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Minnesota House of Representatives

Melissa Hortman, Speaker

FOR IMMEDIATE RELEASE
Date: July 27, 2021
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New Laws Effective Aug. 1, 2021

The following is a list of select new laws passed during the 2021 regular and special legislative sessions that take effect Aug. 1, 2021. The asterisk following the bill number denotes language that became law.

Summaries of all laws passed by the 2021 Legislature in regular and special sessions are available online from nonpartisan House Public Information Services at <http://www.house.mn/newlaws/#/search/2021>.

AGRICULTURE

Law makes policy changes to Board of Animal Health, food regulations and licensing

Among the changes contained in a policy-only omnibus agriculture law are those to the Board of Animal Health, and modification of regulations affecting cottage industries producing certain foods, including baked or dehydrated pet treats.

Rep. Mike Sundin (DFL-Esko) and Sen. Torrey Westrom (R-Elbow Lake) sponsor the law that contains some provisions that take effect Aug. 1, 2021.

The Board of Animal Health, which regulates livestock and domestic animals in Minnesota, will increase from five to six members, including four livestock producers instead of three. At least one of the producers must be a member of a federally recognized tribe located in Minnesota.

Minnesotans who sell homemade, shelf-stable foods and beverages can more than quadruple their calendar year sales — \$18,000 to \$78,000 — without needing to obtain a license. The law also exempts certain Minnesotans who sell homemade baked or dehydrated pet treats from obtaining a license from the Agriculture Department. Small meat processors who butcher fowl and game for hunters will be exempt from state food handler license and permit requirements provided their annual sales are less than \$20,000 or they process fewer than 200 deer annually.

The law will also:

- require the Department of Agriculture to annually report to the Legislature on a state program to compensate livestock owners for animals killed by wolves;
- allow the Department of Agriculture to hire a publicity representative;
- allow farmed deer and elk located in chronic wasting disease management or endemic zones to be transported if they have tested negative for the disease;
- exempt corn kernel fiber and biogas from biomass sourcing plans for advanced biofuel and renewable chemical incentive payments; and
- require producers who receive payments under the Bioincentive Program to certify they will not use the funds on lobbyists.

HF1524/SF958*/CH28

BUSINESS AND COMMERCE

Reverse mortgage loan servicer notification requirements established

Lenders and servicers of a reverse mortgage loan will need to notify borrowers they can identify an additional person to receive communications regarding loan defaults.

If a borrower chooses a third-party designee, a reverse mortgage loan servicer must send copies of unanswered communications regarding delinquencies, defaults and unfulfilled obligations that may result in foreclosure under the loan agreement to that designee.

A reverse mortgage loan default happens when a homeowner fails to pay property taxes or insurance premiums, or fails to return an annual notice to the lender stating the home is still being occupied by the borrower. It can lead to a foreclosure action.

Many homeowners taking out reverse mortgage loans are older adults who may have memory issues, say law proponents, and having a third-party designee to receive default notices can help prevent foreclosures.

Sponsored by Rep. Carlie Kotyza-Witthuhn (DFL-Eden Prairie) and Sen. Zach Duckworth (R-Lakeville), the new law also requires the loan servicer to send communications to the borrower's independent loan counseling agency.

HF333*/SF531/CH9

Insurers prohibited from discriminating against people with prescription naloxone

Under a new law, when an insurer is determining whether to issue, renew, cancel or modify a life insurance policy, they cannot make an underwriting determination based solely on information revealing that a proposed insured person has a prescription for an opiate antagonist.

An "opiate antagonist" means naloxone hydrochloride or any similarly acting drug approved by the federal Food and Drug Administration for the treatment of a drug overdose.

The law is sponsored by Rep. Erin Koegel (DFL-Spring Lake Park) and Sen. Mark Koran (R-North Branch).

HF652*/SF837/CH10

Modifications to bad check charges, procedures for opening checking accounts

A new law will increase the amount a financial intermediary can charge for a dishonored check to a person other than the issuer from \$4 to \$10.

It will also clarify that certain limitations on opening a transaction account due to past financial offenses, such as writing dishonored checks, do not apply to programs designed to expand access to people who do not have access to a transaction account at a bank or credit union.

The law is sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Karin Housley (R-Stillwater).

HF1067/SF1284*/CH21

CIVIL LAW

Minnesota law enforcement can enforce Canadian orders for protection

A new law will permit Minnesota to enforce protection orders issued in Canada while the person under protection is in the state.

Currently, Minnesota law enforcement agencies can only enforce protection orders issued by other states along with the federal and tribal governments that would be an enforceable order for protection if issued in this state.

