Authorize**  
Provides that the refusal to authorize must be reported to the prescriber as soon as expeditiously possible.

d) **Confirmation of Override by Court Order Only**. Restates current law that a Court order is required to override the refusal to take psychotropic medication.

3) **Restrictions for Legal Representatives**  
*Chapter 312, Article 27, Section 33 (HF 3172)*  
Amends Minn. Stat. § 245D.06, subd. 4  
**Effective July 1, 2014**

Adds provisions from other sections of state law which restrict a license holder or staff from accepting an appointment as guardian for a person receiving services from the license holder unless related by blood, marriage, or adoption. Specifies that services provided to a person under license holder’s guardianship are not considered licensed services.

4) **Service Assessment and Delivery Requirements**  
*Chapter 291, Article 8, Sections 1 and 2 (HF 2402) and Chapter 312, Article 27, Sections 37, 38, 39, 40 (HF 3172)*  
Amends Minn. Stat. §§ 245D.071, subds. 1, 3, and 4; and 245D.081, subd. 2  
**Effective July 1, 2014**

Amends requirements for: (1) intensive support services; (2) assessment and initial service planning; (3) service outcomes and supports; (4) service plan review and evaluation; (5) coordination and evaluation of individual service delivery; (6) staff qualifications; (7) orientation to program requirements and individual recipient needs; and (8) annual training requirements.
5) Qualifications for Behavioral Professional, Analyst and Specialist
   Chapter 312, Article 27, Sections 43, 44 and 45 (HF 3172)
   Amends Minn. Stat. § 245D.091, subds. 2, 3, and 4
   Effective July 1, 2014

   Adds cross-references and citations to competencies required for
   the current Brain Injury and CADI waiver plans and any successor
   plans.

6) Service Suspension and Service Termination
   Chapter 312, Article 27, Section 46 (HF 3172)
   Amends Minn. Stat. § 245D.10, subd. 3
   Effective July 1, 2014

   Allows a notice of temporary service suspension (required to be
   provided on the first day of such suspension) to be combined with
   a notice of proposed termination of services which must be
   provided 60 days before the proposed termination becomes
   effective.

5. Community First Services and Supports (CFSS) Changes
   Chapter 312, Article 26 (HF 3172)
   Amends Minn. Stat. § 256B.85, subds. 2–3, 5–13, 15–18, and 23–24
   Adds Minn. Stat. §§ 245C.03, subd. 9; 245C.04, subd. 8; 245C.10, subd. 10;
   256B.85, subds. 16a, 17a, and 18a.
   Effective upon federal approval but no earlier than April 1, 2014

   Provides authority to establish a payment rate methodology for consultation and
   financial management services. Allows parents of minor children and spouses to
   provide direct support services. Makes numerous language changes for
   consistency and to reflect changes in service standards, delivery, and program
   integrity.

   Note: The service will begin 90 days after federal approval. It is unlikely CFSS
   will be implemented before early 2015.
6. **Personal Care Assistance (PCA) Changes**  
*Chapter 291, Article 8, Section 6 (HF 2402)*  
*Amends Minn. Stat. § 256B.0659, subds. 11 and 28*  
*Effective May 18, 2014*

Removes provisions related to the 20% relative PCA rate cut which enacted in 2012 but never implemented due to a successful lawsuit and the DHS’ decision not to appeal.

7. **Consumer-Directed Funding Exception for High School Graduates**  
*Chapter 312, Article 27, Section 72 (HF 3172)*  
*Amends Laws of Minnesota 2012, Chapter 247, Article 4, Section 47*  
*Effective July 1, 2014 through June 30, 2017*

Extends an existing exception through June 30, 2017 for individual high school graduates who: (1) participate in consumer-directed community supports (CDCS) under an HCBS waiver; (2) graduate from high school; and (3) turn 21 years of age between 2013 and 2015. Provides these individuals with 20% more funding by reducing to 10% (from 30%) the CDCS discount of the cost of traditional services.

8. **Disability Waiver Rate Management System**  
*Chapter 312, Article 27, Sections 61-69 and 76 (HF 3172)*  
*Amends Minn. Stat. §§ 256B.4913, subd. 4a; 256B.494, subds. 2, 4, 5, 6, 7, 9, 10, and 15.*  
*Effective July 1, 2014*

Makes numerous changes to the implementation of the disability waiver rate setting methodology. Establishes that providers of personal supports will also act as a fiscal support entity will be treated as new providers as of January 1, 2014. Adds definitions to the statute. Requires that determinations of service levels for individuals be established in consultation with the consumer support team. Establishes procedures for lead agencies to follow when rate determination corrections are requested by a provider. Makes numerous rate formula changes for residential, day and unit-based services without programming. Requires DHS to issue semi-annual reports to stakeholders on the difference in rate by service and by county during the banding period.
9. **Personal Needs Allowance Treatment Of Spousal Maintenance Payments**  
*Chapter 312, Article 24, Section 38 (HF 3172)*  
*Amends Minn. Stat. § 256B.35, subd. 1*  
*Effective July 1, 2014*

Adds spousal maintenance withheld pursuant to a dissolution judgment and decree, plus any administrative collection costs, to the maintenance obligor’s personal needs allowance.

*Note:* The intent of this legislation was to remove a barrier to full MA reimbursement that treated spousal maintenance withheld and never actually available to the maintenance obligor as income and preventing access to MA.

10. **Private Duty Nursing Changed to Home Care Nursing**  
*Chapter 291, Article 9, Section 2 (HF 2402)*  
*Amends Minn. Stat. § 256B.0645, subd. 1*  
*Effective July 1, 2014*

Changes the name “private duty nursing” to “home care nursing” and cites nurse licenses required to provide home care nursing. Clarifies the conditions under which an individual can qualify for home care nursing rather than a skilled nurse visit, a home health aide, or personal care assistant.

11. **HCBS Waiver Health and Welfare Terminology Changes**  
*Chapter 312, Article 27, Section 77 (HF 3172)*  
*Uncodified Section*  
*Effective July 1, 2014*

Replaces references to “health and safety” with “health and welfare” as the purpose for HCBS waiver services in Chapter 245 license statutes and HCBS waiver statutes.

12. **Minnesota Supplemental Aid Program 25% Residency Restriction Removed**  
*Chapter 291, Article 8, Section 13 (HF 2402)*  
*Amends Minn. Stat. § 256D.44, subd. 5*  
*Effective July 1, 2014*

Removes 25% Residency Ratio from the Minnesota Supplemental Aid program.

*Note:* The 25% Concentration limit remains in the criteria for HCBS waiver residential setting statute under Minn. Stat. § 256B.492(a)(3).
13. **25% Housing Concentration Limit Exception**  
*Chapter 312, Article 27, Section 70 (HF 3172)*  
Amends Minn. Stat. § 256B.492  
*Effective July 1, 2014*

Allows an exception to the 25% housing concentration limit for HCBS waiver-funded settings for a 40-unit Golden Valley apartment building. Provides $251,000 for the last year of the next biennium (SFY 2017).

14. **Excluded Time**  
*Chapter 291, Article 8, Section 14 (HF 2402)*  
Amends Minn. Stat. § 256G.02, subd. 6  
*Effective August 1, 2014*

Adds community residential settings licensed under Chapter 245D and other specific citations to the list of residences which are considered excluded time periods when establishing the county of financial responsibility.

15. **Integrated Licensure for Home Health Care and HCBS Services Providers**  
*Chapter 312, Article 23, Section 5 (HF 3172)*  
Add Minn. Stat. § 144A.484  
*Effective July 1, 2014 except Minn. Stat. § 144A.484, subds. 2 to 8 are effective July 1, 2015*

Requires MDH to enforce home and community-based services standards under Chapter 245D for providers who also have a home care license administered by the department. Beginning July 1, 2015, allows a licensed home care provider to apply to MDH for a home and community-based designation to provide basic support services under their home care license. Requires home care providers with a home and community-based services designation to comply with both home care services requirements and basic support services under Chapter 245D, including the protection standards and emergency use of manual restraint provisions. Describes the appeal process for license applicants as well as fees to cover the home and community-based services designation status for home care licensed providers.
III. MENTAL HEALTH

A. Crisis Services
   Chapter 312, Article 29, Section 7 (HF 3172)
   Amends Minn. Stat. §§ 256B.0615, subd. 3; and 256B.0624, subd. 2
   Effective July 1, 2014

   Makes changes to assure that crisis teams engage people in voluntary treatment and
   work with individuals and their families earlier in an individual’s mental health crisis.
   Allows mental health crisis services to work with an individual with both mental illness
   and substance abuse as long as the individual does not need detox services. Adds
   certified peer specialist as an option to a crisis team. Requires culturally and
   linguistically appropriate assessments and services.

B. Intensive Community Rehabilitative Services
   Chapter 312, Article 30, Section 2, subd. 4(f) (HF 3172)
   Uncodified Section
   Effective July 1, 2014

   Continues funding grants for intensive community rehabilitative services using existing
   funding.

C. County Contracts with Mental Health Providers
   Chapter 312, Article 29, Sections 1 and 2 (HF 3172)
   Amends Minn. Stat. §§ 245.466, subd. 3a; and 245A.04, subd. 15a
   Effective July 1, 2014

   Requires counties to prepare a transition plan assuring continuity of care in the event of
   contract termination with a community mental health center or community support
   program. Includes access to medical reports and transfer of those records to new
   providers. Requires provider to notify clients of closure 25 days prior to closure and
   provide information on accessing individuals’ medical records.

   Note: These provisions were developed in response to problems related to the closure
   of Riverwoods Mental Health Center in East Central Minnesota.
**D. Adult Foster Care Home Mental Health Certification**  
*Chapter 291, Article 3, Sections 1-2 (HF 2402)*  
*Amends Minn. Stat. § 245A.03, subds. 6(a) and 33*  
*Effective July 1, 2014*

Adds additional requirements for adult foster care mental health certification: (1) limits certification to those providers who serve persons with a primary diagnosis of mental illness; (2) adds suicide intervention, warning signs and appropriate responses as training topics; and (3) specifies training staff qualifications, areas of training required and completion timeline requirements.

**E. Mental Health Case Manager and Program Plan Added**  
*Chapter 312, Article 27, Sections 9 and 10 (HF 3172)*  
*Amends Minn. Stat. § 245D.02, subds. 3 and 4(d)*  
*Effective July 1, 2014*

Adds mental health case manager as defined in Minnesota rules and the individual program or treatment plan for mental health to HCBS waiver license definitions of case manager, coordinated service and support plan and support team.

**F. Working Group on Offenders with Mental Illness**  
*Chapter 312, Article 29, Section 13 (HF 3172)*  
*Uncodified Section*  
*Effective July 1, 2014*

Allows DHS to establish a work group staffed by National Alliance for Mental Illness–Minnesota to review the efficacy of a proposed central facility in the metro area to assess the needs of persons with mental illness brought in by law enforcement and held for up to 72 hours. Requires a report, including draft legislation, for the relevant legislative committee chairs by January 1, 2015.

**G. Andrew Residence**  
*Chapter 312, Article 29, Section 11 (HF 3172)*  
*Amends Minn. Stat. § 256I.05, subd. 2*  
*Effective July 1, 2014*

Appropriates $681,000 for the current biennium and $1.4 million for the next biennium as a rate adjustment for 212-bed Andrew Residence in Minneapolis.
IV. EDUCATION

A. Safe and Supportive Schools Act, Anti-Bullying
   Chapter 160 (HF 826)
   Amends Minn. Stat. §§ 124D.10, subd. 8; 124D.895; subd. 1; and 124D.8955
   Adds Minn. Stat. §§ 121A.031; 121A.031; 127A.051; and 127A.052
   Repeals Minn. Stat. 121A.0695
   Various effective dates

   1. General Summary
      Prohibits physical and cyberbullying by a student against another student
      enrolled in a public school. Directs the Minnesota Department of Education, in
      consultation with the Department of Human Rights, to develop a model policy
      and requires a district or school to implement the state model policy if a local
      policy is not adopted and implemented.
      Adds new sections to Minn. Stat., Chapter 121A
      Effective for the 2014-2015 school year and thereafter.

   2. Relation to Existing Law
      Provides that the new provisions: (1) do not establish any private right of action;
      (2) limit rights currently available, including rights under the Minnesota Human
      Rights Act; or (3) interfere with a person’s First Amendment rights of free speech
      and expression.
      Adds Minn. Stat. § 121A.031, subd. 7
      Effective for the 2014-2015 school year and thereafter.

B. Prone Restraint
   Chapter 312, Article 17, Section 13 (HF 3172)
   Uncodified Section
   Effective July 1, 2014

   Appropriates $250,000 for school districts to reduce the use of prone restraint for
   students who have been subjected to many episodes of such restraint. Requires
   coordination with DHS on the use of funding and staff trainers.
C. **Seclusion and Restraint in Schools**  
*Chapter 312, Article 17, Section 1 (HF 3172)*  
Amends Minn. Stat. § 125A.0942  
*Effective July 1, 2014*

Adds specifics on staff de-escalation training to reports currently due each February regarding progress in reducing the use of seclusion and restraint. Requires summary data on use of reasonable force by staff to protect a child or others from harm.

D. **Special Education Task Force Recommendations Expedited Rulemaking Authority**  
*Chapter 312, Article 17, Section 12 (HF 3172)*  
Uncodified Section  
*Effective July 1, 2014*

Requires the Department of Education to use expedited rulemaking procedures to make changes recommended in 2014 Task Force Report.

### V. EMPLOYMENT

A. **Employment Grants for People Who are Deaf, DeafBlind or Hard of Hearing**  
*Chapter 312, Article 3, Section 14 (HF 3172)*  
Uncodified Section  
*Effective upon enactment of direct appropriation for grant funds under this section*

Provides grants to include persons who are deaf, deafblind, or hard of hearing for services under Minn. Stat. § 268A.16.

B. **Extended Employment Provider Rate Increase**  
*Chapter 312, Article 2, Section 2 (HF 3172)*  
Uncodified Section  
*Effective July 1, 2014*

Provides a one-time appropriation of $250,000 in SFY 2015 for a rate increase for providers of extended employment services under Minn. Stat. § 268A.15.
VI. MISCELLANEOUS

A. **Olmstead Implementation Office Funding**
   *Chapter 312, Article 2, Section 2, subd. 4 (HF 3172)*
   *Uncodified Section*
   *Effective July 1, 2014*

   Provides $500,000 for SFY 2015 and $875,000 per year for FY 2016 and 2017 for the Olmstead Implementation Office.

B. **Housing Grants for Families with Children with Disabilities Facing Eviction**
   *Chapter 312, Article 2, Section 10 (HF 3172)*
   *Amends Laws 2013, Chapter 85, Article 1, Section 4, subd. 2*
   *Effective July 1, 2014*

   Provides $500,000 for home ownership opportunities for families facing eviction due to a child with disabilities in the home. Provides that any funds not expended may be returned to the Challenge Fund after October 31, 2014.

C. **Minnesota’s Centers for Independent Living Grant**
   *Chapter 312, Article 2, Section 2, subd. 5(b) (HF 3172)*
   *Uncodified Section*
   *Effective July 1, 2014*

   Provides a one-time appropriation of $450,000 for the eight Centers for Independent Living.

D. **Light Rail Transit Vehicle Standards**
   *Chapter 312, Article 4, Section 31 (HF 3172)*
   *Adds Minn. Stat. § 473.4056*
   *Effective July 1, 2014*

   Requires the Metropolitan Council, by January 1, 2015, to adopt and amend standards for the design of light rail vehicles that are necessary to provide access to and protect the health and safety needs of persons who use light rail transit. Provides that the Transportation Accessibility Advisory Committee must review the standards and subsequent changes before the Metropolitan Council adopts them. Mandates minimum standards which include, but are not limited to: (1) two dedicated spaces for wheelchair users in each car; (2) seating for a companion adjacent to at least two wheelchair designated spaces; and (3) further specifications that meet or exceed standards established in the Americans with Disabilities Act.
E. Disability Provisions Repealed

Chapter 262, Article 4, Section 9 (HF 2950)

Repeals Minn. Stat. §§ 245.072; 256B.04, subd. 16; 256B.0656; 256B.0657; 256B.0916, subds. 6 and 6(a); 256B.49; 256B.501, subds. 3(a), 3(b), 3(h), 3(j), 3(k), 3(l), 5(b); and 5(e); 256B.5016; and 256B.503

Effective August 1, 2014

Repeals outmoded or unnecessary statutes, including:

- Section 245.072: DHS Division for Persons with Developmental Disabilities;
- Section 256B.04, subd. 16: Duties of state agency (personal care services);
- Section 256B.0656: Consumer-directed Home Care Project;
- Section 256B.0657: Self-directed supports option;
- Section 256B.0916, subd. 6 and 6(a): Expansion of home and community-based services; waiver request, statewide availability of consumer-directed community support services;
- Section 256B.491: Waivered services;
- Section 256B.501, subd. 3(a), 3(b), 3(h), 3(j), 3(k), 3(l), 5(b) and 5(e): Rates for community-based services for disabled individuals (ICF/DD);
- Section 256B.5016: ICF/DD managed care option; and
- Section 256B.053: Rule.

VII. STATE-OPERATED SERVICES

A. Civil Commitment Web-Based Training

Chapter 312, Article 30, Section 2, subd. 5(a) (HF 3172)

Uncodified Section

Effective July 1, 2014

Provides $35,000 to develop online training on civil commitment in collaboration with providers, advocates, and governmental entities.

B. Court Ordered Experts for Minnesota Sex Offender Program (MSOP)

Chapter 312, Article 30, Section 2, subd. 5(c) (HF 3172)

Uncodified Section

Effective July 1, 2014

Provides $3 million – available until June 30, 2017 – for experts to make recommendations to the Court in Karsjers v. Jesson on treatment progress for persons confined to MSOP.
C. **Minnesota Security Hospital and Sex Offender Program Renovation**  
   *Chapter 294, Section 18, subd. 2 (HF 2490)*  
   *Uncodified Section*  
   *Effective July 1, 2014*

Authorizes $56.7 million in bonding to DHS to design, construct, furnish, and equip the first phase of a remodeling project for the Minnesota Security Hospital on the upper campus of St. Peter Regional Treatment Center. Construction allows separation of persons committed to St. Peter due to mental illness onto the upper part of campus separate from units for MSOP. Provides $7.4 million to design, construct, renovate, furnish and equip the first of a three-phase project for additional residential, program and other activities for the MSOP on the lower St. Peter campus.

VIII. **BONDING FOR CAPITOL IMPROVEMENTS**

A. **Remembering with Dignity**  
   *Chapter 294, Article 1, Section 18, subd. 10 (HF 2490)*  
   *Uncodified Section*  
   *Effective May 18, 2014*

Provides one-time funding of $195,000 for general obligation bonds for Advocating Change Together to continue marking unmarked graves of deceased residents of state institutions.

B. **St. David’s Center**  
   *Chapter 294, Article 1, Section 18, subd. 4 (HF 2490)*  
   *Uncodified Section*  
   *Effective May 18, 2014*

Provides St. David’s Center in Hennepin County $3.750 million for renovation and construction. Requires an equivalent or larger amount of private funds to be spent or committed before the funding is available.
IX. REPORTS AND STUDIES

A. **HCBS Settings Transition Plan Provision**
   *Chapter 312, Article 27, Section 74 (HF 3172)*
   *Uncodified Section*
   *Effective July 1, 2014*

   Requires DHS -- after consulting with stakeholders – to report to the Legislature by January 15, 2015 to develop a transition plan which will comply with the CMS final rule defining HCBS waiver settings.

B. **MA Annuity Treatment Review**
   *Chapter 291, Article 10, Section 10 (SF 2402)*
   *Uncodified Section*
   *Effective August 1, 2014*

   Directs DHS to consult with community stakeholders regarding the impact on MA of the decision of the United States Court of Appeals in Geston v. Anderson, 729 F.3d 1077 (8th Cir. 2013). Requires a written report to the Legislature by January 5, 2015, which must include proposed legislation to ensure the MA program complies with the requirements of Geston.

   *Note:* The Geston case involved an MA applicant in North Dakota whose application was denied because, as the Court ruled, the North Dakota Department of Human Services improperly counted an annuity owned by Mr. Geston’s spouse in violation of federal Medicaid law.

C. **Medical Assistance Spenddown Review**
   *Chapter 312, Article 24, Section 44*
   *Uncodified Section*
   *Effective July 1, 2014*

   Requires DHS to consult with stakeholders to review MA spenddown requirements and processes for seniors and individuals with disabilities and report to the Legislature by February 15, 2015.
D. **Payment Rate Methodology for Mental Health Services**  
*Chapter 312, Article 29, Section 15*  
*Uncodified Section*  
*Effective July 1, 2014*

Requires the Commissioners to consult with stakeholders and report by February 15, 2015, on recommendations to ensure the adequacy of the rate setting methodology for intensive residential treatment services, assertive community treatment and adult crisis services which are consistent with CMS.

E. **Special Revenue Account for Central Accommodation for Deaf, DeafBlind, and Hard of Hearing Study**  
*Chapter 312, Article 4, Section 21 (HF 3172)*  
*Uncodified Section*  
*Effective July 1, 2014*

Requires a report to the Legislature and Governor by January 5, 2014 from Minnesota Management and Budget, in consultation with the Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans, on the relative merits of creating a special revenue fund to pay the costs of providing accommodations to executive branch state employees. Specifies that past expenditures for accommodations and recommendations for legislation and policies for such account be included.

F. **State Plan and Waiver Amendments Website Publication**  
*Chapter 312, Article 24, Section 27 (HF 3172)*  
*Adds Minn. Stat. § 256B.04, subd. 24*  
*Effective July 1, 2014*

Requires DHS to: (1) publish all MA waiver and state plan amendment requests; (2) provide a 30-day comment period prior to submitting requests to the federal agency; and (3) post results of any negotiations and decisions by the federal agency within 30 days of federal decision.

G. **Study and Report Concerning Client Bill Of Rights**  
*Chapter 312, Article 23, Section 12 (HF 3172)*  
*Uncodified Section*  
*Effective July 1, 2014*

Directs MDH to evaluate and determine how to: (1) streamline the requirements of “Clients Rights” statutes with respect to nursing homes, assisted living facilities, and HCBS setting; and (2) simultaneously assure and maintain the health and safety of clients.
1. **Objectives of the Study**  
Specifies that the evaluation must: (1) “determine if there are duplications or conflicts of client rights”; (2) “evaluate how to reduce the complexity of the requirements related to clients’ rights for providers and consumer”; (3) “determine which rights must be included in a consolidated client bill of rights document”; and (4) “develop options to inform consumers of their rights.”

2. **Caveat**  
Requires MDH to consider the federal client bill of rights requirements for Medicare-certified home care providers.

3. **Consultation**  
Mandates that MDH consult with: (1) Aging Services of Minnesota; (2) Care Providers of Minnesota; (3) Minnesota Home Care Association; (4) DHS; (5) the Office of the Ombudsman for Long-Term Care; and (6) “other stakeholders.”

4. **Statutes Affected**  
Specifically references the: (1) Home Care Bill of Rights (Minn. Stat. § 144A.44); (2) Assisted Living Bill of Rights Addendum (Minn. Stat. § 144A.441); and Service and Recipient Rights section of the Home and Community-based Services Standards (Minn. Stat. § 245D.04).

5. **Report**  
Requires MDH to: (1) report to the Legislature by February 15, 2015; and (2) include in the report any recommendations for legislative changes.

H. **Wait List Report**  
*Chapter 312, Article 29, Section 12 (HF 3172)*  
*Uncodified Section*  
*Effective July 1, 2014*

Requires DHS to provide the number on wait lists as of October 1, 2014 for all services DHS manages, and an estimate of cost of serving those waiting to the Governor and relevant legislative committee chairs by December 1, 2014.
X. OTHER AREAS OF LAW WHICH MAY AFFECT SOME INDIVIDUALS WITH DISABILITIES

For new laws enacted in the 2014 session that may affect some individuals with disabilities, please also see the following other sections of these 2014 Session Summaries:

- **Asset Building Section**  (*Pages 4 – 7*)
  - New asset limit for some MSA and GRH participants.
  - Other changes for MSA.
  - Other changes for GRH.

