

# SESSION WEEKLY



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**SAVING A LANGUAGE**

**VETO REACTION**

**FROM GROWER TO CONSUMER**

HF2457 - HF2463

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. During the 2007-2008 Legislative Session, each issue reports House action between Thursdays of each week, lists bill introductions and provides other information. No fee.

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On the cover: Robert E. Brown Jr., a member of the New Ulm Battery, takes a break between firings of the battery's 1856 field piece as part of the Freedom Day celebration held in front of the Capitol May 1. May is Military Family Appreciation Month.

—Photo by Tom Olmscheid





PHOTO BY TOM OLMSCHEID

By 2030, Minnesota's population of senior citizens is projected to be 1.3 million. Nursing home professionals say there may not be the capacity to meet the demand, and it is unclear whether this will be the home of choice for aging baby boomers.

## The dying nursing home

Legislators are proposing big dollars to help revive struggling facilities

By MIA SIMPSON

**I**t's a statement made in jest or satire: "Treat your children well. They pick your nursing home."

But the condition of many of Minnesota's nursing homes is no laughing matter. With 50 percent across the state insolvent, and a burgeoning elderly population, some policymakers are laboring to save dozens of nursing homes currently at risk of closure — a result of years of inadequate compensation, spending cutbacks and regional funding disparities.

"It's a very vulnerable situation," [Rep. Kent Eken](#) (DFL-Twin Valley) said. "They're being strangled, and it's been a very painful, slow process."

The issues date back decades, though proponents point to 2003, when funding to nursing facilities was frozen because of the state's \$4.2 billion budget deficit.

Funding recovered slightly two years later,

when nursing homes received a 2 percent increase for both years of the biennium — 1 percent lower than inflation, according to budget analysts.

The result today is a 7 percent disparity between nursing homes' revenue and their cost of doing business.

State funding is only a portion of the picture. Across the state, nursing facilities

average 38 years in age, and 56 percent will likely need renovating within the next decade. According to Patti Cullen, vice president of Care Providers of Minnesota, about 35 percent don't even have sprinkler systems that meet federal safety standards.

Payment mechanisms are also a factor. The majority of funding for many facilities is derived from Medicaid, which provides 86 percent of actual care costs. What's more, nursing homes serving Medicaid patients can't recoup funds as hospitals do because of a law prohibiting them from charging private payers more than state-paid residents.

Problems are worse in rural areas, where nursing homes are paid significantly less by the state than metropolitan-based homes. This is due to a tiered system, established in 1985, that split nursing homes into three categories based on factors such as geography

**First Reading continued on page 4**

and facility type.

Nursing homes in the first group, classified as deep rural, are paid 20 percent less than urban nursing homes in group three.

Thus facilities in Greater Minnesota are more likely to be insolvent, and they struggle to retain staff. According to Kenyon Sunset Home administrator John Boughton, his recent nursing hires are offered an hourly wage that is \$15 less than Twin Cities' rates, and when it comes to other labor, such as nursing assistants and janitorial staff, few homes in rural areas even provide benefits. The nursing home is operating at a loss of \$100,000 a year.

"The sad part is, these aren't unusual stories," Boughton said.

### The crisis

The accumulating effect of these inequities, cutbacks and limitations translates to 50 percent of Minnesota's nursing homes being insolvent and 30 percent "in crisis," meaning they operate at negative margins of 5 percent or less. The majority of these homes are in rural areas.

While money gains the most attention, it's not the heart of the issue.

"It's about people," said Kari Thurlow, vice president of advocacy for the Minnesota Health and Housing Alliance. "It's about the quality of care we give to our parents and grandparents."

And according to state figures, the number of parents, grandmas and grandpas is expected to boom soon. By 2030, Minnesota's current population of senior citizens will double to 1.3 million.

There again the plot thickens: on the one hand, nursing homes may not have the capacity to meet the demands of this incoming

population; on the other hand, the baby boomers may not want them anyway.

### The future

Five years ago, Minnesota's Long-Term Care Task Force declared nursing homes a system that may soon be obsolete, and suggested a shift from an "institutional" model that favors nursing facilities to one that emphasizes community options, such as assisted-living complexes and home-based care.

It's a change also pressured by the marketplace. According to the [Minnesota Board on Aging](#), more than 80 percent of seniors in need of long-term care lived in nursing homes in 1995. In 2005, it dropped to 50 percent.

Even the length of stay has altered. Nursing home administrators say residents don't remain on site for months or years anymore — instead it's days, and often simply to recuperate from an injury or medical procedure.

"The policies and public programs of yesterday will be neither fiscally viable nor well suited to the next generation of older Minnesotans," according to the board's Web site. "Minnesota must continue to move from institutional to community-based supports."

Legislators and lobbyists advocating for nursing homes acknowledge a changing tide. But they don't subscribe to it completely.

"I think the expectations will be different, and the baby boomers ... may not be satisfied with the current model," said Eken, who sponsored legislation on behalf of nursing facilities this session. "But there will always be a need for nursing homes because there will always be people whose children can't care for them anymore. We need to save the ones we have."

Thus a pledge, stated by legislators repeatedly, to rescue these homes.

"I'm going to fight like a tiger to bring money back," said [Rep. Patti Fritz](#) (DFL-Faribault), who worked as a nurse in a nursing home for much of her professional life. "It's a fight I've been fighting for 20 years."


She, along with a half dozen others, sponsored separate pieces of legislation with fiscal impacts topping tens to hundreds of millions of dollars. Lobbyists in the field say it would cost about \$400 million if nursing homes are to recover in full.

Their wishes are being granted, sort of.

The House offered a 3 percent increase to nursing homes in fiscal years 2008 and 2009 — several percentage points less than most bills proposed — at a cost of \$138 million. It later incorporated two plans into its omnibus health and human services finance bill, [HF297](#), sponsored by [Rep. Thomas Huntley](#) (DFL-Duluth), to decrease inequities between rural and urban facilities in the 2010-11 biennium. The first would bring reimbursement rates for tier one and two nursing homes up to tier three levels. The second would rebase or readjust rates for all facilities across a two-year period.

Together, they would cost the state approximately \$119 million. The Senate bill, [SF2171](#), sponsored by [Sen. Linda Berglin](#) (DFL-Mpls) has a similar plan, with different timelines.

A conference committee is working out the differences between bills.

"More is done in this bill than has been done in years for the nursing homes," Eken said on the House floor April 20. "It is a welcome rain after a very long drought." 

### Minnesota State Agencies

(Area code 651)

Administration.....(651) 201-2555	Iron Range Resources.....(218) 744-7400	Driver and Vehicle Services...(651) 297-3608
Agriculture .....(651) 201-6550	(800) 765-5043	Alcohol and Gambling
(800) 967-2474	Labor and Industry .....(651) 284-5005	Enforcement Division.....(651)201-7507
Commerce .....(651) 296-4026	(800) 342-5354	Division of Homeland Security and
Corrections.....(651) 361-7200	Mediation Services.....(651) 649-5421	Emergency Management....(651) 201-7400
Education.....(651) 582-8200	Metropolitan Council.....(651) 602-1000	State Duty Officer
Employee Relations.....(651) 259-3637	Military Affairs.....(651) 268-8925	(24-Hour Emergency) .....(651) 649-5451
Employment and	Housing Finance Agency .....(651) 296-7608	(800) 422-0798
Economic Development.....(651) 296-3711	(800) 657-3769	State Patrol.....(651) 201-7100
(800) 657-3858	Higher Education Services .....(651) 642-0567	Revenue
Enterprise Technology .....(651) 296-8885	(800) 657-3866	General Information .....(651) 296-3403
Explore Minnesota Tourism....(651) 215-9041	Natural Resources .....(651) 296-6157	Income Tax Helpline .....(651) 296-4444/
(800) 657-3635	(888) 646-6367	296-3781
Finance .....(651) 201-8000	Pollution Control Agency.....(651) 296-6300	Sales and Use Tax Line.....(651) 296-6181
Health .....(651) 201-5000	(800) 657-3864	Transportation .....(651) 296-3000
Human Rights.....(651) 296-5663	Public Safety	(800) 657-3774
Human Services .....(651) 431-2000	General Information .....(651) 201-7000	Veterans Affairs .....(651) 296-2562

**Editor's note:** The following Highlights are coverage of select bills heard in House committees held April 26-May 3 and other House activity. To track the progress of a bill, go to [www.leg.mn](http://www.leg.mn) and click on Bill Search, Status and MyBills. Designations used in Highlight summaries: HF-House File; SF-Senate File; CH-Chapter; and \*- the bill version considered by the House, or the bill language signed by the governor.

## BONDING

### City hall bonding

A new city hall could be built in McLeod County if the Legislature permits the issuance of bonds.

Sponsored by [Rep. Ron Shimanski](#) (R-Silver Lake), [HF102](#) would authorize the City of Winsted to issue \$4.9 million in general obligation bonds without a referendum for various public improvements. The bonds would be backed by city property taxes, said City Administrator Brent Mareck.

Mareck explained to the House Taxes Committee April 30 that the bonds would be used to build a city hall/community center/police station, improve parks and make other related public improvements. He said the city has rented space for a city hall for about 10 years, after the former city hall, built in 1896, developed mold issues.

Without special legislation, Winsted cannot move forward with the project because of net debt limitations.

The bill was laid over for possible inclusion in the omnibus public finance bill.

A companion bill, [SF98](#), sponsored by [Sen. Steve Dille](#) (R-Dassel), was included in the Senate omnibus tax bill.

— S. HEGMAN

## BUDGET

### Deficiency funding

Signed  
by  
the  
governor

Taking care of 2007 unexpected budget expenditures and unintended shortages is the intent of a new law signed by Gov. Tim Pawlenty May 2.

[Rep. Loren Solberg](#) (DFL-Grand Rapids) and [Sen. Richard Cohen](#) (DFL-St. Paul) sponsor the \$10.57 million supplemental budget request from the governor.

More than \$7.8 million is targeted for the

Metropolitan Council to fill a budgetary gap created because less than expected revenue is being generated from the motor vehicle sales tax from which the organization draws funding.

The law provides \$150,000 to the [Campaign Finance and Public Disclosure Board](#) to cover court-ordered payment of attorney's fees resulting from a First Amendment challenge regarding political activities relating to organizations.

While much of the case — Minnesota Citizens Concerned for Life vs. Kelly — was struck down in U.S. District Court, a portion of campaign law was ruled unconstitutional, and the state was required to pay attorney's fees relating to that finding, according to Jeanne Olson, executive director of the board.

Other appropriations include:

- \$1.1 million to match FEMA funds received for natural disaster assistance payments;
- \$522,000 for Greater Minnesota transit assistance;
- \$240,000 to replace funding lost to an inadvertent repeal of a state statute;
- \$200,000 to the [Board on Judicial Standards](#) for special hearing costs;
- \$200,000 to the [Board of Public Defense](#) for transcript costs;
- \$192,000 for parenting time centers;
- \$66,000 to the ombudsman for mental health and developmental disabilities; and
- \$47,000 for tax court deficiencies.

[HF958/SF846\\*/CH32](#)

— L. SCHUTZ

## CONSUMERS

### Call centers to tell the truth

Service call centers would be required to disclose their location if asked by Minnesota consumers, under a bill passed 93-39 by the House May 1.

Sponsored by [Rep. Joe Atkins](#) (DFL-Inver Grove Heights), [HF116](#) would establish a Minnesota customer's right to have the call center employee disclose the state or country where they are located. Additionally, a center located internationally that requests financial, credit or identifying information would have to disclose to a requesting customer if a stateside center is available. If a consumer call center doesn't have a stateside location, the consumer will have to decide whether to take the risk of disclosing personal information.

The attorney general would be permitted to prosecute a center that fails to disclose

information.

The bill now goes to the Senate, where [Sen. Dan Sparks](#) (DFL-Austin) is the sponsor.

"Let's be able to protect that private information, protect Minnesota's consumers, give them a right to know," Atkins said.

Other than requiring a call center to identify its location, the rest of the bill isn't needed because federal and state laws already protect consumers, [Rep. Erik Paulsen](#) (R-Eden Prairie) said. "You're creating here a solution for a problem that really doesn't exist."

