

# SESSION WEEKLY

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CONFLICTING TAX VISIONS  
A MIX OF BIOFUEL, VETS AND LIVESTOCK  
BETTER ENERGY, BIT BY BIT  
REENTRY, RETRAINING  
TRACKING YOUR REP'S VOTES

HF4230 - HF4238





## 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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## CONTENTS

### HIGHLIGHTS

Agriculture • 5	Elections • 7	Housing • 13
Budget • 5	Employment • 7	Local Government • 13
Business • 5	Energy • 8	Military • 13
Consumers • 6	Gambling • 9	Safety • 14
Crime • 6	Game & Fish • 9	Technology • 15
Development • 6	Government • 9	Transportation • 15
Education • 7	Health & Human Services • 10	

### BILL INTRODUCTIONS (HF4230-HF4238) • 23

### FEATURES

**FIRST READING:** Lenczewski and Simpson offer conflicting visions to attain best tax policy • 3

**AT ISSUE:** Biofuel, veterans and livestock make for a memorable bill • 16

**AT ISSUE:** Omnibus energy policy bill aims for small changes, big impacts • 17

**AT ISSUE:** A variety of topics offered in the higher education bill • 18

**AT ISSUE:** Omnibus public safety policy bill puts focus on future workers • 19

**AT ISSUE:** Safety-first provisions highlight transportation omnibus bill • 20

**RESOURCES:** What you should know first about your legislator's vote • 21

**MINNESOTA INDEX:** Gardening in Minnesota • 24

**On the cover:** State Capitol site guide Michael Salzberg portrays Dr. John Murphy, a delegate to the 1857 Minnesota Constitution Convention. Such portrayals in period costume are done as part of Minnesota Statehood Week. Minnesota gained statehood on May 11, 1858.

— Photo by: Andrew VonBank

# Different paths to the same outcome

Lenczewski, Simpson offer conflicting visions to attain best tax policy

BY COURTNEY BLANCHARD

**T**he leaders of the House Taxes Committee are a display of opposites. Chairwoman Rep. Ann Lenczewski (DFL-Bloomington) stands tall with a sonorous voice, a passion for the minutia of tax policy and a tenacity that resonates from her years as a suburban city council member. The lead Republican, Rep. Dean Simpson (R-Perham), usually sits quietly, several chairs down the committee table from his counterpart. When he speaks, he's succinct and poignant, and often cites his experience as a rural grocery store owner and mayor. Their leadership style is complementary, despite sometimes antithetical views on tax policy.

For example, the two stand far apart when it comes to using tax incentives to create jobs. Earlier this session, Lenczewski introduced HF4103, a bill to end all state corporate subsidies, many of which were granted with an intention to create jobs.

She says she doesn't buy it.

"There's something in our psychology

that has happened in Minnesota over the last 10 years that if you've created a job, you don't pay taxes. I just don't understand that," Lenczewski said at a March 28 meeting of the House Property Tax Relief and Local Sales Tax Division. "You are a beneficiary of creating that job as well, or else you wouldn't be doing it."

Lenczewski describes herself as a "purist"

## What's in the bill:

The following are selected bills that have been incorporated, in part or in whole, in the omnibus tax bill:

HF1113 — Wollschlaeger  
HF1204 — Davnie  
HF1222 — Marquart  
HF2412 — Brod  
HF2990 — Kohls  
HF3395 — Tillberry  
HF3967 — Simpson  
HF4103 — Lenczewski  
HF4136 — Olin  
HF4155 — Loeffler  
HF4160 — Koenen

when it comes to business taxation and said she'd rather eliminate every subsidy than choose which ones to keep. Her bill would have freed up money to spend on what she calls government's core services, like education, health care and infrastructure. To Lenczewski, business subsidies don't make the cut.

Simpson said he doesn't buy that.

"To be pure is a wonderful thing, but I guess the things that I see in this whole bill is how is this going to set us apart from other states?" he said at the March 18 meeting of the taxes committee. His view is that the government can form tax policy that creates and retains jobs. That's necessary when nearby states offer competition in the form of tax incentives, he said.

"In a perfect world, we wouldn't have to have job credits or tax credits," he said. "But we're not in a perfect world. We have Wisconsin that sits next to us... We have all these players around us that are out there trying to steal our job base and steal our business base."

## Tax bill debate

These views collided as the House passed its omnibus tax bill 80-52 May 5. Sponsored by Lenczewski, HF3149 conspicuously omits an



PHOTO BY TOM OLMSCHEID

Rep. Ann Lenczewski, chairwoman of the House Taxes Committee, *left*, and Rep. Paul Marquart, chairman of the House Property Tax Relief and Local Sales Tax Division, listen to a question during the May 5 debate of the omnibus tax bill.

First Reading continued on page 4



PHOTO BY TOM OLMSCHIED

**Rep. Dean Simpson asks a question of House Taxes Committee Chairwoman Rep. Ann Lenczewski during May 5 debate of the omnibus tax bill.**

expansion to the governor's Job Opportunity Building Zones program or a subsidy to fund Phase II of the Mall of America. Such "job-creating" legislation has been touted by members from both parties.

Rep. Torrey Westrom (R-Elbow Lake) introduced, and later withdrew, an amendment that would fund the mall expansion using tax

increment financing districts. His plan differs from HF2237, sponsored by Rep. Mike Nelson (DFL-Brooklyn Park), which would exempt the mall from paying into a fiscal disparities pool. That provision is included in the Senate tax bill, and should be negotiated by the conference committee.

Nelson said Westrom's proposal wouldn't produce enough money to make the project a reality. Others, like Rep. Bob Gunther (R-Fairmont), said the investment would be worth it if it could plant the seeds to a project expected to create 7,000 construction jobs and lure new tourists to the state.

Lenczewski, who represents the area of Bloomington that includes the mall, remains opposed to the project. She also stood her ground on the JOBZ program when Simpson unsuccessfully tried to tack an expansion of the program onto the bill.

JOBZ came under heavy fire after a report by the nonpartisan Office of the Legislative Auditor found the program to be misused or unnecessary in some cases. Simpson introduced two amendments that included provisions to address the auditor's critiques. He and other legislators argued that when the program works, it's worth it.

Rep. Bud Nornes (R-Fergus Falls) said the program has shuffled millions of dollars of investment to his community, created around 80 jobs and attracted a Fortune 500 company to Fergus Falls that originally had its sights on locating in India. "Now with the program either dying, or hopefully expanding, that'll determine whether we have another chapter of success," he said.

### Now until the end of session

The Senate rejected the House language on May 7 and inserted the language of SF2869, sponsored by Senate Taxes Committee


Chairman Sen. Tom Bakk (DFL-Cook). Even before the House refused to concur with the Senate, conferees had met informally to talk about the two bills.

The discussion will now go beyond whether jobs can be created with tax policy. One of the biggest issues to sort out is whether the Senate will agree to the House's property tax proposal.

It would restructure existing property tax refund programs so that those who pay more than 2 percent of their income toward property taxes would get the most relief. People who make up to \$200,000 per year would be eligible.

To address some of the governor's criticisms that the proposal could hurt more homeowners than it helps, Lenczewski successfully introduced an amendment during the House debate that includes levy limits for local governments, a move pushed for by the governor who favors property tax caps. It also scaled down how far the Market Value Homestead Credit would be reduced to pay for the proposal. The proposal would keep 60 percent of the market value credit intact and eliminate two other programs to restructure the refund system.

During the debate, Simpson said Lenczewski's amendment took the bill to a better direction, but he voted against it because it didn't include JOBZ. And even with the changes like levy limits, Revenue Commissioner Ward Einess said at an informal conference committee May 6 that the governor doesn't support a proposal to scrap the property tax deduction on state income taxes.

The Taxes Conference Committee will work to reach an agreement before the Legislature adjourns for the last time this session, which could be as late as May 19. 

## State celebrates 150<sup>th</sup> anniversary

When the sesquicentennial wagon train pulls up to the State Capitol on May 11 for Statehood Day, it will be part of the official kick-off to a year-long celebration of Minnesota's 150th anniversary of becoming the 32nd state. Several events are planned beginning at 1 p.m. at the State Capitol. The celebration will continue during Statehood Week, May 11-18, in communities designated as Honorary Capitals for a Day — Bemidji, Thief River Falls, Detroit Lakes, New Ulm and Winona.

A May 17-18 Statehood Weekend Festival is planned on the Capitol Mall.

### May 17 highlights:

- 11 a.m.: Food vendors, sesquicentennial and



exhibitor tents, entertainment in front of the Capitol.

- 12:30 p.m.: 26 vintage aircraft flyover.
- 1 p.m.: The First Day Issue ceremony for the Minnesota Sesquicentennial Commemorative U.S. Postage Stamp, which will be available for

sale following the ceremony along with poster-size reproductions signed by the artist, Richard Hamilton Smith of Park Rapids.

### May 18 highlights

- 4 p.m.: Food vendors and music.
- 6:58 p.m.: (18:58 Military Time) National Guard flyover.
- 7 p.m.: Statehood Ceremony "Honoring Those Who Serve."
- 8:45 p.m.: Fireworks over the Capitol.

For more information about Statehood events, call 651-296-1870 or visit [www.mn150years.org](http://www.mn150years.org).

Logo courtesy of the Minnesota Sesquicentennial Commission

**Editor's note:** The following Highlights are coverage of select bills heard in House committees and other House activities held May 1-8. 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.

## AGRICULTURE

### Money to help fight bovine TB

Signed  
by  
the  
governor

Cattle ranchers in the northwestern part of the state fighting to contain an outbreak of bovine tuberculosis will see some help from the state.

A new law signed May 5 by Gov. Tim Pawlenty, and effective the next day, provides more than \$6 million this biennium to help fund a buyout of cattle herds from ranchers who volunteer to depopulate their livestock. With four new cases of the disease detected since fall, the federal government downgraded the state's bovine TB status, effectively stopping cattle shipments out of the state unless the animals are certified as being disease-free.

"This is having a huge impact to the cattle industry," said Rep. Dave Olin (DFL-Thief River Falls), who sponsors the law with Sen. Rod Skoe (DFL-Clearbrook).

Cattle owners in the zone will have until July 15, 2008, to decide whether to participate in the buyout program. Those who do would be paid market-value plus \$500 per head by the state and an annual payment of \$75 for each animal slaughtered until the area receives a TB-free status and the owner is authorized by the Board of Animal Health to have cattle located in the zone. A cattle owner receiving payment must sign a contract with the board agreeing to:

- slaughter, by Jan. 31, 2009, all cattle that are at least 1-year-old;
- move from the zone or slaughter all cattle that are less than 1-year-old; and
- refrain from owning or allowing any livestock on the land in the management zone, unless authorized by the board.

Before payment is issued, the board will need verification that the cattle have been slaughtered.

Ranchers choosing to keep their herds intact will be subject to several testing and control requirements, including adequate fencing of their herd and grazing areas to limit access of deer or elk, which are also carriers of

the disease. The state will provide a cost-share payment of up to \$75,000 or 90 percent of the cost of an approved fence.

Under the law, the board is given authority to control tuberculosis and the movement of cattle, bison, goats and farmed cervidae in the state.

The Department of Natural Resources commissioner is given authority to remove, upon request, deceased deer and elk within the zone, and make a "good faith effort to inform the state's residents to this requirement, and how a person may make a deer or elk removal request."

HF4075\*/SF3728/CH274

— L. SCHUTZ

## BUDGET

### Legislative recommendations devised

The Omnibus Supplemental Budget Bill Conference Committee finished its work May 6, but did not rule out meeting again.