Under the new law, individuals with Canadian orders for protection could register those orders with the Minnesota Bureau of Criminal Apprehension. Those records would then be available

electronically to state law enforcement officers and agencies 24 hours a day. A Canadian order for protection can be enforced even if it is not registered.

Rep. Kelly Moller (DFL-Shoreview) and Sen. Mark Johnson (R-East Grand Forks) sponsor the law.
HF113/SF395*/CH6

HOUSING

Housing policy changes

Policy parts of the omnibus housing law, sponsored by Rep. Alice Hausman (DFL-St. Paul) and Sen. Rich Draheim (R-Madison Lake), take effect Aug. 1, 2021. They will:

- allow federally recognized tribes in Minnesota and tribal housing corporations to be eligible for housing grants in a natural disaster area;
- end a requirement for window fall prevention devices in one- and two-family dwellings and townhouses if windows meet certain criteria;
- clarify it is an unfair discriminatory practice for the owner of housing to deny a person with a disability the use of a service animal even when the physical identification is not present;
- prohibit a landlord from charging additional fees or rent for a service or support animal;
- allow a landlord to request supporting documentation for a licensed professional verifying a disability when a tenant makes a reasonable accommodation request for a service or support animal; however, no documentation is necessary when the disability is apparent to the landlord;
- increase from \$27,000 to \$37,500 the maximum rehabilitation loan for existing owner-occupied residential housing and permit such loans to be used for manufactured home replacement;
- increase the income limitation under the definition of “persons and families of low and moderate income” to 115% of the greater of state median income, or area or county median income;
- create a process to affix a manufactured home to real property when the park the home is located in is owned by a nonprofit cooperative; and
- repeal the current process, and create new language, for making a manufactured home an improvement to real property.

SSH4*/SSSF16/SSCH8

PUBLIC SAFETY

‘Healthy Start Act’ offers conditional release to inmates who give birth

Pregnant inmates will be able to spend more time with their baby.

Dubbed the “Healthy Start Act,” a new law authorizes the Department of Corrections to conditionally release for up to one year postpartum, an inmate who gives birth within eight months of the date of commitment; and for the duration of the pregnancy and up to one year postpartum, an inmate who is pregnant.

The department must develop policy and criteria for such conditional releases, which may include community-based programming to provide prenatal or postnatal care, parenting skills classes, working at paid employment, seeking employment, educational programming, or chemical dependency or mental health treatment services.

A report is due to the Legislature by April 1 each year on the number of inmates released under this law and the duration of their release.

Rep. Jamie Becker-Finn (DFL-Roseville) and Sen. Mary Kiffmeyer (R-Big Lake) are the sponsors.
HF1403/SF1315*/CH17

Hospice workers will be notified if caring for registered predatory offenders

Effective Aug. 1, 2021, hospice providers will be notified if a patient under their care is a registered predatory offender.

The new law will require that notice of a predatory offender be given to hospice providers in the same manner that other in-home health care providers receive notice.

Rep. Heather Edelson (DFL-Edina) and Sen. Mark Johnson (R-East Grand Forks) sponsor the law.
HF331/SF443*/CH20

Technical change to identity theft law

A new law makes a technical change to criminal identity theft statutes, separating penalties for identity theft from child pornography crimes by placing them in two different paragraphs.

Rep. John Huot (DFL-Rosemount) and Sen. Greg Clausen (DFL-Apple Valley) sponsor the law.
HF809*/SF104/CH25

Correctional facility safety, POST Board requirements

Parts of the omnibus public safety and judiciary policy and finance law take effect Aug. 1, 2021, including:

- requiring the Bureau of Criminal Apprehension to investigate criminal sexual conduct cases in the Minnesota National Guard;
- implementation of the Hardel Sherrell Act, which mandates policy reforms and strengthening standards to improve safety for inmates and staff in state and local correctional facilities;
- establishing a clear process for the Department of Corrections to revoke a license of any correctional facility in the state for inmate safety violations;
- police chiefs must report all disciplinary actions taken against police officers to the Peace Officers Standards and Training Board for the purpose of identifying patterns of behavior suggesting an officer is in crisis or may violate a board-mandated model policy; and
- the POST Board is to create a list of approved trainers and training courses related to police officers responding to individuals with mental illness or Alzheimer's disease.

Rep. Carlos Mariani (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove) sponsor the law.
SSH63*/SSSFnone/SSCH11

STATE GOVERNMENT

State government, MN.IT, elections and campaign finance changes in new law

A new law contains numerous, mostly technical and conforming policy provisions that address elections and campaign finance, information technology and state government operations.