Tom Hesse, vice president of government affairs for the Minnesota Chamber of Commerce, told a House committee that bill requirements could result in poor customer service by rerouting consumers to other locations, resulting in longer service calls.

— P. OSTBERG

## CRIME

### Who needs two, legally?

Conduct an Internet search for tickets for any professional football team and you'll find at least five pages of Web sites ready to get you a seat, most at more than face value.

Minnesota may soon become a friendlier place for ticket resellers.

The House approved [HF189/SF372\\*](#), which would repeal a 1963 law that makes it illegal to resell a ticket to an event at a price greater than printed on the ticket. Following the 124-8 vote May 2, the bill goes to the governor. The bill passed the Senate 48-15 on Feb. 19.

There are several reasons this bill is good for Minnesota, said [Rep. Chris DeLaForest](#) (R-Andover), who sponsors the bill with [Sen. Chris Gerlach](#) (R-Apple Valley). "You have a legal contract where A and B agree. Why would the government step in?"

Repealing this law would make Minnesota more attractive to those ticket reselling companies who want to move their businesses here, and consumers would win because the competition would bring down the price of tickets, he said.

[Rep. Phyllis Kahn](#) (DFL-Mpls) spoke of events in 1987 that motivated her to work on getting the law repealed.

She saw news reports of police arresting people for scalping tickets at the World Series, while at the same time there were a number of serious crimes that remained unsolved. "Besides the misuse of police power, a scalping law is the worst kind of socialist government intervention with the free market system," she said.

— C. GREEN



## WWII MEMORIAL

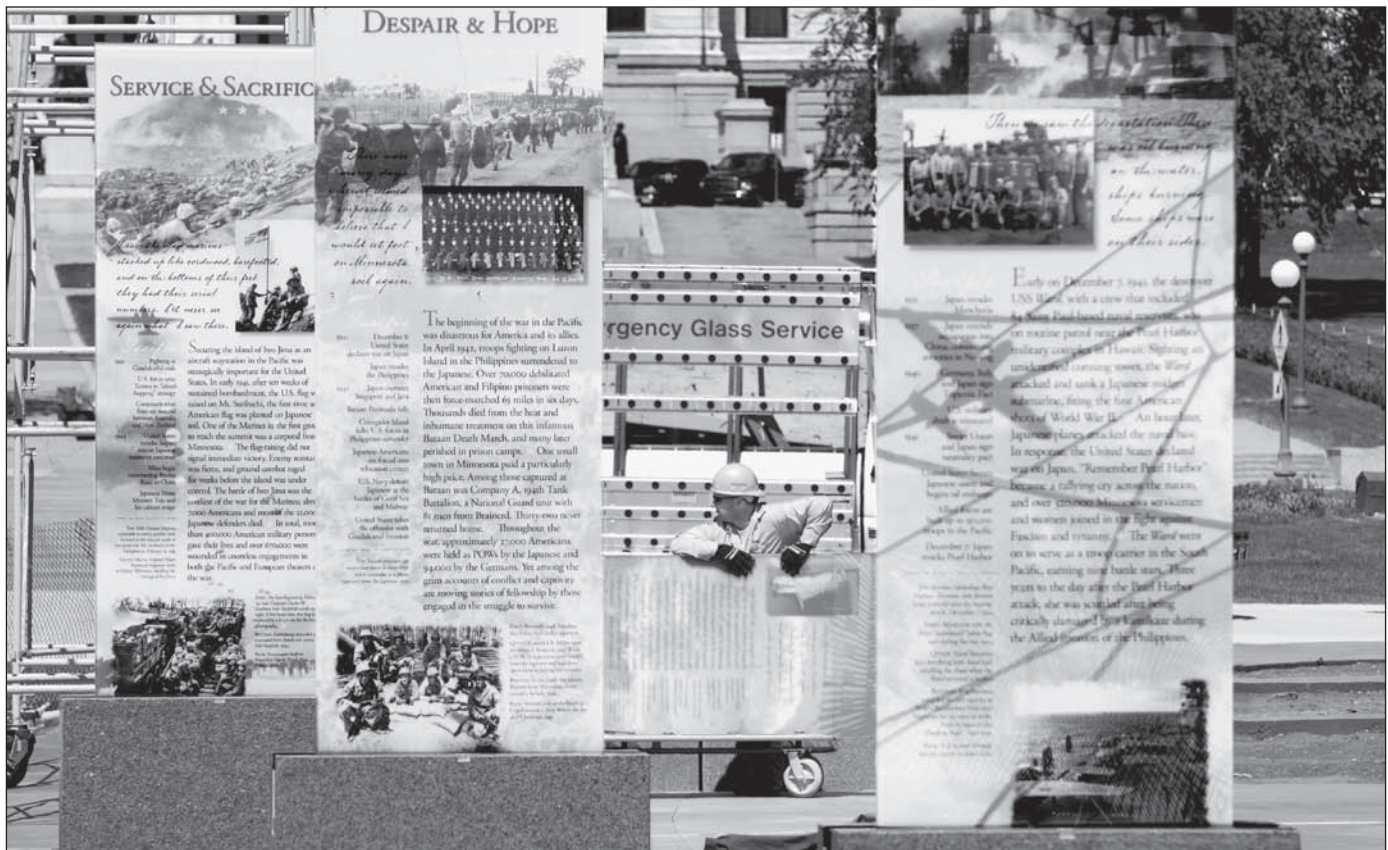


PHOTO BY TOM OLMSCHIED

Dean Tarr, an employee of Harmon Auto Glass, steadies one of the 400-pound panels erected at the World War II Memorial on the Capitol Mall May 2. The memorial is scheduled to be dedicated June 9.

## EDUCATION

### E-12 conference committee update

The E-12 Education Finance Conference Committee has agreed upon several non-controversial cost-free provisions, but the committee still has a ways to go.

Sponsored by [Rep. Mindy Greiling](#) (DFL-Roseville), [HF6](#) calls for \$13.94 billion in spending. Sponsored by [Sen. LeRoy Stumpf](#) (DFL-Plummer), [SF2095](#) calls for \$13.92 billion in spending. But the final product hinges on a budget target that the committee is waiting for from House and Senate leadership.

Although the committee has met several times and heard testimony, Greiling said May 2 that the committee is not expected to meet again until it receives the target. A target was to have been received by April 27. Three work groups continue to meet and address accountability, literacy and academic standards policy, but no consensus has been reached.

After going through a side-by-side

comparison of the two bills, agreement has been reached on several points, but conferees are withholding action until the target is known.

"Anything that deals with money we're going to hold until we have a target," Greiling said. "We're not going to spend a dime because even if it's the same it may not make the cut if it's money," she said.

One section adopted by the conference committee defines what qualifications are needed to be considered a highly qualified teacher. The committee approved extending by one year the rulemaking authority, which the Board of School Administrators may adopt governing school administrators. The committee also approved language that clarifies summer programs to mean extended school year services. The change is a reflection that some schools are in regular attendance during the summer.

— S. HARDING

If you will be visiting the Capitol in the near future, call the Capitol Historic Site Program at (651) 296-2881 to schedule a tour.

## EMPLOYMENT

### Saying no to nurse overtime

Nurses employed at most state facilities would get the same ability to say no to extra work as those in the private sector.

Sponsored by [Rep. Larry Howes](#) (R-Walker) and [Sen. Ellen Anderson](#) (DFL-St. Paul), the conference committee report for [HF966\\*](#)/[SF817](#) was approved [117-13](#) by the House and 50-10 by the Senate May 1. It awaits action by the governor.

Because some nurses felt they were being forced into too many overtime hours through intimidation, a 2002 law permits a nurse to refuse mandatory overtime without consequences from their employer if they are too tired or sick and believe it is in the best interest of the nurse and patients not to be in a caregiver role during those hours.

The bill, which has no fiscal cost, adds nurses employed by the state if the nurse is involved in resident or patient care. The bill does not supersede a valid collective bargaining agreement.

Because of the large fiscal impact if it were included, the [Corrections Department](#) was exempt under the original House provision, but not in the Senate version.

Howes said the agreement does not include department employees until July 1, 2008.

"We've asked the Department of Corrections to come back with a plan and report by Feb. 1, 2008, to the standing committees of the House and Senate," Howes said. "We've asked them to produce their procedures for hiring nurses, show us their scheduling of nurses at each facility, show us their ratio of supervisors to nurses, tell us how many pool nurses they use and where they use them, and how much overtime they use and where they use it and how many pool nurses they use at each facility."

[Rep. Jim Davnie](#) (DFL-Mpls) said the report is "a good step forward."

"We have a particular responsibility to those Minnesotans who are being cared for by state employees," he said. "Tired nurses, nurses being forced to work overtime don't have the opportunity to provide the level of care that we want them to provide and that they want to provide."

— M. Cook

## ENVIRONMENT

### Firewood restrictions passed

A bill on its way to the governor's desk would forbid visitors to state parks and forests from bringing their own firewood unless it comes from a source approved by the Department of Natural Resources.

Sponsored by [Rep. Rick Hansen](#) (DFL-South St. Paul) and [Sen. Tom Saxhaug](#) (DFL-Grand Rapids), [HF1016/SF420](#)\* is designed to prevent the spread of invasive species like emerald ash borer and other tree pests. It passed the House [115-13](#) April 27 and the Senate 52-6 April 30.

The bill would make it illegal to possess firewood on DNR-administered lands unless the wood is obtained from a distribution facility within such lands or purchased from a dealer who has been approved by the department. Hansen called the bill "another tool in the toolbox" to help manage the threat of invasive species in Minnesota.

"It is going to change behavior. There will be some inconvenience," Hansen said, noting that the Department of Agriculture recently warned of an infected brand of commercially produced firewood that may be headed for the state.

[Rep. Dennis Ozment](#) (R-Rosemount) said the threat posed by emerald ash borer, an Asian beetle that has devastated ash tree

populations in Michigan and surrounding states, made passage of the bill urgent.

"If you haven't noticed, we're having exceptionally warm weather right now. We know that if this type of wood is brought in from other states and it has this ash borer in it, it could infest our state. ... This is very serious stuff, and we should have done this a long time ago," he said.

[Rep. Sarah Anderson](#) (R-Plymouth) unsuccessfully offered an amendment that would have required the DNR to purchase its firewood from within the state's borders. Hansen said the amendment would have delayed the bill's progress in the Senate.

— N. Busse

### LCCMR bill passed

A bill awaiting Gov. Tim Pawlenty's signature would appropriate approximately \$23.4 million from the state's environmental trust funds for a variety of projects relating to land, water and air protection.

[HF293\\*/SF450](#), sponsored by [Rep. Kathy Tingelstad](#) (R-Andover) and [Sen. Ellen Anderson](#) (DFL-St. Paul), represents the recommendations of the [Legislative-Citizen Commission on Minnesota Resources](#). It was passed 130-3 by the House April 26 and 65-0 by the Senate April 18.

The purpose of the LCCMR, formerly the Legislative Commission on Minnesota Resources, is to make recommendations to the Legislature on the use of money from the state's environmental trust funds—primarily, the Environment and Natural Resources Trust Fund, which derives its funding mostly from lottery proceeds.

The bill includes:

- \$14.8 million for land projects, including forest legacy conservation easements, Minnesota habitat corridors partnership continuation, metro conservation corridors continuation, and land acquisitions for state, metro and regional parks and trails;
- \$5.1 million for 15 water resource projects;
- \$2 million for natural resource information projects, including continuation of the county biological survey and soil survey; and
- \$160,000 to fund an "emerging issues" account.

Also included is a provision that would ensure that all LCCMR meetings are open to the public.

The LCCMR's current recommendations apply to fiscal year 2008; a second set of separate recommendations will be presented for fiscal year 2009.

The House originally passed the bill 121-6 Feb. 26. Tingelstad said the Senate amended

it to eliminate an unintended potential for double payment to the same owner under two different sections of the forest legacy conservation easement program.

— N. Busse

### Mercury bill passed

A bill that would restrict the sale, use and disposal of certain products containing mercury was passed 109-23 by the House April 30.

