

SESSION WEEKLY

A NONPARTISAN PUBLICATION

MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES

VOLUME 25, NUMBER 14 • MAY 16, 2008

PRODUCT STEWARDSHIP — THE NEXT STEP

LAWS ARE A WINDOW TO HISTORY

MINNESOTA'S GREAT OUTDOORS

VETO REACTIONS

HF4239 - HF4246



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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Session Weekly (ISSN 1049-8176) is published weekly during the legislative session by Minnesota House of Representatives Public Information Services, 175 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155-1298. Periodicals postage paid at Minneapolis, Minn.

POSTMASTER: Send address changes to *Session Weekly*, House Public Information Services, 175 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, MN 55155-1298.

Printed on recycled paper which is 50% recycled, 30% post-consumer content.



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On the cover: Veronica Kremer, a seventh grader at Skyview Community Middle School in Oakdale, looks at the light-filled east wing of the Capitol after participating in Project Citizen Minnesota "Learning Law and Democracy" May 14. The school won a blue ribbon for its project "Lights, Camera, Action," a proposal for an auditorium to be shared between the middle and elementary buildings at Skyview Community School.

— Photo by: Tom Olmscheid

From hazardous waste, good business

Product stewardship concept offers hope of a cleaner environment with less government

By Nick Busse

Spring is typically a busy time of year for employees at Bay West, Inc. The company's St. Paul headquarters, located just a few blocks northeast of the Capitol, serves as Ramsey County's public drop-off site for household hazardous waste. According to Household Hazardous Waste Team Manager Janice Noggle, springtime means spring cleaning — which means people are dropping off a lot of old paint.

Liquid paint is considered a hazardous waste, which means it can't be legally dumped in the normal trash. Currently, the responsibility for recycling it falls largely on counties, which contract with companies like Bay West, passing the recycling costs on to property taxpayers, to the tune of \$5 million per year. Those costs are steadily growing — a trend that has alarmed officials like Ramsey County Commissioner Victoria Reinhardt.

"Even if we wanted to, the cost is getting more and more and more," Reinhardt said. "We simply have other priorities. We can't continue to do this."

Some think there might be a better way. A bill sponsored by Rep. Brita Sailer (DFL-Park Rapids) would establish a first-in-the-nation pilot program that asks paint manufacturers to recycle their own product. If successful, the program could create a national model that would take the burden of waste paint off the backs of taxpayers and into the hands of private industry.

If it sounds like big government interfering with the free market, think again: the idea behind the project came from the paint manufacturers themselves. Reinhardt said the reason is simple: instead of trying to navigate 50 different sets of environmental laws in 50 different states, the paint industry wants to take the initiative and come up with its own uniform system.

"Their argument to us — and it made sense

— was, 'We know our industry and you don't. Why don't you let us design it and we'll take responsibility for it,'" Reinhardt said.

The bill would authorize establishment of a paint stewardship organization funded by a fee of no more than 40 cents per every container of paint sold to consumers in the state. Consumers could drop off unwanted paint cans at participating retailer locations, where they would be collected and recycled by the organization. The program would expire June 30, 2010, with an evaluative report due from the Pollution Control Agency to the Legislature by Jan. 15 of that year.

For now, however, the program will have to wait. Gov. Tim Pawlenty vetoed the bill May 15.

In his veto message, Pawlenty said that the bill provided "little assurance that taxpayers will see any relief" if it were to become law. He further stated that Minnesotans already support paint recycling through their taxes, and the bill would essentially impose a second government-mandated payment for the same purpose.

Sailer said she is disappointed by the governor's decision, and plans to try again next year; however, she worries that by then it might be too late, and the manufacturers might decide to try their luck with another state.

"The crux of the matter is, will they choose Minnesota again, or will they say, 'Let's go to

another state?' I mean, has Minnesota lost that opportunity?" she said.

A new approach

The basis for the paint recycling pilot program is part of a larger concept called "product stewardship." The basic idea is that all parties involved in the life of a product — designer, producer, retailer and consumer — should share in the responsibility of that product's environmental impacts.

"With product stewardship, it becomes something that's more direct, not only with the people that produce it — the manufacturers — but also with the people that buy the product, the people that deal with the product," Sailer said. "Whereas, if you put it on the tax base, everybody's paying for it — people that may or may not ever use that product, whether it's computers or paint or pesticides."

The paint recycling initiative wouldn't be the first time a product stewardship approach has been used in Minnesota — although, as supporters note, it's the first time that the industry brought the proposal forward itself.

Sailer actually sponsored a similar measure last year that required electronics manufacturers to recycle an amount of consumer electronics equal to 80 percent of the volume sold during the previous year. In contrast to the paint program, the e-waste law, as it became known, was accepted somewhat grudgingly by the state's business community.

Rep. Dennis Ozment (R-Rosemount), who has been a vocal advocate for product stewardship, said that having an industry advocate so vocally for a manufacturer's responsibility approach to recycling is unprecedented.

"I really hope the manufacturers get a pat on the back for what they're doing. They're really stepping up to the plate," Ozment said.

First Reading continued on page 4



PHOTO BY ANDREW VONBANK

According to the Pollution Control Agency, 10 percent of the 13 million gallons of paint sold every year in Minnesota — 1.3 million gallons — is never actually used. A bill sponsored by Rep. Brita Sailer is designed to make it easier for consumers to recycle unwanted paint by having the manufacturers collect it at retail locations. Gov. Tim Pawlenty vetoed it May 15, in part because it would have established a paint stewardship fee.