Rep. Lyndon Carlson (DFL-Crystal) and Sen. Richard Cohen (DFL-St. Paul), the committee co-chairs, met with Finance Commissioner Tom Hanson earlier in the day, telling him conferees were planning to adopt the report for HF1812\*/SF3813. It is an agreed upon position of the House and Senate for dealing with a projected \$935 million budget shortfall, based on the February forecast. Since then, some legislative actions,

such as passage of a bonding law and creation of a compensation fund for victims of the Interstate 35W bridge collapse, have pushed that number to about \$1 billion.

However, the report may not to be signed by conferees depending on how negotiations fare between legislative leaders and Gov. Tim Pawlenty.

"As long as negotiations go on, we'll hang on to this," said Carlson, noting future changes could be made if necessary. "As long as we haven't signed the report, if there were an agreement on certain provisions with the governor's office we could reopen it."

According to an April 29 document, House target principles include using \$350 million from the cash flow account, \$200 million from the budget reserve and gaining \$109 million by closing a foreign operating corporation tax loophole.

— M. COOK

## BUSINESS

### Delta president promises jobs

Addressing the House Commerce and Labor Committee May 5, Edward Bastian, the president and CFO of Delta Air Lines, said with increasing fuel costs, the merger of Delta and Northwest airlines will create a premier global company that can compete in an increasingly competitive global marketplace.

Bastian said both companies are committed



PHOTO BY TOM OLMSCHIED

Delta Air Lines President and CFO Edward Bastian, *left*, tells the House Commerce and Labor Committee May 5 that Atlanta would be the headquarters if a merger of Delta and Northwest Airlines occurs. Ben Hirst, *right*, senior vice president-corporate affairs and general counsel of Northwest Air Lines listens.



to preserving jobs, especially in Minnesota; that no hubs would be closed; and pension plans would continue for current employees and retirees.

Referring to NWA's agreement to keep its headquarters, hub and a specific number of jobs in Minnesota, Committee Chairman Rep. Joe Atkins (DFL-Inver Grove Heights) asked if Delta plans to honor those agreements if the deal goes through.

Bastian said that although the corporate headquarters will be in Atlanta, Delta will maintain a "vibrant presence" in Minneapolis-St. Paul, and that there is a commitment to "no loss of jobs of an involuntary nature for any of our frontline employees." Bastian said Delta looks forward to discussing the terms of the covenants with the governor and the state, but it's too early to get into specifics.

Atkins asked if there is any way to convince Delta to move its headquarters north. "No, there's not," Bastian said.

Members asked if Delta would remain neutral in any future discussions with its employees and labor unions. Currently, pilots are the only unionized Delta employees. Bastian said the airline would "support the process," and "respect the employees' voice."

Bastian agreed to be available for additional questions, if needed.

— C. GREEN

### Securities act changes enacted

**Signed  
by  
the  
governor**

A modified name is about the most significant change made by a new law signed May 1 by Gov. Tim Pawlenty.

Sponsored by Rep. Tom Tillberry (DFL-Fridley) and Sen. Dan Sparks (DFL-Austin), the law changes the statutory citation of the Uniform Securities Act to the "Minnesota Securities Act." It also corrects numerous typos and incorrect cross-references in the law.

Tillberry said the Department of Commerce asked for the changes to the act, which he said provides a framework for regulating the securities industry in Minnesota. The changes are effective May 2, 2008.

HF3306/SF3174\*/CH256

— N. BUSSE

## CONSUMERS

### Beer kegs are not scrap metal

**Signed  
by  
the  
governor**

Recycling is good, but there are rules.

Signed by Gov. Tim Pawlenty May 1, a new law prohibits a scrap metal dealer from buying or receiving a refillable metal

beer keg, except from the manufacturer or the brewer.

Sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Senate President James Metzen (DFL-South St. Paul), the law is effective Aug. 1, 2008.

HF4007/SF3455\*/CH259

— C. GREEN

## CRIME

### Commitment modifications on hold

**Vetoed  
by  
the  
governor**

Under current statute, anyone subject to a petition for civil commitment as a Sexually Dangerous Person or as a Sexually Psychopathic Personality can request to have a hearing on the petition within 15 days. If they are not given a hearing within that time, the petition would be discharged, and they would be released.

A new proposal, sponsored by Rep. Steve Simon (DFL-St. Louis Park) and Sen. Don Betzold (DFL-Fridley), would have exempted petitions from the 15-day provision, while keeping a provision to provide a hearing within 90 to 120 days from the filing date.

Yet, as it was drafted, the bill went a step too far.

In his veto letter, Gov. Tim Pawlenty wrote, "Unfortunately, the bill mistakenly exempts SDP and SPP petitioners from all of the trial timeframes in statute, rather than just the 15 day trial by demand provision."

Pawlenty said the bill's sponsors asked him to veto the bill, and that the corrected language would be included in the omnibus public safety bill, HF2996, sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Linda Higgins (DFL-Mpls).

With the corrected language in place, the bill was approved by a conference committee May 5 and passed by the full House and Senate May 7.

HF3396/SF2919\*/CH255

— C. GREEN

## DEVELOPMENT

### Policy provisions get approval

A number of provisions aimed at helping increase economic development in the state are heading to the governor's office.

Sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. David Tomassoni (DFL-Chisholm), HF3722\*/SF3471 deals with a variety of subjects, including: unemployment insurance; military programs; construction debris; a vacation rental lodging study; and a

number of provisions relating to the Minnesota Boxing Commission, including changing its name to the Minnesota Combative Sports Commission to better reflect the events it regulates.

"I don't think there's anything too controversial in this bill," Rukavina said before the House gave its approval May 7 on a 122-10 vote. Senate approval was gained 57-6 later that evening.

The bill permits the Department of Employment and Economic Development to make one-time, interest-free loans of up to \$20,000 to eligible businesses that have sustained or likely will sustain substantial economic loss when an essential employee is

### What's in the bill

The following are selected bills that have been incorporated, in part or in whole, in the omnibus jobs and economic development policy bill:

HF611 — Anzelc  
HF3163 — Atkins  
HF3356 — Moe  
HF3364 — Moe  
HF3427 — Dettmer  
HF3913 — Gunther

called to active service for at least 180 days. This was endorsed by Gov. Tim Pawlenty.

Concern was raised by Rep. Mark Buesgens (R-Jordan) about a clause that state statute "shall not prohibit a collective bargaining unit from including provisions related to workplace communication."

"It seems to me the inclusion of this language into statute would only be necessary if the communications within the workplace was currently not considered to be an inherent managerial right," Buesgens said. "Are we fundamentally changing the rules of negotiation?"

Rep. Tom Anzelc (DFL-Balsam Township) said the initial proposal was about getting a policy so allegations of political or union activity or any other communication would not be an issue. "This simply is a statement of intent that in the public sector this issue of workplace communication should be considered by both workers and employers in the future absent of a policy or absent of rules." Private employers would not be affected.

Other provisions include:

- additional unemployment benefits would be available in counties where the unemployment rate is nearly double the state average during a 12-month calendar period;
- construction debris or residuals

from processed construction debris containing gypsum cannot be managed as cover material at disposal facilities, except under certain conditions;

- a trade policy advisory group would be established to help advise the governor and Legislature regarding government procurement agreements of federal trade agreements; and
- a credit enhanced bond program would be established to provide loans to governmental units through the purchase of general obligation bonds of governmental units issued to finance project costs.

Rep. Tom Emmer (R-Delano) said the bill doesn't do enough to create jobs and stimulate the economy.

"It's important to take care of our labor force, to take care of our families and our workers," he said. "The thing that we're missing is some policy that is going to not only convince the private sector employers to stay in the state of Minnesota, but attract new private businesses to the state of Minnesota and expand our private sector so we can put more of our workers back to work."

— M. Cook

## EDUCATION

### Background checks required

**Signed  
by  
the  
governor**

Teachers have to undergo a background check before being hired, but coaches and directors of extracurricular activities previously did not.

A law signed May 8 by Gov. Tim Pawlenty changes that.

Sponsored by Rep. Karla Bigham (DFL-Cottage Grove) and Sen. Ann Rest (DFL-New Hope), it takes effect Sept. 1, 2008.

The cost of the Bureau of Criminal Apprehension background check will be the responsibility of the individual, and would not depend on the individual being paid by the school.

The school hiring authority may also request a background check for anyone who seeks to enter school grounds as a volunteer, work as an independent contractor or school employee. The cost is also the responsibility of the individual.

Coaches and those providing extracurricular services could be exempt if the results of their criminal background check were already on file or otherwise accessible. Enrolled student volunteers are also exempt from this requirement.

Each year, the school district must notify parents of the requirement.

HF2782/SF2369\*/CH275

— T. HAMMELL

### Early childhood teacher requirements

**Signed  
by  
the  
governor**

Small communities could have an easier time filling early childhood teaching positions.

Sponsored by Rep. David Bly (DFL-Northfield) and Sen. Tom Saxhaug (DFL-Grand Rapids),

a new law removes the requirement that early childhood teachers be licensed in early childhood education. Teachers only need to be licensed, and the Board of Teaching may also grant a variance from this requirement.

The law is effective May 6, 2008, one day after gubernatorial action.

In an effort to improve the quality of Early Childhood Family Education programs throughout the state, the 2007 Legislature passed a law requiring licensed teachers for these programs. The new law's purpose is to fix an unexpected outcome of that legislation. Supporters said it can be hard to find teachers with the required certification in rural areas.

HF2617/SF2796\*/CH266

— T. HAMMELL

### Bill waits for final House approval

Hockey could become Minnesota's official state sport, physical education classes would once again be required in high school and school technology standards could be established. But this all hinges on the House passing the omnibus education policy bill and the governor deciding it should become law.

The conferred HF3316/SF3001\* was approved by the Senate 45-20 on May 7 and sent to the House. As of this magazine's press time May 8, it was awaiting action.

The bill, sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. Chuck Wiger (DFL-Maplewood), would make hockey the state sport and add information about academic performance relative to the state growth norm and student engagement to the school's academic report card.

Many of the controversial aspects of the bill were removed by the conference committee. Among them:

- a proposal for Responsible Family Life and Sexuality Education programs for high school students;
  - an appeals process for schools not meeting Adequate Yearly Progress under the federal No Child Left Behind Act; and
  - a three-year window in which high school students not passing the Graduation-Required Assessments for Diploma could appeal and possibly graduate on time.
- Items in the bill include:
- allowing parents or guardians to designate another adult to participate in school conferences involving their child, and that person would have access to the same kind

of information as a parent.

- providing teachers with instruction in American Indian education including information about teaching history and culture to all students; and
- requiring high school students to take half a credit of physical education, though students who demonstrated mastery of the subject matter or were participating in sports would not have to take the class.

—T. HAMMELL

## ELECTIONS

### Caucus date choices

Political parties can now choose the date of their precinct caucuses.

Signed May 1 by Gov. Tim Pawlenty, the law, sponsored by Rep. Carolyn Laine (DFL-Columbia Heights) and Sen. Ann Rest (DFL-New Hope), allows each political party to establish the date of their precinct caucus and eliminates the requirement that caucuses be held on the first Tuesday in March. It is effective Aug. 1, 2008.

The state executive committee of each party will be responsible for determining the date of each party's caucus and notify the secretary of state at least 90 days prior to the caucus.

Also included in the law is the authority for each party to postpone a caucus due to severe weather, with consultation of the secretary of state.