Sponsored by [Rep. Melissa Hortman](#) (DFL-Brooklyn Park) and [Sen. John Marty](#) (DFL-Roseville), [HF1316/SF1085](#)\* would place a number of restrictions on products containing mercury, including:

- requiring that fluorescent light bulbs be recycled;
- requiring motor vehicle electric switches, fluorescent or high-intensity discharge lamps, laboratory chemicals, reagents, fixatives and electrodes to be clearly labeled by retailers if they contain mercury;
- banning the sale of certain medical devices, mercury switches and miscellaneous products containing mercury; and
- banning the purchase, store or use of elemental mercury and mercury-containing instruments in schools.

Hortman amended the bill with a provision that would require retailers who sell fluorescent light bulbs to display signs that read: "Fluorescent bulbs save energy and reduce environmental pollution. Note: Fluorescent bulbs contain a small amount of mercury and must be recycled at the end of their use. Contact your county or utility for recycling options."

[Rep. Dean Simpson](#) (R-Perham) said that Hortman's amendment would place an onerous burden on retailers.

"It's just another thing for the retailers to have to do," he said, adding that it should not be the retailers' place to have to educate the public on the proper use and disposal of light bulbs.

[Rep. Laura Brod](#) (R-New Prague) tried twice, without success, to amend the bill by adding a provision that would have required medical providers administering a vaccine that contains more than a trace amount of mercury to provide patients with a written disclosure. [Rep. Thomas Huntley](#) (DFL-Duluth) said that such a requirement might discourage parents from getting their children vaccinated for the flu, and Hortman said the issue needs to go through the normal committee process.

As amended by the House, the bill now goes back to the Senate.

— N. Busse



## FAMILY

### A look at conservators and guardians

A conservator is someone appointed by a court to manage a minor or incapacitated person's estate. A guardian, on the other hand, is qualified to offer support and care pursuant to an appointment by a court or family member.

Sponsored by [Rep. Shelley Madore](#) (DFL-Apple Valley) and [Sen. Mary Olson](#) (DFL-Bemidji), [HF1396\\*/SF759](#) would require the state court administration to convene a study group to make recommendations related to conservatorships and guardianships throughout Minnesota.

The group would need to review the rights of wards and protected peoples; the powers and duties of conservators and guardians; certification and registration; training; financial auditing; and reimbursement of attorneys, conservators and guardians.

The group would include, but not be limited to, representatives from probate courts, state protective services, the Minnesota State Bar Association and the [Department of Veterans Affairs](#). The group would need to present its findings to the Legislature by March 15, 2008.

Approved by the House 103-28 on April 30, the bill now awaits Senate action.

— C. GREEN

## GOVERNMENT

### State government finance agreement

It took longer than it was supposed to, but a conference committee agreement was reached May 3 on the omnibus state government finance bill.

Sponsored by [Rep. Phyllis Kahn](#) (DFL-Mpls) and [Sen. Don Betzold](#) (DFL-Fridley), [HF953/SF1977\\*](#) would set state policies and fund state agency needs for staffing, operations and some special projects. Given a \$549 million target by legislative leaders, conferees eventually reached a \$551.8 million agreement. The governor's recommendation totaled \$646.7 million.

The conference committee report is expected to soon be before both bodies for action.

A contentious multi-million dollar State Capitol restoration plan was a sticking point before legislators agreed to allocate \$750,000 to fund a restoration project study group. An additional \$4 million for the project is expected to go into a second bonding bill, if one is completed. The original Senate offer sought \$15 million for restoration; the House plan offered no funding.

Several House members voiced concern about previous restoration plans made without House input.

"We're gonna waste another \$10 million and have the controversy again," if the next plan doesn't involve all of those affected by a restoration project, said [Rep. Loren Solberg](#) (DFL-Grand Rapids).

Another controversial item was domestic partner benefits.

Both bills directed collective bargaining agreements to offer health insurance to domestic partners, if the same is offered to spouses of state employees, something that could ultimately get the bill vetoed.

An April 26 letter from Gov. Tim Pawlenty stated, "The bills mandate domestic partner health and sick leave benefits to same sex couples. As you are aware, this is a controversial issue that I oppose."

A Kahn amendment changes the reference from "domestic partners" to "significant individual" and orders the Department of Employee Relations to conduct a study on the cost associated with offering health benefits to those who would qualify.

Election provisions originally in the House bill were included in the final product.

They would allow for automatic voter registration when applying for a driver's license; lease agreements to be used as forms of identification for Election Day registration; providing voter registration and active status information on the Office of the Secretary of State Web site; and ongoing absentee status for any eligible voter.

Other agreed upon items include the establishment of two new commissions: the Minnesota Commission of Ethnic Heritage and New Americans and the Legislative Commission on Terrorism and Disaster Preparedness.

— P. OSTBERG

### Nonprofit firefighter costs

Nonprofit firefighter corporations would be added to the list of governmental units able to buy goods at set prices, under a bill awaiting gubernatorial action.

Sponsored by [Rep. Scott Kranz](#) (DFL-Blaine) and [Sen. Don Betzold](#) (DFL-Fridley), [HF465/SF321\\*](#) adds "independent nonprofit firefighter corporation" to the list of already designated groups that obtain equipment through a state bidding process that allows for the best possible price for purchasing goods. Designated state groups include every city, county, town, school district, political subdivision, University of Minnesota and nonprofit hospitals.

The bill, approved 60-0 by the Senate Feb. 15 and 132-0 by the House May 1, would allow

those groups to save money which "in turn saves taxpayer dollars," Kranz said.

There are between 80 and 100 nonprofit fire corporations in the state, with the majority in the Arrowhead region, said Nyle Zikmund, Spring Lake Park-Blaine-Mounds View fire chief. "We're simply seeking that same latitude enjoyment of buying off those state contracts."

— P. OSTBERG

### Economic development agreement

A wide-ranging jobs and economic development bill is headed for the House and Senate floors.

Sponsored by [Rep. Mary Murphy](#) (DFL-Hermantown) and [Sen. David Tomassoni](#) (DFL-Chisholm), [SF2089](#) was approved May 2 by the Economic Development Finance Conference Committee.

"This is a product we can stand tall on and present to the House and Senate to ensure economic development for people in the state," said Murphy, who expects the conference committee report to be before both bodies May 4 or May 5.

The \$448.8 million package is nearly an even split between the original House and Senate proposals.

"There was a lot of moving of numbers, but we've got a good product," Tomassoni said.

Among the issues addressed are funding for the [Department of Employment and Economic Development](#), [Department of Labor and Industry](#), [Explore Minnesota Tourism](#), [Minnesota Housing Finance Agency](#), [Iron Range Resources and Rehabilitation Board](#) and the [Minnesota Historical Society](#).

"This is the best package for housing in a long time," Murphy said.

Of the \$118.49 million to the housing agency, \$39.6 million would be for program increases, including an additional \$7.5 million toward family homeless prevention; \$7.49 million for the Housing Trust Fund, which provides no-interest deferred loans to help low-income people finance affordable permanent and supportive rental housing and limited equity cooperative housing; and an additional \$2 million for rental assistance to help families where at least one adult has a serious and persistent mental illness.

Other provisions include:

- establishment of a nanotechnology development fund program to develop a collaborative economic development program between the state, academia and the private sector to, in part, promote an increased use of advanced nanoinstrumentation;
- the creation of a small business growth acceleration program to help qualified companies implement technology and business improvements;



- a requirement that every licensed health care facility in the state shall adopt a safe patient handling program;
- money for the Minnesota Boxing Commission to become a self-funded entity;
- establishment of restricted journeyman and restricted master plumber licenses;
- creation of a packinghouse workers bill of rights;
- authorization for the historical society, in addition to the adjutant general, to contract for the repair, restoration and preservation of regimental battle flags; and
- a requirement that all urinals covered under the jurisdiction of the plumbing code must have a water flush device with a volume of no more than 1 gallon per use.

— M. COOK

### No attorney general office hearing

Caution was the word of advice to the House Rules and Legislative Administration Committee May 1 as members considered whether to hold a public hearing regarding a controversy in the [Office of the Attorney General](#).

Before members was a motion offered by [Rep. Tom Emmer](#) (R-Delano) on the House floor April 27 calling for the House Commerce and Labor Committee to conduct a hearing concerning allegations that Attorney General

Lori Swanson may be punishing her staff in retaliation for their efforts to unionize. Since January, three dozen staffers have reportedly left the office.

Emmer's motion was superseded by another from [House Majority Leader Tony Sertich](#) (DFL-Chisholm) calling for the motion to be heard in the rules committee.

The dispute within the attorney general's office appears to be ongoing, said Joel Michael, counsel with the nonpartisan House Research Department. Although a hearing would be appropriate under House rules, the issue relates to employment law and public hearings could hold implications for state liability.

"Bringing members of the executive branch in and questioning them, there is potential for claims ... "even if all the testimony is truthful and accurate," he said.

Michael could not recall another time when the House investigated an ongoing employment-law personnel matter in the executive branch.

"In general, the Legislature wants to look at things where there may be a legislative remedy, and I don't know exactly whether this has implications for changes in the law," he said.

Sertich, who successfully tabled the motion, said the concerns of House nonpartisan staff should be recognized, and "for that reason alone we should let this alone until this comes to more resolution."

[Rep. Mark Buesgens](#) (R-Jordan) objected, saying that Sertich had indicated on the House floor, the issue would receive a hearing. He accused him of burying it in the "black hole of the rules committee."

Sertich said the role of the committee is to "find out if this motion is deemed to move forward, under our body and our rules. ... We are certainly not sweeping anything under the rug."

In a related action, Emmer requested information May 1 from Swanson, under the Minnesota Government Data Practices Act including:

- land-line and cell phone records since November 2006 for Swanson and former attorney general Mike Hatch;
- a list of all employees on staff since Swanson took office, along with those that have been terminated; and
- all e-mails, letters and memos, including those between Swanson and Hatch, regarding termination of staff members and issues relating to unionizing the office.

— L. SCHUTZ

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## BIG BANG

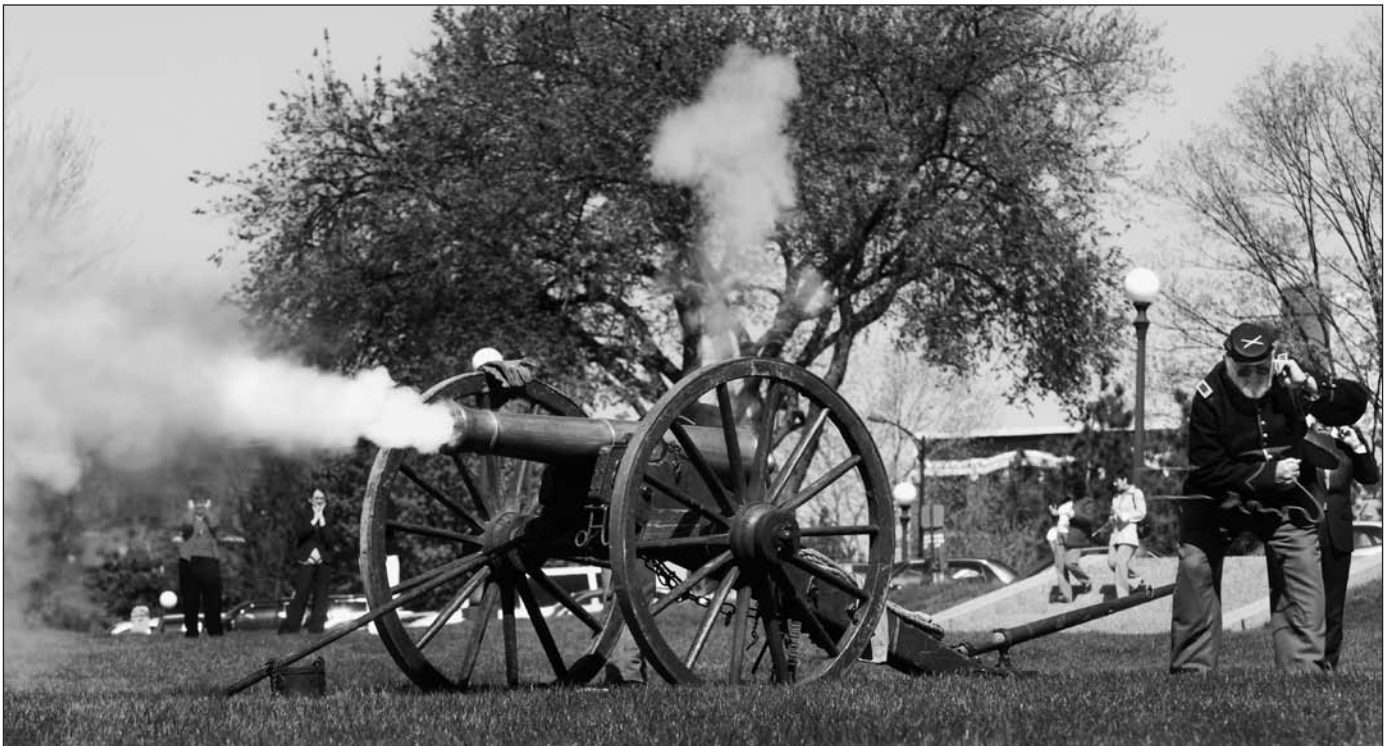


PHOTO BY TOM OLMSCHIED

Flames shoot out the barrel as John Fritsche fires the New Ulm Battery's 1856 field piece as part of the Freedom Day celebration on the front lawn of the Capitol May 1.