First Reading continued from page 3

There is always the possibility that the pilot program would fail; however, if it did succeed, it would likely spawn similar legislation for other types of products. Reinhardt hopes that the paint stewardship model could be exported to other hazardous waste-producing industries like pharmaceuticals.

“Each model, depending on the industry, is going to be a little bit different. But I think the product stewardship approach in general, and manufacturer responsibility—we can take that to the things that are most troublesome either in our facilities or landfills,” Reinhardt said.

Skeptics cry foul

Not everyone is excited about this new approach to recycling paint.

During a pair of sometimes heated debates on the House floor April 24 and May 8, several members expressed concerns about the potential impact of the program on taxpayers. Some said the paint stewardship fee amounted to a “handyman’s tax” — one that forced residents who were already paying for county recycling programs to pay a second

time. Rep. Chris DeLaForest (R-Andover) called it “unjust in the extreme.”

“There will be taxpayers out there in Minnesota who will pay through their property taxes for the recycling of paint, and they’ll also pay at the retail level. It’s double taxation,” DeLaForest said. Pawlenty echoed these sentiments in his veto message.

Along similar lines, Rep. Kurt Zellers (R-Maple Grove) wondered aloud whether Sailer’s bill would set up a system that would merely allow paint producers to bilk consumers out of their money.

“I think I’m seeing a little bit more and more now why the manufacturers are in favor of this. We’re going to charge the consumer, the manufacturers are going to collect their product, bring it back in and then sell it again,” Zellers said.

Reinhardt rejects the “double-taxation” thesis, arguing that the whole point of the paint stewardship program is to save taxpayers’ money; however, she also admits that residents may not see any immediate, direct reduction in their property taxes.

“Whatever the county is paying for waste paint right now, we would no longer have

to pay, period. Now does that mean that it’s automatically a reduction of that amount off of property taxes or off of the waste programs? Not necessarily. It depends on what other costs are going up.”

In regard to arguments that paint manufacturers might somehow abuse the program, Ozment said the PCA will oversee the paint stewardship organization’s finances, and notes that the bill forbids the manufacturers from setting the stewardship fee higher than it needs to be to cover the program’s costs.

More importantly, Ozment said the product stewardship approach is likely to be more effective than the current government programs because it would simply be easier for people to recycle their unwanted paint.

“It’s nice to know that when I go to buy my next gallon of paint, I can take the old stuff with me and turn it over. It’s not going to cost me anything at that point. ... If it’s not made easy and low-cost, then I’ll try to figure out, ‘Well, how can I get rid of this stuff?’ And I may pick some choices that are not the best for the environment. The bottom line is we’re really trying to protect the environment,” he said.

Editor's note: The following Highlights are coverage of select bills heard in House committees and other House activities held May 8-15. 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

'Success story of the session'

**Signed
by
the
governor**

Minnesota will set the national standard for biodiesel mandates say supporters of a provision contained in a new law signed by Gov. Tim Pawlenty May 12.

"This will be one of the success stories of the session," Pawlenty said about the omnibus agriculture and veterans affairs policy law, which contains various effective dates.

The state's biodiesel mandate will increase 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.

Rep. Al Juhnke (DFL-Willmar), who sponsors the law with Sen. Jim Vickerman (DFL-Tracy), expects the new law to be a catalyst to increased research and development of biofuels moving food crops away from being the primary source for the blend. He highlighted University of Minnesota research on use of algae for biofuels. "We suspect you will see a huge movement toward these fuels, through R & D efforts."

The law contains an unlikely mix of policy provisions including grants to livestock producers; pesticide disposal requirements; "Support Our Troops" license plates for motorcycles; and several provisions to help address needs of returning veterans.

Juhnke, whose son is being deployed soon to Iraq, said he may be looking at the law's veterans provisions with some self-interest.

"We're laying the groundwork for delivering vets services county by county across the state. We're going to make sure when my son comes back, that we're here for them, and ready to take care of their needs."

The bill calls for a review of how veterans services are delivered in the state, including whether new veterans homes are needed and where they should be located.

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 employers will be prevented from discriminating against the family of service members when the employee requests unpaid leave to attend deployment, reintegration and other eligible military events.

HF3902/SF3683*/CH297

— L. SCHUTZ

CONSUMERS

Bars can briefly be open later

**Signed
by
the
governor**

During the upcoming Republican National Convention bars can be open later for those wanting a drink.

As part of this year's omnibus liquor law, signed by Gov. Tim Pawlenty May 15, any licensing organization fully or partially within the seven-county Twin Cities metropolitan area can issue special permits allowing establishments to serve alcohol until 4 a.m. from Aug. 31 to Sept. 5.

Sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Dan Skogen (DFL-Hewitt), the law allows local authorities to charge up to \$2,500 for the permits, available only to holders of an existing on-sale liquor license or a 3.2 malt liquor license. The section is effective May 16, 2008.

Also effective May 16, 2008, farm wineries are permitted to manufacture and sell up to 5,000 gallons of distilled spirits per year, and passengers in a vehicle that is operated for commercial purposes in a manner similar to a bicycle would be permitted to consume alcohol.

HF3829/SF3672*/CH311

— C. GREEN

Octane as advertised

**Signed
by
the
governor**

If everything turns out as planned, there will be no confusion for consumers as to whether they are really getting the amount of octane advertised on the gas pump.

A new law, sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Debbie Johnson (R-Ham Lake), requires that if a number is used to advertise or identify the grade of gasoline, the number cannot exceed the octane of the gasoline. The law also updates ASTM specifications of motor fuels for purposes of regulation by the Weights and Measures Division of the Department of Commerce.