- **DHS Licensing Section**  (*Pages 30 – 40*)
  - Includes Background Studies

- **Guardianship and Conservatorship Section**  (*Page 110*)
  - Notice Requirements

- **Health Law Section**  (*Pages 111 – 124*)

- **Public Benefits Law**  (*Pages 150 – 167*)
  - Simplification
  - Minnesota Supplemental Aid
  - Group Residential Housing

- **Tax Law**  (*Pages 173 – 175*)
  - Homestead of Disabled Veteran
DOMESTIC VIOLENCE AND RELATED ISSUES
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I. CRIME VICTIM RESTITUTION
Chapter 204, Section 11 (HF 2668) and Chapter 245, Section 2 (HF 2386)
Amends Minn. Stat. §§ 611A.04, subd. 4; and 611A.045, subd. 3
Effective August 1, 2014

A. Order of Payment
Makes payment of restitution to a crime victim superior to collection of fines, fees, and other charges imposed by the court.
Chapter 204 (HF 2668)
Amends Minn. Stat. § 611A.04, subd. 4

B. Notice to Offender of Restitution
Requires offenders directly receive notice of an award of restitution that could trigger the right to challenge by eliminating the provision deeming notice to the offender’s attorney notice to the offender.
Chapter 245, Section 2 (HF 2386)
Amends Minn. Stat. § 611A.045, subd. 3

II. DATA COLLECTION
Chapter 212, Article 1, Section 13 (HF 3017)
Uncodified Section
Effective August 1, 2014

Requires the Department of Public Safety to develop recommendations for the collection and reporting of comprehensive, statewide data on victims of domestic abuse, to be submitted to the relevant legislative committees by January 15, 2016. Requires DPS to consult with: (1) the Minnesota Peace Officer Standards and Training (POST) Board; (2) representatives from state, county, and municipal law enforcement agencies; (3) county prosecutors' offices; and (4) programs providing services to domestic abuse victims.
III. FIREARMS CRIMES DEFINITION MODIFIED
Chapter 260 (HF 263)
Amends Minn. Stat. § 624.712, subd. 5
Effective August 1, 2014, and applies to crimes committed on or after that date

A. Crimes Added to Definition
Add to the definition of “crime of violence” for firearms purposes felony convictions for:
(1) fifth degree assault under Minn. Stat. § 609.224; (2) domestic assault under Minn. Stat. § 609.2242; and (3) domestic assault by strangulation under Minn. Stat. § 609.2247.

B. Crimes Eliminated From Definition
Eliminates as a “crime of violence” for firearms purposes third degree burglary under Minn. Stat. § 609.582, subd. 3 and theft under Minn. Stat. § 609.52 involving: (1) the intentional taking or driving a motor vehicle without the owner’s consent; (2) taking property from an abandoned, burning or vacant building; and (3) taking property from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle.

IV. FIREARMS SURRENDER
Chapter 213 (HF 3238)
Amends Minn. Stat. §§ 260C.201, subd. 3; 518B.01, subd. 6; 609.2242, subd. 3; 609.749, subd. 8; and 624.713, subd. 1
Adds Minn. Stat. § 624.7144
Effective August 1, 2014

Expands and clarifies requirements and processes for firearms surrender by abusers, including in civil and criminal cases, involving: (1) domestic child abuse orders; (2) orders for protection; (3) domestic assault with firearms convictions; and (4) stalking.

A. Domestic Child Abuse Orders
Requires the court to prohibit an abuser from possessing firearms for the length of the order where a child is determined to be a victim of domestic child abuse, provided the abuser received actual notice of and had the ability to participate in a hearing regarding a determination of domestic child abuse. An order prohibiting possession must: (1) restrain the abusing party from harassing, stalking, threatening the child, or engaging in other conduct that would place the child in reasonable fear of bodily injury; and (2) include a finding that the abuser represents a credible threat to the physical safety of the child or prohibits the abusing party from using, attempting to use, or threatening to use physical force against the child. Requires notice to the abuser of the prohibited status.
Amends Minn. Stat. § 260C.201, subd. 3, adding para. (d)
B. **Orders for Protection**
Requires the court to prohibit an abuser from possessing firearms for the length of the order if the order: (1) restrains the abuser from harassing, stalking, threatening the petitioner, or engaging in other conduct that would place the petitioner in reasonable fear of bodily injury; and (2) includes a finding that the abuser represents a credible threat to the physical safety of the petitioner or prohibits the abusing party from using, attempting to use, or threatening to use physical force against the petitioner. Requires notice to the abuser of the prohibited status.
*Amends Minn. Stat. § 518B.01, subd. 6, adding para. (g)*

C. **Domestic Assault with Firearm Convictions**
Applies new firearms surrender provisions in domestic assault with a firearm conviction specifically to the crimes of: (1) domestic assault against a household or family member under Minn. Stat. § 609.2242, subd. 3; (2) first degree assault under Minn. Stat. § 609.221; (3) second degree assault under Minn. Stat. § 609.222; (4) third degree assault under Minn. Stat. § 609.223; (5) fifth degree assault under Minn. Stat. § 609.224; or (6) domestic assault by strangulation under Minn. Stat. § 609.2247.
*Amends Minn. Stat. § 609.2242, subd. 3, adding para. (f)*

D. **Surrender of Firearms**

1. **When**
   
   a. **Immediate Seizure**
   Requires the court to order law enforcement take immediate possession of abuser’s firearms if the court finds by a preponderance of the evidence that the abuser poses an imminent risk of causing substantial bodily harm.
   *Amends Minn. Stat. § 260C.201, subd. 3, adding para. (f) (child abuse)*
   *Amends Minn. Stat. § 518B.01, subd. 6, adding para. (i) (OFP)*
   *Amends Minn. Stat. § 609.2242, subd. 3, adding para. (h) (assault)*
   *Amends Minn. Stat. § 609.749, subd. 8, adding para. (g) (stalking)*

   b. **Subsequent Transfer by Abuser**
   Requires the court, if the firearms are not immediately seized, to give the abuser three business days to transfer all firearms to: (1) law enforcement; (2) a federally-licensed firearms dealer; or (3) a third party who can lawfully receive the firearms and does not reside with the abuser.
   *Amends Minn. Stat. § 260C.201, subd. 3, adding para. (d) (child abuse)*
   *Amends Minn. Stat. § 518B.01, subd. 6, adding para. (g) (OFP)*
   *Amends Minn. Stat. § 609.2242, subd. 3, adding para. (f) (assault)*
   *Amends Minn. Stat. § 609.749, subd. 8, adding para. (e) (stalking)*
c. **Third Party Liability**
Attaches civil and criminal liability to a third party agreeing to store firearms temporarily if the abusing party gains access to a firearm while in the custody of the third party.

*Amends Minn. Stat. § 260C.201, subd. 3, adding para. (e) (child abuse)*
*Amends Minn. Stat. § 518B.01, subd. 6, adding para. (h) (OFP)*
*Amends Minn. Stat. § 609.2242, subd. 3, adding para. (g) (assault)*
*Amends Minn. Stat. § 609.749, subd. 8, adding para. (f) (stalking)*

2. **For How Long**
Provides that transfers may be permanent or temporary, except in cases involving convictions for either domestic assault with firearms or stalking, where the court may order permanent surrender for the rest of the abuser’s life.

*Amends Minn. Stat. § 260C.201, subd. 3, adding para. (d) (child abuse)*
*Amends Minn. Stat. § 518B.01, subd. 6, adding para. (g) (OFP)*
*Amends Minn. Stat. § 609.2242, subd. 3, adding para. (f) (assault)*
*Amends Minn. Stat. § 609.749, subd. 8, adding para. (e) (stalking)*

*Note:* Nothing changes the current law requiring a court to order -- in a domestic assault with a firearm or a stalking case -- a lifetime ban and summary forfeiture of firearm under Minn. Stat. § 609.5316, subd. 1, upon the court finding: (1) the offender owns or possesses a firearm; (3) the firearm was used in any way during the commission of the crime; and (3) in a domestic assault with a firearm case, a family or household member was the victim.

*See Minn. Stat. § 609.2242, subd. 3 (assault)*
*See Minn. Stat. § 609.749, subd. 8 (stalking)*

a. **Permanent Surrender**
Provides that, where the court order permanent transfers of firearms, abusers: (1) are not entitled to compensation; and (2) if the transfer is to a law enforcement agency, may be charged a reasonable processing fee.

*Amends Minn. Stat. § 260C.201, subd. 3, adding para. (d) (child abuse)*
*Amends Minn. Stat. § 518B.01, subd. 6, adding para. (g) (OFP)*
*Amends Minn. Stat. § 609.2242, subd. 3, adding para. (f) (assault)*
*Amends Minn. Stat. § 609.749, subd. 8, adding para. (e) (stalking)*

b. **Temporary Surrender**
Provides that, where the court order permanent transfers of firearms: (1) only possession, not ownership or title, is transferred; (2) reasonable storage fees may be charged to the abuser;

*Amends Minn. Stat. § 260C.201, subd. 3, adding para. (d) (child abuse)*
*Amends Minn. Stat. § 518B.01, subd. 6, adding para. (g) (OFP)*
*Amends Minn. Stat. § 609.2242, subd. 3, adding para. (f) (assault)*
*Amends Minn. Stat. § 609.749, subd. 8, adding para. (e) (stalking)*
c. **Temporary Possession: Standard of Care/Return of Firearms**
Requires that the temporary possessors of the firearms must: (1) exercise due care must exercise due care to preserve the quality and function of the firearm; and (4) return the firearms in compliance with state and federal law when the order expires, unless the abusing party is prohibited from possession under other state or federal law.
Amends Minn. Stat. § 260C.201, subd. 3, adding paras. (d) & (f) (child abuse)
Amends Minn. Stat. § 518B.01, subd. 6, adding paras. (g) & (i) (OFP)
Amends Minn. Stat. § 609.2242, subd. 3, adding paras. (f) & (h) (assault)
Amends Minn. Stat. § 609.749, subd.8, adding paras. (e) & (g) (stalking)

d. **Law Enforcement Agency Prerogative**
Does not require a law enforcement agency to accept transfer of a firearm, whether the transfer is temporary or permanent.
Amends Minn. Stat. § 260C.201, subd. 3, adding para. (d) (child abuse)
Amends Minn. Stat. § 518B.01, subd. 6, adding para. (g) (OFP)
Amends Minn. Stat. § 609.2242, subd. 3, adding para. (f) (assault)
Amends Minn. Stat. § 609.749, subd. 8, adding para. (e) (stalking)

3. **Proof of Transfer**
Requires: (1) an abusing party under a firearms transfer order to file with the court a signed and notarized affidavit or proof of transfer; (2) a third party to whom a firearm is transferred to sign a sworn affidavit acknowledging permanent receipt or temporary possession; (3) a law enforcement agency or federally licensed firearms dealer to provide proof of transfer to the abusing party. Prescribes what information the affidavits and proofs of transfer must contain (e.g., firearm serial number). Mandates that courts seal the affidavits and proofs.
Amends Minn. Stat. § 260C.201, subd. 3, adding para. (e) (child abuse)
Amends Minn. Stat. § 518B.01, subd. 6, adding para. (h) (OFP)
Amends Minn. Stat. § 609.2242, subd. 3 by adding para. (g) (assault)
Amends Minn. Stat. § 609.749, subd. 8, adding para. (f) (stalking)

4. **Surrender of Permits to Carry/Purchase**
Requires the court to order the abuser to surrender to the sheriff of all permits to carry and purchase firearms (in addition to surrendering all firearms).
Amends Minn. Stat. § 609.2242, subd. 3 by adding paragraph (f)

Note: The requirement to surrender permits to carry or purchase applies only to cases involving domestic assault with firearms convictions, and do not apply in cases of domestic child abuse, OFPs, or stalking.
V. GPS LOCATION MONITORING

Chapter 263 (SF 2736)

Amends Minn. Stat. §§ 609.135, subd. 5a; and 629.72, subd. 2a

Repeals Minn. Stat. §609.02, subd. 14

Various Effective Dates

A. Pilot Expanded to All Districts

Expands to all judicial districts – through August 1, 2017 -- the authority previously limited to the Tenth Judicial District to utilize location monitoring via GPS devices at the time of pretrial release or as part of criminal sentencing (including a stay of imposition), providing the judicial district adopts statutorily prescribed standards.

Amends Minn. Stat. § 609.135, subd. 5a(a)

Effective May 15, 2014

Expires August 1, 2017

B. Standards Required to Trigger Monitoring Order

Provides that minimum standards must be adopted by the judicial district for courts in that district to order GPS monitoring that require: (1) the use of active, real-time monitoring only; (2) notice to both the victim and defendant about the risks and benefits of GPS monitoring, and the district’s standards; (3) informed consent by the victim before the defendant may be released and procedures if victim withdraws consent; (4) districts to address cost; (5) ongoing training to improve victim safety and defendant accountability; and (6) where both parties are mobile, that monitoring entity – not the victim – determines whether there has been a material violation.

Amends Minn. Stat. § 629.72, subd. 2a(a)

Effective retroactively from January 15, 2014

Expires August 1, 2017

C. Development and Updating of Standards

Authorizes the Chief Judge of a judicial district to appoint and convene an advisory group to develop and conduct a biennial update of the standards governing the use of GPS location monitoring devices. Requires an advisory group to consist of representatives from: (1) law enforcement; (2) prosecutors; (3) defense attorneys; (4) the Department of Corrections; (5) court administrators; (6) probation, judges; (7) crime victim organizations; and an industry representative with expertise in GPS devices.

Amends Minn. Stat. § 629.72, subd. 2a(b)

Effective retroactively from January 15, 2014

Expires August 1, 2017
D. **New Offenses Subject to Monitoring**

Adds the following crimes to the list of offenses where location monitoring devices can be ordered as part of the defendant’s pretrial release or sentence or stay of imposition of sentence: (1) stalking, under Minn. Stat. § 609.749; (2) violation of a harassment restraining order under Minn. Stat. § 609.748; (3) violation of domestic abuse no contact order under Minn. Stat. § 629.75; and interference with an emergency call under Minn. Stat. § 609.78, subd. 2)

*Amends Minn. Stat. § 609.135, subd. 5a(b)*

E. **Use of Location Data**

Deems location data security information under Minn. Stat. § 13.37. Allows data sharing among law enforcement agency, probation authority, prosecutorial agency, or court services department to develop and monitor conditions for release.

*Amends Minn. Stat. § 609.135 by adding subd. 5a(c)*

F. **Effect of Violation of Location Restriction in Certain Cases**

Provides that a violation of a location restriction by a defendant — in a situation involving a victim and defendant who are both mobile — does not automatically constitute a violation of the conditions of the defendant’s release.

*Amends Minn. Stat. § 609.135 by adding subd. 5a(d)*

VI. **HARRASSMENT RESTRAINING ORDERS**

*Chapter 204, Section 10 (HF 2668)*

*Amends Minn. Stat. § 609.748, subd. 3*

*Effective August 1, 2014*

Changes the time within which a hearing must be requested after service of a Petition for a Harassment Restraining Order from 45 days of the filing or receipt of the petition to 20 days of service of the Petition.

VII. **NOTICE OF RIGHTS PROVIDED BY HOSPITALS TO VICTIMS OF SEXUAL ASSAULT**

*Chapter 291, Article 6, Section 12 (HF 2402)*

*Adds Minn. Stat. § 144.6586*

*Effective August 1, 2014*

Requires hospitals to give written notice about victim rights and available resources to a person seeking medical services in the hospital who reports to hospital staff or presents evidence of a sexual assault or other unwanted sexual contact. The notice must contain information concerning: (1) the statutory obligation of the county where the assault occurred to pay for the examination; and (2) the victim’s rights if the crime is reported to law enforcement, including how to obtain an Order for Protection or Harassment Restraining Order.
VIII. SAFE AT HOME PROGRAM PARTICIPANT DATA

Chapter 173 (HF 2276)

Amends Minn. Stat. §§ 5B.05; and 13.045

Effective April 30, 2014

A. New Definition of “Identity Data”

Adds a new definition of “identity data” to Chapter 13 (the Data Practices Act) to mean identifying data obtained while the participant is in the program, including the participant’s: (1) name; (2) phone number; (3) designated address (lot number); (4) e-mail address; (5) driver’s license; or (6) Social Security number.

Amends Minn. Stat. § 13.045, subd. 1


1. Personal Service

Provides that service of process upon participants: (1) while still made upon the Secretary of State, must be made either personally or by mail under Minn. Stat. § 5B.03, subd. 1(3) (designating Secretary of State as the agent for service of process).

Amends Minn. Stat. § 13.045 by adding subdivision 6

2. Service By Publication

Provides that service publication is valid, provided the Secretary of State has been served by mail or in person, if publication omits the participant’s name.

Amends Minn. Stat. § 13.045 by adding subdivision 6

C. Certification of Participation in the Safe at Home Program

1. Additional Information Required

Expands information required for the Participation Certification provided to all government entities under Chapter 13 – except county recorders – to include: (1) the participant’s name; (2) other program participants in the household; designated address (lot number); the participant’s signature; and (5) any other information specified by the Secretary of State.

Amends Minn. Stat. § 13.045, subd. 2(a)
2. **Sharing and Dissemination of Private/Confidential Data**
   Adds exceptions to the prohibition on sharing or disclosure of private or confidential location data on program participant to include where the data is needed to: (1) provide public assistance; (2) allocate financial responsibility for benefits or services; (3) provide 911; (4) assess or investigate child or vulnerable adult abuse or neglect; (5) assess or inspect services or locations for compliance with health, safety, or professional standards; or (6) aid in a law enforcement investigation. Limits disclosure to these purposes. Requires establishment of procedures to safeguard data.
   *Amends Minn. Stat. § 13.045, subd. 3 by adding paragraph (b)*

3. **Sharing of Data with Secretary of State**
   Clarifies that government entities are not prohibited from sharing participant data with the Secretary of State for purposes of implementing the provisions of the Safe at Home Program.
   *Amends Minn. Stat. § 13.045 by adding subd. 7*

D. **Real Property Records**

1. **Definition of “Real Property Records”**
   Means “any record of data that is maintained by a county as part of the county real estate document recording system for use by the public.”
   *Amends Minn. Stat. § 13.045, subd. 1 by adding clause (5)*

2. **Interactions with County Recorder**

   a. **Real Property Notice Affecting Real Property Records**
      Requires participants to submit a written real property notice to the county recorder – in the county where the property identified in the real property notice is located – that includes: (1) the participant’s full legal name, including middle name; (2) the last four digits of the Participant’s Social Security number; (3) the designated address of the property, including lot number; (4) the date the participant’s Program Certification expires; (5) a legal description and street address of the property impacted by the notice; (6) the address of the Office of the Secretary of State; and (7) the participant’s signature. Allows only one Certification per parcel (but allows multiple Certifications for multiple parcels). Provides that the notice is private data on individuals.
      *Amends Minn. Stat. § 13.045 by adding subd. 2(b)*

      **Note:** The records include, but are not limited to, documents maintained in the recording system.
b. **Notice to County Recorder**

1) **Limitation**

Provides that a real property notice is notice only to the county recorder.

*Amends Minn. Stat. § 13.045 by adding subd. 4a(b)*

2) **Ineffective Notice**

Provides that a notice that does not conform to the requirements of a real property notice is not effective as a notice to the county recorder.

*Amends Minn. Stat. § 13.045 by adding subd. 4a(b)*

3) **Effect of Notice**

Provides that notice that a document or certificate is private and viewable is deemed constructive notice.

*Amends Minn. Stat. § 13.045 by adding subd. 4a(a)*

c. **Responsibilities of the County Recorder**

1) **Sharing or Dissemination of Information**

Prohibits the county recorder from disclosing a participant’s identity regarding the property identified in the notice unless: (1) the participant has consented in writing; the data is subject to sharing or dissemination under a court order; or (3) the Secretary of State authorizes sharing or dissemination for the purposes of title examination. Provides circumstances under the prohibition on disclosure ends, including where: (1) the real property notice terminates; (2) the participant no longer holds record interest in the property; and (3) the participant leaves the Safe at Home Program.

*Amends Minn. Stat. § 13.045 by adding subd. 4a(a) and (d)*

2) **Requirements**

Requires County Recorders to establish procedures that may include: (1) masking identity or location data, and documents; and (2) making documents or certificates of title containing the data private and not viewable.

*Amends Minn. Stat. § 13.045 by adding subd. 4a(a)*
3) **Restrictions**
Prohibits public disclosure of a participant's name and address (as designated under the Safe at Home Program) in the county reception index unless the participant's name and designated address are not disclosed in conjunction with location data.

*Amends Minn. Stat. § 13.045 by adding subd. 3, paragraph (c)*

3. **Title Examination**
Provides that, upon request, the Secretary of State may share data regarding a program participant's real property records for the purpose of confirming or denying that the program participant's real property is the property subject to a bona fide title examination. Specifies items that must be included in the request. Provides that a title examiner may rely exclusively on information obtained in writing from the Secretary of State. Limits use of data to specified purpose and requires recipient of data to establish procedures to protect the data from further disclosure.

*Amends Minn. Stat. § 13.045 by adding subd. 4b*

**IX. PROTECTIONS FOR RENTERS WHO ARE VICTIMS OF VIOLENCE**

*Chapter 188, Sections 1 – 3 (HF 859)*

*Amends Minn. Stat. §§ 504B.171, subd.1; 504B.206; 504B.285, subd. 1*

*Effective August 1, 2014*

A. **Addition to Covenants**
Provides that every lease must contain a covenant that the tenant may not commit an act of domestic violence, sexual assault, or stalking against a tenant, a licensee, or any authorized occupant of the dwelling.

*Amends Minn. Stat. § 504B.171 by adding subd. 2(b)*

*Note: This provision should be read together with Minn. Stat. § 504B.321, subd. 2, which provides for expedited eviction procedures for violators of the covenants.*

B. **Right to Break Lease**

1. **Applicability**
Expands applicability of the right to break a lease: (1) from victims of domestic violence only to include victims of sexual assault and stalking; and (2) from the tenant and the tenant’s minor children only to include any other authorized occupant of the dwelling.

*Amends Minn. Stat. § 504B.206, subd. 1*
2. **Requirements**

a. **Imminent Fear of Violence After Being Subjected to Violence**

   Requires, to invoke the right to break the lease, a tenant to be in “imminent fear of violence after being subjected to”: (1) domestic abuse; (2) sexual assault; or (3) stalking (as defined under Minn. Stat. § 609.749, subd. 2);

   *Amends Minn. Stat. § 504B.206, subd. 1*

   *Note: Current law protects only victims of domestic abuse.*

b. **Provision of Notice**

   Adds instructions as to the disposition of the tenant’s personal property pursuant to Minn. Stat. § 504B.271 as an additional item listed under the existing notice requirement the tenant is required to provide landlord in order to legally terminate the lease.

   *Amends Minn. Stat. § 504B.206, subd. 1*

c. **Documentation**

   Expands under the new definition of “qualifying document” the documents that satisfy the requirements of an accompanying document to the tenant’s written notice of termination. Provides that a “qualifying document” includes: (1) an Order for Protection; (2) a No-Contact Order; (3) a writing produced by a court official; (4) a writing produced by a city, county, state, or tribal law enforcement official; or (4) a statement signed by a “qualified third party,” which includes: (i) a licensed health care official acting within the scope of the license; (ii) a domestic abuse advocate; or (iii) a sexual assault counselor. Creates statutory form for statement signed by qualified third party.

   *Amends Minn. Stat. § 504B.206, subd. 1 (“qualifying document”)*

   *Amends Minn. Stat. § 504B.206, subd. 6 (definitions of “qualifying document” and “qualified third party” and form for statement of qualified third party)*

3. **Provision of Name of Perpetrator**

   Provides that the landlord may request the name of the perpetrator if known, but allows tenant to decline to provide the name for safety reasons. Provides that provision of the name of the perpetrator is not a precondition to invoke the right to break a lease under the section.