**Backflow prevention**Signed  
by  
the  
governor

Beginning Aug. 1, 2007, campground owners will have a new option to prevent backflow spill into drinking water systems, following a new law signed by Gov. Tim Pawlenty.

Called the “most important bill for campground owners this year” by one of its sponsors, Rep. John Ward (DFL-Brainerd), the law will permit use of a hose connection backflow preventer and vacuum breaker instead of the traditional dual check valve device required by the Department of Health.

The difference, according to Ward, is cost: a campground owner may spend \$4,000 to \$20,000 — depending on campground size — to install the dual device, which also must be taken out in the fall and reinstalled in spring. He said the alternative is cheaper and does not require the extra labor annually.

Sen. Paul Koering (R-Fort Ripley) is the Senate sponsor.

[HF2090](#)\*/[SF2111](#)/CH24

— M. SIMPSON

**Compromise still ahead**

As of noon May 3, about \$13 million in General Fund spending separated the House and Senate as they work toward compromise on an omnibus health and human services finance bill.

The latest Senate offer on [SF2171](#), sponsored by Rep. Thomas Huntley (DFL-Duluth) and Sen. Linda Berglin (DFL-Mpls), significantly narrowed provision gaps in mental health and welfare programs, though expensive proposals in nursing homes and health care for children haven’t been reconciled.

“We’re close on many different issues, but there are still some fundamental differences,” Huntley said.

One dissimilarity is the Cover all Kids provision, which would provide health care to most Minnesota children in a two-stage process. The provision is still only in the House proposal, though members removed presumptive eligibility, which would have entitled health care to children should they enter a hospital, from the bill.

The omnibus bill appropriates funding for programs administered by the Health and Human Services departments. It also allots biennial spending for the Veterans Home Board, the Emergency Medical Services Regulatory Board and 16 other health-related boards.

The two versions of the bill originally differed by approximately \$100 million in General Fund, Health Care Access Fund and

other dollars for the 2008-09 biennium.

Both now remain within the nearly \$9.82 billion funding target.

The Senate conceded several health care funding positions by eliminating some proposed expansions to MinnesotaCare, such as granting undocumented children access the program and removing the \$50,000 income limit and the children’s four-month insurance barrier for coverage.

Common funding-related provisions include:

- mental health initiatives, which now almost completely match the governor’s mental health proposal that includes grants for children and adult services, a model benefit set for Minnesota health care programs and a regional children’s mental health pilot;
- the elimination of the Minnesota Family Investment Program family cap, which denies more cash assistance to recipients who have children on the program;
- increased aid to counties, which will lose approximately \$80 million in federal funding;
- E-health grants, which would help hospitals establish electronic health records; and
- pandemic flu preparedness, an initiative of the governor.

— M. SIMPSON

**Medical marijuana**

Medical marijuana got the green light from members of the House Finance Committee and a thumbs-up from the Senate May 1.

Committee members approved the bill 20-14 and sent it to the House Ways and Means Committee, which is scheduled to hear it May 4.

The Senate bill, [SF345](#), sponsored by Sen. Steve Murphy (DFL-Red Wing), passed 35-29. Gov. Tim Pawlenty has threatened to veto the legislation.

[HF655](#), sponsored by Rep. Thomas Huntley (DFL-Duluth), would allow medical use of marijuana for patients suffering from cancer, intractable pain and other diseases, so long as it’s recommended by a physician. Approved users would register with the state and could obtain 2.5 ounces of the drug from registered organizations, which may grow up to 12 plants for each patient.

Committee members opposed to the proposal challenged the amount granted to each person and asked what would legally prevent a patient from seeking the drug from sources other than registered organizations.

“I don’t think it requires anywhere that the person buy it from a registered organization,” Rep. Paul Kohls (R-Victoria) said.

“If you don’t get it (there) then you’ve violated the law,” Huntley said.

Others opposed expressed “disgust” and “embarrassment” that the Legislature would consider such a bill.

“For every one person you’ve sat with that’s suffered through pain, I can show you a 50:1 ratio of people that have been hurt by illegal drug use, and it starts out with marijuana,” said Rep. Tony Cornish (R-Good Thunder), who worked in law enforcement. “For those who think there are complete protections, you’ve got your head in the sand.”

Supporters argued that the issue is ultimately one of compassion.

“I don’t think this is funny or light-hearted. This is a very serious and compassionate effort being brought forward,” said Rep. Karen Clark (DFL-Mpls).

— M. SIMPSON

**Sexual assault victim care**

The governor will now decide the fate of the Compassionate Care for Sexual Assault Victims Act.

Sponsored by Rep. Nora Slawik (DFL-Maplewood) and Sen. Sandy Pappas (DFL-St. Paul), [HF1442/SF1266](#)\* would provide a standard of care for sexual assault victims in hospitals statewide. It was passed 65-0 by the Senate April 18 and 105-27 by the House May 1.

Slawik called the bill an “agreement between the Minnesota Medical Association and Catholic hospitals.” It would require providers to administer appropriate information and treatment for sexually transmitted diseases and emergency contraceptives to patients. However, it provides an exception for contraceptives should the female be found pregnant.

Floor debate centered on parental notification by hospitals, which would have been mandated through an amendment unsuccessfully offered by Rep. Bob Dettmer (R-Forest Lake).

“All it does is require contact to parents that a treatment’s been done,” Dettmer said. “They will find out in the end ... when the bill arrives in the mail.”

Members opposed to his effort said the amendment would impose more hurdles to care, and may be inappropriate in some cases.

“Sometimes it’s the parents who’ve perpetuated the rape, and this wouldn’t allow for an exception to that,” Rep. Ryan Winkler (DFL-Golden Valley) said.

Slawik also refuted concerns by members that the emergency contraceptive used — Plan B — might cause abortions.

“Plan B ... is not going to cause a woman who’s pregnant to lose her baby,” she said.

— M. SIMPSON



## INDUSTRY

### Penalty waived

**Signed  
by  
the  
governor**

Truckers hauling biofuels could have a misdemeanor penalty waived for not hauling the state required diesel-biodiesel blend, under a new law signed by Gov. Tim Pawlenty April 30.

Sponsored by [Rep. Al Juhnke](#) (DFL-Willmar) and [Sen. Rod Skoe](#) (DFL-Clearbrook), the law gives the commerce commissioner the ability to grant a temporary exemption from the blending requirements if supply is insufficient.

The law is effective Aug. 1, 2007.

Juhnke said a situation occurred last year where those hauling fuels were unable to obtain the required blended amount because a terminal wasn't operating properly. Although incidents at pipelines and refineries are "few and far between," there is still a risk of those hauling the goods to be violating the law.

Under the law, terminal operators are required to notify the director of the Weights and Measures Division of the Department of Commerce when "regular grade gasoline, number 1 diesel, number 3 diesel, kerosene, heating oil, ethanol, and biodiesel are physically not available for sale to licensed distributors."

Also, the commissioner is required to work with the agriculture commissioner, biodiesel producers, ethanol producers, pipeline operators, and terminal operators to ensure that biodiesel and ethanol are available for blending at pipeline and refinery terminals.

[HF1300/SF1069](#)\*/CH28

— P. OSTBERG

## INSURANCE

### Insurance verification law repealed

**Signed  
by  
the  
governor**

A law that has been more problematic than it was worth has been eliminated.

In 2003, a law was passed that required the [Department of Public Safety](#) to send letters to various drivers requesting proof of auto insurance. If the driver did not respond, falsely claimed coverage or admitted not having coverage, the department would suspend the driver's license.

According to the law's sponsor, [Rep. Joe Mullery](#) (DFL-Mpls), the program caused more problems than it was worth.

A 2005 law suspended the program while the department worked to find a way to make the program work. It couldn't.

The new law, also sponsored by [Sen. Minority Leader David Senjem](#) (R-Rochester), and signed by Gov. Tim Pawlenty April 26, took effect one day later.

[HF448](#)\*/[SF1912](#)/CH22

— C. GREEN

### County recorder appointment

**Signed  
by  
the  
governor**

Thanks to a new law signed by Gov. Tim Pawlenty April 30, Beltrami County may appoint someone as its county recorder. The recorder is currently an elected position.

Sponsored by [Rep. Brita Sailer](#) (DFL-Park Rapids) and [Sen. Rod Skoe](#) (DFL-Clearbrook), the law still requires an 80 percent vote of the county board. It also provides for a reverse referendum before the law can go into effect.

The law also provides that the current officeholder can complete her term before the new appointment is made.

[HF1193/SF1098](#)\*/CH26

— C. GREEN

### Personnel policies updated

**Signed  
by  
the  
governor**

A new law signed by Gov. Tim Pawlenty April 30 gives Scott County permission to begin a pilot program that will administer a new recruiting system, establish rules for

monitoring applicant pools and establish a

merit system and procedures for disciplinary action.

The law will also give preference to veterans, placing those who meet minimum qualifications for an open position ahead of other applicants.

Sponsored by [Rep. Mike Beard](#) (R-Shakopee) and [Sen. Claire Robling](#) (R-Jordan), the law takes effect upon local approval.

[HF1490](#)\*/[SF1419](#)/CH25

— C. GREEN

## LOCAL GOVERNMENT

### No commission expense increase

**Vetoed  
by  
the  
governor**

The amount of money a charter commission can be allocated has not changed in four decades. In his first veto of this session, Gov. Tim Pawlenty decided that the resources

available will remain the same.

"I am mindful that many things have changed since the current law was first put into place in 1961," Pawlenty wrote in his April 30 [veto message](#). "However, if these commissions have legitimate expense needs, current law allows the city council to approve expenditures beyond the current limit. The Legislature need not usurp city councils in this regard."

Sponsored by [Rep. Carolyn Laine](#) (DFL-Columbia Heights) and [Sen. Ann Rest](#) (DFL-New Hope), the bill would have raised the

## SHOWING APPRECIATION



PHOTO BY ANDREW VONBANK

Lt. Col. Jim Swanson of Little Canada, *right*, and other members of the Minnesota Army National Guard listen to speakers at the Military Family Appreciation Month rally in the Capitol Rotunda May 1. The event honored active military, National Guard members, veterans and their families.

maximum amount of funds available for a charter commission from \$1,500 to \$5,000.

[HF1105/SF1017](#)\*/CH27

— C. GREEN

## MILITARY

### Bonus for the officers

Signed  
by  
the  
governor

Commissioned officers in the National Guard will qualify for a reenlistment bonus, and could apply for a newly established \$1,000 tuition reimbursement grant, under a new law signed by Gov. Tim Pawlenty April 23.

Sponsored by [Rep. Larry Hosch](#) (DFL-St. Joseph) and [Sen. Ann Lynch](#) (DFL-Rochester), the law expands the bonus program, currently only available to enlisted personnel, to the Guard's commissioned officers. Hosch said the bill is a request from the [Minnesota National Guard](#) to help with its recruitment efforts.