What's left to finish — or not

As of 7 p.m. May 15, these are some of the issues yet to be resolved before the Legislature must constitutionally finish its work May 19:

- Resolving the state's projected \$935 million budget deficit (talks are ongoing between legislative leaders and Gov. Tim Pawlenty).
- A property tax cap on local governments (one-year levy limit included in May 12 taxes conference committee report, but the governor wants a stricter cap).
- Agreement on property tax rates imposed on public utilities (tax bill).
- Health care reform (HF3391 was vetoed, but its House sponsor hopes to reach a compromise on some reform).
- Lake Vermilion State Park, Minneapolis Veterans Home, Central Corridor (could be part of budget negotiations, resulting in a new bonding bill).
- How to finance a Mall of America expansion, if at all (tax bill).
- Omnibus transportation policy bill (conference committee approved it May 15 minus primary seat belt provision).
- Omnibus game and fish policy bill (conference committee scheduled May 16).
- Omnibus K-12 education finance bill (bill passed May 13 by both bodies, governor yet to act).
- A proposal to adopt California's "Clean Car" vehicle emissions standards (currently awaiting action by the full House. It was defeated 10-7 by a Senate committee May 15).

— M. COOK

The law, signed by Gov. Tim Pawlenty May 8, takes effect Aug. 1, 2008.

HF3411*/SF3464/CH281

— B. HOGENSON

CRIME

No touching peace officer gear

**Signed
by
the
governor**

Peace officers are often in difficult situations, trying to defend others or protect themselves. Having someone take their equipment is not something they should have to worry about.

A new law, sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Ann Lynch (DFL-Rochester), clarifies that it is illegal to take from a peace officer any defensive device issued for their protection, including a firearm, tear gas, Taser or baton. Violation is a felony with a possible five-year sentence and \$10,000 fine.

Signed by Gov. Tim Pawlenty May 13, the law is effective Aug. 1, 2008.

Rep. Mark Buesgens (R-Jordan) unsuccessfully proposed changing the title of a section of the new law to "Keep Your Hands Off the Cop's Stuff."

HF2877*/SF2647/CH304

— C. GREEN

Advocates not compelled to talk

**Signed
by
the
governor**

Attorneys, physicians, psychologists, sexual assault counselors and clergy are not now required to disclose information about their clients or members without consent. A new law signed by Gov. Tim Pawlenty May 12 gives domestic abuse advocates the same protection.

Sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Mee Moua (DFL-St. Paul), the law defines a domestic abuse advocate as an employee or supervised volunteer of a community-based battered women's shelter or domestic abuse program. These advocates cannot be compelled to provide any opinion about or information from the victim unless ordered by the court.

Paymar said that when victims of abuse share intimate relationship details or future plans with an advocate, they need to know that the information will stay confidential.

The law is effective Aug. 1, 2008.

HF3850/SF3441*/CH302

— C. GREEN

Longer orders for protection

**Signed
by
the
governor**

An Order for Protection is a tool that victims of abuse have to protect themselves from harassment and their abusers. A new law, signed by Gov. Tim Pawlenty May 15, allows a court to issue an order for up to 50 years.

Sponsored by Rep. Larry Hosch (DFL-St. Joseph) and Sen. Tarryl Clark (DFL-St.

Cloud), the new law provides the option for a longer term if the respondent has violated a previous order on two or more occasions, or if there have been two or more orders issued against the respondent.

The order prohibits any acts of violence and any contact, be it in person, by mail or electronic means.

Effective July 1, 2008, the law also allows the person named in the order to request the order be vacated or modified if it has been in effect for five years and not been violated.

HF1625/SF3492*/CH316

— C. GREEN

Public safety provisions now law

**Signed
by
the
governor**

Sponsored by Rep. Michael Paymar (DFL-St. Paul) and Sen. Linda Higgins (DFL-Mpls), this year's omnibus public safety policy law was signed by Gov. Tim Pawlenty

May 12.

With language from 10 different bills, and initially drafted as a reentry omnibus bill, the new law:

MONDAY — FOCUS ON POLICY



PHOTO BY TOM OLMSCHIED

House Speaker Margaret Anderson Kelliher clues in members of the Capitol Press Corps who set up camp outside the governor's office waiting for word from legislative leaders on budget negotiations. After a weekend of talks and letter exchanges, Monday's session focused on policy bills steering clear of the budget. A continued sticking point for the governor is putting a cap on local property taxes.

- 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;
- adjusts 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 of joint physical custody of children after divorce; and
- establishes a working group to discuss the state's controlled substance laws, with a report due to the Legislature by Jan. 15, 2009.

Several provisions were pulled from the bill before delivery to the governor, including: prohibiting employers from using records of an arrest or pending criminal proceeding against a potential employee; prohibiting registered sexual offenders from accessing social networking Web sites that permit minors to have a personal Web page; and establishing a certificate of good conduct, which would allow someone with a criminal conviction to apply for a state-issued certificate stating they have been rehabilitated.

The law has various effective dates.

HF2996*/SF2790/CH299

— C. GREEN

TUESDAY — NO DEAL PROMPTS BILL PASSAGE



PHOTO BY TOM OLSCHIED

Flanked by Senate Minority Leader David Senjem and Sen. Betsy Wergin, House Minority Leader Marty Seifert talks with the press about the negotiation process. Earlier in the day, House debate halted on an omnibus education policy bill after Gov. Tim Pawlenty called House Speaker Margaret Anderson Kelliher. Both the DFL and Pawlenty were close to a deal until a \$50 million use of a health care reserve fund derailed negotiations. The House and Senate later passed the education bill and adjourned until Thursday.