   *Amends Minn. Stat. § 504B.206, subd. 1*
4. **Protection of Information**
Prohibits a landlord from disclosing: (1) any information contained in the notice to terminate; (2) any information contained in a qualifying document; (3) the address or location to which the tenant has relocated; or (4) the status of the tenant as a victim of violence.
*Amends Minn. Stat. § 504B.206, subd. 2*

5. **Liability for Rent**

a. **Sole Tenancy**
Provides that, rather than paying an amount equal to one month’s rent, the tenant forfeits the security deposit if the tenant invokes the right to break the lease.
*Amends Minn. Stat. § 504B.206, subd. 3*

b. **Multiple Tenancies**
Provides that the tenancy terminates for all tenants when one tenant invokes the right to break the lease, and the security deposit is forfeited. Permits the non-victim tenants to reapply to establish a new lease.
*Amends Minn. Stat. § 504B.206, subd. 3*

C. **Protection from Eviction**
Prohibits a landlord from evicting a victim of violence solely because the tenant was a victim.
*Amends Minn. Stat. § 504B.285, subd. 1*

X. **SICK LEAVE FOR SAFETY REASONS**
*Chapter 239, Article 3, Section 3 (HF 2536) (Women’s Economic Security Act)*
*Amends Minn. Stat. § 181.9413*
*Effective August 1, 2014*

Expands the use of personal sick leave to include “safety leave,” defined as “leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking.” Prohibits employer retaliation against an employee for requesting or obtaining a leave of absence under this section.
XI. UNEMPLOYMENT INSURANCE ELIGIBILITY
Chapter 239, Article 2, Sections 4 and 5 (HF2546) (Women’s Economic Security Act)
Amends Minn. Stat. § 268.095, subds. 1 and 6
Effective October 5, 2014, and applies to all determinations and appeal decisions issued on or after that date

A. Quits
Adds sexual assault and stalking to the list of exceptions to the general provision that unemployment benefits be denied to employees who quit. Deletes the requirement that employee-victims must document domestic abuse.
Amends Minn. Stat. § 268.095, subd. 1

B. Misconduct
Adds conduct that was a consequence of sexual assault or stalking to the list of conduct that does not constitute misconduct.
Amends Minn. Stat. § 268.095, subd. 6

XII. VICTIM NOTIFICATION OF OFFENDER LOCATION UPON RELEASE FROM PRISON
Chapter 312, Article 6, Sections 1, 2, and 5 (HF 3172)
Amends Minn. Stat. § 13.84, subds. 5 and 6
Adds Minn. Stat. § 611A.06, subd. 3a
Effective January 1, 2015

A. Notice Required Upon Request
Requires the Department of Corrections to release to the victim, upon written or electronic request, the city and zip code where an offender currently serving prison time for a domestic-violence related offense committed against the victim making the request will reside upon release.
Amends Minn. Stat. § 13.84, subd. 6 by adding paragraph (d)
Adds Minn. Stat. § 611A.06, subd. 3a(a)

B. Exceptions
Makes exception for disclosure of the offender’s location if: (1) at the time of the victim’s request, the offender is no longer correctional supervision; (2) the Department of Corrections doesn’t have the offender’s city or zip code; or (3) the Department of Corrections reasonably believes the disclosure will create a risk to the victim, offender, or public safety.
Amends Minn. Stat. § 13.84, subd. 6 by adding paragraph (d)
Adds Minn. Stat. § 611A.06, subd. 3a(a)
C. **Classification of Data**
   Classifies all identifying information (including the notice to the victim) regarding the victim as private data on individuals under Minn. Stat. § 13.02, subd. 1. Provides access solely to the victim.
   *Adds Minn. Stat. § 611A.06, subd. 3a(b)*

XIII. **WARRANTLESS AND PROBABLE CAUSE ARRESTS**
   *Chapter 177 (HF 2141)*
   Amends Minn. Stat. §§ 629.34, subd. 1; and 629.341, subd. 1
   *Effective August 1, 2014, and applies to offenses committed on or after that date*

   A. **Warrantless Arrests**
      Extends the existing felony warrantless arrest standard to the following non-felony offenses: (1) violation of an Order for Protection granted under Minn. Stat. § 518B.01, subd. 1 (2) violation of a Harassment Restraining Order under Minn. Stat. § 609.748, subd. 6; (3) violation of a Domestic Abuse No Contact Order under Minn. Stat. § 629.75, subd. 2; or (4) any other non-felony violation of a restraining order or no contact order issued by a court.
      *Amends Minn. Stat. § 629.34, subd. 1*

   B. **Probable Cause Arrests**
      Extends the time frame for a warrantless arrest from 48 hours to 72 hours from the time a peace officer has probable cause to believe the person has committed non-felony domestic abuse, as defined in Minn. Stat. § 518B.01, subd. 2, even if the assault did not occur in the presence of the peace officer.
      *Amends Minn. Stat. §§ 629.34, subd. 1; and 629.341, subd. 1*
I. SAFE AND SUPPORTIVE SCHOOLS

Chapter 160 (HF 826) (Bullying Bill)

Amends Minn. Stat. §§ 124D.10, subd. 8; 124D.895, subd. 1; and 124D.8955

Adds Minn. Stat. §§ 121A.031, 121A.0311; 127A.051; and 127A.052

Various Effective Dates

A. General Summary

Prohibits physical and cyberbullying by a student against another student enrolled in a public school. Directs the Minnesota Department of Education, in consultation with the Department of Human Rights, to develop a model policy and requires a district or school that to implement the state model policy if it does not adopt and implement a local policy.

Adds new sections to Minn. Stat., Chapter 121A

Effective for the 2014-2015 school year and thereafter

B. Relation to Existing Law

Provides that the new provisions: (1) do not establish any private right of action; (2) limit rights currently available, including rights under the Minnesota Human Rights Act; or (3) interfere with a person’s First Amendment rights of free speech and expression.

Adds Minn. Stat. § 121A.031, subd. 7

Effective for the 2014-2015 school year and thereafter
I. REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

*Chapter 192, Article 2 (HF 2874)*
Amends Minn. Stat. § 626.557, *subd. 12b*
*Effective August 1, 2014*

Directs MDH and DHS to publish on their Web sites their annual reports of the number and type of reports of alleged maltreatment involving licensed facilities. Requires a new biennial, combined MHD/DHS report to include: (1) the number and type of reports of alleged maltreatment involving licensed facilities; (2) the number of cases requiring investigations; (3) the resolution of the investigations; (4) trends about types of substantiated maltreatment found in the reporting period; (5) recommendations for addressing and responding to upward trends in reported maltreatment cases; (6) efforts undertaken or recommended to improve the protection of vulnerable adults; (6) whether and where backlogs of cases result in a failure to conform with statutory time frames and recommendations for reducing backlogs if applicable; (7) where adequate coverage requires additional appropriations and staffing; and (8) any other trends that affect or recommendations to protect the safety of vulnerable adults.
I. DISCRIMINATION BY EMPLOYERS
Chapter 239, Article 4, Sections 7 and 9 (HF 2536) (Women’s Economic Security Act)
Adds Minn. Stat. § 363A.08, subds. 2 and 4
Effective May 10, 2014

Adds familial status as a protected class with respect to unfair employment practices in which unions are prohibited from engaging, including: (1) refusing to hire; (2) discharging an employee; (3) discriminating with respect to hiring, tenure, terms and conditions of employment; or (4) asking about status prior to employment or for the purposes of making job decisions.

II. DISCRIMINATION BY EMPLOYMENT AGENCIES
Chapter 239, Article 4, Sections 8 and 9 (HF 2536) (Women’s Economic Security Act)
Adds Minn. Stat. § 363A.08, subds. 3 and 4
Effective May 10, 2014

Adds familial status as a protected class with respect to unfair employment practices in which unions are prohibited from engaging, including: (1) refusing or failing to register, properly classify, or refer for employment; (2) complying with a request from an employer for a referral; or (3) asking about status prior to employment or for the purposes of making job decisions.

III. DISCRIMINATION BY UNIONS
Chapter 239, Article 4, Sections 6 and 9 (HF 2536) (Women’s Economic Security Act)
Adds Minn. Stat. § 363A.08, subds. 1 and 4
Effective May 10, 2014

Adds familial status as a protected class with respect to unfair employment practices in which unions are prohibited from engaging, including: (1) denying full and equal membership rights; (2) expelling a member; (3) discriminating with respect to hiring, apprenticeship, compensation, and other privileges of employment; (4) failing to properly classify or refer an employee; and (5) asking about status prior to membership or for the purposes of making job decisions.
IV. **NURSING MOTHERS**
*Chapter 239, Article 4, Section 3 (HF 2536) (Women’s Economic Security Act)*
*Amends Minn. Stat. §§ 181.939 and 181.944*
*Effective August 1, 2014*

A. **New Rights**
Requires employers to provide a room – other than a bathroom – that is “shielded from view and free from intrusion from coworkers and the public and that includes access to an electrical outlet” for nursing mothers to express milk. Prohibits employer retaliation against an employee for asserting her rights under this section.
*Amends Minn. Stat. § 181.939*

B. **Remedies**
Adds violations of new provisions to those already subject to an action by an aggrieved party and subject to equitable relief and recovery of damages, costs, disbursements and reasonable attorney’s fees.
*Amends Minn. Stat. § 181.944*

V. **PREGNANCY ACcomMODATION**
*Chapter 239, Article 3, Section 4 (HF 2536) (Women’s Economic Security Act)*
*Adds Minn. Stat. § 181.9414*
*Effective August 1, 2014*

A. **New Rights**
Requires an employer to provide reasonable accommodations to an employee for health conditions related to pregnancy or childbirth, unless the employer demonstrates that the accommodation would impose an undue hardship on the operation of the employer's business. Requires a request for accommodation be on advice of a licensed health care provider or certified doula. Does not require advice if the request for accommodation is for: (1) more frequent restroom, food, and water breaks; (2) seating; and (3) limits on lifting over 20 pounds. Provides the new rights are in addition to any existing provision of law relating to sex discrimination or pregnancy.
*Amends Minn. Stat. § 181.944*

B. **Protections Against Adverse Action**
Prohibits employers from: (1) retaliating against an employee for seeking an accommodation; or (2) requiring an employee to take a leave or accept an accommodation.
*Amends Minn. Stat. § 181.944*
VI. PREGNANCY LEAVE
Chapter 239, Article 3, Section 2 (HF 2536) (Women’s Economic Security Act)
Amends Minn. Stat. §§ 181.941 and 181.944
Effective August 1, 2014

A. New Rights
Requires employers to grant unpaid leave of absence to female employees for: (1) prenatal care; or (2) incapacity due to pregnancy, childbirth, or related health conditions. (Note: Current law requires employers to grant leave to male or female employees only for the birth or adoption of a child.) Extends the leave period from six to 12 weeks. Allows employers to require reasonable advance notice of the start and duration of the leave.
Amends Minn. Stat. § 181.941, subd. 1 (leave for prenatal care/incapacity)
Amends Minn. Stat. § 181.941, subd. 2 (requirement of advance notice)

B. Remedies
Adds violations of new provisions to those already subject to an action by an aggrieved party and subject to equitable relief and recovery of damages, costs, disbursements and reasonable attorney’s fees.
Amends Minn. Stat. § 181.944

VII. SICK LEAVE
Chapter 239, Article 3, Section 3 (HF 2536) (Women’s Economic Security Act)
Amends Minn. Stat. §§ 181.9413 and 181.944
Effective August 1, 2014

A. New Rights
Expands the use of personal sick leave for the care of a: (1) mother-in-law; (2) father-in-law; or (3) grandchild, which is defined to include a step-grandchild, and a biological, adopted, and foster grandchild. Creates new category of “safety leave,” defined as “leave for the purpose of providing or receiving assistance because of sexual assault, domestic abuse, or stalking.” Prohibits employer retaliation against an employee for requesting or obtaining a leave of absence under this section.
Amends Minn. Stat. § 181.9413

B. Remedies
Adds violations of new provisions to those already subject to an action by an aggrieved party and subject to equitable relief and recovery of damages, costs, disbursements and reasonable attorney’s fees.
Amends Minn. Stat. § 181.944
VIII. **WAGE DISCLOSURE PROTECTION**

*Chapter 239, Article 4, Section 2 (HF 2536) (Women’s Economic Security Act)*

*Adds Minn. Stat. § 181.172 and 181.944*

*Effective August 1, 2014*

A. **Protections**

Prohibits employers from: (1) as a condition of employment, prohibiting an employee from disclosing his or her wages; (2) requiring an employee to sign a waiver prohibiting wage disclosure; (3) taking any adverse action or retaliating against an employee who discloses his or her wages.

* Adds Minn. Stat. § 181.172(a) *(no non-disclosure requirements)*
* Adds Minn. Stat. § 181.172(d) *(no retaliation)*

B. **Remedies**

1. **Expansion of Existing Remedies**

   Adds violations of new provisions to those already subject to an action by an aggrieved party and subject to equitable relief and recovery of damages, costs, disbursements and reasonable attorney’s fees.

   *Amends Minn. Stat. § 181.944*

2. **Additional Remedies**

   Grants a private right of action to an employee for violation. Provides that the court may order: (1) reinstatement; (2) back pay; (3) restoration of lost service credit, if appropriate; and (4) expungement of any related adverse records.

   *Adds Minn. Stat. § 181.172(e)*
I. ACCESS AND DISTRIBUTION OF EXPUNGED RECORDS

Chapter 246, Section 12-15 (HF 2576)
Amends Minn. Stat. § 609A.03, subds. 7 and 8
Adds Minn. Stat. §§ 609A.03, subd. 7a; and 609A.04
Various Effective Dates

A. Access to Records

1. Who Has Access
Allows access of expunged records by: (1) criminal justice agencies; (2) the Department of Human Services (DHS); the Department of Education; and (4) the victim of the underlying offense.

   Adds Minn. Stat. § 609A.03, subd. 7a(b)
Effective January 1, 2015 and applies to expungement orders effective on or after that date

   Note: “Criminal Justice Agency” is defined to mean “a court or government agency that performs the administration of criminal justice under statutory authority.”
   Adds Minn. Stat. § 609A.03, subd. 7a(f)
   Effective January 1, 2015 and applies to expungement orders effective on or after that date

2. Purposes for and Limitations on Access

   a. Criminal Justice Agencies

      1) Without Court Order
Allows access to expunged records by criminal justice agencies, without a court order: (1) to evaluate prospective employees; and (2) for investigative, prosecutorial, or sentencing purposes.

   Adds Minn. Stat. § 609A.03, subd. 7a(b)(1) and (3)
Effect effective January 1, 2015 and applies to expungement orders effective on or after that date
2) **Only With a Court Order**
Requires a criminal justice agency to obtain an ex parte court order to access a record that was sealed after an acquittal or a court order dismissing for lack of probable cause. Requires the request for access to state a good-faith basis to believe that opening the record may lead to “relevant information.” Limits access only for: (1) a criminal investigation; (2) a prosecution; or (3) sentencing.

*Adds Minn. Stat. § 609A.03, subd. 7a(b)(2)*  
*Effective January 1, 2015 and applies to expungement orders effective on or after that date*

b. **DHS**
Allows expunged records, notwithstanding an expungement order, to be opened, by the DHS to conduct a background study under Minn. Stat. §245C.08, unless DHS: (1) was properly served with notice of the expungement petition; and (2) the court order for expungement is directed specifically to the DHS.

*Adds Minn. Stat. § 609A.03, subd. 7a(b)(4)*  
*Effective January 1, 2015 and applies to expungement orders effective on or after that date*

c. **Department of Education**
Allows expunged records, notwithstanding an expungement order, to be opened, by the Department of Education to conduct a background check required under Minn. Stat. § 122.18, subd. 8, unless the court order for expungement is specifically directed to the department.

*Adds Minn. Stat. § 609A.03, subd. 7a(b)(5)*  
*Effective January 1, 2015 and applies to expungement orders effective on or after that date*

d. **By the Victim (Court Order Required)**
Allows a victim of the underlying crime access to expunged records: (1) with a court order; and (2) a determination by the court that the record is “substantially related” to the proceeding in which the victim is before the court.

*Adds Minn. Stat. § 609A.03, subd. 7a(b)(6)*  
*Effective January 1, 2015 and applies to expungement orders effective on or after that date*
B. **Distribution and Confirmation of Receipt of Expungement Orders**

Requires the court administrator to send a letter to the person who received the expungement (the petitioner) that identifies each agency that received the expungement order. Requires, if requested in the petition, that the agencies confirm by letter to the petitioner: (1) receipt of the expungement order; and (2) that the records have been expunged. Makes data on the petitioner in a letter sent under this subdivision are “private data on individuals” as defined under Minn. Stat. § 13.02.

*Amends Minn. Stat. § 609A.08, subd. 8 by adding paragraph (b) (confirmation)*

*Amends Minn. Stat. § 609A.08, subd. 8 by adding paragraph (c) (data privacy)*

*Effective January 1, 2015 and applies to expungement orders effective on or after that date*

C. **Remedy – Improper Disclosure**

Creates a new cause of action under Minn. Stat. § 13.08 for the subject of an expunged record against a government entity that knowingly opens or exchanges an expunged record not authorized by law.

*Adds Minn. Stat. § 609A.04*

*Effective August 1, 2014*

II. **BUSINESS SCREENING SERVICES**

*Chapter 246, Section 4 (HF 2576)*

*Adds Minn. Stat. § 332.70, subd. 3a*

*Effective August 1, 2014*

Requires a business screening service to promptly delete any criminal record that it has reason to know: (1) has been sealed; (2) has been expunged; or (3) is the subject of a pardon.

III. **EMPLOYER/LANDLORD LIABILITY PROTECTIONS**

*Chapter 246, Section 10 (HF 2576)*

*Amends Minn. Stat. § 609A.03, subd. 5*

*Effective January 1, 2015*

Excludes expunged records of an employee, former employee, or tenant from evidence in a lawsuit against a private employer or landlord – or their employees or agents – where: (1) the action is based upon conduct of the employee, former employee, or tenant whose record has been expunged; and (2) the expungement was prior to the act that is the basis lawsuit.
IV. EXPUNGEMENT OF EVICTION RECORDS

Chapter 246, Section 5 (HF 2576)
Amends Minn. Stat. § 504B.345, subd. 1
Effective August 1, 2014

Provides statutory authority for and confirms the inherent authority of a court to entertain and grant a motion to expunge an eviction record at the same hearing in which the eviction matter was decided. Provides that the court shall use the standards for discretionary expungement of eviction records set forth in Minn. Stat. § 484.014.

Note: The standards set forth in Minn. Stat. § 484.014 require the court to find that: (1) “the plaintiff's case is sufficiently without basis in fact or law”; and (2) expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record.”

V. STATUTORY EXPUNGEMENT - ADULTS

Chapter 246, Sections 6 - 11, (HF 2576)
Amends Minn. Stat. §§ 609A.02, subd. 3; and 609A.03, subds. 1, 3, and 5;
Adds Minn. Stat. §§ 609A.025; and 609A.03, subd. 6a
Various Effective Dates

A. Expansion

1. To Diversion Cases

Allows a petition for expungement where the petitioner has: (1) successfully completed a diversion program or stay of adjudication; and (2) not been charged with a new crime for at least a year after completion.
Amends Minn. Stat. § 609A.02, subd. 3 by adding paragraph (a)(2)
Effective January 1, 2015

2. To Petty Misdemeanors and Misdemeanors

Allows a petition for expungement where the petitioner: (1) was convicted of or received a stayed sentence for a petty misdemeanor or misdemeanor; and (2) has not been convicted of a new crime for at least two years since the sentence was discharged. Until July 15, 2015, expungement petitions are not permitted if the crime involved: (1) domestic abuse or sexual assault; (2) stalking; (3) a violation of an order for protection; (4) violation of a harassment restraining order; or (5) a violation of a domestic abuse no contact order.
Amends Minn. Stat. § 609A.02, subd. 3 by adding paragraph (a)(3) (new right)
Amends Minn. Stat. § 609A.02, subd. 3 by adding paragraph (c) (limitation)
Effective January 1, 2015
3. **To Gross Misdemeanors**

Allows a petition for expungement where the petitioner: (1) was convicted of or received a stayed sentence for a gross misdemeanor; and (2) has not been convicted of a new crime for at least four years since the sentence was discharged. Until July 15, 2015, expungement petitions are not permitted if the crime involved: (1) was domestic abuse or sexual assault; (2) stalking; (3) a violation of an order for protection; (4) violation of a harassment restraining order; or (5) a violation of a domestic abuse no contact order.

*Amends Minn. Stat. § 609A.02, subd. 3 by adding paragraph (a)(4) (new right)*

*Amends Minn. Stat. § 609A.02, subd. 3 by adding paragraph (c) (limitation)*

*Effective January 1, 2015*

4. **To Certain Felonies**

Allows a petition for expungement where the petitioner: (1) was convicted of or received a stayed sentence for one of 50 specified felonies; and (2) has not been convicted of a new crime for at least five years since the sentence was discharged.

*Amends Minn. Stat. § 609A.02, subd. 3 by adding paragraphs (a)(5) and (b)*

*Effective January 1, 2015*

*Note: In general, the statute still excludes crimes that are: (1) above Level 1 or 2 on the Sentencing Guidelines grid; (2) are “person crimes”; and (3) are crimes of violence disqualifying the offender for a permit to carry a weapon. See the chart below for the crimes eligible for expungement.*

<table>
<thead>
<tr>
<th>Offense</th>
<th>Statutory Citation</th>
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</thead>
<tbody>
<tr>
<td>Altering livestock certificate</td>
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<tr>
<td>Offense</td>
<td>Statutory Citation</td>
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<td>------------------------------------------------------------------------</td>
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<tr>
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<tr>
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<td>Theft ($5000 or less – or other theft if sentenced under this provision)</td>
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<tr>
<td>Transferring pistol to a minor</td>
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<td>Transferring pistol to ineligible person</td>
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<tr>
<td>Rifle/shotgun in public by a minor</td>
<td>Minn. Stat. § 624.7181</td>
</tr>
</tbody>
</table>
B. **Burden of Proof**
Shifts the burden of proof from the petitioner to the agency or jurisdiction whose records would be affected in cases where the petitioner has completed a diversion program and no new charges have been filed for at least a year since completion. Requires a showing – by clear and convincing evidence – that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.  
*Amends Minn. Stat. § 609A.03, subd. 5(b)*  
*Effective January 1, 2015*

*Note:* The burden shifting already exists in certain proceedings not resulting in a conviction. In all other circumstances, the petitioner has the burden of proving – by clear and convincing evidence – that the benefits to the petitioner “are commensurate” with: (1) the disadvantages to the public and public safety of sealing the record; and (2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.  *Minn. Stat. § 609A.03, subd. 5(a)*

C. **Factors**
Directs the court, in making a determination whether to expunge a record, to consider: (1) the nature and severity of the underlying crime; (2) the risk the petitioner poses to individuals or society; (3) the time elapsed since the commission of the crime; (4) the steps the petitioner has taken toward rehabilitation; (5) aggravating or mitigating factors, including how involved was the petitioner in planning and carrying out the offense; (6) why the petitioner seeks expungement, specifically noting attempts to obtain employment, housing, or other necessities; (7) the petitioner's criminal record; (8) the petitioner's record of employment and community involvement; (9) recommendations of the law enforcement, prosecutors, and corrections officials; (10) the victim's recommendations; (11) were victims minors; (12) whether the petitioner made an effort at restitution; (13) whether measures are in place to ensure completion of restitution after expungement; and (14) any other factors deemed relevant by the court.  
*Amends Minn. Stat. § 609A.03, subd. 5 by adding paragraph (c)*  
*Effective January 1, 2015*

D. **Petitionless Expungement**
Directs the court to seal criminal records if the prosecutor agrees, unless the court determines that “the interests of the public and public safety in keeping the record public outweigh the disadvantages to the subject of the record in not sealing it.” Requires the prosecutor, prior to agreeing to seal the record, to make a good faith effort to notify any identifiable of the intended agreement and the opportunity to object. For persons completing diversion programs, sealing may occur before or after the criminal charges are dismissed.  
*Adds Minn. Stat. § 609A.025*  
*Effective January 1, 2015*
E. **Additional Protections Where Offense/Crime Victim Nexus Exists**  
*Adds Minn. Stat. § 609A.03, subd. 6a*  
*Effective January 1, 2015*

1. **Applicability**  
Creates additional protections where: (1) the person whose record is expunged is also a crime victim; and (2) a nexus exists between expunged record and the person’s status as a crime victim.

2. **Effect of Order**  
Declares that the effect of the expungement order in these circumstances is to “restore the person, in the contemplation of the law, to the status the person occupied before the arrest, indictment, or information.”

3. **Evidentiary Support**  
Permits the court to require as evidence that the necessary nexus exists a sworn statement from a: (1) staff member of a state-funded victim services organization; or (2) licensed health care provider.