The bill also establishes 25 annual postsecondary education reimbursement grants, up to \$1,000 each. The grants will be available, on a competitive basis, to current National Guard members or a person who agrees to enlist. The money is for reimbursement of postsecondary education expenses not covered by other awards that may be available to the member.

The law takes effect Aug. 1, 2007.

[HF1594\\*/SF952](#)/CH21

— L. SCHUTZ

## TAXES

### Tax bill works through conference

House and Senate tax committee conferees began meeting with the same goal in mind: reducing property taxes.

Sponsored by [Rep. Ann Lenczewski](#) (DFL-Bloomington) and [Sen. Tom Bakk](#) (DFL-Cook), [HF2362/SF1024](#) has similarities and differences, one major difference being a citizens' tax bill.

In an effort to "sweeten up" the Senate conferees, House conferees presented them with an abridged copy of the citizens' property tax relief bill May 2 in paper cups also containing candy.

"[HF2142](#) is a gift right from the kitchen table to the committee table," said [Rep. Paul Marquart](#) (DFL-Dilworth), sponsor of the bill. "The peoples' voice is grounded in this." It has no Senate companion.

Coffee was also provided from Caribou Coffee, which is headquartered in the Twin Cities. Bakk brought conference committee

members what Lenczewski called a "regal" looking coffee mug the day before.

"We just wanted to make sure you see the differences," said [Rep. Denise Ditttrich](#) (DFL-Champlin). "We brought paper cups and the citizens' bill. You brought mugs."

Bakk said some of the provisions in the bill might be a good idea. "I'm sure we have some members who would be interested in this."

No action was taken.

Provisions of the property tax section include:

- expanding eligibility for the senior citizen property tax deferral program;
- establishing a seasonal recreational property tax deferral program;
- reinstituting the "this old house" program, which would exclude the increase in value due to a new improvement made to a home at least 50 years old for 10 years;
- requires the commissioner of revenue, in consultation with county officials, to improve public awareness and participation in property tax relief programs;
- requires cities with a population of more than 2,500 and counties to prepare and send a supplemental proposed property tax notice under certain circumstances; and
- requires studies of the costs of the truth in taxation program and the level of taxpayer participation at the hearings and of the fiscal disparities program.

Discussion is expected to continue on the bill. It is unknown when the conference committee report will be completed.

— S. HEGMAN

### Public finance discussion started

The House Taxes Committee began hearing bills April 30 for possible inclusion in its omnibus public finance bill.

Bills included in this omnibus bill would effect city and county local governments.

Sponsored by [Rep. Ann Lenczewski](#) (DFL-Bloomington), [HF2268](#) is the annual bill endorsed by the Minnesota Institute of Public Finance. It would authorize the issuance of debt for town and county subordinate service districts and would make permanent the authority to issue capital notes for computer software. It would also authorize the issuance of debt anticipation of the receipt of federal grants from transit projects.

Some provisions include:

- removing the restriction that not more than two questions can be submitted to voters at a special election conducted through the mail;
- allowing a city or county to enter into an agreement with another political subdivision or a state agency with respect to federal grants for transportation or transit projects, and to

issue obligations in anticipation of federal grants for transportation or transit;

- changing the required time period for publication of a public notice in a newspaper from 14 days to 30 days; and
- eliminating the expiration date for cities to issue capital notes for certain equipment or software.

The bill was laid over for possible inclusion in the omnibus public finance bill. A companion bill, [SF1933](#), sponsored by [Sen. Tom M. Bakk](#) (DFL-Cook), was recommended to pass April 27 by the Senate Taxes Committee. The Senate language is also in that body's omnibus tax bill ([SF1024](#)), sponsored by Bakk.

— S. HEGMAN

## TRANSPORTATION

### Which road to take?

Gov. Tim Pawlenty's veto of the capital investment bill has left members of the Transportation Finance Conference Committee at a fork in the road.

Following the May 1 veto, conferees wondered aloud which path they should take as they try to pave an agreement: plow ahead with work on a bill that contains tax increases for funding needs, or send a lights-on bill that the governor would likely sign, but won't help the state's road and transit needs.

The other problem facing conferees is that, as of May 2, they had not received a funding target from legislative leaders — something that, according to deadlines approved earlier this year, should have been done by April 27.

"Everything's all fun and games until somebody gets their eye poked out, and the governor just poked out my eye," said [Sen. Steve Murphy](#) (DFL-Red Wing) after he read the governor's veto message.

Murphy, who co-chairs the committee with [Rep. Bernie Lieder](#) (DFL-Crookston), and other conferees expressed concern that the veto signals the governor's disinclination to help move the state forward. They fear that reluctance would continue if he receives a transportation funding package that includes a gas tax increase.

"We can reach a compromise if he's reasonable, and he's not reasonable right now," Murphy said.

Lieder indicated a veto would lead to greater worsening of roads and increased congestion.

"Wrongly or rightly, we have taken a position that if the bill is vetoed, we are going to send him a lights-on bill, which just allows the department to operate with basically the money they have. ... There's nothing in it for transit."



Other conferees, including [Rep. Ron Erhardt](#) (R-Edina), [Rep. Melissa Hortman](#) (DFL-Brooklyn Park), [Rep. Frank Hornstein](#) (DFL-Mpls) and [Sen. Jim Carlson](#) (DFL-Eagan), said their focus should be on putting together a committee report that can receive enough House and Senate support so a veto could be overridden.

"We can exercise our leadership to get something done for Minnesota," Hortman said.

— M. Cook

## Highway turnbacks

A new law will turn back two roads to local governments.

Effective April 27, 2007, a nearly 1-mile stretch of Trunk Highway Route 145 near Willmar is returned to the city

to be used as part of an industrial park. [Rep. Al Juhnke](#) (DFL-Willmar), who sponsors the law with [Sen. Joe Gimse](#) (R-Willmar), said the turnback is crucial to a company looking to construct a large building project. Once the road is turned back, it will become part of the industrial park.

Signed  
by  
the  
governor

Juhnke said the city and other local units of governments agree to the change, but statute requires legislative approval. No money is involved.

The law also removes a stretch of Highway 262 from the trunk highway system and turns it over to Martin County. This no-cost turnback, from Granada to Interstate 90, is effective the day following the transportation commissioner's receipt of an agreement with the county.

[HF539](#)\*/[SF600](#)/CH23

— M. Cook

## DAY OF PRAYER



PHOTO BY ANDREW VONBANK

People gather at the State Capitol to commemorate National Day of Prayer May 3.

## Constitutional Officers

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# A bill that just about everyone loves

Ag and vets departments could see significant funding increase

By LEE ANN SCHUTZ

**C**alled by one House member the bill that “even my mother would vote for,” the omnibus agriculture and veterans finance bill may go down this session as the bill that nearly everyone loves.

After House and Senate conferees came to relatively quick agreement on [HF2227](#)\*/[SF1925](#), House members gave overwhelming support, passing the bill 130-1 May 1. Later in the day, it passed the Senate 64-0. Coming in \$4.68 million under the governor’s target, supporters expect it will be signed into law.

Going into conference committee, there was little difference between the House’s \$175 million target and the governor’s goal of \$174.3 million. But the Senate’s proposal was \$166.6 million.

The resulting compromise is a \$169.6 million General Fund spending proposal for the 2008-09 biennium for the Agriculture, Veterans Affairs and Military Affairs departments, Board of Animal Health and Agricultural Utilization Research Institute.

The bill, sponsored by [Rep. Al Juhnke](#) (DFL-Willmar) and [Sen. Jim Vickerman](#) (DFL-Tracy), represents a 20 percent increase in base funding for the Department of Agriculture and a combined 70 percent increase for the departments of Veterans Affairs and Military Affairs.

The five House conferees were unanimous in supporting the bill, but two of the five Senate conferees did not sign off on the measure. [Sen. Gary Kubly](#) (DFL-Granite Falls) said on the Senate floor that because of the veteran’s provisions, he would be voting for the bill’s passage, but he did not sign the report because the bill did not do enough for bioenergy.

[Sen. Steve Dille](#) (R-Dassel) did not sign the report either. He later said that as a veterinarian, he was unhappy with amended language dealing with equine dentistry and animal chiropractic. Veterinarians would

like to see regulations for these practitioners, and original language in the House bill was acceptable to them. However, the agreed upon language calls for a working group to study standards training and qualifications for people providing animal husbandry services.

## Ag and bioenergy

Juhnke said that House initiatives are reflected strongly in the bill, but not funded to the extent as originally proposed.

The bill lays the framework for achieving the Legislature’s goal of at least 25 percent of energy consumed in the state coming from renewable resources by 2025.

“Through this bill, we are starting our efforts to coordinate our renewable efforts in the state,” Juhnke said.

To that end, the Agricultural Utilization Research Institute would be charged with coordinating the state’s next generation energy efforts. A NextGen Energy Board would be created to administer grants to assist locally owned facilities help move the state toward energy independence. Also, a Renewable Energy Roundtable is called for to bring experts together on a regular basis to identify bioenergy opportunities.

Being an “ag” bill, there are several animal- and crop-related funding proposals, including \$2 million in biennial spending

for continuation of the dairy development and profitability enhancement and business planning grant program.

Food shelves would also benefit from the bill. Second Harvest Heartland would be the recipient of a \$1 million grant to purchase milk from state producers and processors for its six food banks.

The Senate also inserted language affording grants for sustainable agriculture efforts.

## Vets support


The bill’s military and veteran’s affairs provisions would address the needs of returning military members, especially as the state prepares for the expected return later this summer of more than 2,500 deployed National Guard members, Juhnke said.

From college campuses to medical help, “We want to be prepared,” he said.

The House needed to compromise with the Senate on funding of some programs, especially at the county veterans service level. But Juhnke said the majority of the cuts in veterans spending are related to facility maintenance.

Now included in the bill is a Senate provision creating an ombudsman position at the Minneapolis Veterans Home for residents and their family members.

A provision that would provide spousal education benefits received a financial bump in conference committee. The House had proposed a one-time allocation of \$26,000 to provide grants to spouses of deceased veterans, that amount was raised to \$52,000 in one-time money.

A House proposal to provide \$1 million for testing of veterans for depleted uranium underwent a significant change in conference committee. Under the compromise, a \$100,000 allocation in each year of the biennium would be used for information and outreach regarding the availability of depleted uranium testing services provided by the federal government. 



# Veto reaction

Future of a capital investment bill is uncertain

By SONJA HEGMAN

**T**he House heard that four-letter word that has been threatened since session began: Veto.

Gov. Tim Pawlenty flexed his power on the capital investment bill May 1, just one day after it was approved [84-49](#) by the House and 48-15 by the Senate.

Saying it was four times larger than his recommendations, Pawlenty expressed his disappointment in the \$334 million bill. In contrast, his bill recommendations totaled about \$71 million for emergency spending items. The past two bonding bills were about \$1 billion each.

"The DFL majority is utterly incapable of exercising any restraint," Pawlenty said.

Many legislators have consistently said the odd year of the biennium is for emergency bonding only. House Capital Investment

Finance Division Chairwoman [Rep. Alice Hausman](#) (DFL-St. Paul), who sponsored [HF886\\*/SF2157](#), with [Sen. Keith Langseth](#) (DFL-Glyndon), has said that "historically the state alternates large bills with small bills" and it has nothing to do with emergencies.

"When you say something long enough, it suddenly becomes fact," Hausman said on the House floor April 30. "The governor didn't argue emergency for the Duluth Entertainment and Convention Center. The two major issues in this bill are fixing leaky roofs and catching up on transportation. If there's anything that needs to be done, it's those things."

The governor's greatest disappointment was that \$2 million for flood relief in Browns Valley, a city on the state's western edge, was included in the bonding bill when the committee had been warned the bill would be vetoed even

with the inclusion. Pawlenty said the Browns Valley mayor "pleaded" with the Legislature to put the appropriation in a separate bill. Relief dollars were not in the governor's bonding recommendations because the issue came forth after his plan was put together.

But to get money to that city, supporters put a bill on a fast track to passage.