DEVELOPMENT

Helping workers and the economy

**Signed
by
the
governor**

One-time, interest-free loans of up to \$20,000 are now available through the Department of Employment and Economic Development to eligible businesses that have sustained or likely will sustain substantial economic loss when an essential employee is called to active service for at least 180 days.

Also, a veteran discharged or released from active duty under honorable conditions within the last 36 months and who is unemployed or under employed is now added to the definition of a dislocated worker. This makes them eligible for state help with employment transition services, such as developing readjustment plans; job or career counseling; short-term training to help enhance their current skills in a similar occupation or industry; and long-term training in a new occupation or industry.

These are two of 52 sections in the omnibus jobs and economic development law, signed May 12 by Gov. Tim Pawlenty. All sections are effective May 13, 2008, unless noted otherwise.

Sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. David Tomassoni (DFL-Chisholm), the law deals with a variety of subjects, including: unemployment insurance; military programs; a vacation rental lodging study; and a number of provisions relating to the Minnesota Combative Sports Commission, formerly known as the Minnesota Boxing Commission.

One of the more controversial provisions

debated on the House floor provides that state statute “shall not prohibit a collective bargaining unit from including provisions related to workplace communication.” Supporters said this ensures that workplace communication in the public sector should be considered by both workers and employers in the future absent of a policy or absent of rules. Critics said management should be able to set its own policies, and this could change the rules of negotiation.

Other provisions in the law include:

- retroactive to Jan. 1, 2008, additional unemployment benefits will be available in counties where the unemployment rate is nearly double the state average during a 12-month calendar period;
- the Minnesota Unemployment Insurance Advisory Council is to provide recommendations to the Legislature on modifications to the additional unemployment insurance benefits to better meet the needs of the state’s workforce;
- effective Aug. 1, 2008, any bioscience or biotechnology project financed with public resources must document its benefit to consumers in the form of more affordable

pricing of the products or services being publicly subsidized;

- a trade policy advisory group will be established, effective July 1, 2008, to help advise the governor and Legislature regarding government procurement agreements of federal trade agreements;
- Explore Minnesota Tourism is to conduct a vacation rental lodging study and report to the Legislature by Jan. 15, 2009, and recommended regulations or legislation changes to promote tourism; and
- a credit-enhanced bond program will be established, effective Aug. 1, 2008, to provide loans to governmental units through the purchase of general obligation bonds of governmental units issued to finance project costs.
HF3722*/SF3471/CH300

— M. Cook

EDUCATION

Education finance bill passes

As budget negotiations broke down May 13, the House and Senate passed a standalone

omnibus E-12 education finance bill, which Gov. Tim Pawlenty’s office came out quickly and strongly against.

Rep. Mindy Greiling (DFL-Roseville), who sponsors the bill with Sen. Terri Bonoff (DFL-Minnetonka), said HF6*/SF352 would increase the amount of money for school milk, include a task force on special education and provide additional funding for school districts in the form of a one-time \$51 per pupil allocation.

“I would say that every district in the state and every student will be happy to get what they can squeeze out of this Legislature in the time of the deficit,” she said.

House Minority Leader Marty Seifert (R-Marshall) questioned the source of the funding, a freezing of the Quality Compensation for Teachers program, commonly known as Q Comp. He also questioned the date chosen to stop accepting applications for the program, one which allowed the Roseville School District to receive funding under the program.

In part, the bill would:

- add legislators to the State Advisory Council on Early Childhood Education and Care.

WEDNESDAY — UNTIL THE MIDNIGHT HOUR



PHOTO BY TOM OLMSCHIED

House Speaker Margaret Anderson Kelliher and Senate Majority Leader Larry Pogemiller head to the governor’s office for a new round of negotiations, which continued until nearly midnight. Among several sticking points is a cap on property taxes.

The council would be given the additional task of finding federal funding for early childhood and child care programs;

- rework the language on the referendum ballot to say that “By voting yes on this ballot question, you are voting to renew an existing property tax referendum that is scheduled to expire”;
- repeal the annual general education offset in the Permanent School Trust Fund beginning in 2010. That money would be available directly to meet the technology needs of school districts; and
- appropriate \$50,000 for costs to examine education achievement and \$188,000 for the administration of the school report card.

The House began discussing the conference committee report late morning on May 13 and recessed after House Speaker Margaret Anderson Kelliher (DFL-Mpls) received a call, reportedly from Pawlenty, asking the bill not be taken up until a global agreement on the budget is reached. However, after negotiations broke down later in the day, the House reconvened and passed the bill, and the Senate quickly followed suit.

Seifert unsuccessfully brought a motion to send the bill back to the conference committee, questioning the timing of the legislation.

“Members, this is very disappointing, when we are in the midst of a global negotiation in which we can get a balanced budget, we can get a K-12 bill, a tax bill and a bonding bill and finish up by the deadline,” he said.

“We’re on the drop-dead date, actually, to pass the education bill,” Greiling countered, adding that the bill would help the agreement or at least serve as a safety valve if there wasn’t any agreement.

That night, the governor’s office issued a statement calling the decision to pass the bill “unfortunate.”

A statement from the governor’s Director of Communications Brian McClung said, “Tonight the DFL walked away from negotiations. Instead they charged ahead to do what they do best — raise taxes, irresponsibly increase government spending, and throw out accountability measures.”

The bill, the statement continues, would stop nation-leading programs that pay teachers for performance and it would revoke other accountability measures.

— T. HAMMELL

ELECTIONS

New elections provisions

**Signed
by
the
governor**

A wide variety of elections provisions are included in a new law signed May 8 by Gov. Tim Pawlenty.