HF3066\*/SF3238/CH263

— B. HOGENSON

## EMPLOYMENT

### Final offer off the table

A couple of years ago, an arbitration system was adopted for settlements involving firefighters and municipalities. The arbitrator would have to choose either one proposal or the other, with no combining of proposals or looking for compromise.

A new law, sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Dan Larson (DFL-Bloomington), repeals the statute, allowing arbitrators and the parties involved more flexibility.

The law was put in place with the belief that it would lead to a drop in arbitration cases. But, Atkins said, that hasn't been the case. Getting rid of the statute "gives the power to the cities and the firefighters and allows them to do what they want to do, rather than what

we told them to do," he said.

Signed by Gov. Tim Pawlenty May 5, the law is effective the following day.

HF3365/SF2948\*/CH267

— C. GREEN

## ENERGY

### Biomass definition extended

**Signed  
by  
the  
governor**

A new law will help pave the way for the development of biodiesel fuel produced from algae.

Signed May 1 by Gov. Tim Pawlenty, the law expands the state's definition of renewable energy sources to include "the predominantly organic components of wastewater effluent, sludge, or related byproducts from publicly owned treatment works."

In practical terms, the law will enable the use of algal biofuels to help meet the state's renewable energy standard.

The technology, which is currently being developed at the University of Minnesota and other institutions, uses the nutrient-rich wastewater from municipal sewage treatment plants to grow algae that can be harvested as biomass, which can then be turned into fuel.

Rep. Paul Gardner (DFL-Shoreview), who sponsors the law with Sen. Sandy Rummel (DFL-White Bear Lake), said the law is intended primarily for algal biofuels, but may also enable other similar technologies in the future.

The law, which is effective May 2, 2008, also specifies that any process that involves burning wastewater sludge to produce energy does not qualify as an eligible renewable energy technology.

HF2903/SF2996\*/CH253

— N. BUSSE

### Energy efficiency for government

House members voted 103-28 May 7 to approve a program that would allow the state and local units of government to finance energy efficiency projects with tax-exempt lease purchase agreements.

The bill, HF3669/SF3096\*, sponsored by Rep. Jeremy Kalin (DFL-North Branch) and Sen. D. Scott Dibble (DFL-Mpls), is designed to help state agencies and local governments improve the energy efficiency of buildings and public facilities. A different version was passed 55-7 by the Senate on April 28. A conference committee has been appointed to work out the differences.

Under the bill's provisions, state agencies could enter into financing agreements with the Department of Administration and

private financial institutions for either energy efficiency improvement projects or renewable energy projects for state buildings and facilities. Local governments would be allowed to enter into similar contracts with the Commerce Department for energy efficiency projects. To fund the local government efficiency program, the commerce commissioner could transfer up to \$1 million from the state's petroleum violation escrow fund.

The bill also includes a provision that would ask the Office of Energy Security and the Pollution Control Agency to submit a report to the Legislature on how to extend the state's "Green Star" award program to cities and communities that take action to reduce greenhouse gas emissions.

Kalin said the bill could help reduce property taxes by allowing local governments to cut administrative spending, but some members questioned whether the program was necessary, and also expressed concern about its funding source.

"We have Johnson Controls and Honeywell doing the same thing. They back up and guarantee their work. Why do we need this?" asked Rep. Bob Gunther (R-Fairmont). He unsuccessfully offered an amendment that would have delayed implementation of the program until the Department of Finance determined that private capital was insufficient to fund local energy efficiency projects.

— N. BUSSE

### Energy efficient buildings

**Signed  
by  
the  
governor**

New building codes that will save the state money and lower its carbon footprint are the goal of a new law signed May 8 by Gov. Tim Pawlenty.

Sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Yvonne Prettner Solon (DFL-Duluth), the law requires the Commerce Department to contract with the University of Minnesota's Center for Sustainable Building Research to develop cost-effective energy efficiency standards for all new and substantially reconstructed commercial, industrial and institutional buildings.

The law, effective May 9, 2008, lays the groundwork for the development of new energy-efficient building codes; however, it does not actually implement them. The codes that will be developed will also have the goal of reducing per-square-foot carbon emissions by 60 percent in 2010, 70 percent in 2015, 80 percent in 2020 and 90 percent in 2025. Reductions are to be measured against 2003 average levels.

Additionally, the Commerce and Administration departments must work together to develop new sustainable building guidelines by Feb. 1, 2009, for all major renovations of state buildings. "Major renovations" are to include only those involving a minimum 10,000 square feet of

## JUDICIAL ADDRESS



PHOTO BY TOM OLMSCHIED

Rep. Steve Simon and Sen. Ann Rest welcome former Supreme Court Justice Sandra Day O'Connor, center, to the old Supreme Court Chamber consultation room in the State Capitol for a May 2 gathering of legislators. O'Connor was in the state to address the Hubert H. Humphrey Institute of Public Affairs at the University of Minnesota on the growing partisan and political nature of judicial elections.



space. The goal is to exceed the state energy code by 30 percent.

Hilty said the Minnesota Climate Change Advisory Group recommended the building code changes as the single largest energy- and cost-saving measure the state could take.

HF3401/SF2706\*/CH278

— N. BUSSE

## GAMBLING

### Allowances for charitable gambling

**Signed  
by  
the  
governor**

With difficult economic times, even charitable organizations are struggling. Rep. Joe Atkins (DFL-Inver Grove Heights) said for some of these organizations, it's a matter of staying alive or going out of business.

Signed by Gov. Tim Pawlenty May 1, a new law offers a bit of financial relief.

Sponsored by Atkins and Sen. Tony Lourey (DFL-Kerrick), the omnibus lawful gambling law permits charitable organizations to increase their allowable expense by 5 percent from July 1, 2008, to June 30, 2009, an increase from 70 percent to 75 percent of gross profits from bingo, and from 60 percent to 65 percent of other forms of lawful gambling.

Effective May 2, 2008, the law mandates additional training requirements for gambling management, and requires the Gambling Control Board to present a report to the Legislature on operational and regulatory procedures, tax structure and recent trends in lawful gambling by Jan. 15, 2009.

It also removes the current annual \$48,000 prize award cap for progressive bingo game prizes, removes annual limits on raffle prizes, and places a \$50,000 cap on any one raffle prize.

HF3397/SF3098\*/CH260

— C. GREEN

## GAME & FISH

### Game and fish bill passed

Fishing with two lines, hunting at younger ages and the creation of a new Outdoor Heritage Council are just a few of the changes proposed in the omnibus game, fish and lands policy bill passed by the House 130-4 on May 8.

HF3280/SF2651\*, sponsored by Rep. David Dill (DFL-Crane Lake) and Sen. Satveer Chaudhary (DFL-Fridley), contains dozens of hunting and fishing policy initiatives, as well as the Department of Natural Resources' annual land acquisitions bill. It now returns to the Senate, where a different version passed 64-0 on April 30.

The bill's many game and fish provisions include:

- creating a "conservation angling license" that would cost two-thirds the price of a regular license, allow license-holders to take up to one-half of the normal fish possession limits, and be valid for 14 consecutive days;
- allowing anglers to fish with two lines simultaneously;
- allowing residents ages 10 and 11 to hunt big game provided that they are within immediate reach of a parent or guardian;
- creating a \$52 all-firearm season deer hunting license allowing hunters to take two deer, only one of which may be a buck;
- allowing youth who will turn 12 years old within the calendar year to obtain a license to hunt big game; and
- increasing the cock pheasant bag limit to three per day after the 16th day of the pheasant season.

The bill would also establish a 12-member Outdoor Heritage Council to be responsible for making recommendations to the Legislature on how to use money from the outdoor heritage fund, which would be established if voters approve a proposed constitutional amendment that would dedicate new sales tax money for the environment and the arts. The proposal will be on the ballot in this fall's general election.

Rep. Tom Hackbarth (R-Cedar) offered an amendment that would have established the Lake Vermilion State Park by appropriating nearly \$23 million from a dedicated fund that is normally used for projects approved by the Legislative-Citizen Commission on Minnesota Resources.

"Boy, have I got a deal for you," Hackbarth announced before explaining the amendment, which he said would break the current stalemate between legislative leaders and the governor, who have been negotiating the terms of the proposed park acquisition for months.

"This buys the new state park. It takes care of the issue. It doesn't cost us any General Fund money. ... Plain and simple, this takes care of the problem, and we'll have a new state park," Hackbarth said.

Most of his colleagues did not agree, and the amendment was defeated 35-98.

— N. BUSSE

## GOVERNMENT

### Council could set legislators' pay

Legislators currently set their own salary. That could change if voters approve a

constitutional amendment putting the task in the hands of an independent citizen-only compensation council.

Rep. Kent Eken (DFL-Twin Valley) sponsors HF3796 to address the current method of determining legislator salaries, which he calls a "conflict of interest." The bill would ask voters at November general election to amend the state constitution removing legislators' ability to set their own salaries and establish a citizen-only compensation council to make pay recommendations. The council would be appointed by the chief justice of the Supreme Court and the governor.

Approved by the House Rules and Legislative Administration Committee May 6, it awaits action by the full House.

The annual legislative salary of \$31,140 has not been increased since 1999. Legislators are eligible to receive a per diem, which is a daily payment available when they are engaged in official business. Members raised the per diem payment in 2007 to \$77 a day for the House members and \$96 for senators. They are also reimbursed for housing, travel and other expenses.

Some members are concerned that the low pay and extended hours prohibit the average person from serving, especially those with a young family.

"We really need to embrace people, to keep people in the Legislature that are people who are not wealthy. Frankly I don't know of many people in my district who could afford to be in the Legislature," said Rep. David Dill (DFL-Crane Lake).

The stress on family life and career is a major concern to at least one first-term House member, Rep. Ryan Winkler (DFL-Golden Valley). He said the time commitment and "the black hole into which we disappear when we come over here" make it difficult to maintain career obligations. He suggested the rules by which the House operates should be reevaluated, so that House members can expect better use of their time.

A companion bill, SF3793, sponsored by Sen. Tarryl Clark (DFL-St. Cloud), was amended and recommended to pass May 8 by the Senate Rules and Administration Committee.

— L. SCHUTZ

### Correcting erroneous changes

**Signed  
by  
the  
governor**

Inadvertent changes that were made by 2007 laws have been reversed under legislation signed by the governor April 30.

Sponsored by Rep. Gene

Pelowski Jr. (DFL-Winona) and Sen. Ann Rest (DFL-New Hope), the new legislation reverses two changes that were made in a 2007 housekeeping bill that terminated and modified various boards and advisory groups throughout the state.

The new law:

- reinstates authorization for the Minnesota Racing Commission to establish an advisory committee to handle the distribution of breeder's fund money;
- clarifies that the Health Care Peer Review Committee established by the corrections commissioner is exempt from the expiration date for advisory groups; and
- provides additional authorization for the continued operation of the Health Care Peer Review Committee.

The law is effective May 1, 2008, except for the racing commission language, which is retroactive to Aug. 1, 2007.

HF3689/SF2511\*/CH252

— B. HOGENSON

## HEALTH & HUMAN SERVICES

### Community consortium project

A demonstration project that would allow three community consortiums serving older adults to pool health care funds for long-term care purposes was passed 132-0 by the House May 1.

Sponsored by Rep. Paul Thissen (DFL-Mpls), HF3955 would allow the human services, health and housing finance commissioners to develop a three-year demonstration project by July 1, 2009.

The bill was passed by the full Senate May 8. Sen. Tony Lourey (DFL-Kerrick) is the Senate sponsor.