Sponsored by [Rep. Paul Marquart](#) (DFL-Dilworth), [HF2433](#) would provide \$2 million to the city for help in its rebuilding efforts. It was approved in the House Finance Committee May 3 and sent to the House Ways and Means Committee.

The Senate, however, was quicker to act. In a procedural move, rules were suspended for consideration of [SF2236](#), sponsored by Langseth. It passed the Senate 62-0.

The House reconvened and declared an urgency to consider the bill. Through a set of procedural moves, the House laid the Senate bill on the table and brought up the House bill.

[Rep. Joyce Peppin](#) (R-Rogers) successfully amended the bill to provide \$600,000 to Rogers and \$74,000 to Warroad to help with

**Bonding veto continued on page 22**

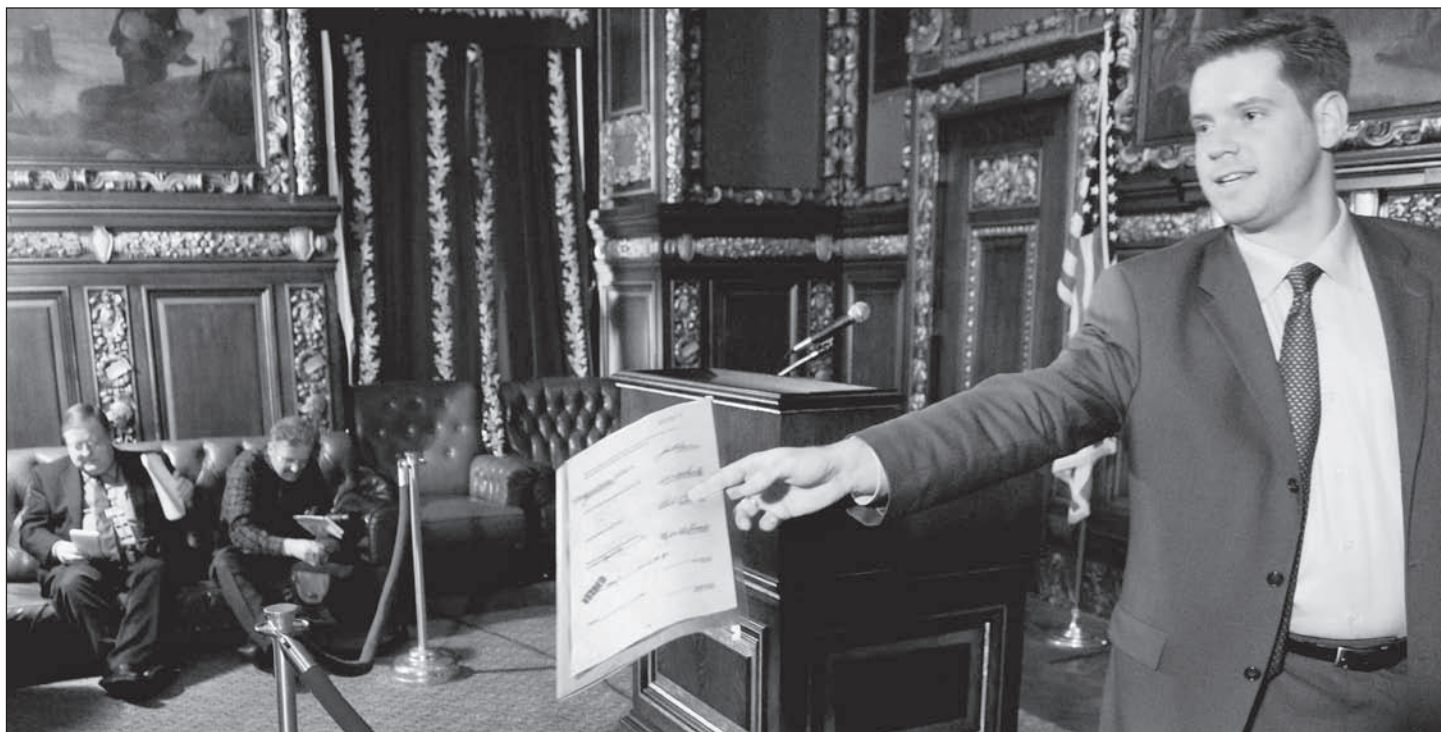


PHOTO BY TOM OLMSCHEID

Following the governor's May 1 news conference, Brian McClung, Gov. Tim Pawlenty's director of communications, holds out the veto the governor put to the capital investment bill.

# Environment and energy funding

Conference report sets slightly larger price tag on clean waters, renewable power

By Nick Busse

**A**fter some late-night deliberations, a flurry of amendments and a shuffling of numbers, House and Senate conferees hammered out an agreement on the Omnibus Environment, Energy and Natural Resources Finance Bill.

Sponsored by [Rep. Jean Wagenius](#) (DFL-Mpls) and [Sen. Ellen Anderson](#) (DFL-St. Paul), the bill ([HF2410/SF2096\\*](#)) would boost funding to clean up state waters and invest in renewable energy. The conference committee report keeps those priorities but attaches a slightly larger price tag: \$441 million in net General Fund spending, up \$9.6 million from the original House proposal.

The conference committee adopted its report one day after Gov. Tim Pawlenty vetoed the session's omnibus capital investment finance bill, arguing it was too large. Addressing the possible threat of a veto on her own bill, Anderson said committee members and staff had made efforts to accommodate the governor's funding requests, and she hoped there would be no line-item vetoes.

"We're frustrated that we haven't gotten anything that I consider a commitment in return," Anderson said of discussions with Pawlenty's staff.

Committee member [Rep. Dennis Ozment](#) (R-Rosemount) replied that the former Republican majority had never received a promise from the governor not to veto a bill, either.

The bill now heads back to the House and Senate floors, where it is expected to be taken up within days.

## Funding changes

Key changes were made to the bill's energy funding provisions.

Pawlenty's "E85 Everywhere" initiative, which would offer grants to expand the number of ethanol fueling stations in

the state, was cut significantly, down to \$3 million over the biennium. In his budget recommendations, the governor had called for twice that amount.

Ozment expressed disappointment with the committee's decision to cut funding for the program, but Anderson said the money was needed for Clean Water Legacy programs, which she said were underfunded by the governor.

A renewable hydrogen power initiative sponsored by [Rep. Bill Hilty](#) (DFL-Finlayson) also saw its funding slashed, from \$10 million in the House's original bill to \$4 million in the conference report.

Similarly, the report cancels \$3.1 million in General Fund money set aside in the House bill for a revolving loan program for rural wind power; however, the program would get \$2 million in non-General Fund money.

Environment and natural resources funding proposals in the House version of the bill were increased in the conference report, with an extra \$11.4 million for the Department of Natural Resources, \$4.5 million for the Board of Water and Soil Resources and \$1.8 million for the Pollution Control Agency.

## Policy changes

The conference report incorporates much of the original House language on environment and natural resources policy, with some significant changes.


A venison donation program for deer hunters was adopted after House and Senate conferees compromised on a method of funding the program. Under the approved

language, hunters would have the option to make a \$1, \$3 or \$5 voluntary donation when they renew their licenses. Additionally, beginning March 1, 2008, a \$1 surcharge would be added to all bonus licenses. The bill appropriates \$160,000 from the General Fund to help pay for the program until the surcharge takes effect.

A much fought-over provision that would have prohibited the DNR from renewing minnow-farming licenses on water bodies subject to certain federal protective easements was reduced to include only a policy recommendations report, to be prepared by the DNR and presented to the Legislature by Jan. 15, 2008.

A provision that would tighten the "de minimis" requirements for land developers to replace wetlands was amended to apply only to the 11-county metropolitan area, which includes Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright counties.

Other policy changes include:

- a controversial ban on 4X4 truck trails on state lands in Beltrami, Cass, Crow Wing and Hubbard counties was amended by [Sen. Satveer Chaudhary](#) (DFL-Fridley) to include only the latter three counties;
- a \$4 million appropriation to the St. Paul Port Authority for preliminary work on a biomass-fueled power plant to be connected to the Rock-Tenn recycling facility now comes with the caveat that a citizen advisory group must be allowed to have input on the project;
- Winona County may build, own and operate a wind power electric generation facility; and
- by January of each year, Xcel Energy must request from the Manitoba Hydro power company certain information regarding the socioeconomic status of any community that is a signatory to the Northern Flood Agreement, including South Indian Lake, in Canada. 

# Threat of veto removed from bill

Omnibus public safety bill takes detour to governor's desk

By CRAIG GREEN

**V**ery close to a gubernatorial veto, a \$2 billion conference committee report received House and Senate approval May 3, and is now expected to be signed by Gov. Tim Pawlenty.

As it stands, [HF829\\*/SF1992](#), sponsored by [Rep. Michael Paymar](#) (DFL-St. Paul) and [Sen. Linda Higgins](#) (DFL-Mpls), would provide funding for, among others, the court systems, Department of Corrections, Office of Justice Programs, Board of Public Defense, Sentencing Guidelines Commission and Human Rights Commission.

Under the plan, district courts would receive \$5 million for an additional six judgeships, while the drug courts would receive \$4.1 million to maintain their budgets. The Board of Public Defense would receive \$135.8 million, which includes funds for 34 new full-time attorneys, and the Bureau of Criminal Apprehension would receive \$1.9 million for approximately 15 new forensics scientists.

Per the governor's request, the Department

of Corrections budget, which is slightly more than \$936 million, would include additional funding for health costs, utility fees, probation caseload reduction and reimbursement for housing short-term offenders.

Policy changes include an increase in penalties for theft of copper wiring and stronger protections for victims of sexual assault. Victims of domestic violence who fear future abuse if they remain at their residence would be allowed to terminate a lease, while restrictions and penalties for violating a domestic abuse no contact order are strengthened.

## Budget concerns

Compensation, one of the main differences between the House and Senate, was set at 3 percent across the board, including the Department of Corrections, which had been hoping for a 4.25 percent increase. Deputy Commissioner Dennis Benson said that with those numbers, the department would be short \$8.4 million and between 140 and 160 full-time positions could be cut to make up the difference.

(An additional \$5 million was eventually included to maintain staffing levels.)

[Sen. Thomas Neuville](#) (R-Northfield) unsuccessfully made a motion to amend the bill by taking \$4 million from the Office of Justice Programs to provide support for the DOC. Though both chairs asked Neuville to reconsider his motion, he felt the adjustment needed to be made.

## Veto concern

Before the House and Senate signed off on the bill, there was a very real prospect that the bill would be vetoed. It all hinged on whether the bill included the "good faith" insurance practices provision.

Later that night, after a joint meeting with members of the House, Senate and the governor's office, it was agreed to send the bill back to the conference committee, where the "good faith" provision would be removed. Both chambers are expected to pass the new report May 4 and send it to the governor for his approval.

Originally in [HF1251](#), sponsored by [Rep. Joe Atkins](#) (DFL-Inver Grove Heights), the provision would require insurers to act in good faith in responding to liability claims and permits recovery of damages by anyone harmed by the failure to act in good faith.

In a letter read by [House Minority Leader Marty Seifert](#) (R-Marshall), Pawlenty warned that if the bill included the "good faith" section, he would send it back. Pawlenty said, "This bill will be vetoed swiftly because of the provision related to 'good faith insurance.'"

As he made a motion to return the report back to the conference committee, Seifert said that the bill had a lot of good things in it, but it was also missing some important elements other members wanted back in.

Among those provisions was Emily's Law, which would reduce the age a juvenile could be charged as an adult from 14 to 13; a provision that would relax the requirements of serving a restraining order; and stronger penalties for repeat sex offenders.


The bill passed by a vote of 82-52. 



PHOTO BY TOM OLMSCHIED

The omnibus public safety bill would provide funding for, among others, the court systems, Department of Corrections, Office of Justice Programs, Board of Public Defense, Sentencing Guidelines Commission and Human Rights Commission.



# From producer to consumer

Minnesota Grown highlights a growing list of products

By LEE ANN SCHUTZ

**W**hen late August rolls around, [Rep. Ron Shimanski](#) (R-Silver Lake) will likely be picking apples in his orchard, or selling produce at one of several farmers markets in the area. He is also among the growing list of producers who rely on a program offered through the [Department of Agriculture](#) to help market their produce — [Minnesota Grown](#).