4. **Immunity from Perjury**  
Provides that a person obtaining an expungement order in these circumstances may not be held guilty of perjury or giving a false statement if the person “fails to acknowledge arrest, indictment, information, or trial in response to any inquiry made for any purpose.” (Emphasis added)

F. **Filing Fee**  
Does not permit waiver of the filing fee in cases of indigency for petitions for expungement under the new provisions.  
*Amends Minn. Stat. § 609A.03, subd. 1*  
*Effective January 1, 2015*

G. **Disclosure of Data by State Agencies**  
Permits state agencies to provide private data in response to an expungement petition, provided the agency notifies both the court and petitioner that the private data will become public data as a result of the submission.  
*Amends Minn. Stat. § 260B.198, subd. 6 by adding paragraph (e)*  
*Effective May 15, 2014*

Note: *It would be the responsibility of the petitioner to file a motion to seal the private data. This amendment responds to the discontinuance by DHS of its policy to include a motion to seal with its filings. Establishing a statutory procedure involving the motion to seal was necessitated because the Legislature cannot statutorily classify court data.*
VI. STATUTORY EXPUNGEMENT - JUVENILES

Chapter 246, Section 3 (HF 2576)
Amends Minn. Stat. § 260B.198, subd. 6
Various effective dates

Expands expungement of juvenile delinquency records, specifically allowing expungement of underlying arrest and investigative records and permitting sealing all records related to the delinquency determination -- including executive branch records.

Note: This expansion effectively overrules In Re Welfare of J.J.P., 831 N.W.2d 260 (Minn. 2013).

A. Scope

Authorizes the court to expunge all records relating to the arrest and delinquency proceedings.

Amends Minn. Stat. § 260B.198, subd. 6 by adding paragraph (a)
Effective January 1, 2015

B. Standard

Requires a determination by the court that expungement of the record would yield a benefit to the subject of the record that outweighs: (1) the detriment to the public and public safety in sealing the record; and (2) the burden on the court and public agencies or jurisdictions in issuing, enforcing, and monitoring the order.

Amends Minn. Stat. § 260B.198, subd. 6 by adding paragraph (a)
Effective January 1, 2015

C. Factors

Directs the court to consider: (1) the age, education, experience, and mental or emotional development of the petitioner when the offense was committed; (2) nature, severity, and circumstances of the offense; (3) the impact of the offense on and vulnerability of the victim; (4) the impact of the offense on the community; (5) aggravating or mitigating factors, including how involved was the petitioner in planning and carrying out the offense; (6) the degree or peer or familial influence; (7) the criminal history of the petitioner; (8) the petitioner’s previous interactions with the social services and criminal justice systems; (9) the benefit expungement would yield to the petitioner in finding employment, education, or housing; and (10) other circumstances bearing on culpability or potential for rehabilitation.

Amends Minn. Stat. § 260B.198, subd. 6 by adding paragraph (b)
Effective January 1, 2015
D. **Access to Expunged Records**

1. **Prior to January 1, 2015**
   Prohibits opening or exchange of juvenile records expunged prior to January 1
   2015.
   *Amends Minn. Stat. § 260B.198, subd. 6 by adding paragraph (c)*
   *Effective January 1, 2015*

2. **On or After January 1, 2015**
   Provides that a juvenile record expunged on or after January 1, 2015: (1) is
   sealed; and (2) may be opened, used or exchanged between criminal justice
   agencies in the manner prescribed in Minn. Stat. § 609A.03, subd. 7a(b) (which
   also becomes effective on January 1, 2015). The effective date of this act is
   sealed and access only allowed pursuant to paragraph (d).
   *Amends Minn. Stat. § 260B.198, subd. 6 by adding paragraph (d)*
   *Effective January 1, 2015*

E. **Appeals**
   Provides that appeals are to be handled in the same manner as adult expungement
   appeals.
   *Amends Minn. Stat. § 260B.198, subd. 6 by adding paragraph (e)*
   *Effective January 1, 2015*

D. **Disclosure of Data by State Agencies**
   Permits state agencies to provide private data in response to an expungement petition,
   provided the agency notifies both the court and petitioner that the private data will
   become public data as a result of the submission.
   *Amends Minn. Stat. § 260B.198, subd. 6 by adding paragraph (e)*
   *Effective May 15, 2014*

   **Note:** *It would be the responsibility of the petitioner to file a motion to seal the private data. This amendment responds to the discontinuance by DHS of its policy to include a motion to seal with its filings. Establishing a statutory procedure involving the motion to seal was necessitated because the Legislature cannot statutorily classify court data.*
FAMILY LAW
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I. CHILD SUPPORT
   Chapter 242 (SF 2712) and Chapter 262, Article 1, Sections 9 (HF 2950)
   Amends Minn. Stat. §§ 518A.65; and 609.375, subds. 1, 7, and 8
   Repeals Minn. Stat. §518A.74
   Various Effective Dates

   A. Criminal Nonpayment of Child Support or Maintenance
      Overturns State v. Nelson, 842 N.W.2d 433 (Minn. 2014), where the Minnesota
      Supreme Court held that, to secure a conviction in an action under Minn. Stat. §
      609.375, the State must prove both: (1) repeated nonpayment of child support or
      spousal maintenance, or both; and (2) failure to care for the child.
      Amends Minn. Stat. § 609.375, subds. 1, 7, and 8
      Effective August 1, 2014, and applies to crimes committed on or after that date

   B. “Unsession” Provisions
      Relieves the Department of Human Services (DHS) of the obligation to report to the
      Legislature on: (1) driver’s license suspensions; and (2) DHS’s authority for publication
      of names of delinquent obligors.
      Amends Minn. Stat. § 518A.65
      Effective August 1, 2014

II. CUSTODY AND PARENTING TIME
   Chapter 197 (HF 2722)
   Amends Minn. Stat. §§ 518.17, subd. 2; and 518.175, subds. 1 and 5
   Effective August 1, 2014

   A. Presumption Regarding Joint Physical Custody
      Clarifies that there is no presumption for or against joint physical custody, except in
      cases of domestic abuse.
      Amends Minn. Stat. § 518.17, subd. 2
B. **Factors**
Requires the court to consider all of the joint custody factors. Prohibits: (1) use of one factor to the exclusion of all others; and (2) parties’ disagreement about whether the court should order joint or sole custody as the sole basis to support a finding that the parties cannot cooperate in the rearing of their children and consequently denial of joint custody.

*Amends Minn. Stat. § 518.17, subd. 2*

*Note:* Nothing in the amendments alter the current presumption against joint custody where domestic violence has occurred

C. **Parenting Time**

1. **Future Establishment or Expansion**
Authorizes the courts to reserve, for possible future determination, establishment or expansion of parenting time, if in the child’s best interests under the best interest factors.

*Amends Minn. Stat. § 518.175, subd. 1*

2. **Modifications**
Makes consideration of a child’s changing developmental needs one of the best interest factors that determine whether a modification should be ordered.

*Amends Minn. Stat. § 518.175, subd. 5*

3. **Effect of Modification up to 55%**
Provides that a modification of one parent’s parenting time to less than 54.9% is not a restriction of the other parent’s.

*Amends Minn. Stat. § 518.175, subd. 5*

*Note:* This amendment overturns a Minnesota Court of Appeals case in which the court held that a modification of one parent’s parenting time is a restriction on the other parent’s. See Dahl v. Dahl, 765 N.W.2d 118 (Minn. Ct. App. 2009).
III. **REPEAL OF SUBSEQUENT AUTOMATIC INCOME WITHHOLDING**

*Chapter 262, Article 1, Section 12 (HF 2950)*

Repeals Minn. Stat. § 518A.53, subd. 7

Effective July 1, 2014

Repeals provisions for subsequent income withholding for child support and spousal maintenance, removing the right of a party to request – and the right of the court to order – subsequent administrative income withholding where it was not included in the original order.

**Note:** Due to this repeal, it appears that DHS and counties no longer have administrative authority to subsequently commence income withholding. Further, it may prohibit “stand alone” motions for subsequent income withholding, although motions with other modification requests are likely preserved under Minn. Stat. § 518A.53, subd. 3.

IV. **UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA) UPDATES**

*Chapter 189 (HF 892)*

Amends Minn. Stat. §§ 518C.101; 518C.102; 518C.103; 518C.201; 518C.202; 518C.203; 518C.204; 518C.205; 518C.206; 518C.207; 518C.208; 518C.209; 518C.301; 518C.303; 518C.304; 518C.305; 518C.306; 518C.307; 518C.308; 518C.310; 518C.311; 518C.312; 518C.313; 518C.314; 518C.316; 518C.317; 518C.318; 518C.319; 518C.401; 518C.501; 518C.503; 518C.504; 518C.505; 518C.506; 518C.508; 518C.601; 518C.602; 518C.603; 518C.604; 518C.605; 518C.606; 518C.607; 518C.608; 518C.609; 518C.610; 518C.611; 518C.612; 518C.613; 518C.701; 518C.801; and 518C.902

Adds Minn. Stat. §§ 518C.105; 518C.210; 518C.211; 518C.615; 518C.702; 518C.703; 518C.704; 518C.705; 518C.706; 518C.707; 518C.708; 518C.709; 518C.710; 518C.711; 518C.712; 518C.713; and 518C.905

Repeals Minn. Stat. §518C.502


**Note:** All 50 states must adopt the changes to trigger deposit by the United States for the instrument before the deposit of the instrument of ratification with the Hague Conference on Private International Law can occur. Minnesota is the 11th state to adopt the changes.
Updates UIFSA to conform to the Hague Convention regarding recovery of child support and family maintenance by, among other things:

(1) Adding “foreign tribunals”;

(2) Expanding definition of “state” to include Indian nation or tribe;

(3) Clarifies rules regarding personal jurisdiction, controlling orders, and duties when Minnesota is the responding jurisdiction, and rules regarding jurisdiction for modification and enforcement of orders, including parentage orders;

(4) Creating special rules for communication between parties and courts – including email communications; special evidentiary rules; and electronic appearances for parties in different states or countries;

(5) Expanding income withholding capability across state lines, including specifically permitting service by the obligee to the employer directly;

(6) Updating rules and procedures for registering an order either with or from another jurisdiction;

(7) Modifying subject matter jurisdiction changes, including a prohibition on Minnesota modifying a child support order if the original state’s law would not permit the modification;

(8) Requiring that original court records from another country that are not in English must include an English translation;

(9) Declaring the Department of Human Services and the counties as the support enforcement agencies for purposes of the Act; and

(10) Repealing existing law – which has not yet become effective – permitting an order from another state to be enforced in Minnesota without first being registered.
I. EXPANDED FREE SCHOOL LUNCH

*Chapter 312, Article 19, Sections 1 and 2 (HF 3172)*
*Amends Minn. Stat. § 124D.111, subd. 1*
*Adds Minn. Stat. § 124D.111, subd. 4*
*Effective July 1, 2014*

A. **Coverage**

Expands free hot lunch to all reduced price eligible children (i.e., those who are between 130% and 185% of the Federal Poverty Guidelines (FPL)).
*Amends Minn. Stat. § 124D.111, subd. 1*

B. **Stigmatization Prohibition**

Prohibits reminders for outstanding payment from stigmatizing or demeaning a child.
*Adds Minn. Stat. § 124D.111, subd. 4*

II. FREE KINDERGARTEN BREAKFAST

*Chapter 312, Article 19, Sections 3 and 4 (HF 3172)*
*Amends Minn. Stat. § 124D.1158, subds. 3 and 4*
*Effective July 1, 2014*

Expands free school breakfast to all kindergarten students statewide.
I. NOTICE REQUIREMENTS FOR GUARDIANSHIP OR GUARDIANSHIP UNDER UNIFORM PROBATE CODE

*Chapter 204, Sections 5 and 6 (HF 2668)*
*Amends Minn. Stat. §§ 524.1-401 and 524.5-113*
*Effective August 1, 2014*

Permits service to be made via electronic means except where personal service is required by statute for the petition to appoint a guardian under Minn. Stat. § 524.5-308 or conservator under Minn. Stat. § 524.5-404.
PUBLIC PROGRAMS

I. MEDICAL ASSISTANCE (MA)

A. Asset Tests

Chapter 291, Article 10, Section 10 (SF 2402)
Uncodified Section
Effective August 1, 2014

Directs DHS to consult with community stakeholders regarding the impact of the decision of the United States Court of Appeals in *Geston v. Anderson*, 729 F.3d 1077 (8th Cir. 2013) on MA. Requires a written report to the Legislature by January 5, 2015, which must include proposed legislation to ensure the MA program complies with the requirements of *Geston*.

Note: The *Geston* case involved an MA applicant in North Dakota, whose application was denied because, as the Court ruled, the North Dakota Department of Human Services improperly counted an annuity owned by Mr. Geston’s spouse in violation of federal Medicaid law.
B. **Demonstration Project for Family Planning Services**  
*Chapter 291, Article 10, Section 12 (SF 2402)*  
*Uncodified Section*  
*Effective August 1, 2014*

Directs DHS, by October 1, 2015, to seek federal approval to operate a family planning services demonstration program that has been in statute since 2001. Establishes presumptive eligibility to be family income below 200% FPG. Accepts individuals under age 21, providing that their sole income is determinative.

*Note:* The Demonstration Project is found at Minn. Stat. § 256B.78 and specifies the purpose of the demonstration project is to determine whether improved access to coverage of prepregnancy family planning services reduces MA and MFIP costs.

C. **Emergency Medical Assistance Outlier Program**  
*Chapter 312, Article 30, Section 3, subd. 3 (HF 3172)*  
*Adds Minn. Stat. § 145.929, subd. 3 and Uncodified Section*  
*Effective July 1, 2014*

1. **Establishment**  
Establishes a grant program for hospitals for the purpose of defraying underpayments associated with EMA.

2. **Criteria**  
Provides that grants be made for the services provided beginning July 1, 2014 to an individual who is enrolled in EMA when an EMA reimbursement claim exceeds $50,000. Requires hospitals to submit applications that includes the number and dollar amount of claims.

3. **Appropriation**  
Appropriates $1,000,000 in Fiscal Year 2015 for EMA Outlier Grants.

D. **Emergency Medical Assistance Study**  
*Chapter 312, Article 24, Section 36 (HF 3172)*  
*Adds Minn. Stat. § 256B.0751, subd. 10*  
*Effective May 21, 2014*

1. **Assessment to Identify Cost Reductions**  
Directs DHS to assess the EMA’s covered services, care plan requirements, conditions of eligibility for covered services, and other program requirements to identify potential changes to program requirements that are likely to reduce the use of more costly services, including emergency and inpatient hospital services.
2. **Consultation**

Requires DHS to consult with: (1) providers who participate in the EMA Program; and (2) representatives of patients served.

3. **Report**

Directs DHS to report to the Legislature any changes to program requirements that produce credible savings by January 15, 2015.

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E. **Health Care Homes Advisory Committee**

*Chapter 312, Article 24, Section 36 (HF 3172)*

*Adds Minn. Stat. § 256B.0751, subd. 10*

*Effective July 1, 2014*

1. **Establishment**

Directs DHS and MDH to establish a health care homes advisory committee to advise the commissioners on the ongoing statewide implementation of the health care homes.

*Adds Minn. Stat. § 256B.0751, subd. 10(a)*

2. **Representation**

Requires representation on the advisory committee to include: (1) representatives of the health care professions; (2) mental health providers; (3) nursing and care coordinators; (4) certified health care home clinics with statewide representation; (5) health plans; (6) state agencies; (7) employers; (8) academic researchers; (9) consumers; and (10) organizations that work to improve health care quality in Minnesota. Requires that at least 25% of the committee members be consumers or patients in health care homes.

*Adds Minn. Stat. § 256B.0751, subd. 10(b)*

3. **Duties**

Specifies the duties to include providing advice concerning: (1) implementation of certified health care homes across the state on performance management and implementation of benchmarking; (2) implementation of modifications to the health care homes program based on results of the legislatively mandated health care home evaluation; (3) statewide solutions for engagement of employers and commercial payers; (4) potential modifications of the health care home rules or statutes; (5) consumer engagement, including patient and family-centered care, patient activation in health care, and shared decision making; (6) oversight for health care home subject matter task forces or workgroups; and (7) other related issues as requested by the DHS and MDH.

*Adds Minn. Stat. § 256B.0751, subd. 10(c)*
F. Health Disparities/Chronic Conditions  
*Chapter 291, Article 9, Section 4 (SF 2402)*  
Uncodified Section  
*Effective August 1, 2014*

Directs the DHS to incorporate planning efforts and design of the state Medicaid plan option under the ACA that address chronic medical or behavioral health conditions complicated by socioeconomic factors such as race, ethnicity, age, immigration, or language.

G. Transportation  
*Chapter 312, Article 24, Section 28 (HF 3172)*  
Amends Minn. Stat. § 256B.0625, subd. 17  
Adds Minn. Stat. § 256B.0625, subd. 17, paragraphs (f) – (l)  
*Effective July 1, 2014*

Note: The Legislature made other amendments relating to NEMT services that were technical in nature or involved DHS’ administration of the program. They can be found in Sections 29 – 33 and a related change in Section 34.

1. **Emergency Medical Transportation**  
Redefines and clarifies the types of transportation required for emergency transportation by MA recipients that MA covers, which include: (1) a new category of nonemergency medical transportation providers meeting the requirements for coverage; (2) ambulances; (3) taxicabs and public transit; and (3) “not-for-hire vehicles, including volunteer drivers.”  
*Amends Minn. Stat. § 256B.0625, subd. 17(b)*

2. **Nonemergency Medical Transportation (NEMT)**

   a. **New Definition**  
   Creates new definition, which reads: “motor vehicle transportation provided by a public or private person that serves Minnesota health care program beneficiaries who do not require emergency ambulance service.”  
   *Amends Minn. Stat. § 256B.0625, subd. 17(a)*
b. **Modes Covered**

Provides that the following modes of NEMT are covered: (1) transportation provided directly by clients or family members of clients with their own transportation; (2) volunteers using their own vehicles; (3) taxicabs; (4) public transit; (5) transportation provided to a client who needs a stretcher-accessible vehicle; (6) a lift/ramp equipped vehicle; or (7) a vehicle that is not stretcher-accessible or lift/ramp equipped designed to transport ten or fewer persons.

*Adds Minn. Stat. § 256B.0625, subd. 17(g)*

c. **Compliance Requirements**

Requires all NEMT providers to comply with the operating standards for special transportation service (defined in Minn. Stat. §§ 174.29 to 174.30 and Minn. Rules, Ch. 8840). Exempts: (1) publicly operated transit systems; (2) volunteers; and (3) not-for-hire vehicles.

*Amends Minn. Stat. § 256B.0625, subd. 17(c)*

d. **Certification of Need for Service**

Adds “medical or mental health professional” to the attending physician as medical professionals qualified to certify that NEMT services are required.

*Adds Minn. Stat. § 256B.0625, subd. 17(f)*

e. **Client Requirement for Mileage Reimbursement**

Requires clients requesting mileage reimbursement to sign the trip log (which NEMT providers are required to have) attesting to the miles travelled.

*Adds Minn. Stat. § 256B.0625, subd. 17(f)(2)*

H. **Treatment of Spousal Maintenance**

*Chapter 312, Article 24, Section 38 (HF 3172)*

Amends Minn. Stat. § 256B.35, subd. 1

**Effective July 1, 2014**

Adds spousal maintenance withheld pursuant to a dissolution judgment and decree, plus any administrative collection costs, to the maintenance obligor’s personal needs allowance.

**Note:** The intent of this legislation was to remove a barrier to full MA reimbursement that treated spousal maintenance withheld and never actually available to the maintenance obligor as income and preventing access to MA.
I. **Waiver Requests/State Plan Amendments**  
*Chapter 312, Article 24, Section 27*  
*Adds Minn. Stat. § 256B.04, subd. 24*  
*Effective July 1, 2014*

1. **Public Notice Prior to Submission of Request or Amendment**  
Requires DHS -- prior to submitting any Medicaid waiver request or Medicaid state plan amendment to the United States Department of Health and Human Services for approval -- to: (1) publish the text of and explanation of the need for a waiver request or amendment on the DHS website; (2) notify persons on its electronic subscription list; (3) provide a 30-day public comment period; and (4) consider the public comments.

2. **Public Notice Following Federal Decision**  
Requires DHS to publish notice of the federal decision on the request or amendment on the DHS Web site within 30 days of issuance. Requires the notice to describe any modifications agreed to by DHS as a condition of approval.

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**HEALTH DISPARITIES**

I. **CHRONIC CONDITIONS CORRELATED TO HEALTH DISPARITIES**  
*Chapter 291, Article 9, Section 4 (SF 2402)*  
*Uncodified Section*  
*Effective August 1, 2014*

Directs DHS to incorporate planning efforts and design of the state Medicaid plan option under the ACA that address chronic medical or behavioral health conditions complicated by socioeconomic factors such as race, ethnicity, age, immigration, or language.

II. **HEALTH EQUITY GRANTS**  
*Chapter 312, Article 30, Section 3, subd. 2 (HF 3172)*  
*Uncodified Section*  
*Effective July 1, 2014*

Appropriates $501,000 in Fiscal Year 2015 through the Community Grant Program under Minn. Stat. § 145.928, subd. 8, for health equity grants designed to assist refugee populations. Requires that a portion of the funds be used to: (1) address health equity issues facing East African communities; (2) conduct a conference focused on mental health in immigrant and refugee communities; and (3) fund women's reproductive health and dementia outreach projects.
III. **GRANTS TO MINORITY RUN HEALTH CARE PROFESSIONAL ASSOCIATIONS**  
*Chapter 291, Article 6, Section 22 (SF 2402)*  
*Adds Minn. Stat. § 145.928, subd. 7a*  
*Effective July 1, 2014*

Requires MDH to award grants to minority run health care professional associations to achieve the following: (1) provide collaborative mental health services to minority residents; (2) provide collaborative, holistic, and culturally competent health care services in communities with high concentrations of minority residents; and (3) collaborate on recruitment, training, and placement of minorities with health care providers.

IV. **QUALITY MEASUREMENT**  
*Chapter 312, Article 23, Section 10 (HF 2402)*  
*Uncodified Section*  
*Effective July 1, 2014*

A. **Stratification of Measures**

1. **Development of Implementation Plan**
   Directs MDH to develop an implementation plan for stratifying measures that based on disability, race, ethnicity, language, and other sociodemographic factors that are correlated with health disparities and impact performance on quality measures. Requires that the plan be designed so that quality measures can be stratified beginning January 1, 2017.

2. **Consultation Required**
   Requires MDH to consult with: (1) consumer, community and advocacy organizations representing diverse communities; (2) health plan companies; (3) providers; (4) quality measurement organizations; and (5) safety net providers that primarily serve communities and patient populations with health disparities. Requires MDH to use culturally appropriate methods of consultation and engagement with consumer and advocacy organizations led by and representing diverse communities by race, ethnicity, language, and sociodemographic factors.

3. **Report Required**
   Requires MDH to report to the Legislature by January 1, 2015 with the implementation plan
B. **Assessment of Risk Adjustment Methodology**
Requires MDH to: (1) assess the risk adjustment methodology for quality incentive payments to health care providers for the potential for harm and unintended consequences for patient populations who experience health disparities, and the providers who serve them; and (2) identify changes that may be needed to alleviate harm and unintended consequences. Requires MDH to report to the Legislature by January 1, 2016 the results of the assessment of the risk-adjustment methodology and any recommended changes.

**LONG-TERM CARE**

I. **APPEAL OF NURSING FACILITY LEVEL OF CARE DETERMINATION**
*Chapter 312, Article 27, Section 2 (HF 3172)*
*Amends Minn. Stat. § 144.0724, subd. 12*
*Effective January 1, 2015*

A. **Notice of Changes Required**
Requires DHS to ensure that notice of changes in eligibility due to a nursing facility level of care determination is provided to each affected recipient or the recipient's guardian at least 30 days before the effective date of the change.

B. **Contents of Notice**
Specifies that the notice: (1) inform the recipient or guardian how to obtain further information on the changes; (2) inform the recipient or guardian how to receive assistance in obtaining other services; (3) contain a list of community resources; and (4) inform the recipient of his/her appeal rights.

C. **Temporary Right to Request Continued Service for Certain Appellants**
Provides that, for appeals filed between January 1, 2015 and December 31, 2016, that appellants who are at least age 65 and not eligible for MA the following appellants may request continued services pending appeal.

*Note: The amendment also provides that the request must be made within the time periods provided under Minn. Stat. § 256.045, subd. 3(h), which requires the submission of a written appeal request within 30 days after receiving written notice of the action, decision, or final disposition, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause, as defined in section 256.0451, subd. 13, why the request was not submitted within the 30-day time limit.*
II. **NURSING FACILITY LEVEL OF CARE**  
*Chapter 312, Article 27, Section 2 (HF 3172)*  
*Amends Minn. Stat. § 144.0724, subd. 11(a)(7)*  
*Effective January 1, 2015*

Modifies existing law to add that persons at risk (who would receive MA payment of long-term care services under the subdivision) include persons who would be homeless without current housing.