The consortiums would create a joint decision-making process with a goal to pool funds and provide flexibility in the distribution of health care money. An evaluation report would be due to the Legislature by Jan. 15, 2013, on the project's performance.

Each project would be designed to:

- ensure consumer access to a continuum of older care services;
- create an adequate supply of affordable home-based alternatives to care for those in nursing facilities, or those needing a facility in the future;
- establish and achieve measurable performance targets for care delivery; and
- support management of chronic and complex conditions through greater coordination of all services needed by older adults.

Consortiums would be given priority for technology-related grants, projects designed

to create or preserve affordable housing options for older adults and transportation-related funds to create transportation options for older adults.

Funding would come, in part, from appropriations to the nursing home moratorium exceptions process for the biennium ending June 30, 2011. According to a Department of Finance fiscal note, the Legislature appropriated \$3 million for nursing home moratorium projects during the 2008-09 biennium. The health commissioner could reserve 10 percent of these funds for project distribution.

A successful amendment by Rep. Jim Abeler (R-Anoka) would create a community-based consortium to analyze waiver program practices and make recommendations for improvements to the counties and health commissioner.

— P. OSTBERG

### Naturopathic doctor registration

Naturopathic practitioners with degrees from accredited medical programs recognized by the Council on Naturopathic Medical Education would be able to call themselves "naturopathic doctors," under a bill passed 90-42 by the House May 7.

Sponsored by Rep. Neva Walker (DFL-Mpls), HF1724 would allow about 25 individuals to register themselves as a "registered naturopathic doctor," "naturopathic doctor" or "doctor of naturopathic medicine." Only those practitioners with the medical degrees could use the titles and could display them in their place of practice.

The bill would create a Registered Naturopathic Doctor Advisory Council to oversee standards for registered doctors, distribute information regarding the standards, review applications, recommend granting or denying registrations and investigate complaints.

"There's many individuals that think that the only practice of medicine should be in the medical community and scientific based without acceptance of what is going on in other countries," said Walker, adding there is a difference between a person who has gone to medical school and one educated through experience. Registering those individuals in the state could bridge the gap between western medicine and the alternative healing community, she said.

The bill defines the registration requirements and states that individuals without naturopathic medical degrees are able to continue practicing without use of the three titles.

Allowing those individuals to register as doctors would give them "an exceptional or exclusionary practice to an exclusive clientele,"

said Rep. Dan Severson (R-Sauk Rapids). The changes would put them at an advantage over other practitioners without medical degrees, he said.

"All this will do is recognize and raise the bar for a group of folks who have the credentials and additional education to be called registered naturopathic doctors," said Rep. Laura Brod (R-New Prague)

Received May 8 from the House, the bill awaits action by the Senate Finance Committee. Sen. Patricia Torres Ray (DFL-Mpls) is the Senate sponsor.

— P. OSTBERG

### Optometry changes

Signed  
by  
the  
governor

Optometry definitions first written in 1915 will be updated, under a new law signed May 1 by Gov. Tim Pawlenty.

Under the new law, an optometrist is defined as any person who shall in any way "prescribe or administer legend drugs to aid in the diagnosis, cure, mitigation, prevention, treatment, or management of disease, deficiency, deformity, or abnormality of the human eye and adnexa included in the curricula of accredited schools or colleges of optometry."

The law also changes practice and licensing requirements for optometrists. For example, it prohibits optometrists from:

- administering legend drugs intravenously, intramuscularly or by injection except for the treatment of anaphylaxis;
- performing invasive surgery, including the use of lasers;
- administering or prescribing schedule II and III oral legend drugs and oral steroids;
- administering or prescribing oral antivirals for more than 10 days; or
- administering or prescribing oral carbonic anhydrase inhibitors to be prescribed or administered more than seven days.

The term "reciprocity" will be changed to "endorsement" to clarify the process for those coming from other states to practice optometry in Minnesota. An application fee of \$87 would be required for those seeking a state license.

Applicants who apply for state endorsement will be required to provide evidence of:

- having obtained a clinical doctorate degree from a board-approved school or college of optometry;
- successful completion of written and practical examinations for licensure in the applicant's original state of licensure;
- successful completion of an examination of Minnesota state optometry laws;
- compliance with the requirements for



- board certification;
- compliance with all continuing education required for license renewal in every state in which the applicant currently holds an active license to practice; and
- being in good standing with every state board from which a license has been issued.

Optometrists licensed in the state prior to Aug. 1, 2007, will have to meet the board certification requirements by Aug. 1, 2010, to renew their license.

Rep. Cy Thao (DFL-St. Paul) and Sen. Tony Lourey (DFL-Kerrick) sponsor the law.

HF2837\*/SF3258/CH262

— P. OSTBERG

### Health policy provisions

Health care policy provisions and sexual offender program regulations were approved May 5 by a health and human services policy conference committee.

Sponsored by Rep. Thomas Huntley (DFL-Duluth) and Sen. Linda Berglin (DFL-Mpls), HF3222\*/SF3168 would make several changes regarding health care; sexual offender program regulations; the definition of “work activity” as it relates to a participant’s qualification for Minnesota Family Investment Program; managed care contracts; and disclosure of adoption information.

Health care provisions include:

- allowing a licensed physician, advanced practice nurse or licensed psychologist to make a diagnosis and determination of attention deficit disorder or attention deficit hyperactivity disorder;
- requiring hospitals, clinics and medical facilities to have in place by Jan. 15, 2009, a policy for informing a woman of available options for fetal disposition when the woman experiences or is expecting a miscarriage;
- granting a limited license to practice dentistry to a graduate of a non-accredited dental program who successfully completes the clinical licensure examination and meets other requirements of the Board of Dentistry.
- authorizing the human services commissioner to join and participate in a legal entity developing and operating a statewide health information exchange; and
- technical language deletions and additions to the treatment of income for a institutionalized spouse.

Changes to the sex offender program would include establishing Minnesota State Industries at any sex offender program facility and allowing patients to build, manufacture or process goods for business or industry. A working group would develop standards

### STANDING OVATION



PHOTOS BY TOM OLMSCHEID

**Members gave former Chief Clerk Ed Burdick, inset photo, a standing ovation while he watched proceedings from the House Gallery May 5. Burdick worked for the House from 1941-2005, including 38 years as the chief clerk. He is the only living person to have a bust of himself in the Capitol.**

and guidelines to establish criteria for a sex offender treatment advisory board and ensure health, dental and mental care for patients.

Under the bill, adopted people age 19 or older could request a noncertified copy of their original birth record, unless there is an affidavit of nondisclosure on file at the state registrar. Birth parents could rescind an affidavit of disclosure or nondisclosure at any time. If a birth parent is deceased, a noncertified copy of the original birth record would be released to the adopted person making the request.

— P. OSTBERG

### New mental health facility

A new specialty psychiatric hospital to treat people under age 21 would be built in Woodbury, under a bill passed 125-8 by the House May 7.

Sponsored by Rep. Marsha Swails (DFL-Woodbury), HF3539 would allow for construction of the 66-bed facility. Children and adolescents with mental illness would have 44 beds with the additional 22 beds for adolescents with mental illness and chemical dependency.

Health care plans continually expand and provide high-margin services, but neglect those that bring in fewer dollars, like mental health, Swails said. Because of fewer services, children in the state are continually transferred far from home or out of state for mental health services.

“Ten percent of our children and adolescents going to outstate locations or even to another state for services is just unacceptable,” said Rep. Julie Bunn (DFL-Lake Elmo).

“We are sending kids into facilities where those kids are treated worse than livestock,” said Rep. Mary Liz Holberg (R-Lakeville). She said people are in desperate need for care and are sometimes forced to put their child into facilities where it can make bad situations worse.

The Department of Health released a report that said the new facility would not be in the public’s best interest. The report notes providing more hospital beds might not translate into better access or services.

Rep. Diane Loeffler (DFL-Mpls) voted no. She said the issue is more complicated than just adding beds, and that expanding preventative and early response care is needed instead.

Received May 7 from the House, it awaits action by the Senate Health, Housing and Family Security Committee. Sen. Kathy Saltzman (DFL-Woodbury) is the Senate sponsor.

— P. OSTBERG

### Health services technical changes

**Signed  
by  
the  
governor**

Clarifying definitions and technical changes to health and human services statutes regarding children’s mental health and other care services are in a new law signed May 8 by the governor.

Sponsored by Rep. Larry Hosch (DFL-St. Joseph) and Sen. Linda Higgins (DFL-Mpls), the changes include:

- clarifying definitions of “direct service time” and “skills training;”
- clarifying that providers of children’s therapeutic services must be certified and that therapeutic preschool programs are eligible programs;
- clarifying content, timing and responsibility for an individual treatment plan and responsibilities of a clinical supervisor;
- updating clinical supervision standards to include mental health behavioral aid services;
- clarifying legal responsibility for a licensed mental health professional for the actions of the behavioral aid, and clarifying that a behavioral aid may implement the child’s behavior and treatment plans;
- clarifying that children’s mental health day treatment must be available three hours per day, five days a week and 12 months of each calendar year;
- permitting a therapeutic preschool program to provide fewer than the minimum two-hour time block at least one day per week if a child is transitioning into, or out of, the program; and
- requiring that mental health behavioral aid services must be medically necessary and focused on treatment.

Changes to health care and continuing health care include:

- clarifying that the human services commissioner in conjunction with law enforcement and county human services agency officials will be responsible for detection and prevention of criminal activities in state programs;
- replacing “family” with “legal representative or other authorized representative” in relation to support grants;
- extending the authority of the American Indian Advisory Council four years to June 20, 2012; and
- extending the authority of the Citizens Advisory Council for chemical dependency treatment and prevention four years to June 30, 2012.

The law has various effective dates with the majority taking effect Aug. 1, 2008.

HF3435/SF3213\*/CH286

—P. OSTBERG

### License requirement exception

**Signed  
by  
the  
governor**

Day training and habilitation programs that serve people with developmental and other disabilities that are located next to the central operation facility for their

## RUBBER DUCKY



PHOTO BY TOM OLMSCHIED

**During a May 6 news conference, Rachel Bartleson, holds her 6-month-old daughter, Aggie, as she and a group of legislators and members of Healthy Legacy stand outside the State Capitol with a giant rubber duck to urge passage of a bill that would phase out hormone disrupting chemical phthalates from products designed for children under age 3.**

program would be exempt from having separate licenses for each facility, under a new law signed May 5.

Sponsored by Rep. Brita Sailer (DFL-Park Rapids) and Sen. Dan Skogen (DFL-Hewitt), the law also exempts satellite day training programs that are part of a central operation but in a separate nonadjacent building and in the same county as the central operation.

Sailer said that licensing each building “is just extra paperwork.”

Jerry Mueller, executive director for the Minnesota Developmental Achievement Center Association, said his program has a thrift store several blocks down the street, and it costs an additional \$200 for licensing. The change would help similar programs save a little money, he said.

The law takes effect Aug. 1, 2008.

HF3559/SF3256\*/CH268

—P. OSTBERG

### Potential state stem cell policy

A bill to potentially further stem cell research in the state was approved 71-62 by the House May 7.

Sponsored by Rep. Phyllis Kahn (DFL-Mpls) and Sen. Richard Cohen (DFL-St. Paul), HF34/SF100\* returns to the Senate as amended.

According to the bill, “The policy of the state of Minnesota is that research involving the derivation and use of human embryonic stem cells, human embryonic germ cells, and human adult stem cells from any source, including somatic cell nuclear transplantation,

shall be permitted and that full consideration of the ethical and medical implications of this research be given.” Research would be reviewed by an institutional review board. It also allows the University of Minnesota to spend state-appropriated funds on stem cell research.