No doubt, corn and soybeans contribute significantly to the state's economy; but apple orchards, pick-your-own berry farms, Christmas tree farms, sales of specialty meats like elk, and even wine producers are increasingly making their mark on the economy. The blue and green Minnesota Grown label is seen as an important component, drawing consumer attention to products grown or produced in Minnesota.

Its tagline "Fresh from your Neighbor" explains it all. When a consumer buys a product displaying the label, they are buying into a network of local-grower-to-consumer products, said Paul Hugunin, Department of Agriculture marketing specialist.

The state began to fund the Minnesota Grown program 20 years ago after the department bought into an idea from fruit and vegetable growers wanting to help consumers differentiate an apple grown in Minnesota from one grown in California.

Hugunin and Brian Erickson have been staffing the program almost since its inception. And with input from an advisory board, representing 11 different grower and producer associations, they act as a two-person marketing team promoting the use of the label and the products it is affixed.

"There's so much to be done regarding promoting local foods," Hugunin said.

In the near future, Minnesota Grown products will become more identifiable at the grocery store, and restaurants are joining in with the branding concept as well. The

Heartland Food Network is working with Minnesota Grown to use and promote sustainably produced food in different food venues, including restaurants.

## Growing numbers

State statute governs use of the label: it can be used on a product only if 80 percent of the agricultural product is grown, raised, processed or manufactured in the state.

If program participation numbers tell the story, there is little dispute about its success.

Hugunin said the number of producers licensed to use the Minnesota Grown label has increased from 758 in 2003 to 917 in 2006. "We're still receiving 2007 applications, but that (number) will almost certainly pass the 917 received last year," he said.

Although the program receives some General Fund money, it is augmented by a license fee that growers and producers pay for use of the logo and point-of-sale materials. Legislation proposed this year would raise the fee from \$5 to \$20. The added revenue would allow for development of a new Minnesota Grown organics label and more promotion, especially television spots to be aired in the Twin Cities metropolitan area.

The request for a fee increase came from program participants. A member of the House Agriculture, Rural Economies and Veterans Affairs Finance Division, Shimanski voted for

**MN Grown continued on page 23**



PHOTO BY TOM OLMSCHEID

Jill Marckel, right, and her son, Jeremy, of Chase Brook Natural, work their booth April 21 at the St. Paul Farmers Market. They sell Minnesota Grown meat products produced on their farm in Milaca.

# Behind the scenes

### Money aimed at support staff would help students in need

By **STEPHEN HARDING**

A 15-year-old girl walked into his counseling office and asked [Rep. Tom Tillberry](#) (DFL-Fridley) how she could go live with her dad because her mom's boyfriend told her, "I was starting to look better than my mom."

This is not an unusual occurrence for the first-term legislator in his professional role as a licensed high school counselor in Roseville.

Tillberry, who has been with the school district for 11 years, said support staff try to be preventative in approaching student problems, yet with the increasing caseload, they don't always have the time to be as effective as they would like. Often they are in crisis mode trying to deal with problems between students that might have been festering for years and then finally blow up.

And with Minnesota's student-to-counselor ratios falling to 49th in the nation at 800:1, according to Tillberry, it is harder than ever to deal with problems that arise.

The Minnesota School Counselors Association recommends a 250:1 ratio, and the ratio for school psychologists to students is 1,000:1. At some schools, that ratio would be a drastic improvement. "During my last six years at Roseville High School, I was the only psychologist for 2,200 students," said Ralph Maves, a former school psychologist.

Included in the omnibus E-12 education finance bill ([HF6](#)) is a provision that would amend the safe school levy to allow school districts to levy \$30 times the district's adjusted per pupil unit; intermediate school districts could levy \$35 per pupil unit. Currently the amount for both is \$27. This would provide \$253,715 to the Roseville district.

The Senate bill ([SF295](#)) would increase the amount to \$37 for intermediate districts only.

In the past, the levy has been used for paying for a school liaison officer and drug prevention courses, such as DARE. The bill would add

licensed support staff to permissible fund use.

"If we don't increase funding, the health and safety of our students is in jeopardy," Tillberry said.

Rep. Steve Gottwalt (R-St.Cloud) agrees that support staff is needed but on a more limited scale. "It's striking a balance. I'm not opposed to counselors or school psychiatrists, but it has to be a close partnership with parents and guardians."

### Counselors

Tillberry said that when children have problems, no matter the size, they often see only the most extreme option: suicide. "My job is trying to get kids to think about all the opportunities, or all the alternatives to that one choice."

Depression and suicidal thoughts have become some of the top problems that Tillberry tackles during the school year. He once had 17 straight weeks with at least one student a week coming to him with suicidal thoughts.

Drug use and relationship problems, either at school or at home, are other difficulties facing students, Tillberry said. When students cannot find the help they need at home, one of the places they turn to is school support staff.

"I had a girl who wanted to hurt herself; she had a plan worked out for after school," he said. "After an initial assessment, we recommended that a parent pick her up and bring her to the emergency room. Her parent's response was, 'I have bread in the oven now. Do I have to come right away?'"

Tillberry said students often come with an academic problem that often turns out to be a problem at home or in school. "We do career, social and emotional and academic counseling. Please don't be fooled into thinking that student support services only deals with careers."

### Psychologists

Maves said there is overlap between school psychologists and school counselors. Typically, there are more psychologists at the elementary and preschool level, and they will work with the whole classroom. They work more closely with special education students

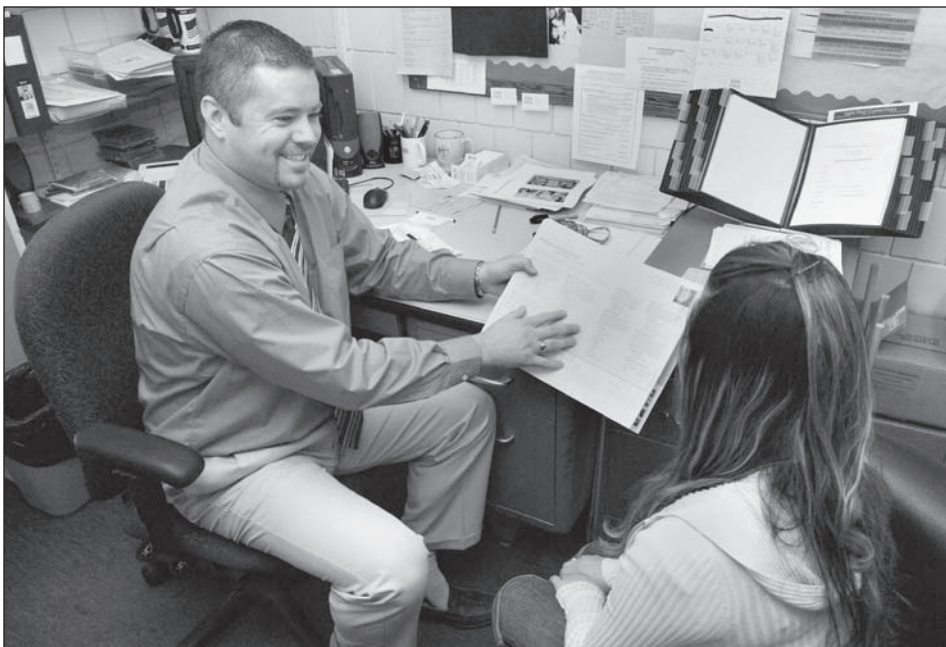


PHOTO BY ANDREW VONBANK

Licensed school counselor Kristian Moe discusses post-high school educational opportunities with a student at Highland Park Senior High School in St. Paul.

Support continued on page 23



# Traditionally speaking

Language immersion programs look to keep past alive

By SONJA HEGMAN

**B**rendan Fairbanks knows how to calm down his students.

With a puppet in hand, his young students snap to attention. The puppet tells the children to jump, stand up and sit down. They're playing Simon Says, but it might not be obvious right away to an outsider because the class is taught in the Ojibwe language.

The Dakota Ojibwe Language Revitalization Alliance is working to ensure the language continues on with children through language immersion programs. It was started by the Native American Leaders Circle, a group of early childhood professional American Indian women who needed a leadership project.

With fewer than 15 fluent speakers of Dakota in the state, teachers say now is the time to save the language.

"We only have 10 years to save the language," said Margaret Boyer, director of the Alliance of Early Childhood Professionals. "Every week an elder dies."

By age 3, most children surrounded by words produce sentences as readily as laughter or tears, said Becky Beane, project manager of the Wicoie Nandagikendan Early Childhood Immersion Project, a part of the alliance.

"Young children don't learn languages, they absorb languages," Beane said. "Children have the capacity to learn several languages easily if they can interact and hear the languages in an everyday way."

So far, the alliance teaches children age 2 through kindergarten three hours a day each weekday. Leaders would like to expand to the first grade.

The alliance is made up of people associated with American Indian programs. Members are primarily from the Dakota and Ojibwe tribes, although other tribal members participate. The group examines strategies to ensure that adequate funding, resources and support are

available to ensure that revitalization of the Dakota and Ojibwe languages in urban areas and reservations are available, Boyer said.

A bill, [HF779](#), sponsored by [Rep. David Bly](#) (DFL-Northfield), would establish the Minnesota Indigenous Language Act and the Council on Indigenous Language to help ensure the survival of American Indian cultures and languages. It was approved

by the House Minnesota Heritage Finance Division and the House E-12 Education Committee, and now awaits action by the House Governmental Operations, Reform, Technology and Elections Committee. A companion bill, [SF586](#), sponsored by [Sen. Patricia Torres Ray](#) (DFL-Mpls), was not included in the Senate omnibus E-12 Education bill ([SF2095](#)).

The Senate omnibus higher education finance bill ([SF1989](#)) contains \$300,000 in the next biennium to establish a Dakota language program at the University of Minnesota. That bill awaits conference committee action. The House and governor plans have zero funding.

The Wicoie Nandagikendan Urban Immersion Preschools Program began in January 2006 with a grant from the Administration for Native Americans. Because the future of native language is in the children, it is crucial to expose children to these languages at a young age, Boyer said. When Dakota or Ojibwe is not spoken in the home because of generations of language loss, schools and day care facilities offer an alternative opportunity to expose children to their heritage in a non-threatening environment.

Language continued on page 23



PHOTO BY ANDREW VONBANK

**Brendan Fairbanks teaches the Ojibwe and Dakota languages to students as part of the Wicoie Nandagikendan Early Childhood Language Immersion Project.**



# Tracking new laws, vetoes

Once a bill passes the House and Senate in identical form, it is sent to the governor for consideration. The governor has several options when considering a bill:

- sign the bill and it will become law;
- veto the bill;
- line-item veto individual items within an appropriations bill; or
- do nothing, which can have two different effects. The timing of these actions is as important as the actions themselves.

In the first year of the biennium, the governor has three days from the time of presentment to veto a bill. If the governor doesn't sign the bill within this time frame,

it will become law with or without his signature. (Sundays are not counted in the three-day time limit, but holidays are.)

Only on appropriations bills can the governor exercise the line-item veto authority. This allows the governor to eliminate the appropriation items to which he or she objects. As with all vetoes (save pocket vetoes, which occur in the days after the Legislature has adjourned sine die), the governor must include a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is three days after the governor receives the bill.

Policy items contained in appropriations bills may not be line-item vetoed. In order

to veto such an item, the governor is required to veto the entire bill.

A two-thirds vote of the members in each house is needed to override a veto. But because only the governor can call a special session of the Legislature anything vetoed after the Legislature adjourns is history — at least until the next session.

The governor's veto authority is outlined in the Minnesota Constitution (Article IV, Section 23).