II. **STUDY AND REPORT CONCERNING CLIENT BILLS OF RIGHTS**  
*Chapter 312, Article 23, Section 12 (HF 3172)*  
*Uncodified Section*  
*Effective July 1, 2014*

Directs MDH to evaluate and determine how to: (1) streamline the requirements of “Clients Rights” statutes with respect to nursing homes, assisted living facilities, and HBCS setting; and (2) simultaneously assure and maintain the health and safety of clients.

A. **Objectives of the Study**  
Specifies that the evaluation must: (1) “determine if there are duplications or conflicts of client rights”; (2) “evaluate how to reduce the complexity of the requirements related to clients' rights for providers and consumers”; (3) “determine which rights must be included in a consolidated client bill of rights document”; and (4) “develop options to inform consumers of their rights.”

B. **Caveat**  
Requires MDH to consider the federal client bill of rights requirements for Medicare-certified home care providers.

C. **Consultation**  
Mandates that MDH consult with: (1) Aging Services of Minnesota; (2) Care Providers of Minnesota; (3) Minnesota Home Care Association; (4) DHS; (5) the Office of the Ombudsman for Long-Term Care; and (6) “other stakeholders.”

D. **Statutes Affected**  
Specifically references the: (1) Home Care Bill of Rights (Minn. Stat. § 144A.44); (2) Assisted Living Bill of Rights Addendum (Minn. Stat. § 144A.441); and Service and Recipient Rights section of the Home and Community-based Services Standards (Minn. Stat. § 245D.04).
E. **Report**  
Requires MDH to: (1) report to the Legislature by February 15, 2015; and (2) include in the report any recommendations for legislative changes.

**OTHER**

I. **DENTAL CARE FOR UNINSURED PATIENTS**  
*Chapter 312, Article 23, Section 7 and Article 30, Section 3, subd. 3 (HF 3172)*  
*Adds Minn. Stat. § 145.929, subd. 1 and Uncodified Section*  
*Effective July 1, 2014*

Directs MDH to distribute $100,000 in grants to eligible dental providers to cover uninsured patients. Establishes that, to be eligible to receive a grant: (1) a provider must be a nonprofit not affiliated with a hospital or medical group; (2) a provider must offer free or reduced-cost oral health care to uninsured low-income patients under the age of 21 with family incomes below 275% FPG; and (3) more than 80% of the provider's patient encounters per year are with patients who are uninsured or covered by MA or MNCare.

II. **HEALTH CARE DATA HELD BY STATE CONTRACTORS**  
*Chapter 293, Sections 3 and 11 (SF 1770)*  
*Adds Minn. Stat. § 13.387*  
*Effective June 30, 2015*

A. **Application of Data Practices Act to Private Parties**  
Applies the data practices/privacy protections of Minn. Stat. § 13.05, subd. 11, to health plan companies, managed care organizations, county-based purchasing plans, third-party administrators, providers, or other vendors, or their parent or subsidiary, contracting with the state for health care related services.

*Note:* Minn. Stat. § 13.05, subd. 11, provides that: If a government entity contracts with a private person to perform any of its functions, the government entity must include in the contract terms that make it clear that all of the data created, collected, received, stored, used, maintained, or disseminated by the private person in performing those functions must comply with and is subject to the requirements of Data Practices Act.

B. **Study**  
Directs DHS to study the impacts on entities and the economic impact on the health care market of enacting Minn. Stat. § 13.387, applying the data practices/privacy protections of Minn. Stat. § 13.05, subd. 11 to health care entities contracting with the state for health care related services.
III. HEALTH CARE INTERPRETERS

Chapter 312, Article 30, Section 3, subd. 3 (HF 3172)
Uncodified Section
Effective July 1, 2014

A. Appropriation
Appropriates $81,000 in Fiscal Year 2015 to promote health equity and quality health outcomes through changes to laws governing spoken language health care interpreters.

B. Charge to MDH

1. Recommendation for Legislation
Requires MDH to draft and justify recommendations for legislation for presentation to the Legislature by January 15, 2015.

2. Issues to be Addressed
Requires MDH, in drafting the legislation to address issues related to:
(1) qualifications for spoken language health care interpreters that assure quality service to health care providers and their patients, considering differences for common and rare languages; (2) methods to support the education and skills development of spoken language health care interpreters serving Minnesotans; (3) the role of an advisory council in maintaining a quality system for spoken language health care interpreting in Minnesota; (4) management of complaints regarding spoken language health care interpreters, including investigation and enforcement actions; (5) an appropriate structure for oversight of spoken language health care interpreters, including administrative and technology requirements; and (6) other issues that address qualifications, quality, access, and affordability of spoken language interpreter services.

3. Process
Requires MDH to consult with a broad range of spoken language health care interpreters, including: (1) independent contractors; (2) those who speak rare languages; (3) organizations that employ interpreters; (4) organizations that pay for interpreter services; (5) health care providers who use interpreters; (6) clients who use interpreters; (7) community organizations serving non-English-speaking populations; and (8) other relevant organizations including but not limited to Interpreter Agencies of Minnesota and the Interpreters Stakeholder Group.
IV. LEGISLATIVE HEALTH CARE WORKFORCE COMMISSION

*Chapter 312, Article 23, Section 9 (HF 3172)*

*Uncodified Section*

*Effective May 21, 2014*

*Expires January 1, 2017*

A. **Establishment/Purpose**

   Creates a Legislative Health Care Workforce Commission to study and make recommendations to the legislature on how to achieve the goal of strengthening the workforce in health care. Provides a balanced membership of 10 among House and Senate and party.

B. **Report Required**

   Requires the Legislative Health Care Workforce Commission to provide to the Legislature: (1) a preliminary report by December 31, 2014; and (2) a final report by December 31, 2015. Requires the final report to: (1) identify current and anticipated health care workforce shortages, by both provider type and geography; (2) evaluate the effectiveness of incentives currently available to develop, attract, and retain a highly skilled health care workforce; (3) study alternative incentives to develop, attract, and retain a highly skilled and diverse health care workforce; and (4) identify current causes and potential solutions to barriers related to the primary care workforce.

C. **Outside Assistance to the Legislative Health Care Workforce Commission**

   Directs MDH, DHS, the Department of Commerce and “other state agencies” to provide assistance and technical support to the Legislative Health Care Workforce Commission at its request. Directs the Minnesota Medical Association and “other stakeholder groups” to provide advice “as needed.”

V. NOTICE OF RIGHTS PROVIDED BY HOSPITALS TO VICTIMS OF SEXUAL ASSAULT

*Chapter 291, Article 6, Section 12 (HF 2402)*

*Adds Minn. Stat. § 144.6586*

*Effective August 1, 2014*

Requires hospitals to give written notice about victim rights and available resources to a person seeking medical services in the hospital who reports to hospital staff or presents evidence of a sexual assault or other unwanted sexual contact. The notice must contain information concerning: (1) the statutory obligation of the county where the assault occurred to pay for the examination; and (2) the victim’s rights if the crime is reported to law enforcement, including how to obtain an Order for Protection or Harassment Restraining Order.
VI. PRIOR AUTHORIZATION NOT REQUIRED FOR CERTAIN SERVICES

Chapter 291, Article 9, Section 1 (SF 2402)
Amends Minn. Stat. § 256B.0625, subd. 9
Effective August 1, 2014

Prohibits DHS managed care plans, and county-based purchasing plans from requiring prior authorization for services for: (1) house calls or extended care facility calls for on-site delivery of covered services; (2) behavioral management when additional staff time is required to accommodate behavioral challenges and sedation is not used; and (3) oral or intravenous sedation.
I. **AFFORDABLE HOUSING PLAN AND DISPARITIES REPORT**

*Chapter 312, Article 2, Section 16 (HF 3172)*

*Uncodified Section*

*Effective July 1, 2014*

A. **Affordable Housing Plan**
   Requires the Minnesota Housing Finance Agency (MHFA) to provide draft and final versions of its affordable housing plan prior to and after submitting it to the MHFA board.

B. **Disparities Report**
   Requires MHFA to provide an annual report to the Legislature on progress, if any, the agency has made in closing the racial disparity gap and low-income concentrated housing disparities.

II. **CURATIVE ACT CLARIFICATION**

*Chapter 191 (HF 2213)*

*Amends Minn. Stat. § 582.27, subd. 1*

*Effective May 2, 2014*

Clarifies that the statute of limitations for bringing claims of defective foreclosure provided under Minn. Stat. § 582.25 (the Curative Act) is effective notwithstanding any judicial decisions.

*Note:*  The intent of this law is to prevent challenges to effectiveness of the Curative Act in validating mortgages after sales in light of recent court decisions declaring that strict compliance is standard with respect to foreclosure prerequisites.
III. DEMAND FOR JUDGE IN HOUSING COURT CASES
Chapter 205 (HF 2479)
Amends Minn. Stat. § 484.013, subd. 3
Effective August 1, 2014

Eliminates the right of a party in housing court to bypass the referee and demand the case be heard by a district court judge.

Note: Nothing in the new language changes the current requirement that the findings of the referee be confirmed by a judge or impairs the right of a party to request a review of the referee's findings by a district court judge.

IV. EXPUNGEMENT OF EVICTION RECORDS
Chapter 246, Section 5 (HF 2576)
Amends Minn. Stat. § 504B.345, subd. 1
Effective August 1, 2014

Provides statutory authority for and confirms the inherent authority of a court to entertain and grant a motion to expunge an eviction record at the same hearing in which the eviction matter was decided. Provides that the court shall use the standards for discretionary expungement of eviction records set forth in Minn. Stat. § 484.014.

Note: The standards set forth in Minn. Stat. § 484.014 require the court to find that: (1) “the plaintiff's case is sufficiently without basis in fact or law”; and (2) expungement is clearly in the interests of justice and those interests are not outweighed by the public's interest in knowing about the record.”

V. HOMEOWNERS INSURANCE
Chapter 198, Article 4, Section 7 (HF 2843)
Adds Minn. Stat. § 65A.285
Effective August 1, 2014

A. Prohibition of Surcharge
Prohibits an insurance company from imposing a surcharge on a homeowner’s insurance policy due solely to the fact that the homeowner made a “consumer inquiry.”
Adds Minn. Stat. § 65A.285, subd. 1
B. **Definition**

Defines “consumer inquiry” as a “telephone call or other communication made to an insurer that does not result in a paid claim and that is in regard to the general terms or conditions of or coverage offered under an insurance policy.” Defines “surcharge” to include the removal of a claim-free discount.

*Adds Minn. Stat. § 65A.285, subd. 2*

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**VI. HOUSING OPPORTUNITIES MADE EQUITABLE (HOME) PILOT PROJECT**

*Chapter 188, Section 4 (HF 859)*

*Uncodified Section*

*Effective August 1, 2014*

Established the Housing Opportunities Made Equitable (HOME) pilot project to increase affordable homeownership and help close the disparity in homeownership experienced by communities of color and American Indians. Provides that, if funds are available, the Minnesota Housing Finance Agency may use the available funds to: (1) support the capacity of several local community nonprofit housing and service providers to administer the pilot; (2) support providers that assist families to attain sustainable, affordable homeownership; and (3) make first mortgage loans. Permits assistance to include: (1) long-term financial education; (2) training; (3) case management; (4) credit repair; (5) homebuyer education; and (6) foreclosure prevention mitigation services.
VII. MINNESOTA HOUSING FINANCE AGENCY “UNSESSION” BILL

Chapter 161 (SF 2569)
Amends Minn. Stat. §§ 462A.225; and 469.0171
Repeals Minn. Stat. §§ 462A.203; 462A.205; 462A.206, subs. 1, 2, 3, and 4; 462A.2092; 462A.21, subs. 15, 21, 24, 25, 28; and 462C.04, subs. 3 and, 4
Repealing Minn. R., parts 4900.0351; 4900.0352; 4900.0353; 4900.0354; 4900.0355; 4900.0356; 4900.0601; 4900.0602; 4900.0603; 4900.0604; 4900.0605; 4900.1800; 4900.1801; 4900.1802; 4900.1803; 4900.1804; 4900.1805; 4900.1806; 4900.1807; 4900.1808; 4900.1900; 4900.1905; 4900.1910; 4900.1915; 4900.3370; 4900.3371; 4900.3372; 4900.3373; 4900.3374; 4900.3375; 4900.3376; 4900.3377; 4900.3378; 4900.3379; 4900.3380; 4900.3400; 4900.3402; 4900.3403; 4900.3404; 4900.3410; 4900.3411; 4900.3412; 4900.3413; 4900.3414; 4900.3420; 4900.3421; 4900.3422; 4900.3423; and 4900.3424.
Effective August 1, 2014

As part of the Governor’s initiative for each agency to review and eliminate obsolete and unnecessary statutes, a variety of statutes and rules were repealed. These are demonstration programs that ended or programs that have not been funded in more than 10 years or have been incorporated into broader programs (such as the Economic Development and Housing Challenge (Challenge) Program and the Housing Trust Fund program.

VIII. PROTECTIONS FOR RENTERS WHO ARE VICTIMS OF VIOLENCE

Chapter 188, Sections 1 – 3 (HF 859)
Amends Minn. Stat. §§ 504B.171, subd.1; 504B.206; 504B.285, subd. 1
Effective August 1, 2014

A. Addition to Covenants
Provides that every lease must contain a covenant that the tenant may not commit an act of domestic violence, sexual assault, or stalking against a tenant, a licensee, or any authorized occupant of the dwelling.
Amends Minn. Stat. § 504B.171 by adding subd. 2(b)

Note: This provision should be read together with Minn. Stat. § 504B.321, subd. 2, which provides for expedited eviction procedures for violators of the covenants.
B. **Right to Break Lease**

1. **Applicability**

   Expands applicability of the right to break a lease: (1) from victims of domestic violence only to include victims of sexual assault and stalking; and (2) from the tenant and the tenant’s minor children only to include any other authorized occupant of the dwelling.

   *Amends Minn. Stat. § 504B.206, subd. 1*

2. **Requirements**

   a. **Imminent Fear of Violence After Being Subjected to Violence**

      Requires, to invoke the right to break the lease, a tenant to be in “imminent fear of violence after being subjected to”: (1) domestic abuse; (2) sexual assault; or (3) stalking (as defined under Minn. Stat. § 609.749, subd. 2);

      *Amends Minn. Stat. § 504B.206, subd. 1*

      *Note: Current law protects only victims of domestic abuse.*

   b. **Provision of Notice**

      Adds instructions as to the disposition of the tenant’s personal property pursuant to Minn. Stat. § 504B.271 as an additional item listed under the existing notice requirement the tenant is required to provide the landlord in order to legally terminate the lease.

      *Amends Minn. Stat. § 504B.206, subd. 1*

   c. **Documentation**

      Expands under the new definition of “qualifying document” the documents that satisfy the requirements of an accompanying document to the tenant’s written notice of termination. Provides that a “qualifying document” includes: (1) an Order for Protection; (2) a No-Contact Order; (3) a writing produced by a court official; (4) a writing produced by a city, county, state, or tribal law enforcement official; or (4) a statement signed by a “qualified third party,” which includes: (i) a licensed health care official acting within the scope of the license; (ii) a domestic abuse advocate; or (iii) a sexual assault counselor. Creates statutory form for statement signed by qualified third party.

      *Amends Minn. Stat. § 504B.206, subd. 1 (providing for a “qualifying document”)*

      *Amends Minn. Stat. § 504B.206, subd. 6 (adding definitions of “qualifying document” and “qualified third party” and form for statement of qualified third party)*
3. **Provision of Name of Perpetrator**

Provides that the landlord may request the name of the perpetrator if known, but allows tenant to decline to provide the name for safety reasons. Provides that provision of the name of the perpetrator is not a precondition to invoke the right to break a lease under the section.

*Amends Minn. Stat. § 504B.206, subd. 1*

4. **Protection of Information**

Prohibits a landlord from disclosing: (1) any information contained in the notice to terminate; (2) any information contained in a qualifying document; (3) the address or location to which the tenant has relocated; or (4) the status of the tenant as a victim of violence.

*Amends Minn. Stat. § 504B.206, subd. 2*

5. **Liability for Rent**

   a. **Sole Tenancy**

   Provides that, rather than paying an amount equal to one month’s rent, the tenant forfeits the security deposit if the tenant invokes the right to break the lease.

   *Amends Minn. Stat. § 504B.206, subd. 3*

   b. **Multiple Tenancy**

   Provides that the tenancy terminates for all tenants when one tenant invokes the right to break the lease, and the security deposit is forfeited. Permits the non-victim tenants to reapply to establish a new lease.

   *Amends Minn. Stat. § 504B.206, subd. 3*

C. **Protection from Eviction**

Prohibits a landlord from evicting a victim of violence solely because the tenant was a victim.

*Amends Minn. Stat. § 504B.285, subd. 1*
IX. SMALL SERVICER EXCEPTION TO 2013 FORECLOSURE RELIEF ACT

Chapter 191, Section 1 (HF 2213)
Amends Minn. Stat. § 582.043, subd. 1
Effective May 2, 2014

Makes permanent the temporary exemption for small servicers who conduct fewer than 125 foreclosures per year to the requirements of servicers to offer available loan mitigation options that were enacted under the Foreclosure Relief Act of 2013.
I. CIVIL RIGHTS ACTIONS

Chapter 233 (SF 2322)
Amends Minn. Stat. §363A.33, subd. 6
Effective August 1, 2014

Entitles a plaintiff to a jury trial in civil actions for civil rights discriminatory practices.

II. DISCRIMINATION BY EMPLOYERS

Chapter 239, Article 4, Sections 7 and 9 (HF 2536) (Women’s Economic Security Act)
Adds Minn. Stat. § 363A.08, subds. 2 and 4
Effective May 10, 2014

Adds familial status as a protected class with respect to unfair employment practices in which unions are prohibited from engaging, including: (1) refusing to hire; (2) discharging an employee; (3) discriminating with respect to hiring, tenure, terms and conditions of employment; or (4) asking about status prior to employment or for the purposes of making job decisions.

III. DISCRIMINATION BY EMPLOYMENT AGENCIES

Chapter 239, Article 4, Sections 8 and 9 (HF 2536) (Women’s Economic Security Act)
Adds Minn. Stat. § 363A.08, subds. 3 and 4
Effective May 10, 2014

Adds familial status as a protected class with respect to unfair employment practices in which unions are prohibited from engaging, including: (1) refusing or failing to register, properly classify, or refer for employment; (2) complying with a request from an employer for a referral; or (3) asking about status prior to employment or for the purposes of making job decisions.
IV. DISCRIMINATION BY UNIONS

Chapter 239, Article 4, Sections 6 and 9 (HF 2536) (Women’s Economic Security Act)

Adds Minn. Stat. § 363A.08, subds. 1 and 4

Effective May 10, 2014

Adds familial status as a protected class with respect to unfair employment practices in which unions are prohibited from engaging, including: (1) denying full and equal membership rights; (2) expelling a member; (3) discriminating with respect to hiring, apprenticeship, compensation, and other privileges of employment; (4) failing to properly classify or refer an employee; and (5) asking about status prior to membership or for the purposes of making job decisions.

V. RIGHT TO JURY TRIAL IN ACTIONS FOR REDRESS

Chapter 233 (SF 2322)

Amends Minn. Stat. § 363A.33, subd. 6

Effective August 1, 2014

Provides that a plaintiff seeking redress for an alleged unfair discriminatory practice under the Human Rights Act is entitled to a jury trial.

Note: Currently, the law provides that an action is heard by a judge without a jury.
Acronyms Used in this Section
DHS = Minnesota Department of Human Services

I. ADOPTION STUDY (INCLUDING NORTHSTAR CARE)
Chapter 312, Article 25, Section 31 (HF 3172)
Amends Minn. Stat. § 260C.611
Effective July 1, 2014 (phased in with implementation of Northstar Care, as applicable)

A. Foster Care Home as Substitute in Certain Cases
Permits a child care foster care home study to substitute for an adoption home study where the child is under DHS guardianship protection and the prospective adoptive parent: (1) has a current child foster care license; and (2) is seeking to adopt a foster child placed in the home.

B. Criteria for Substitute Study
Provides that the foster care home study can serve as a substitute if: (1) the foster care home study is completed on a form consistent with DHS requirements under Minn. Stat. §§ 259.41, subd. 2 and 260C.215, subd. 4(5), and Minn. Rules, part 2960.3060, subp. 4; (2) the background studies on each parent meet the adoption background study requirements set forth in Minn. Stat. § 245C.33; (3) DHS has not issued either a licensing sanction under Minn. Stat. § 245A.07 or an order of conditional license under Minn. Stat. § 245A.06; and (4) the legally responsible agency determines that the individual needs of the child are being met by the prospective adoptive parent through an assessment under Minn. Stat. § 256N.24, subd. 2, or a documented placement decision “consistent with” section 260C.212, subd 2.

Note: Because the only reference to Northstar Care is in the last requirement regarding assessments, these provisions take effect July 1, 2014 (prior to Northstar Care). However, the assessment determination may be an additional ground to substitute the prior home study once Northstar Care is phased in.
II. BACKGROUND STUDY (INCLUDING NORTHSTAR CARE)

Chapter 312, Article 25, Sections 3-6, and 18 (HF 3172)
Amends Minn. Stat. §§ 245C.05, subd. 5; 245C.08, subd. 1; 245C.33, subds. 1 and 4; and 256N.22, subd. 4
Effective July 1, 2014 (or as Northstar Care payments become effective, as applicable)

A. For Transfer of Permanent Legal and Physical Custody

1. Fingerprint

Provides that a background study must include fingerprinting.
Amends Minn. Stat. § 245C.05, subd. 5

2. Prior to Completion Agreement

Requires a background study of each person age 13 or older living in the relative’s home.
Amends Minn. Stat. § 245C.33, subd. 1

3. Exemption for Prospective Relative Custodian

Exempts the background study requirement for a transfer of legal custody when the prospective relative custodian: (1) has a foster care license issued after July 1, 2007 that included a full background study; (2) the previous background study included federal and multi-state data, arrest/investigative records and juvenile records pursuant to Minn. Stat. § 245C.08, subds. 1, 3, and 4; and (3) the previous background study either showed the person was not disqualified or received a set aside or variance.
Amends Minn. Stat. § 245C.33, subd. 1

Note: While background study disqualifications may impact the best interests of the child, nothing changes current law wherein the court is not statutorily precluded from placing a child with a relative who has a disqualifying offense if the court finds that the placement is in the child’s best interests. The disqualifying offenses will disqualify the relative from receiving Guardianship Assistance under Northstar Care, unless a set aside or variance is granted. The kinship agreement submitted to the court must include the background study results, but the agreement can still be signed and submitted to the court, and the court may still make the placement.
B. Northstar Care

1. Completion of “Adam Walsh” Study
   Requires completion of the federal “Adam Walsh” background study under U.S.C. § 671(a)(20).
   Amends Minn. Stat. § 256N.22, subd. 4

2. Expedited Request for Set Aside or Variance
   Requires DHS to expedite any request under the Northstar Care Act (Minn. Stat., Chapter 256N) for a variance or set aside requested if a background study shows a disqualifying offense.
   Amends Minn. Stat. § 245C.33, subd. 1

C. Exemption for Prospective Adoptive Parent for Children Under Guardianship
   Exempts background study requirements for a prospective adoptive parent where the child resides with the prospective parent but is under DHS guardianship if the parent: (1) has a foster care license issued after July 1, 2007 that included a full background study; (2) the previous background study included federal and multi-state data, arrest/investigative records and juvenile records pursuant to Minn. Stat. § 245C.08, subds. 1, 3, and 4; and (3) the previous background study either showed the person was not disqualified or received a set aside or variance.
   Amends Minn. Stat. § 245C.33, subd. 1

III. DATA PRACTICES

   Chapter 291, Article 11, Section 1 (HF 2402)
   Amends Minn. Stat. § 13.46, subd. 2
   Effective July 1, 2014

   Creates a new exception to prohibition on disclosure of data by the welfare system to include relatives of the child.