Kahn said stem cell research could help people with debilitating ailments, such as Parkinson’s or Alzheimer’s diseases. Supporters previously said that it’s not enough to work just on blood cells because they don’t work with all diseases.

“The cost of treatment and lost productivity constitute hundreds of billions of dollars every year,” Kahn said. “Estimates of the economic costs of these diseases and conditions do not account for the associated extreme human loss and suffering. Stem cell research offers immense promise for developing new medical therapies for these debilitating diseases and conditions, and a critical means to explore fundamental questions of biology.”

Kahn also said the biomedical industry is a “critical and growing component” of Minnesota’s economy, and that would be diminished with stem cell research limitations.

Health care providers treating patients for infertility would be required to provide information to patients about options for the disposition of human embryos after fertility treatment. The bill allows for donation of fetal tissue for research purposes with written consent. Cloning would be prohibited.

Rep. Matt Dean (R-Dellwood) offered an amendment that would have limited



embryonic and adult stem cell research at the university up to the destruction of the embryo. It failed 65-69.

"People across the world have drawn this line, and they said this is the moral line that shouldn't be crossed," he said. Dean said a similar provision has passed the U.S. Senate.

"We don't have to destroy a human embryo; we can conduct this research and enjoy the benefits of bioscience in Minnesota," Rep. Steve Gottwalt (R-St. Cloud) said. "The jobs, the investment, the medical advances can all be ours with this amendment without destroying the embryo."

The Senate passed the bill 38-26 on April 27, 2007.

— M. COOK

## HOUSING

### Manufactured home protection

**Signed  
by  
the  
governor**

According to a 2000 U.S. Census report, approximately 4 percent of Minnesota residents live in manufactured homes. These homes are not considered real property, but rather personal property. Because of this, owners are not given the same protections as owners of single-family homes provided under Minnesota predatory lending laws passed in 2007.

A new law, sponsored by Rep. Paul Gardner (DFL-Shoreview) and Sen. John Marty (DFL-Roseville), provides some of that protection.

Signed into law May 4 by Gov. Tim Pawlenty, the law increases from 30 to 60 the days an owner of a manufactured home has to catch up on missed loan payments. The law also prohibits certain predatory lending practices such as churning, which is arranging for a manufactured home loan for a borrower when the loan "does not provide a reasonable, tangible net benefit to the borrower."

The notice of default must also include contact information for local foreclosure prevention organizations. The law is effective Aug. 1, 2008.

HF3477\*/SF2917/CH273

— C. GREEN

### Cities notified of disconnections

**Signed  
by  
the  
governor**

In an effort to prevent damage to temporarily vacant houses, utility companies will now have to notify local authorities whenever they disconnect gas or electric service from a residence during winter months.

Signed May 1 by Gov. Tim Pawlenty, a new law requires the notice be provided to local governments so that officials can shut off

municipal water service in time to prevent a house's pipes from freezing, thereby risking serious structural damage to the building.

Under the provisions, cities can request that utilities provide them a report on Oct. 15 and Nov. 1 of each year on which properties within city limits have been disconnected. Between Oct. 15 and April 15, daily reports must be made available to cities on any newly disconnected properties.

In addition, the law provides that cities receiving this information must share it with their local fire and police departments.

Sponsored by Rep. Mike Nelson (DFL-Brooklyn Park) and Sen. Leo Foley (DFL-Coon Rapids), the law is effective Aug. 1, 2008.

Nelson said the bill would help prevent damage to houses that have been temporarily vacated because of foreclosures.

"They think this is going to help to try and preserve these assets in our cities, preserve the cities' tax bases, and make these homes so that when the economy turns around people can move back into them and they won't be damaged beyond repair," he said.

HF3229/SF2775\*/CH253

— N. BUSSE

## LOCAL GOVERNMENT

### Managing Carver County libraries

**Signed  
by  
the  
governor**

The Carver County Board has been granted more responsibilities in managing the county library system.

Signed by Gov. Tim Pawlenty May 1, the law allows the board to control financing and administration of the system, except for duties that are specific to the library board.

In part, the library board is responsible for policies and rules, review of the annual operating budget, creation of a five-year capital plan, and it has sole authority and discretion in dealing with collections and meeting room use.

Similar authority was granted to Washington County in 2005.

Rep. Joe Hoppe (R-Chaska) and Sen. Julianne Ortman (R-Chanhassen) sponsor the law, which takes effect upon local approval.

HF3657\*/SF3451/CH261

— B. HOGENSEN

### Park land condemnation proceeds

**Signed  
by  
the  
governor**

The new Interstate 35W bridge being built over the Mississippi River in Minneapolis has a larger footprint than the bridge that collapsed on Aug. 1, 2007. A new law addresses the

loss of park lands as a result of the new construction.

Signed May 1 by Gov. Tim Pawlenty, the law, sponsored by Rep. Phyllis Kahn (DFL-Mpls) and Sen. D. Scott Dibble (DFL-Mpls), authorizes the Minneapolis Park and Recreation Board to retain proceeds from the condemnation of park lands or its interest in land necessary for the reconstruction and expansion of the bridge site. It is effective May 2, 2008.

The proceeds are required to be allocated into a park land acquisition account controlled by the park board. Account funds are to be invested and used solely for acquiring land adjacent to the Mississippi River for park purposes. Acquired lands must be included in the metropolitan regional recreational open space system.

Also in the law is a report requirement from the park board to be filed with the commissioner of finance and the Metropolitan Council regional administrator that outlines the use of the funds in the park land acquisition account, until the funds are expended.

HF3723/SF3331\*/CH257

— B. HOGENSEN

## MILITARY

### Korean War Armistice Day

**Signed  
by  
the  
governor**

As a means of helping remember those who served in what is sometimes called the forgotten war, July 27 is now designated as Korean War Armistice Day. Signed by Gov.

Tim Pawlenty May 4, the law commemorates the 1953 signing of the Military Armistice Agreement, ending the three-year conflict.

Rep. Dan Severson (R-Sauk Rapids) and Sen. Paul Koering (R-Fort Ripley) sponsor the law, which takes effect July 27, 2008.

"The Korean War is often called the forgotten war, because it came so quickly after World War II, and it wasn't resolved in a way that showed a decisive victory," Severson said. "In fact, there was an armistice, and there is still occupation today. ... People did get forgotten. Our soldiers would come home, and people would ask, 'Where have you been for the last nine months or year?'"

Severson said the established "Veterans Day" honors all veterans, but this "would honor the day of the truce, July 27, and as the day we began to bring our warriors back."

HF3672/SF3443\*/CH265

— L. SCHUTZ

If you have Internet access, visit the Legislature's  
Web page at: [www.leg.mn](http://www.leg.mn)

### Safer school bus drivers

**Signed  
by  
the  
governor**

Putting safer drivers behind the wheel of school buses is the goal of a new law signed May 1 by Gov. Tim Pawlenty.

Sponsored by Rep. Karla Bigham (DFL-Cottage Grove) and Sen. Rick Olseen (DFL-Harris), the law applies to “type III buses,” which are vehicles such as vans, cars, station wagons and small-sized buses with a capacity of 10 or fewer passengers and a gross weight of 10,000 pounds or less.

The law places a number of new restrictions on drivers of type III vehicles, including:

- banning the use of cell phones for personal calls while driving;
- prohibiting drivers from having any level of alcohol in their bloodstream while driving;
- requiring that drivers pass a background check, physical examination, and drug and alcohol testing;
- banning individuals convicted of second-, third- or fourth-degree driving-while-impaired offenses within the last five years from operating a type III vehicle;
- disqualifying anyone convicted of a felony, controlled-substance charges, or any of a variety of sexual-related crimes from driving a type III vehicle; and
- prohibiting drivers with four or more moving violations within the space of three years from operating type III vehicles for one year from the date of the last offense.

Bigham said the proposal was inspired by a report from the Office of the Legislative Auditor on school district student transportation.

The law takes effect Sept. 1, 2008.

HF3575/SF2988\*/CH271

— N. BUSSE

### Compensation plan signed into law

**Signed  
by  
the  
governor**

Relief is on the way for survivors and victims of the Interstate 35W bridge collapse with the May 8 signing of a \$38 million compensation plan.

A product of lengthy negotiations between the House and Senate, the plan removes the state’s aggregate cap of \$1 million per incident, preserves the existing individual tort liability caps and provides additional aid to survivors with extraordinary medical expenses or wage losses.

The bridge over the Mississippi River in Minneapolis collapsed Aug. 1, 2007, killing 13 people and injuring 85 others.

Acknowledging that the bridge collapse



PHOTO BY TOM OLMSCHIED

**Family members and victims of the Interstate 35W bridge collapse watch from the House Gallery May 5 as the House votes 127-5 for a conference committee report to compensate victims of tragedy. Seated in the first row, from left, Betsy Sather, who lost her husband, Scott; Jennifer Holmes, who lost her husband, Patrick; Ron Engebretsen, who lost his wife, Sherry; Lindsay Petterson, who was on the bridge when it collapsed and Chris Messerly, a lawyer working pro bono for many bridge victims.**

was an incident of historic and catastrophic proportions, Gov. Tim Pawlenty said the compensation plan is “one step in what has been a long and difficult process” for survivors of the tragedy and those who have lost loved ones.

Included in the package is:

- \$24 million to be distributed within the existing liability cap structure that limits individual payments to \$400,000;
- \$12.64 million to compensate those who have uncompensated medical expenses and wage loss in excess of \$400,000;
- \$750,000 set aside for administrative purposes; and
- a \$610,000 grant to Pillsbury United Communities that will allow Waite House in Minneapolis to provide services to youth and families of youth who were in a school bus on the bridge when it collapsed.

“This is in the best tradition of Minnesota’s unique community spirit,” said Rep. Ryan Winkler (DFL-Golden Valley), who sponsors the law with Sen. Ron Latz (DFL-St. Louis Park). According to Latz, the law “fulfills the moral obligation of Minnesotans to help the survivors and the families of those who died on the bridge.”

In return for accepting compensation,

survivors will release the state from further liability. If they choose not to accept compensation, they can pursue a lawsuit against the state that would be subject to all existing statutory terms and conditions.

“This reinforces our belief in the state of Minnesota to do the right thing,” said Ron Engebretsen, speaking on behalf of the survivors and families. He lost his wife, Sherry, in the collapse.

HF2553\*/SF2824/CH288

— B. HOGENSON

### Enforcement of disability parking

**Signed  
by  
the  
governor**

Statutes laying out criteria for enforcement of disability parking areas have been amended by a new law.

Sponsored by Rep. Shelley Madore (DFL-Apple Valley) and Sen. John Doll (DFL-Burnsville), the law provides minimum requirements if a statutory or home rule charter city wants to enact an ordinance establishing a permit program for long-term disability parking. Ordinances can already be established for long-term parking.

According to the new law, signed by Gov. Tim Pawlenty May 5 and effective Aug. 1, 2008, if a city enacts the ordinance, a permit program for long-term disability parking must have at a minimum:

- a limitation on disability parking of a maximum of four hours during the hours of enforcement, on one-hour, 90-minute and two-hour parking meters;
- a requirement for city parking lots and ramps to provide a 50 percent discount on monthly fees for contracted parkers with disabilities or a 50 percent reduction in the hourly rate; and
- the issuance of a special needs permit to an employed person with severe disability for an all-day, on-street parking permit that will accommodate the person’s access needs.