**Key: CH=Chapter; HF=House File; SF=Senate File; \*=denotes bill language signed into law.**

CH	HF	SF	Description	Signed	Vetoed
1	8*	17	Tax conformity provided for tax year 2006.	1/30/2007	
2	110*	38	Great Lakes - St. Lawrence River Basin Water Resources Compact enacted.	2/20/2007	
3	4	4*	Renewable energy standard established.	2/22/2007	
4	87*	257	St. Paul Asian Pacific Cultural Center predesign expenditures authorized.	3/2/2007	
5	160*	103	Help America Vote Act account appropriations transfer authorized.	3/14/2007	
6	935	736*	Metropolitan Intercounty Association renamed Minnesota Inter-county Association.	3/21/2007	
7	1425	1499*	Students authorized to participate in high school league-sponsored activities after completing licensed treatment programs.	3/20/2007	
8	1008*	985	Child placement background check requirements modified.	3/27/2007	
9	1364	1168*	Building contractors insurance requirements modified.	3/27/2007	
10	1678	1294*	Public Utilities Commission electronic filing authorized.	3/27/2007	
11	736*	636	Ambulance service personnel longevity award and incentive program renamed the Cooper/Sams volunteer ambulance program.	3/30/2007	
12	1441*	792	Limited purpose trust companies nonsubstantive term changes provided.	3/30/2007	
13	1200*	983	Revisor's bill.	3/30/2007	
14	163	60*	Duluth postemployment benefits accounts authorized, and money appropriated.	3/30/2007	
15	1429	1332*	Meeker County economic development authority membership increased to nine.	3/30/2007	
16	274*	227	Rural Finance Authority agricultural loan funding provided, bonds issued, and money appropriated.	3/30/2007	
17	1432	1133*	St. Louis County civil service director provisions modified.	4/20/2007	
18	1004*	809	Predatory mortgage lending practices prohibited.	4/20/2007	
19	878*	1263	Board of Animal Health consultants expanded to include the commissioner of agriculture.	4/20/2007	
20	472*	239	Renewable energy production incentives eligibility period extended.	4/20/2007	
21	1594*	952	National Guard reenlistment bonus program expanded, and academic awards provided.	4/26/2007	
22	448*	1912	Auto insurance verification mailing program repealed.	4/26/2007	
23	539*	600	Trunk highway Route No. 145 technical correction provided, and Legislative Route No. 262 removed.	4/26/2007	
24	2090*	2111	Backflow prevention in recreational camping areas requirements limited.	4/30/2007	
25	1490*	1419	Scott County personnel rules adoption authorized, and veterans' preference administration provided.	4/30/2007	
26	1193	1098*	Beltrami County; county recorder appointment process provided.	4/30/2007	
27	1105	1017*	Charter commission expense limitations increased for specified cities.		4/30/2007
28	1300	1069*	Motor fuels unavailability notice required, and penalty waiver provided for retailers who do not carry ethanol or biodiesel blends under certain circumstances.	4/30/2007	

Governor's Desk continued on next page

\*The legislative bill marked with an asterisk denotes the file submitted to the governor.

CH	HF	SF	Description	Signed	Vetoed
29	2135	1949*	Minnesota Sesquicentennial Commission duties, powers, and procedures modified.		
30	293*	450	Environment and natural resources funding provided, Legislative-Citizen Commission on Minnesota Resources meeting requirements modified.		
31	881*	981	Metropolitan Land Planning act and related statutes modified, and erroneous and obsolete references corrected.		
32	958	846*	State agencies deficiency funding provided, and money appropriated.	5/2/2007	
33	1294	1483*	Minnesota Council on Disability sunset repealed.		
34	1872	1807*	Hennepin County conflicts of interest regulated for certain Hennepin Healthcare System personnel.		
35	1267	1236*	State employees technical and housekeeping changes provided.		
36	1016	420*	Forest pest control measures provided, approved firewood required on land administered by the commissioner of natural resources, and sale and distribution of firewood regulated.		
37	1444	1105*	Health risk limits and reporting required for certain perfluorochemicals.		
38	886*	2157	Omnibus bonding bill providing capital improvements funding, issuing bonds, and appropriating money.		5/1/2007
39	1865	1787*	Workers' compensation coverage federal exclusions information and report required.		
40	993	1735*	Radon control provisions adoption required relating to building codes.		
41	1990	1790*	Adverse health care events reporting provisions modified.		
42	1442	1266*	Hospital emergency rooms required to provide emergency contraception, prophylactic antibiotics and information to sexual assault victims.		
43	465	321*	Independent nonprofit firefighting corporations included for joint exercise of powers agreements.		
44	2056	1920*	Financial institutions debt, charges, expenses, electronic terminals, and investments regulated.		
45	2227*	1925	Omnibus agricultural and veterans affairs bill appropriating money; providing for NextGen energy; and changing veterans provisions.		

## BILL INTRODUCTIONS

APRIL 27 - MAY 3, 2007  
HOUSE FILES 2457 - 2463

### Friday, April 27

#### HF2457-Olson (R)

##### Finance

Big Lake ice arena funding provided.

#### HF2458-Eken (DFL)

##### Finance

Native American juvenile treatment center construction funding provided.

### Tuesday, May 1

#### HF2459-Tschumper (DFL)

##### Agriculture, Rural Economies & Veterans Affairs

Pesticides application information access expanded.

### Thursday, May 3

#### HF2460-Dill (DFL)

##### Transportation Finance Division

Provisional driver's license additional training requirements specified, and criminal penalty imposed for falsifying requirements.

#### HF2461-Gardner (DFL)

##### Finance

Rice Creek North Regional Trail funding provided.

#### HF2462-Tingelstad (R)

##### Finance

Capital project grants to political subdivisions criteria modified.

#### HF2463-Seifert (R)

##### Finance

Browns Valley flood relief provided and flood mitigation projects authorized.

### Bonding veto continued from page 15

tornado damage incurred last year. The bill passed 120-8, and will now be returned to the Senate for action.

The governor didn't agree with the use of one-time money proposed in the bonding bill. Hausman said spending on badly needed infrastructure is a wise use for one-time cash that shouldn't go toward balancing the state's operating budget.

"Waiting until next year on these projects adds an additional \$40 million of inflationary costs to these projects," she said.

Adding that she has "profound disappointment" in the governor's decision, Hausman said the state is far behind in its transportation investment. The bill would have provided state matching funds for federal transit

corridor projects totaling \$53.6 million.

"The bill was important to the entire state," she said.

All of the governor's recommendations — including one with a higher appropriation — were included in the bill, with the exception of money to buy three available parcels for parking next to the state-owned Stassen building in St. Paul.

Those projects were:

- \$37 million to pay half the construction cost of a new Duluth arena;
- \$12.7 million for repairs to the Department of Transportation building in St. Paul;
- \$3.9 million to provide upgrades to and replace fences, razor wire, security lighting and cameras, and \$2.2 million to replace the ventilation system that has mold infestation at Oak Park Heights prison;

- \$1.5 million to reduce the flow of clear water into the wastewater system at the Minnesota Zoo; and
- \$200,000 for phase three of the Stillwater flood control project.

Langseth said that for the second time in four years, there may not be a bonding bill, further putting the state behind on public projects.

"It appears to be a repeat of 2004," he said.

The bill could be saved by a veto override, but it would require a two-thirds vote by the House, and the same in the Senate.

"We don't know what happens next," Hausman said. "Putting a bare bones bill together is hard to do because we need 81 votes to pass the bill." 🗽

## MN Grown continued from page 18

the increase, which is included in [HF2227](#), the omnibus agriculture and veterans finance bill.

"They produce some high quality market materials that are free to the members. It does a great job," Shimanski said. "If we want to make this program grow, and be more valuable to the producers and more widely known to our customers, we gotta put a little bit more of an investment into the program."

The House, Senate and Gov. Tim Pawlenty also propose an increase to the program's base funding.

## Support continued from page 19

as well, and draw part of their salary from special education funding. They also work with student testing on an individual basis for intelligence, social and emotional testing.

"Counselors are often involved with kids on a global situation, and psychologists are typically involved with intensive intervention, and also look at data-driven decisions," said Sally Baas, professor and director of SEAT at Concordia University in St. Paul.

Maves said it should be emphasized that school psychologists are some of the best researchers in school district. Data-driven research allows schools to make informed decisions as to where to focus intervention strategies.

"Children sometimes come to school not ready to learn because they don't have enough

The funding would provide staff the "ability to do a lot more work with grocery stores and restaurants than we've ever been able to do before," Hugunin said.

## From grower to consumer

Whether it's consumers with health concerns, people interested in buying local or producers seeking to market their products themselves, the number of farmers markets are growing across the state.

Hugunin said these markets have always been an important component to promoting Minnesota Grown produce.

Prized by market enthusiasts and those seeking locally grown alternatives, the [Minnesota Grown Directory](#) of markets, products and services is annually sells out.

In 2006, 170,000 directories were distributed in less than six months. This year, Erickson said, they bumped up the production run another 5,000. The online version of the directory can be found at <http://www.mda.state.mn.us/MNGROWN>.

There is a \$40 charge for those wanting to be listed in the directory, and the number of directory participants has increased from 532 in 2003 to 663 in 2007. 🗿

food, not enough sleep or the parents are using chemicals," she said. "The kids are impacted before they get to school and are not ready to learn. School psychologists are there to provide consultation with teachers to help make the student successful."

Baas said school psychologists perform psycho-educational assessments to determine what eligibility students have for special education services, help with high stakes testing, consultations with teachers, and provide mental health services for students with stress, anxiety, and academic difficulties.

## Parents

"I heard Rep. Tillberry say on the floor 'Our kids need to have social workers and

programs' and I kept thinking, 'No, what they need is caring and involved adults in their life,'" Gottwalt said.

There is a concern that schools are moving beyond their core mission of educating children, to more of a social service, he said. "Parents are the first teachers and the most influential teachers, and allowing them to not be parents is a dangerous road to go down."

Gottwalt has heard from teachers and school administrators who say schools are being asked to do too much. "They want to focus on education and outcomes, but instead they are dealing with mental issues, health issues and nutritional issues."

He said schools would not need to deal with behavioral problems if parents were doing the job and getting their children ready for the classroom. 🗿

## Language continued from page 20

Three Minneapolis preschools are currently operated through this program, with plans for a fourth underway, Beane said.

Because there is not always an overlap between childcare professionals and fluent speakers, each classroom has a licensed child care professional in the room at all times, though he or she may not speak the language. An auxiliary program exists to help these caregivers and parents further instruction in the language.

Other world languages — like Gaelic, Welsh and Hebrew — have been brought back from the brink of extinction as a spoken

language by language immersion and bilingual educational investments. The Canadian government and the church community have put together extensive resources for native language revitalization, Beane said.

"We do everything you would do in a 'regular' school, but we have to translate it into Ojibwe and Dakota," Boyer said.

But each day, the class starts with a circle and the lighting of sage to help the children focus, Boyer said. This is followed by the children sticking their names onto the chart under how they feel, followed by a game, before delving into the curriculum.

Beane said the immersion program does

not just teach the language, but it teaches science, math and reading based on the state's curriculum content standards. All curriculum is conducted in the language of the particular program.

Anishinabe Academy, a K-9 public school in Minneapolis, is a Native American Magnet School focusing on academic achievement, Ojibwe and Dakota language, and culture. It has both Ojibwe and Dakota immersion sites.

Jennifer Bendickson, a staff member of the alliance, said the program helps increase self-esteem and gives them an identity.

"The public schools teach them nothing about the culture," she said. 🗿

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# MINNESOTA INDEX

## Use and reuse

State recycling rate, as percent.....	48.5
State rank.....	2
National average, as percent.....	28.5
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State percent increase since 1989.....	25.5
Municipal solid waste growth increase in state, as percent in 2005.....	1.8
Population growth, as percent.....	1.2
Tons of municipal solid waste created by "average" Minnesotan in 2005.....	1.17
Percent increase from 2004.....	0.6
Millions of tons of waste recycled in state in 2005, as estimate.....	2.5
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Percent increase since 1989, as approximate.....	300
Metric tons of greenhouse gas emission reduction for every 2.5 million recycled tons.....	1.6
Minnesota jobs created directly by recycling.....	8,700
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Sources: Recycling Association of Minnesota; Minnesota State Government Resource Recovery Program; Report on 2005 SCORE Programs, A summary of waste management in Minnesota, Minnesota Pollution Control Agency, December 2006.

— M. Cook

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