   Note: Currently, only data on the child and the child’s parents may be disclosed under the exception. The amendment is intended to aid child welfare agencies in locating relatives as potential out-of-home placements for a child.
IV. DELINQUENCY – CONTINUANCES
Chapter 312, Article 6, Section 3 (HF 3172)
Amends Minn. Stat. § 260B.198, subd. 7
Effective August 1, 2014, and applies to offenses committed on or after that date

A. Extension
Extends continuances without a finding of delinquency from 90 days to 180 days if the extension is: (1) in the child’s best interests; and (2) is not harmful to public safety. Permits an additional 180-day extension with the consent of the prosecutor. Permits the court to issue disposition orders for rehabilitation during the pendency of the extension, except orders for a transfer of legal custody by commitment to the Department of Corrections. (See Minn. Stat. § 260C.198, subd. 1.)

B. Appeal
Permits a prosecutor to appeal a continuance “ordered in contravention” of the conditions.

C. Jurisdiction of the Court
Clarifies the issuance of continuances under this section does not extend the court’s jurisdiction under Minn. Stat. § 260B.193.

V. MALTREATMENT REPORTS
Chapter 291, Article 1, Section 10; and Article 11, Sections 36-38 (HF 2402)
Amends Minn. Stat. §§ 626.556, subds. 7 and 11c; and 626.5561, subd. 1
Effective July 1, 2014

A. Reports Without Reporter’s Name

1. Mandatory Reporters
Requires reviewing or assessing agency to accept maltreatment reports without the mandatory reporter’s name or address if the report meets the other existing requirements (i.e. identification of the child, the abuser/neglecter, and nature of abuse/neglect). Includes reports of prenatal exposure to controlled substances. Amends Minn. Stat. § 626.556, subd. 7

2. Voluntary Reporters
Requires reviewing or assessing agency to accept maltreatment reports without the voluntary reporter’s name or address if the report meets the other existing requirements (i.e. identification of the child, the abuser/neglecter, and nature of abuse/neglect). Amends Minn. Stat. § 626.5561, subd. 1
B. **Screened-out Reports**
Requires reviewing or assessing agency to advise the reporter that the report was screened out. Prohibits a screened out report to be used for any purpose other than making an offer of social services to the subjects of the screened-out report.

*Amends Minn. Stat. § 626.556, subd. 7*

C. **Referral to Law Enforcement Even if Report Screened Out**
Removes the exemption from referring a mandated reporter’s oral report to law enforcement, or the investigating agency if the reporter was informed that the report was screened out.

*Amends Minn. Stat. § 626.556, subd. 7*

D. **Maintenance of Records of Maltreatment**
Requires DHS to specify – and counties to maintain – information sufficient to identify repeat maltreatment reports against the same child(ren) for 365 days from the date any report was screened out for further evaluation or investigation. Requires counties to enter the required information on the Social Services Information System (SSIS).

*Amends Minn. Stat. § 626.556, subd. 11c by adding paragraph (e)*

VI. **NORTHSTAR CARE**

Chapter 312, Article 25, Sections 7, 13, 14, 15, 16, 17, 19, 20 – 26, 34, and 35 (HF 3172)

*Amends Minn. Stat. §§ 256B.055, subd. 1; 256N.21, subd. 2; 256N.22, subds. 1, 2 and 6; 256N.23, subds. 1 and 4; 256N.24, subds. 9 and 10; 256N.25, subds. 2 and 3; 256N.26, subd. 1*

*Adds Minn. Stat. §§ 256N.02, subd. 14a; and 256N.21, subd. 7*

*Repeals Minn. Stat. § 256N.26, subd. 7*

*Effective July 1, 2014*

*Note: These changes will be phased in with the implementation of Northstar.*

A. **Adoption Assistance**

1. **Eligibility**

   a. **Child Receiving Northstar Kinship Assistance**
   Makes a child receiving Northstar kinship assistance eligible for Northstar adoption assistance when: (1) all adoption assistance eligibility criteria are met; and (2) the child is being adopted by the child’s legal custodian.

   *Amends Minn. Stat. § 256N.23, subd.1 by adding paragraph (d)*

   b. **Child on Whose Behalf Foster Care Payments Made**
   Clarifies existing eligibility based on payments made while a child was in out-of-home placements prior to an order either making the child: (1) subject to DHS guardianship; or (2) a ward of the tribe.

   *Amends Minn. Stat. § 256N.23, subd.1*
2. **Background Study**
Requires background study, which: (1) must include completion of the federal “Adam Walsh” background study under U.S.C. § 671(a)(20); and (2) may include a background study under Minn. Stat., Chapter 245C.33. Permits acceptance of a previous background study for child care licensure in lieu of a new study if: (1) the person is currently a licensed child foster care parent; and (2) previous study meets all current background study requirements.

*Amends Minn. Stat. § 256N.23, subd. 4*

B. **Assessments**

1. **Timing**

   a. *For Children in Continuous Care*
   Requires reassessment six months after the initial assessment and annually thereafter.
   *Amends Minn. Stat. § 256N.24, subd. 9*

   b. *Upon Caregiver’s Request*
   Permits a caregiver to request a reassessment after at least six months have passed since the last assessment or reassessment.
   *Amends Minn. Stat. § 256N.24, subd. 10(a)*

2. **Restriction on Reassessments**
Provides that no reassessments can be requested or conducted if a kinship or adoption agreement has not yet been finalized by the court, even if it is signed.

*Amends Minn. Stat. § 256N.24, subd. 10 by adding paragraph (d)*

C. **At-Risk Children**
Repeals additional benefit level and payment for an “at risk” child for both adoption assistance and kinship assistance cases.

*Amends Minn. Stat. §§ 256N.25, subds. 2 and 3; and 256N.26, subd. 1*

*Repeals Minn. Stat. § 256N.26, subd. 7*

*Note:* As a result of these changes, the child will be at Level A under Minn. Stat. § 256N.26, but receive no additional payment unless or until the child’s potential disability manifests itself.
D. **Eligibility for Foster Care Payments**

1. **Children Removed from Indian Custodian**
   Provides that a child removed from an Indian custodian – in addition to a child removed from a legal parent or guardian – may receive foster care payments under Northstar Care.

   *Amends Minn. Stat. § 256N.21, subd. 2*

   *Note:* “Indian custodian” is defined under Minn. Stat. § 260.755, subd.10.

2. **Criteria**
   Amends criteria under which foster care payments may be made for any child removed from the legal parent, guardian or Indian custodian.

   a. **Placement Authority of Responsible Agency**
      Requires the legally responsible agency to have placement authority pursuant to either: (1) a placement agreement under Minn. Stat. §§ 260B.198, 260C.001, 260D.01 or 260C.451 or a court order for a child between ages 18-21 who remains foster care eligible); or (2) a voluntary placement or tribal order that meets federal foster care maintenance payments requirements under 42 USC §672(a)(2).

      *Amends Minn. Stat. § 256N.21, subd. 2*

   b. **Placement of Child**
      Requires the child is placed either: (1) with a licensed child foster parent; or (2) in any one of four specified unlicensed child foster care settings, including: (i) an emergency relative placement; (ii) a licensed adult foster home with approved age variance; (iii) a unlicensed supervised independent living setting; (iv) a preadoptive placement.

      *Amends Minn. Stat. § 256N.21, subd. 2*

E. **Foster Care Licensing**
   Requires foster care licensing background studies to include both: (1) the Minnesota Background Studies Act (Minn. Stat., Chapter 245C); and (2) the federal “Adam Walsh” background study under U.S.C. § 671(a)(20). Requires a Minnesota tribe conducting a background study for purposes of child foster care licensing or approval to conduct, when applicable, a federal “Adam Walsh” background study under U.S.C. § 671(a)(20).

   *Adds Minn. Stat. § 256N.21, subd. 7*
F. Kinship (Guardianship) Assistance

1. **Eligibility**

   Adds criteria for eligibility for Kinship Assistance to include that the proposed relative custodian must have been a licensed foster parent for at least six months or received a DHS exemption from the licensing requirement. Adds new requirements for receipt of DHS exemption to include that: (1) the child and prospective custodian meet the eligibility requirements under Minn. Stat. § 256N.22 (Kinship Assistance Eligibility); and (2) agency efforts were made for six consecutive months before permanency to place the child with the prospective relative custodian as a licensed child foster parent, or an explanation why these efforts were not in the child's best interests.

   *Amends Minn. Stat. § 256N.22, subd. 1*

2. **Prohibition on Kinship Agreements**

   Prohibits Kinship Agreements with step-parents.

   *Amends Minn. Stat. § 256N.22, subd. 6*

G. **Medical Assistance (MA) Eligibility**

   Establishes MA eligibility for children receiving Northstar Care adoption assistance payments, even if the child is not eligible for IV-E foster care payments.

   *Amends Minn. Stat. § 256B.055, subd. 1*

H. **New Definition**

   Defines “licensed child foster parent” for purposes of Northstar Care Act to include: (1) a person licensed for child foster care under Minn. Rules, parts 2960.3000-2960.3340; or (2) licensed by a tribe according to the tribe’s standards.

   *Adds Minn. Stat. § 256N.02, subd. 14a*

I. **Terminology Change**

   Changes phrase “guardianship assistance” (formerly known as relative custody assistance) to “Northstar Care Kinship Assistance” wherever used in Minnesota Statues or Minnesota Rules.

   *Uncodified Language*
VII. PERMANENCY PLANNING AND TRANSFER OF LEGAL CUSTODY/KINSHIP AGREEMENTS

Chapter 312, Article 25, Sections 29 and 30 (HF 3172)
Amends Minn. Stat. §§ 260C.212, subd. 1; and 260C.515, subd. 4
Effective July 1, 2014 (or as Northstar Care payments become effective, as applicable)

A. Permanency Planning for Child Not Returning to Parents
Requires additional documentation steps when a child is not returning to the parents to include: (1) “reasonable efforts” to place the child for adoption; and (2) documentation that adoption is in the best interests of the child. Requires documentation necessary to support the requirements of the kinship placement agreement under section 256N.22 when adoption is determined not to be in the child's best interests.
Amends Minn. Stat. § 260C.212, subd. 1

B. Transfer of Legal Custody

1. Criteria
Adds a relative must be willing (as well as fit) for court to order permanent legal and physical custody to a relative.
Amends Minn. Stat. § 260C.515, subd. 4
Note: Placement must still be in the child’s best interests.

2. New Requirement for Petition
Adds that a petition for transfer of permanent legal and physical custody to a relative who is not a parent must be accompanied by a kinship placement agreement under Minn. Stat. § 256N.22, subd. 2 that is signed by the agency and the proposed permanency legal and physical custodian.
Amends Minn. Stat. § 260C.515, subd. 4

3. Required Findings
Requires that petitions must include sufficient facts to enable court to find that: (1) transfer of legal and physical custody, and receipt of Northstar kinship assistance are in the child’s best interests; (2) adoption is not in the child’s best interests, based upon the kinship placement agreement; (3) the agency did or did not make efforts to discuss adoption with the child’s parents (and if not, the reasons why); and (4) if applicable, there are reasons to separate siblings during placement.
Amends Minn. Stat. § 260C.515, subd. 4
4. **Court Authority**
Permits the court to defer a final order if necessary to determine eligibility for Northstar kinship assistance. Clarifies that the court can finalize an order transferring legal and physical custody to a relative regardless of eligibility for Northstar kinship assistance.

*Amends Minn. Stat. § 260C.515, subd. 4*

*Note:* The language granting the court authority to finalize orders regardless of eligibility for Northstar kinship assistance was specifically added to make it clear that while a kinship agreement is required to finalize a transfer of legal custody, requirements necessary solely for kinship assistance cannot block the court from ordering the transfer of legal custody, provided the other requirements of the law are met.

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**VIII. PLACEMENTS – HOME STUDY**

*Chapter 291, Article 1, Section 6 (HF 2402)*

*Amends Minn. Stat. § 260C.212, subd. 2*

*Effective July 1, 2014*

Adds requirement to review the home study prior to placement in a foster or adoptive home to ensure that the placement is in the best interests of the child. Makes exception for emergency placements.

*Note:* Current law requires only that the study is completed.

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**IX. SCHOOL ENROLLMENT**

*Chapter 272, Article 2, Section 1 (HF 2397)*

*Adds Minn. Stat. § 124D.08, subd. 2b*

*Effective August 1, 2014*

Authorizes a child to continue in the district attended prior to placement without requiring authorization of school board in either the prior or foster home district when the child is placed in foster care in a different school district.
X. **SECOND HAND SMOKE IN FOSTER PLACEMENT**

*Chapter 291, Article 1, Sections 7 - 9 (HF 2402)*

*Amends Minn. Stat. § 260C.215, subds. 4 and 6*

*Adds Minn. Stat. § 260C.215, subd. 9*

*Effective July 1, 2014*

A. **Duties of DHS**

Adds that a study of a prospective foster parent must address the capacity of the parent to provide a safe, healthy, smoke-free home.

*Amends Minn. Stat. § 260C.215, subd. 4*

B. **Duties of Child-Placing Agencies**

Adds that child-placing agencies must ensure that: (1) children in foster care are protected from the effects of secondhand smoke; and (2) licensed foster homes maintain a smoke-free environment in compliance with the new requirements.

Requires the home study to include a plan to maintain a smoke-free environment for foster children.

*Amends Minn. Stat. § 260C.215, subd. 6 (duties of agencies)*

*Adds Minn. Stat. § 260C.215, subd. 9(c) (addition to home study plan)*

C. **New Requirements for “Smoke Free Environment”**

1. **Where Smoking Is/Is Not Permitted**

   Prohibits exposure to second-hand smoke in: (1) the licensed foster home; (2) an enclosed attached space, such as a garage, deck, or porch; or (3) a motor vehicle where the child is transported. Permits smoking in other outdoor areas, except where the child is present and exposed to second-hand smoke.

   *Adds Minn. Stat. § 260C.215, subd. 9(a) and (b)*

2. **Consequences for Failure to Maintain a Smoke-Free Environment**

   Requires a foster parent to comply with a plan that includes training on the risks of second hand smoke exposure if the foster parent fails to provide a smoke-free environment. Requires reassessment of placement if the agency determines that: (1) the parent is incapable of providing a smoke-free environment; and (2) the home environment creates a health risk for the child.

   *Adds Minn. Stat. § 260C.215, subd. 9(d)*
3. **Connection of New Requirements and Ultimate Placement**

Provides that the failure to meet the new smoke-free requirements shall not be a cause to deny place if a child's best interests would most effectively be served by placement in the noncompliant home.

Which will not meet the requirements of paragraph (a), of paragraph (a) shall not be a cause to deny placement in that home.

*Adds Minn. Stat. § 260C.215, subd. 9(f)*

4. **Effect on Emergency Placements**

Provides that new smoke-free requirements cannot delay an emergency relative placement, unless the relative is unable to provide for the child's immediate health needs.

*Adds Minn. Stat. § 260C.215, subd. 9(e)*

5. **Effect on Other Laws and Indian Ceremonies**

   a. **Other Laws**

   Clarifies the new smoke-free requirements cannot interfere or be a basis for denying placement under: (1) the Indian Child Welfare Act (ICWA); or (2) the Minnesota Indian Family Preservation Act.

   *Adds Minn. Stat. § 260C.215, subd. 9(g)*

   b. **Indian Ceremonies**

   Provides that none of these provisions may interfere with the use of tobacco as part of a traditional or spiritual Native American or religious ceremony.

   *Adds Minn. Stat. § 260C.215, subd. 9(h)*

**XI. TRIAL HOME VISITS – VOLUNTARY FOSTER CARE FOR TREATMENT**

*Chapter 291, Article 11, Section 35 (HF 2402)*

*Adds Minn. Stat. § 260D.12*

*Effective July 1, 2014*

Permits a trial home visit, upon agreement of the parent and social services agency, to prepare for sufficient planning and supports when the child returns home. Limits the trial home visit to no more than six months. Permits the visit to be ended early upon 10 days’ notice. Clarifies that the home visit does not change placement and care responsibility.
I. EXPUNGEMENT OF EVICTION RECORDS

Chapter 246, Section 5 (HF 2576)
Amends Minn. Stat. § 504B.345, subd. 1
Effective August 1, 2014

Provides statutory authority for and confirms the inherent authority of a court to entertain and grant a motion to expunge an eviction record at the same hearing in which the eviction matter was decided. Provides that the court shall use the standards for discretionary expungement of eviction records set forth in Minn. Stat. § 484.014.

Note: The standards set forth in Minn. Stat. § 484.014 require the court to find that: (1) “the plaintiff’s case is sufficiently without basis in fact or law”; and (2) expungement is clearly in the interests of justice and those interests are not outweighed by the public’s interest in knowing about the record.”

II. PROTECTIONS FOR RENTERS WHO ARE VICTIMS OF VIOLENCE

Chapter 188, Sections 1 – 3 (HF 859)
Amends Minn. Stat. §§ 504B.171, subd.1; 504B.206; 504B.285, subd. 1
Effective August 1, 2014

A. Addition to Covenants

Provides that every lease must contain a covenant that the tenant may not commit an act of domestic violence, sexual assault, or stalking against a tenant, a licensee, or any authorized occupant of the dwelling.

Amends Minn. Stat. § 504B.171 by adding subd. 2(b)

Note: This provision should be read together with Minn. Stat. § 504B.321, subd. 2, which provides for expedited eviction procedures for violators of the covenants.
B. **Right to Break Lease**

1. **Applicability**
   Expands the applicability of the right to break a lease: (1) from victims of domestic violence only to include victims of sexual assault and stalking; and (2) from the tenant and the tenant’s minor children only to include any other authorized occupant of the dwelling.
   
   *Amends Minn. Stat. § 504B.206, subd. 1*

2. **Requirements**

   a. **Imminent Fear of Violence After Being Subjected to Violence**
      Requires, to invoke the right to break the lease, a tenant to be in “imminent fear of violence after being subjected to”: (1) domestic abuse; (2) sexual assault; or (3) stalking (as defined under Minn. Stat. § 609.749, subd. 2);
      
      *Amends Minn. Stat. § 504B.206, subd. 1*

      *Note:* Current law protects only victims of domestic abuse.

   b. **Provision of Notice**
      Adds instructions as to the disposition of the tenant’s personal property pursuant to Minn. Stat. § 504B.271 as an additional item listed under the existing notice requirement the tenant is required to provide the landlord in order to legally terminate the lease.
      
      *Amends Minn. Stat. § 504B.206, subd. 1*

   c. **Documentation**
      Expands under the new definition of “qualifying document” the documents that satisfy the requirements of an accompanying document to the tenant’s written notice of termination. Provides that a “qualifying document” includes: (1) an Order for Protection; (2) a No-Contact Order; (3) a writing produced by a court official; (4) a writing produced by a city, county, state, or tribal law enforcement official; or (4) a statement signed by a “qualified third party,” which includes: (i) a licensed health care official acting within the scope of the license; (ii) a domestic abuse advocate; or (iii) a sexual assault counselor. Creates statutory form for statement signed by qualified third party.
      
      *Amends Minn. Stat. § 504B.206, subd. 1 (providing for a “qualifying document”)*
      
      *Amends Minn. Stat. § 504B.206, subd. 6 (adding definitions of “qualifying document” and “qualified third party” and form for statement of qualified third party)*
3. **Provision of Name of Perpetrator**
   Provides that the landlord may request the name of the perpetrator if known, but allows tenant to decline to provide the name for safety reasons. Provides that provision of the name of the perpetrator is not a precondition to invoke the right to break a lease under the section.
   *Amends Minn. Stat. § 504B.206, subd. 1*

4. **Protection of Information**
   Prohibits a landlord from disclosing: (1) any information contained in the notice to terminate; (2) any information contained in a qualifying document; (3) the address or location to which the tenant has relocated; or (4) the status of the tenant as a victim of violence.
   *Amends Minn. Stat. § 504B.206, subd. 2*

5. **Liability for Rent**
   a. **Sole Tenancy**
      Provides that, rather than paying an amount equal to one month’s rent, the tenant forfeits the security deposit if the tenant invokes the right to break the lease.
      *Amends Minn. Stat. § 504B.206, subd. 3*
   
   b. **Multiple Tenancy**
      Provides that the tenancy terminates for all tenants when one tenant invokes the right to break the lease, and the security deposit is forfeited. Permits the non-victim tenants to reapply to establish a new lease.
      *Amends Minn. Stat. § 504B.206, subd. 3*

C. **Protection from Eviction**
   Prohibits a landlord from evicting a victim of violence solely because the tenant was a victim.
   *Amends Minn. Stat. § 504B.285, subd. 1*
I. PUBLIC ASSISTANCE SIMPLIFICATION

Chapter 312, Article 28 (HF 3172)

Amends Various Sections in Chapter 256D; Chapter 256I; and Chapter 256J

Adds Chapter 256P (Minn. Stat §§ 256P.001 – 256P.05)

Various Effective Dates

Effective January 1, 2015: Minn. Stat. §§ 256J.08, subsd. 55a and 82a; and 256J.24, subd. 9

Effective February 1, 2015: Minn. Stat. §§ 256D.405, subsd. 1a and 2; 256J.08, subd. 42; and 256J.32, subsd. 2, 3, 4, 5a, 6, 7, 7a, and 8,

Effective October 1, 2015: Minn. Stat. §§ 256D.06, subd. 1b; and 256J.08, subd. 4

Effective June 1, 2016: Minn. Stat. §§ 256D.08, subd. 2; and 256J.20

Creates a new chapter in statute – Chapter 256P – with definitions and provisions applicable to: (1) GA and MSA (Chapter 256D); (2) GRH (Chapter 256I); and (3) MFIP (Chapter 256J), with varying effective dates. Makes conforming amendments to various sections in the GA/MSA, GRH, and MFIP. The summary below focuses solely on the provisions in the newly added Chapter 256P (Chapter 312, Article 28, Sections 31 – 36).
A. New Definitions

1. Agency
   Defined as: (1) a county; (2) a federally recognized Indian tribe; or (3) a multicounty social services collaborative.
   
   *Adds Minn. Stat. § 256P.01, subd. 2
   *Effective July 1, 2014

2. Earned Income
   Defined as: cash or in-kind income earned through the receipt of: (1) wages; (2) salary; (3) commissions; (4) profit from employment activities; (5) net profit from self-employment activities; (6) regularly accrued vacation or sick leave; and (7) any other profit from activity earned through effort or labor. Excludes illegally obtained income.
   
   *Adds Minn. Stat. § 256P.01, subd. 3
   *Effective July 1, 2014

3. Earned Income Disregard
   Means anything not counted as earned income.
   
   *Adds Minn. Stat. § 256P.01, subd. 4
   *Effective July 1, 2014

4. Equity Value
   Means equity in personal property, minus any encumbrances “from the fair market value” of the property.
   
   *Adds Minn. Stat. § 256P.01, subd. 5
   *Effective July 1, 2014

5. Personal Property
   Means property that is not real property.
   
   *Adds Minn. Stat. § 256P.01, subd. 6
   *Effective July 1, 2014

6. Self-Employment
   Means a person who: (1) pays self-employment taxes; or (2) works freelance or independent of any employer and offsets income with expenses.
   
   *Adds Minn. Stat. § 256P.01, subd. 7
   *Effective July 1, 2014
B. **Asset Limits**  
*Chapter 312, Article 28, Sections 33 and 37 (HF 3172)*  
*Adds Minn. Stat. § 256P.02, subds. 1-3*  
*Repeals Minn. Stat. §§ 256D.08, subd. 2; 256J.20*  
*Effective June 1, 2016*

Establishes a single asset limit to be applied to: (1) MFIP; (2) GA; and (3) some participants under MSA and GRH.

1. **Asset Limits Raised**  
Increases the asset limits to $10,000. Limits countable personal property to: (1) cash; (2) bank accounts; (3) liquid stocks and bonds that can be accessed without financial penalty; and (4) non-excluded vehicles.  
*Adds Minn. Stat. § 256P.02, subd. 2*

2. **Countable Assets (Property)**  
Requires counties to count the “equity value” of personal property that is legally available to the participant.  
*Adds Minn. Stat. § 256P.02, subd. 1*

   Note: *See new definitions of “equity value” and “property” above in new Minn. Stat. § 256.01, subds. 5 and 6, respectively.*

3. **Vehicle Exclusion**  
Excludes one vehicle per household member age 16 or older in the $10,000 limit. Assesses non-excluded vehicles using trade-in value and includes these vehicles in the $10,000 limit.  
*Adds Minn. Stat. § 256P.02, subd. 3*

C. **Earned Income Disregard**  
*Chapter 312, Article 28, Section 34 (HF 3172)*  
*Adds Minn. Stat. § 256P.03, subd. 2*  
*Effective October 1, 2015*

Establishes the earned income disregard at $65 plus one-half of the remaining earned income per month. Exempts MSA and GRH applicants and participants.
D. **Self-Employment Earnings**

1. **Determination**
   Requires the agency to determine self-employment income that is either: (1) one-half of gross earnings from self-employment, or (2) taxable income as determined from an IRS tax form filed with the IRS in the past year.
   