HF3727/SF3372\*/CH272

— B. HOGENSON

### Fake police, fire calls a crime

**Signed  
by  
the  
governor**

It’s already a misdemeanor to make a call for emergency medical or ambulance service when the caller knows that no emergency exists. Police and fire emergencies are now added

to the list, thanks to a new law signed by Gov. Tim Pawlenty May 5.

Effective Aug. 1, 2008, the law is sponsored by Rep. Ron Shimanski (R-Silver Lake) and Sen. Steve Dille (R-Dassel).

HF3217/SF2576\*/CH270

— C. GREEN



## TECHNOLOGY

### New options for phone companies

**Signed  
by  
the  
governor**

With changing demands and markets, telephone companies are looking for new ways to be competitive.

A telephone company may now elect to be regulated under an existing alternative regulation plan of another telephone company, if the company is larger or an affiliated company, thanks to a new law signed by Gov. Tim Pawlenty May 1. It is effective the next day.

Sponsored by Rep. Mike Beard (R-Shakopee) and Sen. John Doll (DFL-Burnsville), the law allows a telephone company to make this change, if it agrees to operate under the plan for three years or the original term of the plan, whichever is longer.

The company must also cap rates for its services for three years at the levels in effect when the change is made.

HF3327/SF2939\*/CH254

— C. GREEN

area. It was signed by the governor one day earlier.

Previous law had the Transportation Department responsible for operation of commuter rail lines; however, based on the Met Council's experience with the Hiawatha light rail line, it was suggested the council oversee all commuter rail lines located in whole or in part of the seven-county metropolitan area. The Northstar line is planned to extend into Sherburne County.

Supporters said the law is needed because Northstar stations will tie into other Metro Transit services; thereby making it easier for people to connect from Northstar to other places in the Twin Cities.

It also extends the jurisdictional authority of the Metropolitan Transit Police so it will have powers along the line, similar to current bus and rail lines.

Rep. Melissa Hortman (DFL-Brooklyn Park) and Sen. Don Betzold (DFL-Fridley) sponsor the law.

HF3792/SF3137\*/CH269

— M. COOK

increase from 20 cents per gallon to 22 cents. Additionally, the tax rate on alternative fuels was proportionally increased by 10 percent.

A 10 percent tax rate increase on compressed natural gas would have increased it from \$1.739 per thousand cubic feet to \$1.913. However, the veto override had an extra numeral after the decimal point, listing the new rate as \$1.1913 per thousand cubic feet.

In his May 5 veto letter, Pawlenty said he opposed the tax increase before and continues to do so.

HF3868/SF3564\*/CH264

— M. COOK

### License reinstatement fee uniformity

**Signed  
by  
the  
governor**

A monetary break for some offenders is no more.

Sponsored by Rep. Karla Bigham (DFL-Cottage Grove) and Sen. Ron Latz (DFL-St. Louis Park), a new law

establishes driver's license reinstatement requirements for a person whose license was revoked for violating certain laws involving sale or possession of controlled substances while operating a motor vehicle.

Effective Aug. 1, 2008, a person seeking a new license must pass a knowledge and road test and pay a \$30 reinstatement fee.

The fee is placed on many other revoked license reinstatements and is expected to bring in about \$51,000 annually to the Driver and Vehicle Services Division of the Department of Public Safety.

Gov. Tim Pawlenty signed the law May 8.

HF3490/SF3189\*/CH283

— M. COOK

## TRANSPORTATION

### Commuter rail control clarified

**Signed  
by  
the  
governor**

Running the Northstar commuter rail line will be in the hands of the Metropolitan Council.

Effective May 6, 2008, a new law gives the council responsibility for the operation of all commuter rail lines serving the Twin Cities metropolitan

### Numeric oops stays in law

**Vetoed  
by  
the  
governor**

An attempt to fix a one-digit error was rejected by Gov. Tim Pawlenty.

Sponsored by Rep. Bernie Lieder (DFL-Crookston) and Sen. Steve Murphy (DFL-Red Wing), the bill would have corrected a typo in the transportation finance law that was overridden early this year.

That law provides for transition tax rates on motor fuels, including a 10 percent gas tax rate

## KEEPING IN TOUCH



PHOTO BY TOM OLMSCHIED

During a May 7 recess, Rep. Larry Hosch stays connected to his 8-month-old son, Garrett, via a two-way computer video connection from the House Chamber to his home in St. Joseph.

## An unlikely mix

Biofuel, veterans and livestock make for a 'memorable' bill

By LEE ANN SCHUTZ

**L**awmakers in every state will be talking about Minnesota's biodiesel initiative, and "we will be viewed as a model." That's the prognostication from Rep. Al Juhnke (DFL-Willmar) about a provision contained in the omnibus agriculture and veterans affairs bill now on its way to the governor.

The conferred bill, HF3902/SF3683\*, sponsored by Juhnke and Sen. Jim Vickerman (DFL-Tracy), passed the House May 7 123-9 after being passed 64-0 by the Senate a couple of hours earlier.

The bill contains an unlikely mix of provisions relating to pesticide use, livestock producer grants and veterans issues. But it is the proposed incremental increase to the state's biodiesel mandate that will make the bill memorable, Juhnke said. "You all can be proud to continue to lead in this field. ... This is a very good bill going out and even a better bill coming in," he said.

Rep. Ken Tschumper (DFL-La Crescent) tried to rekindle an earlier floor debate concerning the use of food crops for fuels. "I believe we are going in the wrong direction regarding biodiesel. ... The whole world is recognizing that biofuels are contributing to the dramatic rise in food prices, and we're probably going to be back here next year rescinding this mandate."

The bill lays the groundwork for increasing the state's biodiesel mandate incrementally from the current 2 percent blend to 20 percent by 2015. Once the new blend requirement is reached, it would be effective May through September only, with the minimum content for the remainder of the year set at 15 percent.

When the original bill left the House, it contained a provision that would lay out policy for industrial hemp production in the state. Although Juhnke insisted it was noncontroversial and the crop would not be allowed at this time, it did not make it past

the conference committee.

Those hoping to improve their livestock operations would see help from the bill. The language allows for competitive grants to eligible livestock producers wanting to invest in their operations.

Juhnke said the language would only act as a "placeholder" in statute for the grant program. Implementation hinges on provisions in HF1812, the omnibus supplemental budget bill, which would provide up to \$50,000 for improvements to the operations.

### What's in the bill

The following are selected bills that have been incorporated, in part or in whole, in the omnibus agriculture and veterans affairs bill:

HF1813 — Ozment  
HF2573 — Hansen  
HF2942 — Juhnke  
HF2987 — Juhnke  
HF3507 — Otremba  
HF3584 — Koenen  
HF3686 — Tinglestad  
HF3763 — Juhnke  
HF3877 — Haws  
HF4027 — Sailer  
HF4104 — Shimanski  
SF3756 — Dettmer

Other agriculture-related provisions include:

- eliminating the ethanol deficiency payment to any entity that quits producing ethanol on a commercial scale at the qualifying location;
- a definition for animal chiropractic, its scope of practice and educational criteria

**Agriculture continued on page 22**



PHOTO BY TOM OLMSCHIED

**Although the Minneapolis Veterans Home request for funding to remodel the main nursing care building is yet to be resolved, legislators are calling for a strategic study of the delivery of veterans services and recommendations for capital improvements, including building of new homes.**



## Better energy, bit by bit

Omnibus energy policy bill aims for small changes, big impacts

By Nick Busse

**I**t may not be as high-profile as cap-and-trade or as controversial as the California “Clean Car” vehicle emissions bill, but the session’s single biggest energy policy package is on its way to the governor’s desk.

HF3661/SF3337\*, sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Yvonne Prettner Solon (DFL-Duluth), contains provisions designed to boost renewable energy development and help push the state toward meeting its greenhouse gas reduction goals. The House passed the bill 110-22 on May 7, after the Senate passed it 51-13 just a few hours earlier. According to Hilty, most of the bill’s language is considered noncontroversial.

### Global warming

One provision asks the Commerce Department and Pollution Control Agency to submit joint biennial reports to the Legislature on the state’s progress toward meeting necessary greenhouse gas reduction goals, while another section requires the same agencies to report annually on proposed legislation to help achieve the reductions.

The bill also addresses the issue of “superwarmers” — greenhouse gasses whose potential contribution to global warming is exponentially higher than that of carbon dioxide. Such gasses include industrial chemicals like hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride, which are used in everything from fire extinguishers to air conditioners. Manufacturers of these gasses would be required to report data on the total amount produced and sold annually in Minnesota. Also, any entity that purchases more than 500 metric tons per year of the gas must report not only how much gas was purchased but also how it was used.

The bill would also require auto



PHOTO BY PAUL BATTAGLIA

**The University of Minnesota-Morris is looking to add a second wind turbine to supplement its current one, pictured above. Demand for wind power has grown so dramatically that many turbine manufacturers will only fill bulk orders, and a provision in the omnibus energy policy bill would allow the Commerce Department to aggregate orders from the university and other entities to arrange bulk purchases.**

manufacturers to disclose the leakage rates, for all new vehicles, of a certain refrigerant used in mobile air conditioners. The PCA and Office of the Attorney General would be required to post the information on their Web sites.

### What’s in the bill

The following are selected bills that have been incorporated, in part or in whole, in the omnibus energy policy bill:

HF446 — Kahn  
HF2351 — Johnson  
HF2959 — Johnson  
HF3366 — Eken  
HF3517 — Davnie  
HF3545 — Atkins  
HF3729 — Hilty  
HF3857 — Sailer  
HF3977 — Brynaert

### Renewable energy

The demand for wind power has grown so high that many wind turbine manufacturers will only sell their products in bulk, and a section of the bill would authorize the Commerce Department to coordinate and arrange bulk purchases of turbines for individuals, community-based energy developers, school districts and various other public entities.

The provision, which comes from a bill sponsored by Rep. Al Juhnke (DFL-Willmar), would allow the department to serve as a “clearinghouse to coordinate and arrange umbrella sales arrangements” so that small-volume purchases could be aggregated into single large orders to be placed with manufacturers.

In the area of solar energy, a provision adopted from a bill sponsored by Rep. Brita Sailer (DFL-Park Rapids) would allow certain solar projects to be incorporated into the state’s conservation improvement program.

One solar-related provision that did not survive the conference committee was a measure that would have dedicated a small portion of the state’s 25 percent by 2025 renewable energy standard to solar power (from HF3843, sponsored by Rep. Kathy Brynaert (DFL-Mankato)).

### State government

The conference committee added a section to the bill that would abolish the Legislative Electric Energy Task Force and reorganize it as the Legislative Energy Commission.

**Energy continued on page 22**

## Labor, teeth and parents

Variety of provisions offered in higher education policy bill

By MIKE COOK

**M**ore labor members could sit on a college board, more oral health practitioners could be practicing in the state, and parents may be informed when their son or daughter gets in trouble at college.

Each is included in HF3349/SF2942\*, the omnibus higher education policy bill sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. Sandy Pappas (DFL-St. Paul). It was passed 132-0 by the House and 64-0 by the Senate, both May 7.

Financial provisions affecting the University of Minnesota, Minnesota State Colleges and Universities system and student financial aid are in HF1812, an omnibus supplemental budget bill approved May 6 by a conference committee. It is being held over depending on negotiations between legislative leaders and Gov. Tim Pawlenty to resolve the state's projected deficit for the biennium.

### MnSCU board members

An idea proffered by Rukavina would assist labor in having representation on the 15-member MnSCU Board of Trustees. Under current law, each member is appointed by the governor with the advice and consent of the Senate.