Sponsored by Rep. Gene Pelowski Jr. (DFL-Winona) and Sen. Ann Rest (DFL-New Hope), the law includes provisions that, among other things:

- require the governor to call for a special election within five days after a legislative vacancy occurs, with a special election to be held no more than 35 days thereafter;
- provide that a candidate must file no later than 14 days before a special primary;
- provide that standard recount laws apply to a special primary or election;
- permit existing voter registration applications to be used, without alteration, until they are gone;
- give school boards permission to decide whether to hold a primary election;
- modify the deadline for candidates to file for school board elections; and
- allow school district elections to be conducted via an approved electronic voting system.

The majority of the provisions are effective June 1, 2008.

HF3172*/SF2574/CH295

— B. HOGENSEN

EMPLOYMENT

Sick leave eligibility increase

Current law allows an employee to use employer-provided sick leave when they are sick or when they need to care for a minor child who is ill.

It could be expanded to include an adult son or daughter, spouse, sibling, parent, grandparent or stepparent who is ill or injured.

Sponsored by Rep. Neva Walker (DFL-Mpls) and Sen. Sharon Erickson Ropes (DFL-Winona), HF219/SF1128* would apply to employers with 21 or more employees at a single site that already have a sick leave policy. To be eligible, an employee must be employed at least half-time, or the equivalent, by the employer for 12 consecutive months.

Passed by the Senate 48-12 May 12, it was passed by the House 88-45 later that day. It now awaits action by the governor.

Employers could continue to provide greater sick leave benefits, and the bill doesn’t

THURSDAY — ANOTHER BRIEF BRIEFING



PHOTO BY TOM OLMSCHIED

House Majority Leader Tony Sertich briefs some of the Capitol Press Corps on the progress of budget talks with Gov. Tim Pawlenty as Speaker Margaret Anderson Kelliher is escorted from Pawlenty’s office by House Legislative Director to the Speaker Sean Rahn and Senate Executive Director Rules and Administration Committee, Michele Kelm-Helgen May 15.

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alter an existing policy or labor agreement that allows the use of sick leave for the care of a child, spouse, sibling, parent, grandparent or stepparent.

Supporters say this will help families that, for example, have an adult child with a disability and it will help with an aging population, especially as baby boomers reach retirement. They also believe it is important that employees can use their sick leave how they best see fit.

Opponents called this an unfunded mandate on some businesses.

— M. COOK

Employee act resolution vetoed

**Vetoed
by
the
governor**

A resolution memorializing Congress to support the Employee Free Choice Act related to workers' rights to form and join unions was vetoed by Gov. Tim Pawlenty

May 8.

Sponsored by Rep. Mike Nelson (DFL-Brooklyn Park) and Sen. David Tomassoni (DFL-Chisholm), the resolution recognizes how the Employee Free Choice Act would:

- safeguard workers' ability to make their own decision on joining a union without coercion, provide for first contract mediation and arbitration, and establish meaningful penalties when employers violate workers' rights;
- authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them;
- provide for first contract mediation and arbitration of a first contract; and
- establish meaningful penalties for violations of a worker's freedom to choose a union.

"Collective bargaining and unions are still one of the better ways to help people move up from poverty and into the middle class," Nelson said.

In his veto message, Gov. Tim Pawlenty said the bill would only address federal labor law without having any impact on Minnesota.

Pawlenty wrote the act's primary flaws include the elimination of employee elections. "Elections provide process for employees to choose whether they want union representation through a secret ballot. Neither the union nor the employer knows how an employee votes. This is an important protection for employees which the bill would eliminate."

Another flaw is forcing contract terms on employers, he said. "The National Labor Relations Board will be authorized to force an employer to implement a collective bargaining

agreement imposed by an arbitrator rather than through agreement between the employer and employees," Pawlenty wrote. He said adding the change would be an "unprecedented governing intrusion on the right to bargain freely."

HF554/SF543*/R2

— P. OSTBERG

ENERGY

Do-or-die for cap-and-trade

Legislators want a larger role for themselves in negotiations for a regional greenhouse gas cap-and-trade system, and Gov. Tim Pawlenty will now get to decide whether they get it.

Sponsored by Rep. Kate Knuth (DFL-New Brighton) and Sen. Ellen Anderson (DFL-St. Paul), HF3195 would provide for economic, environmental and governance studies on a possible regional cap-and-trade deal, and would also require legislative approval of any such deal. The conference report was passed 96-36 by the House May 13 and 41-22 by the Senate May 15. It is now on its way to the governor's desk.

The bill would establish a six-member Legislative Greenhouse Gas Accord Advisory Group that would advise members of the governor's staff participating in negotiations for a regional cap-and-trade system. It would also provide for studies by the Commerce Department and the Pollution Control Agency on various potential impacts — both positive and negative — of cap-and-trade.

Knuth said the bill "sets up some legislative oversight" in the regional negotiation process, and described the conference report as "very similar" to the version passed by the House 91-38 April 23. The only substantive difference, she said, was that a House provision stating the bill's legislative intent was removed.

Rep. John Berns (R-Wayzata) encouraged his fellow Republicans to support the bill, noting that removal of the legislative intent language might alleviate some of their concerns.

"I think from the position of many members, the intent was something you were concerned about, because it put into law that the intent of the state is to adopt cap-and-trade. And that's gone now," Berns said, adding that the bill would provide the state with a "good and thorough" study on the issue.

Rep. Mark Buesgens (R-Jordan) had a less optimistic view of the bill, calling it a "jobs program for whacko scientists."