   *Adds Minn. Stat. § 256P.05, subd. 2*
   
   *Effective February 1, 2015*

2. **Budgeting**
   Requires: (1) the agency to use a 12-month average using net taxable income to budget monthly income; or (2) for participants electing one-half of gross earnings, earnings to be counted as income in the month received. Establishes that the self-employment budget period begins in the month of application or in the first month of self-employment.
   
   *Adds Minn. Stat. § 256P.05, subd. 2 (12-month average)*
   
   *Adds Minn. Stat. § 256P.05, subd. 3 (when budget begins)*
   
   *Effective February 1, 2015*

   *Note:* For MFIP and GA, rental income is included under self-employment income. See amendments to Minn. Stat. §§ 256J.37, subd. 8 (MFIP) and 256D.02, subd. 8 (GA).

3. **Exemptions**
   Exempts MSA and GRH applicants and participants from the self-employment earnings provisions.
   
   *Adds Minn. Stat. § 256P.05, subd. 1*
   
   *Effective February 1, 2015*

D. **Documentation, Verification and Recertification**

*Chapter 312, Article 28, Section 35, and 37 (HF 3172)*

*Adds Minn. Stat. § 256P.04, subds. 1 - 16*

*Repeals Minn. Stat. §§ 256D.405, subds. 1a and 2; and 256J.32, subds. 2, 3, 4, 5a, 6, 7, 7a, and 8*

*Effective February 1, 2015*

Simplifies documentation, verification, and recertification rules MFIP and GA.

1. **County Assistance to Participants**
   Requires the agency to assist participants in obtaining necessary documents and verifications if needed.
   
   *Adds Minn. Stat. § 256P.04, subd. 2*
2. **Application of Verification Rules**
Provides that an agency must only apply verification rules to determine: (1) eligibility; and (2) the amount of an assistance payment.
*Adds Minn. Stat. § 256P.04, subd. 2*

3. **Factors to Be Verified**
   
a. **Factors Streamlined**
   Specifies the factors to be verified, limiting them to: (1) identity; (2) age; (3) immigration status; (4) income; (5) spousal or child support payments made; (6) vehicles; (7) checking and savings accounts; (8) inconsistent information if related to eligibility; (9) residence; and (9) social security number. For MFIP, requires in addition verification of: (1) minor children; (2) pregnancy; (3) school attendance; (4) claims of family violence if used for a waiver qualification; and (5) disability. Places burden on the applicant or participant to provide documentary evidence to verify eligibility or authorize the agency to verify information.
*Adds Minn. Stat. § 256P.04, subd. 4 (general factors)*
*Adds Minn. Stat. § 256P.04, subd. 5 (additional MFIP factors)*
*Adds Minn. Stat. § 256P.04, subd. 3 (documentation burden)*

b. **Unavailability of Documentation**
Requires the agency to accept a signed personal statement from an applicant or participant explaining the reasons that documentation required at application, recertification, or change is unavailable based only on: (1) a claim of family violence, if used as a basis to qualify for the family violence waiver; (2) the relationship of a minor child to caregivers in the household; (3) citizenship status from a noncitizen who reports to be, or is identified as, a victim of trafficking in persons, if immigration documents are being held against the noncitizen’s will; and (4) other documentation is unavailable for reasons beyond the control of the applicant or participant, provided reasonable attempts to obtain the documents have been made.
*Adds Minn. Stat. § 256P.04, subd. 15*

4. **Inconsistent Information**
Requires the agency to obtain further documentation regarding assets if it knows information that is inconsistent with the participant’s signed statement. Requires the county to assist the participant in obtaining additional information if needed.
*Adds Minn. Stat. § 256P.04, subd. 6*
5. **Self-Attestation for Determining Assets**

Requires the agency, when determining assets, to accept a signed personal statement from the participant. Provides that the statement is provided under the penalty of fraud prosecution.

*Adds Minn. Stat. § 256P.04, subd. 3*

6. **Recertification**

a. *Generally*

Maintains the requirement that the agency conduct an annual interview with the participant for recertification. Permits the interview to be conducted by: (1) telephone; (2) internet telepresence; or (3) face-to-face in the county office or in another mutually agreed upon location.

Requires the agency to verify: (1) income, unless excluded, including self-employment earnings; (2) assets, when the value is within $200 of the asset limit; and (3) inconsistent information, if related to eligibility.

*Adds Minn. Stat. § 256P.04, subd. 8*

b. *Additional Recertification Requirements for MFIP*

Requires the agency, for MFIP recertifications, to also verify:

(1) the presence of the minor child in the home, if questionable; and (2) whether a single-caregiver household meets the requirements under the Family Stabilization Services (FSS) Program under Minn. Stat. § 256J.575, subd. 3.

*Adds Minn. Stat. § 256P.04, subd. 9*

**II. MINNESOTA FAMILY INVESTMENT PROGRAM (MFIP)**

*Chapter 291, Article 11, Sections 9, 10, 11, 12 13, 15, 17, 18, 19, 20, 21, 22, and 24 (HF 2402)*

*Chapter 312, Article 28, Sections 14 - 30 (HF 3172)*

*Amends Minn. Stat. §§ 256J.08, subds. 47 and 83; 256J.09, subd. 3; 256J.10; 256J.20, subd. 3; 256J.21, subds. 1 -4; 256J.24, subd. 3; 256J.30, subds. 4 and 9; 256J.32, subds. 1 and 6; 256J.33, subd. 2; 256J.37; 256J.38, subd. 6; 256J.425, subds. 1 and 7; 256J.49, subd. 13; 256J.521, subd. 2; 256J.53, subd. 1, 2 and 5; and 256J.531; 256J.67; and 256J.95, subds. 8 - 10*

*Adds Minn. Stat. § 256J.08, subd. 2a*

*Repeals Minn. Stat. § 256J.08, subd. 42*

*Various Effective Dates*

Many, though, not all the changes summarized in this section are conforming amendments to the changes made in Chapter 312 (the Supplemental Budget Bill) in Article 28: Public Assistance Simplification.

*Note: See also the Public Assistance Simplification portion of these summaries, immediately above.*
A. New Education Provisions

Chapter 291, Article 11, Section 21 and 22 (HF 2402)
Chapter 312, Article 25, Sections 8 – 12 (HF 3172)
Amends Minn. Stat. §§ 256J.49, subd. 13; 256J.53, subd. 1, 2 and 5; and 256J.531
Effective July 1, 2014

1. Education Now Allowable Activity

Allows participants to meet all required activity hours with education. Allows participants to enroll in post-secondary education programs lasting up to four years (rather than the current limit of 24 months).

Amends Minn. Stat. § 256J.49, subd. 13 (redefinition of work activity)
Amends Minn. Stat. § 256J.53, subd. 1(a) (four-year duration)

2. Documentation and Verification

Removes documentation and verification pre-requisites for acceptance into: (1) adult basic education; (2) ESL; and (3) post-secondary education programs.

Amends Minn. Stat. § 256J.53, subd. 2

3. More Time Allowed for Job Search for Recent Graduates

Lengthens the time allowed for job search by recent graduates from six to up to 12 weeks.

Amends Minn. Stat. § 256J.53, subd. 5

4. County Requirements and Restrictions

Requires county workers to inform MFIP participants of the right to participate in education. Removes county authority to deny education plans.

Amends Minn. Stat. § 256J.53, subd. 1 (requirement to inform)
Amends Minn. Stat. § 256J.53, subd. 2 (removal of authority)

**Note: The DHS Policy Bill (Chapter 291 / SF 2402) made a change to the MFIP post-secondary statute that conflicts with changes made to the same section of law amended in Supplemental Budget Bill (Chapter 312 / HF 3172). The Policy Bill requires a participant to “work with the job counselor to document” rather than “provide documentation” to meet requirements for education plan approval. DHS sent written notice to the chairs of the House and Senate Health and Human Services Committees that it would follow these more robust education changes that reflect legislative intent.**
B. **Definitions**

1. **New Definition of “Agency”**
   Replaces current definition of county with a cross-reference to new “agency” definition found at Minn. Stat. § 256P.02, subd. 2: (1) a county; (2) a federally recognized Indian tribe; or (3) a multicounty social services collaborative.
   *Adds Minn. Stat. § 256J.08, subd. 2a*
   *Effective July 1, 2014*

2. **Modified Definition of “Income”**
   Provides that property is excluded from income under the criteria established in new section 256P.02, which provides, among other things, that property must be “legally available” to be counted.
   *Amends Minn. Stat. § 256J.08, subd. 47*
   *Effective June 1, 2016*

3. **Modified “Significant Change” Definition**
   Modifies the definition of “significant change” in gross income that would require a change in grant amount, replacing the existing definition of disregard with the new provisions governing earned income disregard under Minn. Stat. § 256P.03 (i.e., the first $65 of earned income plus one-half of the remaining earned income per month).
   *Amends Minn. Stat. § 256J.08, subd. 83*
   *Effective October 1, 2015*

C. **Eligibility**

1. **Initial and Monthly Income Tests**
   Modifies the requirements, including mandating the new “earned income disregard” standard set forth in Minn. Stat. § 256P.03, subd. 2 (i.e., disregard of the first $65 of earned income plus one-half of the remaining earned income per month).
   *Amends Minn. Stat. § 256J.21, subds. 3 and 4*
   *Effective October 1, 2015*
2. **Asset Limits and Evaluation**

   a. *Property Limitations*
   
      Modifies the general eligibility requirements section with respect to asset (property) limitation by cross-referencing the new asset limits (e.g., $10,000 in personal property, excluding one vehicle per household member age 16 or older) found at Minn. Stat. § 256P.02.

      *Amends Minn. Stat. § 256J.10*

      *Effective June 1, 2016*

   b. *Evaluation of Value of Vehicles*

      *Chapter 291, Article 11, Section 10 (HF 2402)*

      *Amends Minn. Stat. § 256J.20, subd. 3*

      *Effective July 1, 2014*

      Requires counties to assess the trade-in value of vehicles rather than loan value when making asset limit determinations. Allows county workers to utilize web-based car values guides.

      *Note:* This car valuation method is effective until the new vehicle asset limits take effect June 1, 2016. See Property Limitations subsection immediately above.

3. **Documentation, Verification, and Recertification**

   Requires an agency to apply the new Minn. Stat. § 256P.04 when documenting, verifying, and recertifying MFIP eligibility.

   *Amends Minn. Stat. § 256J.32, subd. 1*

   *Effective February 1, 2015*

   *Note:* The new factors to be verified, found at Minn. Stat. § 256P.04, subs. 4 and 5, are: (1) identity; (2) age; (3) immigration status; (4) income; (5) spousal or child support payments made; (6) vehicles; (7) checking and savings accounts; (8) inconsistent information if related to eligibility; (9) residence; and (10) social security number. For MFIP, requires in addition verification of: (1) minor children; (2) pregnancy; (3) school attendance; (4) claims of family violence if used for a waiver qualification; and (5) disability.

4. **Self-Attestation for Determining Assets**

   Requires the agency, when determining assets, to accept a signed personal statement from the participant. Provides that the statement is provided under the penalty of fraud prosecution.

   *Amends Minn. Stat. § 256J.32, subd. 1*

   *Effective February 1, 2015*
D. **Assessments**  
*Chapter 291, Article 11, Section 19 (HF 2402)*  
*Amends Minn. Stat. § 256J.21, subd. 1*  
*Effective July 1, 2014*

Eliminates requirement that DHS work with county agencies to develop protocols for referrals and follow-up actions after certain screening tools are administered to participants. Broadens the universe of who must be screened for chemical health, mental health, and special learning. Changes the screening timeframe to three months after development of the initial employment plan or earlier if there is a documented need.

_Note:_ Current law provides that the screening timeframe is within six weeks of an unsuccessful job search.

E. **Change Reporting**  
*Chapter 312, Article 28, Section 22 (HF 3172)*  
*Amends Minn. Stat. § 256J.30, subd. 9*  
*Effective January 1, 2015*

Simplifies change reporting for MFIP.

F. **Diversionary Work Program (DWP)**

1. **Asset Limits**  
Provides that the asset limits and exclusions under the new Minn. Stat. § 256P.02 will apply to DWP applicants and participants.  
*Amends Minn. Stat. § 256J.95, subd. 9*  
*Effective February 1, 2015*

2. **Verification**  
Provides that factors to be verified must follow the new procedures set forth in Minn. Stat. § section 256P.04, subds. 4 and 5.  
*Amends Minn. Stat. § 256J.95, subd. 8*  
*Effective February 1, 2015*

_Note:_ See the Public Assistance Simplification portion of these summaries above for detail on the new procedures.
G. **Employment Plans**  
*Chapter 291, Article 11, Section 20 (HF 2402)*  
*Amends Minn. Stat. § 256J.521, subd. 2*  
*Effective July 1, 2014*

Lengthens the amount of time participants have to job search from six weeks to three months.

H. **Income Exclusions**  
*Chapter 291, Article 11, Sections 11 and 12 (HF 2402)*  
*Amends Minn. Stat. §§ 256J.21, subd. 2; and 256J.24, subd. 3*  
*Effective January 1, 2015*

Excludes payments when determining MFIP household income for: (1) family foster care; or (2) adoption kinship. Requires that children receiving ongoing guardianship assistance be excluded from a household unit for household eligibility determinations.

I. **Internet Interviews**  
*Chapter 291, Article 11, Section 9 (HF 2402)*  
*Amends Minn. Stat. § 256J.09, subd. 3*  
*Effective July 1, 2014*

Allows MFIP parents to participate in an internet or telephone interview in lieu of an in-person, face-to-face interview for MFIP eligibility determinations.

*Note:* See also Recertification Procedures that will become effective February 1, 2015 under the Public Assistance Simplification Section above.

J. **Recertification**  
*Chapter 291, Article 11, Sections 13 and 15 (HF 2402)*  
*Amends Minn. Stat. §§ 256J.30, subd. 4; and 256J.32, subd. 6*  
*Effective July 1, 2014*

1. **Termination of Benefits**
   
Requires counties to end benefits when a participant fails to complete the recertification paperwork and interview process before the end of the certification period.  
*Amends Minn. Stat. § 256J.30, subd. 4*  
*Effective July 1, 2014*
2. **Reinstatement of Benefits**  
Allows counties to reinstate benefits, retroactive to the date of closing, if the participant submits the recertification form by the last day of the recertification period and completes the interview process during the first month after benefits ended.  
*Amends Minn. Stat. § 256J.30, subd. 4*  
*Effective July 1, 2014*  

3. **Recertification Interviews**  
Allows recertification interviews to be conducted by: (1) telephone; (2) internet telepresence; or (3) face-to-face in the county office or in another mutually agreed upon location.  
*Amends Minn. Stat. § 256J.32, subd. 6*  
*Effective July 1, 2014*  

*Note:* See also Recertification Procedures that will become effective February 1, 2015 under Public Assistance Simplification Section above.

K. **Treatment of Income**  
*Chapter 312, Article 28, Section 25 (HF 3172)*  
*Amends Minn. Stat. § 256J.37, subs. 4 - 8*  
*Effective February 1, 2015*  

1. **Self-Employment Income, Earnings, and Budget Period**  
Replaces existing language: (1) describing self-employment income with a cross-reference to new definition of self-employment income found at Minn. Stat. § 256P.01, subd. 7; (2) setting forth procedures regarding determination of self-employment earnings with a cross-reference to the new procedures found at Minn. Stat. § 256P.05, subd. 2; and (3) setting forth procedures regarding the self-employment budgeting period with a cross-reference to the new procedures found at Minn. Stat. § 256P.05, subd. 2.  
*Amends Minn. Stat. § 256J.37, subs. 4 – 6*  
*Effective February 1, 2015*  

2. **Farm Income**  
Provides that farm income is to be treated as self-employment income under new Minn. Stat. § 256P.05, subd. 2. Requires the agency to budget farm income as self-employment earned income under new Minn. Stat. § 256P.05, subd. 3.  
*Amends Minn. Stat. § 256J.37, subd. 7*  
*Effective February 1, 2015*
3. **Rental Income**
   Replaces existing language, specifying that rental income is to be treated according to the requirements regarding self-employment income set forth in new Minn. Stat. § 256P.05.
   Amends Minn. Stat. § 256J.37, subd. 8
   Effective February 1, 2015

   *Note: See the Public Assistance Simplification portion of these summaries above for more detail on the new procedures.*

L. **Uncompensated Work**
   *Chapter 291, Article 11, Sections 18 and 24 (HF 2402)*
   Amends Minn. Stat. §§ 256J.49, subd. 13; and 256J.67
   Effective July 1, 2014

   Removes “volunteer work” from the list of approved work activities, and modifies terminology by replacing “unpaid” with “uncompensated” work. Replaces work experience with “community work experience.”

M. **Underpayments**
   *Chapter 291, Article 11, Section 17 (HF 2402)*
   Amends Minn. Stat. § 256J.38, subd. 6
   Effective July 1, 2014

   Limits corrective payments to 12 months prior to the month of discovery.

N. **Work Benefit**
   *Chapter 291, Article 11, Section 23 (HF 2402)*
   Amends Minn. Stat. § 256J.621, subd. 1
   Effective July 1, 2014

   Requires the county to assess eligibility for the work participation cash benefit within 30 days of a participant exiting the MFIP program. Specifies when payment of the cash benefit begins.

   *Note: The work benefit program is still indefinitely suspended and unfunded.*
III. GENERAL ASSISTANCE (GA)

Chapter 312, Article 28, Sections 2 – 8 (HF 3172)

Amends Minn. Stat. §§ 256D.02, subds. 8 and 12; 256D.05, subd. 5; 256D.06, subd. 1; 256D.08, subd. 1; and 256D.10

Adds Minn. Stat. § 256D.08, subd. 3

Various Effective Dates

Note: See also the “Public Assistance Simplification” in the following section for additional and important changes to MFIP statutes. The changes noted in that section apply to several programs, including MFIP.

A. Definitions

1. “Income”

Modifies the definition of “income” by: (1) replacing “net earnings” with “earned income”; (2) adding “rental income”; and (3) cross-referencing the new definition of “self-employment earnings” found at Minn. Stat. § 256P.05.

Amends Minn. Stat. § 256D.02, subd. 8

Effective February 1, 2015

Note: For a more detailed description of “Self-Employment Earnings,” see Section above on “Public Assistance Simplification.”

2. “Agency”

Replaces current definition of county with a cross-reference to new “agency” definition found at Minn. Stat. § 256P.02, subd. 2: (1) a county; (2) a federally recognized Indian tribe; or (3) a multicounty social services collaborative.

Amends Minn. Stat. § 256D.02, subd. 12

Effective July 1, 2014

B. Eligibility

1. Asset Limits

Replaces existing asset limits with the new asset limits under asset limits established under Minn. Stat. § 256P.02 (e.g., $10,000 in personal property, excluding one vehicle per household member age 16 or older). Removes DHS authority to waive inclusion of an asset.

Amends Minn. Stat. § 256D.08, subd. 1

Effective June 1, 2016
2. **Calculation of Amount of Assistance**  
   Replaces the $50 monthly earned income disregard with the new “earned income disregard” standard set forth in Minn. Stat. § 256P.03, subd. 2 (i.e., disregard of the first $65 of earned income plus one-half of the remaining earned income per month).  
   *Amends Minn. Stat. § 256D.06, subd. 1*  
   *Effective October 1, 2015*

3. **Verification**  
   Adds the requirement to verify eligibility according to the new procedures set forth in Minn. Stat. § 256P.04.  
   *Adds Minn. Stat. § 256D.08, subd. 3*  
   *Effective February 1, 2015*

   Note: *For a more detailed description of the verification procedures, see Section above on “Public Assistance Simplification.”*

C. **Transfers of Property**  
   Cross-references new personal property limitations under section Minn. Stat. § 256P.02, which requires property to be “legally available” when determining household resources.  
   *Amends Minn. Stat. § 256D.05, subd. 5*  
   *Effective June 1, 2016*

IV. **MINNESOTA SUPPLEMENTAL AID (MSA)**  
   *Chapter 312, Article 28, Sections 9 – 11, 34 HF 3172)*  
   *Amends Minn. Stat. §§ 256D.405, subds. 1 and 3; and 256D.425, subd. 2*  
   *Adds Minn. Stat. § 256P.03, subd. 1*  
   *Various Effective Dates*

   Note: *See also the “Public Assistance Simplification” in the following section for additional and important changes to MFIP statutes. The changes noted in that section apply to several programs, including MFIP.*

Modifies program eligibility standards as follows:

A. **Verification of Information**  
   Replaces existing provisions with requirements to follow new documentation, verification, and recertification procedures to determine eligibility found at Minn. Stat. § 256P.04.  
   *Amends Minn. Stat. § 256D.405, subd. 1*  
   *Effective February 1, 2015*
B. **Asset Limits**

1. **For Supplemental Social Security Income (SSI) Recipients**

   Clarifies that, for persons receiving SSI the resource standards and restrictions for program eligibility are those used to determine eligibility for persons with disabilities in the SSI program.

   *Amends Minn. Stat. § 256D.425, subd. 2 by adding paragraph (a)*

   **Effective June 1, 2016**

2. **For Recipients Who Do Not Qualify Due to Excess Income/Assets**

   Adds that the new asset limits (i.e., $10,000, excluding one vehicle) found at Minn. Stat. § 256P.02 apply to persons: (1) not receiving SSI who do not qualify due to excess income or assets; and (2) whose income and resources are within the MSA limits.

   *Amends Minn. Stat. § 256D.425, subd. 2 by adding paragraph (b)*

   **Effective June 1, 2016**

V. **GROUP RESIDENTIAL HOUSING (GRH)**

*Chapter 312, Article 28, Sections 12 and 13 (HF 3172)*

*Amends Minn. Stat. §§ 256I.04, subd. 1*

*Adds Minn. Stat. §§ 256I.03, subd. 1a; and 256P.03, subd. 1*

**Various Effective Dates**

*Note:* See also the “Public Assistance Simplification” in the following section for additional and important changes to MFIP statutes. The changes noted in that section apply to several programs, including MFIP.

A. **New Definition: “Agency”**

   Adds the definition of “agency” by cross-referencing the new “agency” definition found at Minn. Stat. § 256P.02, subd. 2: (1) a county; (2) a federally recognized Indian tribe; or (3) a multicounty social services collaborative.

   *Adds Minn. Stat. § 256I.03, subd. 1a*

   **Effective July 1, 2014**

B. **Eligibility**

   Establishes that the new asset limits (i.e., $10,000, excluding one vehicle) will apply in 2016 for certain applicants.

   *Amends Minn. Stat. § 256I.04, subd. 1*

   **Effective June 1, 2016**
C. **Earned Income Disregard**

Beginning October 1, 2015, when the new provisions of Chapter 256P take effect, GRH applicants and recipients are exempted from the new earned income disregard standard.

*Adds Minn. Stat. § 256P.03, subd. 1
Effective October 1, 2015*

VI. **SELF-ATTESTATION OF INELIGIBILITY**

*Chapter 291, Article 11, Sections 5, 6, 8, and 16 (HF2402)*

*Amends Minn. Stat. §§ 256D.05 by adding subd. 9; 256D.405, subd. 1; 256I.04, subd. 1a; and 256J.32, subd. 8
Effective July 1, 2014*

Simplifies administrative processes for counties by allowing county agencies to accept a signed personal statement from an applicant -- in lieu of documentation -- verifying ineligibility if the county determines an applicant is ineligible for: (1) MFIP; (2) GA; (3) MSA; or (4) GRH.

VII. **TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)**

A. **Innovation Projects**

*Chapter 291, Article 11, Section 24 (HF 2402)*

*Amends Minn. Stat. § 256J.626, subd. 5
Effective July 1, 2014*

Expands the allowable uses of TANF innovation funds to include rewarding high performing counties and tribes.