"It's important to have some type of, as we do on the (University of Minnesota) Board of Regents, labor representation. We've always had that tradition," he said. "Furthermore, given the makeup of the Board of Trustees now, it seems to be lacking working class folks who send their kids to our public institutions."

The conference committee agreed that one board member must be appointed from labor organizations. The state AFL-CIO must recommend four to six candidates to the governor beginning in 2010 and every six years thereafter. However, the governor is not bound by the recommendations.

Conferees also agreed that the three student board members must be enrolled at least half time at a MnSCU institution when appointed to the board.

### Oral health practitioner

To meet the routine preventive care dental needs of some Minnesotans, the bill would allow for the creation of an oral health practitioner profession. It also would create a working group to establish the education and regulation of such professionals.

"There is a need to create a mid-level

practitioner. There is a desire in health care reform to enable practitioners to practice at the top of their license. This is a step to move us in that direction," said Sen. Ann Lynch (DFL-Rochester), who sponsored this in SF2895. She said MnSCU and the university support the language. The Board of Dentistry has not taken an official position. The first graduates would be practicing in 2011.

A practitioner would need to be a graduate of an accredited education program and pass a comprehensive, competency-based examination administered independently of the institution.

To practice, the practitioner must agree to serve low-income, uninsured and underserved patients or in a dental health professional

**Higher education continued on page 22**

### What's in the bill

The following are selected bills that have been incorporated, in part or in whole, in the omnibus higher education policy bill:

HF1457 — Rukavina  
HF1780 — Marquart  
HF2524 — Ward  
HF2647 — Bly  
HF3014 — Hosch



PHOTO BY TOM OLMSCHIED

**Normandale Community College in Bloomington is hoping to complete the second phase of a two-phase project designed to address classroom improvement for academic programs including health, exercise physiology, customized training and physical education, and provide for an improved fitness center.**

# Offering a way out

Omnibus public safety policy bill aims to help future workers

By CRAIG GREEN

**A** plan that will serve as a framework for future reentry work is on the way to the governor. Sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Linda Higgins (DFL-Mpls), HF2996 began the session as the reentry omnibus bill. It initially proposed deferring prosecution for certain first-time drug offenders, a tax credit for employers hiring ex-felons, a study of reentry facilities and the creation of a reentry court working group.

What survived, the omnibus public safety policy bill, was passed by the House 132-0 May 7 and 61-2 by the Senate a short time later.

- In its latest form, the bill:
- requires the Department of Corrections to develop a marketing plan with the Department of Employment and Economic Development to attract private businesses to employ inmate services through MINN-COR Industries;
  - requires inmates who do not have a primary address to notify local authorities where they will be going at least three days before they leave a correctional facility;
  - adjust the timing of petitions for civil commitment hearings dealing with those who may be deemed a sexually dangerous person or have a sexually psychopathic personality;
  - requires registration as a predatory offender for anyone convicted of a comparable offense in another state;
  - requires a court to ask if a convicted defendant is a member or a veteran of the armed forces, whether he or she has been diagnosed with mental illness, and if so, consider appropriate treatment;
  - calls for a study group to consider the impact on presumption joint physical custody of children after divorce; and
  - establishes a working group to discuss the state's controlled substance laws. A report

would be due to the Legislature by Jan. 15, 2009.

"If the working group comes back with some sound recommendations to the Legislature, I think we will be in a position to reform some of our drug laws and, hopefully, find ways to incarcerate fewer drug offenders, and get them into treatment," Paymar said.

## Not included

Certain provisions were pulled during conference committee discussions due to a veto concern. One involved the use of nonconviction records by private employers.

Proposed by Sen. Mee Moua (DFL-St. Paul), SF3035 would prohibit an employer from using records of an arrest or pending criminal proceeding against a potential employee.

Dave Dederichs, manager of fiscal and labor/management policy at the Minnesota Chamber of Commerce, said that although most employers look at past arrests and focus on convictions, there are employers who may want to look at the full history of potential future hires.

Also removed was a provision from HF3503, sponsored by Rep. Karla Bigham (DFL-Cottage Grove), which would prohibit registered sexual offenders from accessing social networking Web sites that permit minors to have a personal Web page, and a provision from Rep. Tom

## What's in the bill

The following are selected bills that have been incorporated, in part or in whole, in the omnibus public safety policy bill:

HF1262 — Mahoney  
HF2996 — Paymar  
HF3000 — Hilstrom  
HF3257 — Loeffler  
HF3342 — Bigham  
HF3396 — Simon  
HF3670 — Mullery  
HF3683 — Hilstrom  
HF3690 — Kalin  
SF3035 — Moua


Hackbarth (R-Cedar) that would increase the lawful amount of explosives allowed in certain fireworks.

## No good conduct

A lynchpin of the original bill was the establishment of a certificate of good conduct. Following certain restrictions, someone with a conviction could apply for a certificate stating they have been rehabilitated. The idea being that the certificate, which "creates a presumption of rehabilitation," allows them an easier path to housing and employment. It was not included in the final draft because of objections raised by the governor's office.

When first introduced, a fiscal note that said the program could cost approximately \$1.5 million, but the Senate came up with a plan to pay for the program through fees assessed to applicants. "We had the money to do it," Paymar said, "we ran into a road block with the governor's office."

Harley Nelson, deputy corrections commissioner, told a May 2 conference committee that the concept is good, but the proposal specifics still need to be worked out. Nelson raised concerns about who would verify information provided by applicants, and questioned the definition of "law abiding."

Higgins was disturbed that concerns were being brought forth so late, and said that the certificate could help many of the 7,000 inmates annually coming out of incarceration and facing difficult barriers. "We know that getting them on path to a good job and a decent place to live makes it more likely that they will be law abiding," she said. 



## Two out of three

Pair of safety provisions highlight transportation policy plan

By MIKE COOK

**I**f a parent is teaching their son or daughter how to use a manual transmission, they should be buckled up so as to not lunge forward if the vehicle is stalled in a jerky fashion during an attempted gear shift.

With all the starting and stopping of a transportation policy conference committee, it may be appropriate that one of the bill's of the highlights is seat belt usage.

House debate had just begun May 8 when this magazine went to press. If approved by the House, and by the Senate, as expected, HF3800\*/SF3223 would speed to the governor's office in hopes of getting a green light after conferees worked around a couple of roadblocks put up by the state's top official.

Sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. Steve Murphy (DFL-Red Wing), the final agreement contains a pair of provisions aimed at saving the lives of Minnesotans — mandatory seat belts and

graduated driver's licenses — but a booster seat requirement was reluctantly removed.

"We've put together a package that'll save lives in the state of Minnesota," Murphy said. "Next year when our traffic fatalities come in at 460 or 465, instead of 503, we're all going to feel better."

The centerpiece is making failure to wear a seatbelt a primary offense. The proposal would also require all vehicle occupants to be buckled up. Currently, people ages 11 and up can ride in a back seat unbuckled. A motorist must now be stopped for another offense to be issued a citation for failing to wear a seatbelt.

It is estimated that 85 percent of Minnesotans

buckle up, but the provision is aimed at the other 15 percent. According to the Office of Traffic Safety, of the 14 state traffic deaths from April 17-29, a dozen victims were unbuckled. Eight of those people were ejected from the vehicle. Murphy estimates the change would save 40 lives in the first year.

Passing a primary law could also net the state upward of \$25 million in federal funding that could be used for safety improvements, including education, enforcement, providing child safety seats for low-income families or installing signs and markers on roadways.

A primary seatbelt law has traditionally had no problem receiving Senate approval, but has struggled to get through the House. Conversely, increasing from 5 mph to 10 mph in a 60 mph zone, the speed over the limit where a violation would not be recorded on a driver's record, has traditionally had House support, but not the Senate. Both are in the final product.

"We'll need the primary seatbelt even more with Dimler," said Rep. Ron Erhardt (R-Edina). Enacted in 1986, the "Dimler amendment," named for its sponsor, former Rep. Chuck Dimler, governs which speeding violations are recorded on a driving record.

"It's difficult to pass primary seatbelt in the state of Minnesota. It's as much Iron Rangers and the DFL Party as it is because of Republicans," said Rep. Melissa Hortman (DFL-Brooklyn Park), the lead House negotiator.

The bill also allows for graduated driver's license restrictions.

During the first six months of provisional

### What's in the bill

The following are selected bills that have been incorporated, in part or in whole, in the omnibus transportation policy bill:

HF105 — Hortman

HF106 — Thissen

HF2408 — Carlson

HF2600 — Kelliher

HF2628 — Norton

HF2970 — Drazkowski

HF3089 — Ruth

HF3726 — Hornstein

HF3910 — Morrow



PHOTO BY ANDREW VONBANK

**Included in the omnibus transportation policy bill is creation of an Office of Pupil Transportation Safety under the State Patrol. Among the office responsibilities would be development of a consistent record-keeping system to document school bus inspections, out-of-service vehicles and driver files.**

**Transportation continued on page 23**

# Tallying the votes

What you should know first about how your legislator votes

By Nick Busse

**H**ardly a day goes by without a member of the public asking a legislative staffer some variant of the following question: “How do I find out how my legislator voted on a bill?”

It’s an important question, and one that’s relatively easy to answer once you know where to find the information — but there are a few things you should know first.

Although there are only two ways that a House or Senate member can vote on a bill — “yes” or “no” — the decision-making process that goes into that vote is often as complicated as the bill itself. This is especially true of large omnibus bills, which can run hundreds of pages and comprise many individual pieces of legislation.

Rep. Mark Olson (IR-Big Lake) speaks frequently on the House floor about his concern with omnibus bills. He said such bills present a dilemma to lawmakers: how many good or bad provisions does a bill have to contain before you vote one way or the other?

“Each member has a different strike zone,” Olson said. “Is the bill 90 percent good? Or is it 60 percent good? ... Think about it like this: it sounds really good that you’re voting for a bill that’s 90 percent good, but if the bill is appropriating \$10 billion, you’ve just wasted a billion dollars.”

Sometimes, even a single controversial provision will compel a House member to oppose a bill. On March 6, for example, Rep. Terry Morrow (DFL-St. Peter) cast the lone vote in the House against an omnibus tax bill. Even though he generally supports the legislation, Morrow was upset that a local option sales tax provision that he sponsored had been removed to make it more acceptable to Gov. Tim Pawlenty.

“Members, there are good things in this bill. ... It pains me to do this, but on this one I feel I have to take a stand for the people of North Mankato,” Morrow said.



PHOTO BY TOM OLMSCHIED

**Omnibus bills are subject to amendments, like this stack waiting to be considered for the omnibus tax bill. Amendments can further complicate a member’s vote.**

A legislator might have any number of reasons for voting a certain way; just because they vote against a bill doesn’t necessarily mean they oppose the issue it seeks to address, and vice versa. Sometimes lawmakers vote against a bill simply because they think it hasn’t gone through the proper legislative process.

Olson said people often take House members’ votes out of context, and encourages people to contact their legislator and ask them why they voted a certain way on a bill.

## Who represents you?

The first step in learning how your legislator voted on a certain bill is to find out who represents you at the Legislature. The easiest way to do this is to access the House Web site ([www.house.mn](http://www.house.mn)); however, for those who do not have Internet access, or who would rather speak to someone in person anyway, you can always call House Public Information Services at 651-296-2146 or 800-657-3550. During business hours, a staff member will be on hand to assist you.

If you do have Internet access, go to [www.house.mn](http://www.house.mn) and click “Who represents you?” on the left side of the screen. Click on “District Finder” and type in your home address, and then click “Search.” You should see a screen that provides the name of your state representative, state senator, U.S. representative and your two U.S. senators.