— N. BUSSE

If you have Internet access, visit the Legislature's
Web page at: www.leg.mn

C-BED allowed for counties

**Signed
by
the
governor**

Beginning Aug. 1, 2008, counties will join cities and school districts in being able to invest in Community-Based Energy Development projects.

A new law signed May 13 by Gov. Tim Pawlenty will allow counties to enter into long-term power purchase agreements for electricity generated by C-BED projects and also own and operate C-BED projects of their own. Rep. Lyle Koenen (DFL-Clara City) and Sen. Gary Kubby (DFL-Granite Falls) are the sponsors.

C-BED projects, which are mostly wind energy conversion systems (wind turbines), are designed to maximize the local economic benefits of renewable energy development by utilizing local investors, banks, labor and other resources.

Koenen said that allowing counties to invest in C-BED projects will not only boost C-BED development in the state, but also provide counties with the ability to stabilize their energy costs by entering into long-term agreements to purchase electricity at a fixed rate. He added that the new law is the product of several years' worth of negotiations between rural and metro-area counties and the state's major power companies.

Under the law's provisions, power purchase agreements may be of a length between one and 20 years. Counties may enter into purchase and sale agreements with utilities for the electricity produced from their C-BED projects, but are not allowed to sell the electrical energy themselves at retail.

HF3585*/SF3160/CH303

— N. BUSSE

Energy policy changes

**Signed
by
the
governor**

Supporters of clean energy continued their winning streak at the Capitol on May 12, when Gov. Tim Pawlenty signed off on a package of energy policy reforms.

Sponsored by Rep. Bill Hilty (DFL-

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Finlayson) and Sen. Yvonne Prettner Solon (DFL-Duluth), the new law contains provisions designed to boost renewable energy development and help the state meet its greenhouse gas reduction goals. Unless otherwise noted, it takes effect Aug. 1, 2008.

At the core of the law is a set of policy initiatives aimed at addressing global warming. One provision requires producers and purchasers of industrial and commercial gasses with a high “global warming potential” to report data on their sales and use in the state to the Pollution Control Agency. Also, the PCA and Commerce Department are required to report to the Legislature regularly on progress being made in meeting the state’s greenhouse gas emissions reduction goals, and make policy recommendations to that end.

Some other changes made by the law include:

- effective May 13, 2008, the Commerce Department may serve as a clearinghouse for wind energy projects by aggregating wind turbine purchases into bulk orders for individuals, community-based energy developers and various other public entities;
- certain solar energy projects may be incorporated into the state’s conservation improvement program;
- effective Jan. 3, 2009, the Legislative Electric Energy Task Force is abolished and reorganized as the Legislative Energy Commission, with its purview expanded to include not only electric generation but also all other energy-related issues;
- any outdoor lighting fixtures installed or replaced with state funds must use special “cutoff luminaires” that conserve energy and minimize light pollution; and
- up to \$250 per residence may be reimbursed from the state’s petroleum tank release cleanup fund to homeowners to replace PVC piping in home heating oil systems with metal piping.

The new law also includes a pair of non-energy related provisions: a study on the potential costs and benefits of statewide video franchising and a statewide broadband service mapping project, both of which are effective May 13, 2008.

HF3661/SF3337*/CH296

— N. BUSSE

ENVIRONMENT

DNR spending questioned

Officials from the Department of Natural Resources faced tough questions from House and Senate members May 9 about a report that state funds were used — possibly inappropriately — to finance a conservation

officer conference in St. Paul last year.

On May 5, the Minneapolis Star Tribune reported that DNR officials authorized \$383,000 in state resources to help organize a national conference of the North American Wildlife Enforcement Officers Association. According to the newspaper, the association netted a \$76,600 profit from the event, which was organized in part by state employees who allegedly solicited money for the event on state time.

Members of the House Environment and Natural Resources Finance Division and the Senate Environment, Energy and Natural Resources Budget Division grilled several DNR officials on the report.

“I just don’t understand how the state came on the hook for hundreds of thousands of dollars for this,” said Sen. Ellen Anderson (DFL-St. Paul). “Why on earth if they were profiting would we be paying?”

DNR Commissioner Mark Holsten described the allegations as “very serious,” and said the department has launched an internal investigation into the matter.

“We’re trying to put a paper trail together of 200-some-odd employees over a two-year period of time,” Holsten said, adding that the department would cooperate fully with a forthcoming audit by the Office of the Legislative Auditor.

Col. Mike Hamm, the department’s director of enforcement, defended the conference as providing valuable training for the state’s conservation officers. Responding to Rep. Jean Wagenius (DFL-Mpls), who questioned Hamm’s decision to order all of the state’s 204 conservation officers to attend the conference — thus leaving no officers in the field anywhere in the state for three days — Hamm replied, “That was a difficult decision for me to make.”

Anderson said the hearing was “not the last discussion” that legislators would have on the issue.

— N. BUSSE

Chemical bans vetoed

**Vetoed
by
the
governor**

A proposal to ban two chemicals — a flame retardant and a plastic additive used in children’s toys — was vetoed May 12 by Gov. Tim Pawlenty.

In his veto message, Pawlenty said the bill’s legislative mandate “overreaches and goes beyond current scientific research.”

Sponsored by Rep. Karen Clark (DFL-Mpls) and Sen. John Marty (DFL-Roseville), the bill would have phased out the sale of products containing decabromodiphenyl ether (also known as deca-BDE) beginning July 1, 2010. The chemical, which is used as a flame retardant in televisions, mattresses and a variety of other products, has been linked to developmental

problems in animals and children. A Pollution Control Agency report released in January identified several environmental and health concerns associated with it.