B. **Limitations Imposed on Counties**

*Chapter 291, Article 11, Section 33 (HF 2402)*

*Amends Minn. Stat. § 256J.751, subd. 2
Effective July 1, 2014*

Prohibits DHS from applying federal limits on vocational educational training and education activities when determining TANF work participation rates for individual counties.
C. **TANF Task Force**  
*Chapter 291, Article 1, Section 12 (HF 2402)*  
*Uncodified Section*  
*Effective July 1, 2014*  
*Expires March 1, 2015*

Establishes the Minnesota TANF Expenditures Task Force, to be staffed DHS. Requires analysis and recommendations as to which programs currently receiving TANF should be funded with general fund dollars. Includes representation from: (1) DHS; (2) Department of Health; (3) Office of Management and Budget; (4) Legislators; (5) County representatives; (6) public health officials; and (7) advocates (including Legal Aid). Requires a report to the Legislature by November 30, 2014.
RACIAL, ETHNIC, AND GEOGRAPHIC DISPARATIES
Prepared by:
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I. AFFORDABLE HOUSING PLAN AND DISPARITIES REPORT
Chapter 312, Article 2, Section 16 (HF 3172)
Uncodified Section
Effective July 1, 2014

A. Affordable Housing Plan
Requires the Minnesota Housing Finance Agency (MHFA) to provide draft and final versions of its affordable housing plan prior to and after submitting it to the MHFA board.

B. Disparities Report
Requires MHFA to provide an annual report to the Legislature on progress, if any, the agency has made in closing the racial disparity gap and low-income concentrated housing disparities

II. GRANTS TO MINORITY RUN HEALTH CARE PROFESSIONAL ASSOCIATIONS
Chapter 291, Article 6, Section 22 (SF 2402)
Amends Minn. Stat. § 145.928 by adding subd. 7a
Effective July 1, 2014

Requires MDH to award grants to minority run health care professional associations to achieve the following: (1) provide collaborative mental health services to minority residents; (2) provide collaborative, holistic, and culturally competent health care services in communities with high concentrations of minority residents; and (3) collaborate on recruitment, training, and placement of minorities with health care providers.
III. HEALTH CARE INTERPRETERS

*Chapter 312, Article 30, Section 3, subd. 3 (HF 3172)*

*Uncodified Section*

*Effective July 1, 2014*

A. **Appropriation**

Appropriates $81,000 in Fiscal Year 2015 to promote health equity and quality health outcomes through changes to laws governing spoken language health care interpreters.

B. **Charge to MDH**

1. **Recommendation for Legislation**

Requires MDH to draft and justify recommendations for legislation for presentation to the Legislature by January 15, 2015.

2. **Issues to be Addressed**

Requires MDH, in drafting the legislation to address issues related to: (1) qualifications for spoken language health care interpreters that assure quality service to health care providers and their patients, considering differences for common and rare languages; (2) methods to support the education and skills development of spoken language health care interpreters serving Minnesotans; (3) the role of an advisory council in maintaining a quality system for spoken language health care interpreting in Minnesota; (4) management of complaints regarding spoken language health care interpreters, including investigation and enforcement actions; (5) an appropriate structure for oversight of spoken language health care interpreters, including administrative and technology requirements; and (6) other issues that address qualifications, quality, access, and affordability of spoken language interpreter services.

3. **Process**

Requires MDH to consult with a broad range of spoken language health care interpreters, including: (1) independent contractors; (2) those who speak rare languages; (3) organizations that employ interpreters; (4) organizations that pay for interpreter services; (5) health care providers who use interpreters; (6) clients who use interpreters; (7) community organizations serving non-English-speaking populations; and (8) other relevant organizations including but not limited to Interpreter Agencies of Minnesota and the Interpreters Stakeholder Group.
IV. HEALTH DISPARITIES/CHRONIC CONDITIONS

Chapter 291, Article 9, Section 4 (SF 2402)
Uncodified Section
Effective August 1, 2014

Directs the Department of Human Services to incorporate planning efforts and design of the state Medicaid plan option under the Affordable Care Act that address chronic medical or behavioral health conditions complicated by socioeconomic factors such as race, ethnicity, age, immigration, or language.

Note: Quality incentive payments, over and above existing payment levels, are available to health care providers based on a set of measures to assess the quality of care provided that focuses on outcomes, compares provider performance against specified targets, and tracks improvements over time. See Minn. Stat. § 62U.02.

V. HEALTH EQUITY GRANTS

Chapter 312, Article 30, Section 3, subd. 2 (HF 3172)
Uncodified Section
Effective July 1, 2014

Appropriates $501,000 in Fiscal Year 2015 through the Community Grant Program under Minn. Stat. § 145.928, subd. 8, for health equity grants designed to assist refugee populations. Requires that a portion of the funds be used to: (1) address health equity issues facing East African communities; (2) conduct a conference focused on mental health in immigrant and refugee communities; and (3) fund women's reproductive health and dementia outreach projects.

VI. HOUSING OPPORTUNITIES MADE EQUITABLE (HOME) PILOT PROJECT

Chapter 188, Section 4 (HF 859)
Uncodified Section
Effective August 1, 2014

Establishes the Housing Opportunities Made Equitable (HOME) pilot project to increase affordable homeownership among and help close the disparity in homeownership experienced by communities of color and American Indians. Provides that, if funds are available, MHFA may use the available funds to: (1) support the capacity of several local community nonprofit housing and service providers to administer the pilot; (2) support providers that assist families to attain sustainable, affordable homeownership; and (3) make first mortgage loans. Permits assistance to include: (1) long-term financial education; (2) training; (3) case management; (3) credit repair; (4) homebuyer education; and (5) foreclosure prevention mitigation services.
VII. QUALITY MEASUREMENT FOR HEALTH CARE PROVIDER INCENTIVE PAYMENTS

Chapter 312, Article 23, Section 10 (HF 2402)
Uncodified Section
Effective July 1, 2014

A. Stratification of Measures

1. Development of Implementation Plan
Directs MDH to develop an implementation plan for stratifying measures that based on disability, race, ethnicity, language, and other sociodemographic factors that are correlated with health disparities and impact performance on quality measures. Requires that the plan be designed so that quality measures can be stratified beginning January 1, 2017.

2. Consultation Required
Requires MDH to consult with: (1) consumer, community and advocacy organizations representing diverse communities; (2) health plan companies; (3) providers; (4) quality measurement organizations; and (5) safety net providers that primarily serve communities and patient populations with health disparities. Requires MDH to use culturally appropriate methods of consultation and engagement with consumer and advocacy organizations led by and representing diverse communities by race, ethnicity, language, and sociodemographic factors.

3. Report Required
Requires MDH to report to the Legislature by January 1, 2015 with the implementation plan.

B. Assessment of Risk Adjustment Methodology
Requires MDH to: (1) assess the risk adjustment methodology for quality incentive payments to health care providers for the potential for harm and unintended consequences for patient populations who experience health disparities and the providers who serve them; and (2) identify changes that may be needed to alleviate harm and unintended consequences. Requires MDH to report to the Legislature by January 1, 2016 the results of the assessment of the risk-adjustment methodology and any recommended changes.
VIII. SMALL BUSINESS INVESTMENT CREDIT

Chapter 150, Article 1, Section 3 (HF 2374)
Amends Minn. Stat. § 116J.8737, subd. 5
Effective for the 2015 and 2016 tax years

Allocates $7.5 million to credits for qualifying investments in qualified Greater Minnesota businesses and minority- or women-owned qualified small businesses in Minnesota.
I. HOMESTEAD OF DISABLED VETERAN

Chapter 308, Article 1, Section 10 (HF 3167)
Amends Minn. Stat. § 273.13, subd. 34
Effective for taxes payable in 2015, and applies to homesteads that initially qualified for the exclusion for taxes payable in 2009 and thereafter.

Extends the time period from five years to eight years to receive: (1) for a surviving spouse of a disabled veteran with a 70% disability, a property tax exclusion of $150,000 of market value; (2) for a surviving spouse of a disabled veteran with a 100% and permanent disability, a property tax exclusion of $300,000 of market value; and (3) for a surviving spouse of a member of the military who was killed in action, a property tax exclusion of $300,000 of market value.

II. INTEREST RATE FOR CONFESSIONS OF JUDGMENT

Chapter 308, Article 2, Sections 12 and 13 (HF 3167)
Amends Minn. Stat. §§ 279.03, subd. 2; and 279.37, subd. 2
Effective for confessions of judgment entered into on or after January 1, 2015

Lowers the interest rate on unpaid property taxes for certain classes of real property for homeowners who enter into installment repayment agreements with counties (“Confessions of Judgment”) with the intent to increase the likelihood that homeowners will not default on their agreements and thus will avert tax forfeiture.

A. Interest Rate
Lowers the interest rate for defaulting homeowners of certain classes of homesteaded real property who enter into installment repayment agreements (“Confessions of Judgment”) from a minimum of 10% to the greater of 5% of two percentage points over the prime rate charged to banks to their most creditworthy borrowers.
Amends Minn. Stat. § 279.37, subd. 2 by adding paragraph (b)

B. Second Judgment
Provides that a property owner may enter a second Confession of Judgment at the lower interest rate.
Amends Minn. Stat. § 279.37, subd. 2 by adding paragraph (d)
C. **Eligible Homeowners**
   Makes homeowners of Class 1a and Class 1b property eligible for the lower interest rate.
   *Amends Minn. Stat. § 279.37, subd. 2 by adding paragraph (b)*

   **Note:** Class 1a property is residential property used for homestead purposes; Class 1b property includes brick and mortar and manufactured homes used for the purposes of a homestead by: (1) a person who is blind; (2) a person who is permanently and totally disabled; or (3) the surviving spouse of a permanently and totally disabled veteran. See Minn. Stat. § 273.13, subd. 22, paragraphs (a) and (b).

D. **Composite Judgments**
   Applies the lower interest rate on unpaid taxes to a composite confession of judgment for qualified homeowners (i.e., where multiple defaults have been aggregated).
   *Amends Minn. Stat. § 279.03, subd. 2*

E. **Interest Rate Fixed**
   Provides that the rate, once set, is fixed for the life of the agreement, regardless of fluctuations in the prime rate and absent default.
   *Amends Minn. Stat. § 279.37, subd. 2 by adding paragraph (c)*

F. **Default**
   Provides that the interest rate reverts to the higher rate if the homeowner defaults on an agreement.
   *Amends Minn. Stat. § 279.37, subd. 2 by adding paragraph (b)*

G. **Exclusions**
   Excludes repurchase agreements or contracts for repurchase.
   *Amends Minn. Stat. § 279.37, subd. 2 by adding paragraph (e)*

III. **RENTER’S CREDIT**
   *Chapter 308, Article 1, Section 16 (HF 3167)*
   *Uncodified Section*
   *Effective for refund claims based on taxes payable in 2014 and rent paid in 2013 only.*

   Increases the Renter’s Credit (for rent paid in 2013) by 6%.
IV. SMALL BUSINESS INVESTMENT CREDIT
Chapter 150, Article 1, Section 3 (HF 1777)
Amends Minn. Stat. § 116J.8737, subd. 5
Effective for the 2015 and 2016 tax years

Allocates $7.5 million to credits for qualifying investments in qualified Greater Minnesota businesses and minority- or women-owned qualified small businesses in Minnesota.

V. WORKING FAMILY CREDIT
Chapter 150, Article 1, Sections 18 and 19 (HF 1777)
Amends Minn. Stat. § 290.0671, subds. 1 and 7
Various Effective Dates

Conforms the credit to federal improvements reducing marriage penalties starting in tax year 2013, and increases the maximum credit starting in tax year 2014, which together represent approximately a 25% increase in Minnesota’s Working Family Credit, the state corollary (and supplement) to the federal Earned Income Tax Credit (EITC).

A. Phase-out/Restructuring
Reduces the marriage penalty in the working family credit phase-out by increasing the income level at which the credit begins to phase out for married joint filers. Restructures the credit by eliminating the two-tier structure, increasing the percentage of income used to calculate the credit for all claimants (those with no qualifying children, one qualifying child, and two or more qualifying children), and modifying the phase-out rates. 
Amends Minn. Stat. § 290.0671, subd. 1
Increase effective retroactively to tax year 2013; restructuring effective for tax year 2014.

B. Inflation Adjustment
Updates the annual inflation adjustment of the income brackets and phase-out thresholds. 
Amends Minn. Stat. § 290.0671, subd. 7
Increase effective for tax year 2015.
I. **QUITS**

*Chapter 251, Article 2, Section 14 (HF 2949)*

Amends Minn. Stat. § 268.095, subd. 2

*Effective June 8, 2014*

Clarifies that an employee who seeks to withdraw a previously submitted notice of quitting is considered to have quit as of the intended date of quitting.

*Note:* Current law permitting the notice to be withdrawn if the employer agrees remains unchanged.

II. **ELIGIBILITY**

*Chapter 239, Article 2, Sections 4 and 5 (HF2546) (Women’s Economic Security Act)*

Amends Minn. Stat. § 268.095, subs. 1 and 6

*Effective October 5, 2014, and applies to all determinations and appeal decisions issued on or after that date*

A. **Quit**

Adds sexual assault and stalking to the list of exceptions to the general provision that unemployment benefits be denied to employees who quit. Deletes the requirement that employee-victims must document domestic abuse.

*Amends Minn. Stat. § 268.095, subd. 1*

B. **Misconduct**

Adds conduct that was a consequence of sexual assault or stalking to the list of conduct that does not constitute misconduct.

*Amends Minn. Stat. § 268.095, subd. 6*
III. **EMPLOYER APPEALS**  
*Chapter 251, Article 1, Section 5 (HF 2949)*  
*Amends Minn. Stat. § 268.103, subd. 2a*  
*Effective June 8, 2014*

Allows attorneys representing employers to file appeals using methods other than the online appeal system.

IV. **INTEREST REDUCTION ON FRAUD OVERPAYMENTS**  
*Chapter 251, Article 1, Section 6 (HF 2949)*  
*Amends Minn. Stat. § 268.18, subd. 2b*  
*Effective July 1, 2015*

Decreases the per month interest rate on fraud overpayments from 1.5% to 1%.

V. **COVERED AGRICULTURAL EMPLOYMENT**  
*Chapter 251, Article 2, Section 3 (HF 2949)*  
*Amends Minn. Stat. § 268.035, subds. 11 and 12*  
*Effective June 8, 2014*

Modifies the definition of covered agricultural employment.

VI. **UNEMPLOYMENT FOR PERSONAL CARE ATTENDANTS**  
*Chapter 251, Article 2, Section 5 (HF 2949)*  
*Amends Minn. Stat. § 268.035, subd. 12*  
*Effective June 8, 2014*

Restores unemployment eligibility to individuals providing direct care to an immediate family member under the Personal Care Attendant Program.
VII. CONTINUED REQUEST
Chapter 251, Article 2, Section 13 (HF2949)
Amends Minn. Stat. § 268.0865, subds. 3 and 4
Effective June 8, 2014

A. Electronic Submissions
Requires that a continued request for unemployment insurance via electronic submission must be made within three calendar weeks following the week for which payment is requested.
Amends Minn. Stat. § 268.0865, subd. 3(c)

B. Mail Submissions
Requires a continued request by mail to be sent during the week following the week for which payment is requested, but mandates that a continued request must be accepted if: (1) continued request is not timely filed; and (2) the form is filed by mail within three calendar weeks following the week for which payment is requested.
Amends Minn. Stat. § 268.0865, subds. 4(a) and (b)

C. Fax Submissions
Allows a continued request to be faxed within three calendar weeks following the week for which payment is requested.
Amends Minn. Stat. § 268.0865, subds. 4(c)

VIII. UI APPEAL HEARINGS
Chapter 251, Article 2, Section 15 - 19 (HF2949)
Amends Minn. Stat. § 268.105, subds. 1, 2, 3a, 5, and 6
Effective August 1, 2014

A. Conduct of the Hearing
Eliminates prescribed process for how UI hearings are to be conducted. Authorizes the Department of Employment and Economic Development (DEED) to adopt rules on procedures for hearings under Minnesota Rules, Chapter 3310.
Amends Minn. Stat. § 268.105, subst. 1(b)

B. Revised Notice to Parties
Eliminates the requirement that the UI Law Judge send notice to all involved parties that an appeal has been filed and a hearing has been scheduled, thereby also eliminating the accompanying: (1) description of parties’ rights and responsibilities regarding the hearing; (2) explanation of the preponderance evidentiary standard to be used; and (3) plain language explanation of the legal term “preponderance of the evidence.”
Amends Minn. Stat. § 268.105, subst. 1(a)
C. **Competency of Evidence**
Removes the statutory language providing that the following is competent evidence of the facts contained in it: (1) a report of any DEED employee; and (2) an affidavit or written statement based on personal knowledge and signed under penalty of perjury.
*Amends Minn. Stat. § 268.105, subd. 1(c)*

D. **Evidentiary and Credibility Disputes**
Deletes the statutory language: (1) permitting parties to dispute the veracity of documents and the credibility of witnesses with documents or testimony; and (2) granting authority to compel by subpoena the production of the documents and testimony.
*Amends Minn. Stat. § 268.105, subd. 1(c)*

E. **Duties of Chief Unemployment Judge**
Clarifies that it is the responsibility of the Chief UI Law Judge to set the time and place for the hearing, but eliminates the requirement that the place of the hearing also be established.
*Amends Minn. Stat. § 268.105, subd. 1(b)*

F. **Duties of UI Law Judges**

1. **Content of Decision**
Requires a UI Law Judge to: (1) make written findings of fact; and (2) include reasons for the decision.
*Amends Minn. Stat. § 268.105, subd. 1(d)*

2. **Timing Regarding Issuance of Decision**
Clarifies that a UI Law Judge must issue a decision dismissing the appeal as untimely if the Judge decides the appeal was not filed within 20 calendar days after sending the determination. Permits the UI Law Judge to dismiss the appeal by summary decision or conduct a hearing to obtain evidence on the timeliness of the appeal.
*Amends Minn. Stat. § 268.105, subd. 1(f)*

G. **Effect of Decisions**
Provides that decisions of the UI Law Judges are not precedential.
*Amends Minn. Stat. § 268.105, subd. 1(g)*
H. **Requests for Reconsiderations**

1. **Change in Terminology**
   Changes legal “error” to legal “mistake.”
   *Amends Minn. Stat. § 268.105, subd. 2(b)*

2. **Defining Reconsideration**
   Requires the notice informing the parties that reconsideration has been filed also inform that “reconsideration is the procedure for the unemployment law judge to correct any factual or legal mistake in the decision, or to order an additional hearing when appropriate.”
   *Amends Minn. Stat. § 268.105, subd. 2(b)*

3. **Effect of Notifying Parties**
   Clarifies that sending the notice that reconsideration has been filed does not mean the UI Law Judge has decided the request for reconsideration was timely filed.
   *Amends Minn. Stat. § 268.105, subd. 2(b)*

4. **Fees**
   Prohibits any person other than an attorney from charging an applicant a fee for advising, assisting, or representing an applicant in a hearing or on reconsideration. Adds that no attorney fees may be awarded against DEED as a result of any proceeding.
   *Amends Minn. Stat. § 268.105, subd. 6*
I. CONSUMER PROTECTIONS FOR RESIDENTIAL PROPANE CUSTOMERS

Chapter 254, Sections 3-7 (HF 2834)

Adds Minn. Stat. §§ 216B.0991; 216B.0992; 216B.0993; 216B.0994; and 216B.0995

Effective Dates

A. Applicability

Limits applicability of the protections to: (1) “propane distributors,” defined as persons who sell propane “at retail to customers as their primary residential heat source”; and (2) “customers,” defined as a person: (i) “who has an established relationship with a propane distributor”; and (ii) “whose propane system meets the safety guidelines established by the propane distributor for residential heating service.”

Adds Minn. Stat. § 216B.0991, subd. 4 (definition of “propane distributor”)
Adds Minn. Stat. § 216B.0991, subd. 2 (definition of “customer”)

B. Credit History of Prospective Customers

Prohibits a propane distributor to make known to other propane distributors the names of past or present delinquent customers. Does not prohibit a propane distributor from conducting a routine credit check on a prospective customer.

Adds Minn. Stat. § 216B.0995, subd. 3

C. Price and Fee Disclosure for All Customers

Requires propane distributors to provide to all new residential customers a document listing: (1) the current per-gallon price of propane; and (2) all additional charges, fees, and discounts. Requires the document to be available to the “general public” upon request.

Adds Minn. Stat. § 216B.0992

D. Contracts for Service

Prohibits propane distributors from adding any fees to bills for customers who have entered into a prepurchase agreement, provided the customer has met all contract obligations. Allows exception for circumstances where a force majeure has been declared that interrupts supply.

Adds Minn. Stat. § 216B.0994
E. **Protections for Low-Income Customers**

1. **Budget Payment Plans**
   Requires propane distributors who generally offer budget payment plans to make the identical plan available to all customers, including those who participate in the Low-Income Home Energy Assistance Program (LIHEAP). Requires propane distributors to notify customers of any change of more than 20% of the monthly increment. Allows alternative plans to be negotiated between propane distributors and customers.
   
   *Adds Minn. Stat. § 216B.0993*

2. **Information About the Availability of LIHEAP**
   Requires propane distributors who accept LIHEAP payments to, upon request, make available information to customers about the income eligibility and contact information for LIHEAP agencies.
   
   *Adds Minn. Stat. § 216B.0995, subd. 2*

F. **Delivery Requirements**

Prohibits propane distributors – provided they have an available supply – from refusing to sell propane to a customer who: (1) pays in cash, by certified or cashier’s check, or by money order upon delivery; (2) receives energy assistance from the LIHEAP; or (3) is a governmental or private agency that has funds available to pay for delivery.

*Adds Minn. Stat. § 216B.0995, subd. 1*

II. **ENFORCEMENT OF ANTI-DISCRIMINATION PROTECTIONS FOR LOW-INCOME PROPANE CUSTOMERS**

*Chapter 254, Sections 22 (HF 2834)*

*Amends Minn. Stat. § 325E.027, subd. 5*

*Effective May 17, 2014*

Empowers the Department of Commerce to enforce the existing prohibition against discriminatory practices by propane (or fuel oil) dealers against low-income customers receiving Low-Income Home Energy Assistance Program (LIHEAP) grants.
III. PROPANE CONVERSION STUDY  
*Chapter 254, Section 25 (HF 2834)*  
*Uncodified Section*  
*Effective May 17, 2014*

Requests that the Legislative Energy Commission: (1) investigate the technical and economic feasibility of converting propane gas users to natural gas or other alternatives; and (2) submit any recommendations to the Legislature by January 15, 2015.

IV. PROTECTIONS FOR CONSUMERS WITH SERIOUS MEDICAL CONDITIONS  
*Chapter 254, Section 2 (HF 2834)*  
*Amends Minn. Stat. § 216B.098, subd. 5*  
*Effective August 1, 2014*

A. **Who Can Certify a Condition Warranting Protection**  
Adds to and modifies that list of medical professionals who can certify a condition that triggers the no-disconnection or mandatory reconnection protection this statute provides. Specifies that the following may certify that “failure to reconnect or continue service will impair or threaten the health or safety of a resident of the customer's household”: (1) a licensed medical doctor; (2) a licensed physician assistant; (3) an advanced practice registered nurse, as defined in section 148.171; or (4) a registered nurse, but only to the extent of verifying the current diagnosis or prescriptions made by a licensed medical doctor for the customer or member of the customer's household.  

*Note: Under current law, only a medical doctor may certify a triggering condition.*

B. **Duration of Certification**  
Provides that a certification is effective for six months and allows for renewals, which must be accompanied by a new certification from one of list of qualifying medical professionals. Gives utilities sole discretion to unilaterally extend a certification to 12 months if it determines the particular circumstances warrant a longer certification period.

C. **Payment Agreements**  
Clarifies that only customers who are in arrears must enter a payment agreement if they are receiving service under this section. Adds that the payment agreement “must consider a customer’s financial circumstances and any extenuating circumstances of the household.” Provides statutory authority for the utility, at its discretion, to include an arrears forgiveness component, which, if implemented, extinguishes the consumer’s liability for the amount forgiven.
V. **UTILITY LOW-INCOME AFFORDABILITY PROGRAM**

*Chapter 254, Section 8 (HF 2834)*

*Amends Minn. Stat. § 216B.16, subd. 14*

*Various October 1, 2014*

A. **Base Funding**

Provides a base annual funding level of $8 million, to be increased proportionally in future rate cases if overall rates increase.

**Note:** *The Affordability Program is mandatory for utilities serving more than 200,000 residential electric customers and voluntary for other companies. The funding comes from rates.*

B. **Fixed Discount for Low-income Elders and Low-Income Persons with Disabilities**

Establishes a $15 per month discount for low-income electric customers of mandated and participating utilities who: (1) are 62 years of age or older; or (2) have disabilities.

**Note:** *Current law calculates the discount as 50% on the first 400 kilowatt-hours.*