## How did they vote?

If you want to know how your House member voted on a bill, you have several options. One is to simply call them directly. This method has the advantage of allowing you to let your legislator know — politely, if at all possible — how you feel about their vote.

All recorded floor votes are also on the House Web site. On the main page, click on “Recorded Votes” in the middle-right column. From there, you can sort votes by either date or bill number. When you click on an individual bill, you will be taken to a list of all recorded roll-call votes on the bill, with the most recent vote being listed at the bottom.

Another way to view floor votes on key legislation is to click on the “Hotlist” link on the main page. This will take you to a list of “well known” bills that have been heard within the last biennium.

With regard to votes taken by House members in committee, the committee staff is not required to record how individual committee members vote on a bill unless a roll-call vote has specifically been requested. If roll-call votes were taken by a committee on a specific bill, you can view them in the committee meeting minutes, which are accessible through the House main page via the “Committee Information” hyperlink.



## Agriculture continued from page 15

- for licensure;
- a requirement for pesticide collection, including annual disposal opportunities to be made available in each county;
- a definition of vending machine to mean a self-service device that not only accepts coins and tokens, but credit cards;
- providing for pumps used to blend gasoline and ethanol to be clearly labeled "Flex-Fuel Vehicles only;" and
- encouraging Greater Minnesota counties adopting or updating comprehensive plans to consider open space goals.

## Veterans provisions


After several reports highlighted safety concerns at the Minneapolis Veterans Home, the Legislature began to address the issue by moving responsibility for the facility to the

Department of Veterans Affairs. This bill supports the governor-established Veterans Health Care Advisory Council and its duties to develop a new vision for the veterans homes and more efficient delivery of veterans services. It also lays out a focus for the department's Strategic Planning Group to review and make capital, maintenance and operation recommendations to the Legislature. The group would look at alternative operational models and additional state veterans home locations. A report would be due to the Legislature by Jan. 15, 2009, on the status of the project priority list, which could include recommendations for new veterans homes.

With the available federal funds for a new veterans cemetery near Duluth, a study is called for to evaluate the actual need for veterans cemeteries, including locating one in the southern part of the state. The bill also expands the framework for operating state-

run veterans cemeteries. It is specific that no new staff be hired for a new cemetery without explicit legislative approval.

The state keeps no comprehensive listing of those with Minnesota ties who have died in combat, but that would change through the bill. The department would be asked to maintain the list that would be made available at the discretion of the commissioner for ceremonial and honorary purposes.

Other veterans provisions include protection for reservist-owned business from civil court proceedings for a minimum of 60 days, while the person is deployed; and preventing employers from discriminating against the family of service members when requesting unpaid leave to attend deployment, reintegration and other eligible military events. 

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## Energy continued from page 16

The purpose is to expand the group's role to include energy issues beyond just electric generation. The language is similar to HF3729, sponsored by Hilty, which was passed 106-24 by the House on April 30. Also included is an amendment originally offered by Rep. Mark Olson (IR-Big Lake) that requires the commission to evaluate new and existing technologies for nuclear power.

## Miscellaneous


Another section added by the conference

committee is part of an outdoor light pollution bill originally sponsored by Rep. Phyllis Kahn (DFL-Mpls). It would require that any outdoor lighting fixtures installed or replaced with state funds to use special "cutoff luminaires" that conserve energy and minimize light pollution.

Other provisions include language pulled from HF3366, sponsored by Rep. Kent Eken (DFL-Twin Valley), which is designed to help homeowners who use PVC piping in their home heating oil systems. The provisions would use the state's petroleum tank release

cleanup fund to provide up to \$250 per homeowner to help replace the PVC piping with metal piping that is less likely to break and release heating oil into the environment.

## Non-energy provisions

A pair of bills sponsored by Rep. Sheldon Johnson (DFL-St. Paul) are also included: a study on the potential costs and benefits of statewide video franchising and a statewide broadband service mapping project. 

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## Higher Education continued from page 18

shortage area as determined by the health commissioner. Examples include rural parts of the state and the inner cities.

"This only works under the supervision of a Minnesota-licensed dentist, and only in conjunction with a written collaborative agreement between that dentist and this newly created mid-level practitioner," Lynch said.

## Parental notification


For students who misbehave, the bill adds to the exceptions in state data practices law that maintains postsecondary data as private by incorporating expanded disclosure allowed by the Federal Family Educational Rights Privacy Act.

Under the act, information that can be disclosed includes the final results of disciplinary proceedings resulting from a violent crime or nonforcible sex offense;

information provided to the institution concerning registered sex offenders on campus as that information is disclosed to other parts of society; and disclosure to a parent or guardian of a violation of law and institutional rules on drug or alcohol use by a student under age 21 if the institution has a form signed by the student authorizing disclosure. The school must notify parents and students about the availability and purpose of such a form, including distribution of the form at parent and student orientation meetings.

"This is a reasonable request. It is something that parents have been seeking, as well as it's a good safety item for students and institutions to be helping them," said Rep. Jeanne Poppe (DFL-Austin). "We want our students to mature well and we want them to make a decision and we need to be able to help them along that way. This will help face that future maturity need by thinking about alcohol and making good decisions."

## Other provisions

- a veteran's spouse or dependent is classified as a resident student for state grant purposes, if the veteran is a state resident;
- a report is required on the number of waivers sought, and requests granted, from 2007 legislation requiring MnSCU to set the maximum number of semester credits for a baccalaureate degree and an associate of arts degree at 120 or 60 credits or their equivalent;
- as part of a final report due on the state grant program, the Office of Higher Education is to study and evaluate the enrollment patterns of students from low-income families in higher education, and identify potential changes to increase participation; and
- requirements of a student loan forgiveness program for health professionals would be clarified for mid-level practitioners, nurses and other health care technicians who teach. 



## Transportation continued from page 20

licensure, a licensee could not operate a vehicle carrying more than one passenger under age 20 who is not a member of their immediate family. That increases to three passengers the following six months.

Also during the first six months of provisional licensure, a person under age 18 would be prohibited from driving between midnight and 5 a.m., except when the driver is going between the person's home and job or school event where no transportation was provided, the driver is driving due to a job or the driver is accompanied by a licensed driver or state identification card holder who is at least age 20.

Supporters call it a safety issue; opponents say it is government putting its nose into something that should be decided between parents and their child. Pawlenty wanted a parental opt-out, which conferees and law enforcement officials are against.

Despite support from conferees, a clause to require a child passenger restraint system be used for every child under age 8, or under 4-foot-9, instead of the current age 4, is absent from the final product in the spirit of compromise.

Murphy said the provision more than likely would have saved a single-digit number of

lives, but supporters said it would prevent many other injuries.

"Small children with an adult-sized seatbelt really get ripped up inside in a car accident," Hortman said. "While we're saving some lives, we're preventing dozens of serious injuries."

Conferees hoped to finish the bill May 5, but Murphy said he was told by a governor's representative that Pawlenty would accept two of three safety provisions.

After Public Safety Commissioner Michael Campion said the next day that there was no such prerequisite, conferees approved the report with all three safety clauses, only to get a letter from Pawlenty hours before a potential May 7 floor vote. It expressed concern about the lack of bipartisan support for the bill and left unanswered questions in the booster seat language.

"For example, if a grandma were picking up her 7-year-old granddaughter and three friends from a soccer game, in a response to a last minute request from a parent, would the grandma be required to have booster seats for all four children? I hope you see my point about legislative overreach," Pawlenty wrote.

Continuing the safety theme, an Office of Pupil Transportation Safety would be created as a section under the State Patrol. Included in its duties would be development of a consistent

recordkeeping system to document school bus inspections, out-of-service vehicles and driver files. Audits of selected school districts would be conducted to check on compliance with statutory requirements. The director would be a state trooper.

Other provisions given the green light include:

- making it illegal to text message when the vehicle is in motion or a part of traffic;
- making sesquicentennial license plates available for purchase;
- a person who can document homelessness or eligibility for certain need-based relief that has their vehicle impounded could get back some essential contents, under certain circumstances, without paying for vehicle retrieval;
- drivers would be required to move to a lane over when passing freeway service patrol, road maintenance and construction vehicles parked or stopped on roadway;
- the Department of Transportation is to develop a comprehensive statewide freight and passenger rail plan; and
- a second set of disability plates could be issued to a vehicle owner if issuance is approved by the state Council on Disability.



## BILL INTRODUCTIONS

May 5 - 8, 2008

HOUSE FILES 4230 - 4238

### Monday, May 5

#### HF4230-Slawik (DFL)

##### Health & Human Services

Violence against mental health care workers task force established.

### Wednesday, May 7

#### HF4231-Ozment (R)

##### Public Safety & Civil Justice

Board of Firefighter Standards and Training duties added, rulemaking authorized, licensing standards created.

#### HF4232-Beard (R)

##### Environment & Natural Resources

Minnesota River Basin Commission established with taxing authority.

#### HF4233-Swails (DFL)

##### Finance

Woodbury veterans memorial funding provided.

#### HF4234-Mullery (DFL)

##### Public Safety & Civil Justice

Record retention required of mortgage loans, periodic reports to the commissioner of commerce required and mortgage foreclosure delay provided for sales under certain circumstances.

### Thursday, May 8

#### HF4235-Murphy, E. (DFL)

##### Finance

Public health improvement account created.

#### HF4236-Atkins (DFL)

##### Environment & Natural Resources

Lessard-Heritage Enhancement Council created and appointments provided.

#### HF4237-Thissen (DFL)

##### Environment & Natural Resources

Development and regulation of consumer product advisory council created; framework established for consumer products that protect, support, enhance human health, the environment and economic development; and appointments provided.

#### HF4238-Dean (R)

##### Environment & Natural Resources

Horse trail pass eliminated.

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## MINNESOTA INDEX

### Gardening in Minnesota

Earliest average frost-out date in Minnesota .....	May 19
Latest average frost-out date.....	June 10
Earliest average frost-in date in Minnesota .....	Aug. 31
Latest average frost-in date .....	Sept. 24
Number of different species of plants native to Minnesota.....	2,400
Minnesota plants listed as endangered, threatened or of special concern.....	191
Aquatic plants native to Minnesota.....	24
Wildflowers native to Minnesota .....	98
Trees and shrubs native to Minnesota .....	52
Public rose gardens in Minnesota.....	7
Public arboretums in Minnesota.....	5
Public Japanese gardens in Minnesota .....	4
Historic gardens in Minnesota .....	16
Number of growing zones that help determine plant hardiness.....	11
Degrees, in Fahrenheit, temperature can dip to in zone 1, which includes Fairbanks, Ala.....	-50
Degrees temperature can dip in zone 11, which includes Hawaii.....	40
Degrees temperature can dip in zone 4a, which includes the Twin Cities.....	-30
Year the Master Gardener Program was created in Minnesota .....	1977
Active master gardeners in Minnesota.....	2,200
Average number of days in Minnesota's growing season .....	137
Average growing degree days in Minnesota.....	2,350
Year the red pine was named Minnesota's state tree .....	1945
Year the pink and white ladyslipper was named Minnesota's state flower.....	1893
Number of rose varieties in Minnesota's Centennial Rose Garden, located at the State Capitol .....	11
Year the "Centennial Rose," created to be the centerpiece of the garden, was introduced.....	2005

— B. HOGENSON

Sources: The United States National Arboretum, University of Minnesota, University of Minnesota Extension, Department of Natural Resources, National Climate Data Center, Victory Seed Company, 50states.com, Session Weekly.

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