Additionally, the bill would have banned children’s products that contain phthalates — a family of chemicals used to make plastic toys more flexible, among other things. Some studies have linked phthalates to a variety of adverse health effects in children.

In regard to deca-BDE, Pawlenty said that no safer alternatives have been proven to exist, and he expressed concern that banning the use of the chemical in children’s clothing may increase the risk of burn injuries to children.

“Banning an effective flame retardant without assurances that safe and reasonable alternatives are in place is unwise public policy,” Pawlenty wrote.

In regard to the phthalates ban, Pawlenty emphasized that “no peer reviewed studies have concluded that these products pose a significant risk to human health.”

Another section of the bill would have required that licensed health care professionals providing prenatal care to pregnant women must provide them with information on all methods of pain relief, “including evidence-based nonpharmacological methods.”

HF934/SF651*/CH301

— N. BUSSE

GAMBLING

Law defines gambling machines

**Signed
by
the
governor**

A new law signed May 12 by Gov. Tim Pawlenty changes the definition of a gambling device and repeals a statute relating to gambling machines.

Rep. Tom Tillberry (DFL-Fridley), who sponsors the law with Sen. Ann Rest (DFL-New Hope), said this law was brought to him by the Department of Public Safety to avoid the potential legal loophole of someone saying an illegal machine had not been played, therefore was legal.

As defined in statute, a gambling device is “a contrivance the purpose of which is that for a consideration a player is afforded an opportunity to obtain something of value, other than free plays, automatically from the machine or otherwise, the award of which is determined principally by chance.” This also includes video machines.

The law also repeals a section of statute that allows the manufacture of components and devices for use in other states.

The law is effective May 13, 2008.

HF3378/SF2533*/CH294

— T. HAMMELL

GAME & FISH

Preventing the spread of VHS

**Signed
by
the
governor**

Experts are warning that a potentially devastating fish-killing virus could soon enter Minnesota waters, and a new law is designed to prevent it from happening.

Signed May 15 by Gov. Tim Pawlenty, the law includes a package of measures designed to prevent the spread of the deadly viral hemorrhagic septicemia virus — a fatal and highly contagious pathogen that causes internal hemorrhaging in fish.

The Department of Natural Resources asked lawmakers to approve the measures in order to help protect the state from VHS, which has been found throughout the Great Lakes and in inland lakes in Michigan and Wisconsin.

Provisions of the law are designed to restrict the movement of potentially contaminated fish and fishing equipment, and to allow the DNR to track the movement of fish that are potential carriers of the virus.

Some of the new restrictions include:

- new certification and licensing requirements for those who import, stock or farm fish susceptible to VHS;
- a ban on fishing equipment used in VHS-infected waters from being used in non-infected waters;
- a requirement that minnow farmers have their minnows tested for diseases; and
- a ban on using bait from VHS-infected waters.

The law takes effect May 16, 2008. Rep. Rick Hansen (DFL-South St. Paul) and Sen. Ann Rest (DFL-New Hope) are the sponsors.

HF3550/SF3576*/CH307

— N. BUSSE

sell ungraded dimension lumber for use in construction regulated by the code.

Another provision permits the Duluth Entertainment and Convention Center Authority to enter into contracts to design, construct, furnish, equip and improve the Duluth Entertainment and Convention Center.

Unless otherwise noted, the law is effective May 16, 2008.

HF3574*/SF3291/CH322

— B. HOGENSON

Fixing some technical errors

**Signed
by
the
governor**

Laws can work like well-oiled machines but sometimes during the course of the legislative session new laws end up missing a few parts.

A law signed by Gov. Tim Pawlenty on May 8 should fix some omissions currently in statute and add correct references.

Dealing with everything from dead animal disposal to vehicle forfeiture for driving while impaired, the so-called revisor's law is sponsored by Rep. Dave Olin (DFL-Thief River Falls) and Sen. Mee Moua (DFL-St. Paul).

Effective Aug. 1, 2008, the law:

- removes two obsolete provisions dealing with disposal of deceased animals;
- renders people incarcerated for less than 12 months ineligible for medical assistance while in jail;
- clarifies language about what offenses can lead to a teacher losing their license;
- changes the name of the water pollution control revolving fund to clean water revolving fund; and
- corrects language relating to child care and long-term homelessness.

HF3928/SF3674*/CH277

— T. HAMMELL

(DFL-St. Joseph), the council would also consider the amount of per diem payments. Per diem is a daily payment available when legislators are engaged in official business.

The annual compensation rate of \$31,140 for legislators has not been increased since 1999. Members raised the per diem payment in 2007 to \$77 a day for House members and \$96 for senators. They are also reimbursed for housing and travel expenses.

Rep. Paul Kohls (R-Victoria) said it is the obligation of legislators to stand up and vote on how to spend taxpayers' dollars. He tried unsuccessfully to amend the bill so that any recommendation put forward by the council would need legislative approval. "The arrogance of this bill is we are going to hide behind some new council to make the tough decision for us. This amendment would give us the opportunity to vote it up or vote it down."

Eken countered, "I think it is arrogance for us to think that we should set our own salaries. I think it is arrogant for us to say that we know best what our salary should be."

— L. SCHUTZ

Disaster relief law modified

**Signed
by
the
governor**

Flood relief legislation for the Southeast Minnesota floods passed during a 2007 special session is modified by a new law signed by the governor May 12.