Sponsored by Rep. Michael Nelson (DFL-Brooklyn Park) and Sen. Mary Kiffmeyer (R-Big Lake), the following provisions take effect Aug. 1, 2021.

HF1952*/SF1831/CH31

Information Technology

The most public-facing change is renaming the Office of MN.IT Services the Department of Information Technology Services, conforming statutory references and listing the department among the state government cabinet level departments.

The current Technology Advisory Committee will be renamed Technology Advisory Council and the law adds nine new appointees to its membership for a total of 15. Of the new members, the

governor shall select six “with private-sector or public-sector IT experience or experience in academia pertaining to IT.” Additionally, four legislators will be ex-officio nonvoting members.

Other IT changes include:

- allowing the chief information officer to appoint a delegate to approve a proposed technology project;
- eliminating certain requirements related to the development of data processing systems and how those systems are defined;
- eliminating a requirement that up to 10 percent of a proposed budget for a project may be spent until a risk assessment and risk mitigation plan is in place; and
- restructuring language regarding the method of encumbering appropriations for certain large IT projects.

State Government Policy

A number of changes to the Office of the Legislative Auditor are included in the law. For example, the law provides statutory authorization to conduct a “special review,” and more clearly details the type of work conducted during a special review.

It also updates language and terminology regarding the office’s authority to conduct financial audits of executive branch and judicial branch agencies and offices; the authority to request inspection of an audit subject’s records and to require cooperation with the auditor’s requests; and it eliminates specific mandates related to audits of the Department of Human Services.

A Capitol flag program will be established to “make a Minnesota state flag and an American flag that were flown over the Minnesota State Capitol available to the family members of a public safety officer killed in the line of duty or a member of the United States armed forces who died while in active service.”

Other parts of the law will:

- allow the state to access federal funds received in fiscal years 2021-23 for construction of veterans homes in Preston, Montevideo and Bemidji;
- allow handlers to take ownership of a state service dog after the canine retires;
- ensure the Legislative Reference Library is entitled to receive a copy of all documents published by the state at no cost to the Legislature or library;
- authorize the Legislative Coordinating Commission to coordinate the activities of joint legislative commissions, committees, offices and task forces;
- eliminate references to the materials handling services and the state recycling center from the list of authorized uses of the general services revolving fund;
- define “passenger motor vehicle” in the law authorizing the commissioner of administration to manage a central fleet of vehicles for use by state agencies;
- change "central motor pool" to "enterprise fleet" in state statutes;
- allow inmate community work crew programs administered by the Department of Corrections to use unmarked state vehicles;
- update technical references related to state historic preservation; and
- Gambling Control Board members can remain in their position until a successor is appointed.

Elections

Most elections provisions are technical and conforming changes for the Office of the Secretary of State, but other changes are in the law. They include:

- establishing thresholds for determining acceptable performance by a voting system, and requiring additional review of the election results if the thresholds are exceeded;
- a deadline for contesting a special primary election for a state legislative office is provided;

- a request for a publicly funded recount may not be filed before a canvass of the election results is complete;
- expanding the definition of military for the state's absentee voting laws;
- lists of people applying for an absentee ballot — and voters who have submitted absentee ballots that have not been accepted — must be made available to the public in the same manner as the public information lists;
- requiring ballots for a special election to include a space for write-in votes;
- candidates for president and vice president and candidates for governor and lieutenant governor must jointly file a request to have write-in votes counted;
- a town clerk must notify the secretary of state if voting hours in the town will start later than required elsewhere;
- registered voters in an unorganized territory must present a petition for shorter polling place hours to the secretary of state at least 30 days before the election, in addition to the county auditor;
- authorizing election judges to presume that unopened, prepackaged ballots contain the number of ballots indicated by the package; and
- a person elected at a town special election must take the oath of office within 10 days after receiving a certificate of election or appointment.

Campaign Finance

Changes in the law include:

- a candidate, treasurer or chair can file alternate contact information with the Campaign Finance Board solely for the board to contact the candidate, treasurer or chair for administering campaign finance laws. The information is private data;
- adding the chancellor and members of the Board of Trustees of the Minnesota State system to the public official definition;
- updating language related to the annual statement of economic interest, including an increase from \$50 to \$250 in the threshold for requiring a report on an honorarium;
- references to local candidates are added in law governing political fund organizational requirements; and
- recodification of language related to the period of time required to be reported on a statement of economic interest.