The law, sponsored by Rep. Loren Solberg (DFL-Grand Rapids) and Sen. Sharon Erickson Ropes (DFL-Winona), adds a requirement that any local government or state agency that receives federal money for a project that was funded by the state must repay the state for any amount that is over the FEMA payment and the state match for the project.

It takes effect Aug. 1, 2008.

HF3493*/SF3294/CH289

— B. HOGENSON

GOVERNMENT

Enforcing building code

**Signed
by
the
governor**

The means of determining whether a municipality must administer and enforce the State Building Code within its jurisdictions was signed by Gov. Tim Pawlenty May 15.

Sponsored by Rep. Al Juhnke (DFL-Willmar) and Sen. Tom Bakk (DFL-Cook), the law requires code enforcement of any municipality having an ordinance adopting the code in effect as of Jan. 1, 2008. An exception is made for municipalities with populations under 2,500 that are located outside the seven-county Twin Cities metropolitan area.

The law also permits lumber mills to

Council could set legislators' pay

Is the current method of legislators setting their own salaries a conflict of interest, or is it a matter of remaining accountable to voters?

In the end, the House voted 91-43 May 12 to put before voters at the November election a question to amend the state constitution to remove legislators' ability to set their own salaries, and establish a citizen-only compensation council to make pay recommendations. It awaits action by the full Senate.

Rep. Kent Eken (DFL-Twin Valley), who sponsors HF3796*/SF3793 with Sen. Tarryl Clark (DFL-St. Cloud), calls the current method of salary determination a "conflict of interest."

Successfully amended by Rep. Larry Hosch

Time off for giving blood

**Signed
by
the
governor**

What entered the legislative process as a small bill requiring that state employees be granted paid leave to donate blood arrived at the governor's desk as the omnibus state government policy bill.

The new law that resulted, sponsored by Rep. Gene Pelowski Jr. (DFL-Winona) and Sen. Ann Rest (DFL-New Hope), was signed by Gov. Tim Pawlenty May 13. The law is effective May 14, 2008, unless otherwise noted.

Included in the new law are provisions that:

- permit paid leave for state employees to donate blood, effective Aug. 1, 2008;

- form a subcommittee on government accountability;
- require performance measures to be used to increase funding in the state budget;
- put in statute the proper procedure for the sale of surplus state lands;
- require the convening of a working group for Minnesota Milestones process and indicators; and
- define “gambling device.”
HF3494*/SF3190/CH318

— B. HOGENSON

HEALTH & HUMAN SERVICES

Adoption records

A pregnant unwed mother in the 1950s couldn't have foreseen that in 2009 her child given up for adoption would possibly contact her because of having direct access to their original birth certificate. With no affidavits to protect the mother's identity at that time, many just thought their secret would remain silent.

Sponsored by Rep. Kathy Tingelstad (R-Andover) and Sen. Ann Rest (DFL-New Hope), HF3371/SF3193* would allow adults age 19 and older to get a copy of their original birth certificate, if there is no affidavit of disclosure on file. The change would honor affidavits dating to 1981.

Presented to the governor May 13, the bill was passed 78-52 the House May 12, and 53-13 the next day by the Senate.

The Health Department now has more than 11,000 affidavits of disclosure on file. Of those, about 1,200 are affidavits of nondisclosure, Tingelstad said. The department would be required to provide information and educational materials to birth parents, if the changes take effect.

“Some of these children were the product of rape or incest. Some of these birth parents do not want to be contacted,” said Rep. Mary Liz Holberg (R-Lakeville), who added that current law allows adoption agencies to work with adopted persons to find birth parents and act as an intermediary.

“I think that it is so wrong that we would expose birth parents that made those decisions in those different times and did it with an expectation of privacy,” Holberg said. “Sometimes the risk of harm to one individual is not worth the ability to satisfy a need or want of another.”

“Think of the joy of the daughter showing up on the birth mother's doorstep and the happiness on the other side of the coin,” countered Rep. Ron Erhardt (R-Edina). Perhaps there are mothers now who are willing to accept contact, he said.

— P. OSTBERG

County purchasing health care

Health care public assistance enrollees in several southeast Minnesota counties would automatically default to a specific health plan, under a bill passed 107-25 by the House May 8.

Sponsored by Rep. Tina Liebling (DFL-Rochester), HF3380 would apply to Olmsted, Winona, Houston, Fillmore and Mower counties. People who have not chosen a plan through public assistance would automatically default to the county's plan, if health care needs arise. They would have the option to choose another plan after one year.

There would be no cost to the state because counties operate the plans. The counties involved have come forward with the \$4 million needed to get the plan started.

The change could have a negative financial impact on private health plans because the county would be the favored competition by automatic default, said Rep. Steve Gottwalt (R-St. Cloud). “What we need is more competition, we need at least one other plan option.”

It's not automatic enrollment when it's only the people who haven't chosen a plan in the first place, Liebling said.

Currently, the Health Department rotates health plans when they assign them to uninsured people, said Brian Osberg, assistant human services commissioner. Because county-based purchasing is currently a health care option, he said the bill isn't really needed.

Liebling said the bill is an experiment, but it should be given the chance to save money.

The bill now awaits action by the full Senate. Sen. Ann Lynch (DFL-Rochester) is the sponsor.

— P. OSTBERG

Newborn screening bill

Newborns in Minnesota are screened for 53 rare and serious medical conditions.

A plan to clarify what testing can be done, what options the parents have and other changes to newborn screening laws may soon become law.

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. Ann Lynch (DFL-Rochester), HF3438/SF3138* would require that prior to a blood sample being taken from a newborn, parents or the legal guardian would be told that the sample could be used to test for hereditary and congenital disorders, held at the Health Department for at least two years and possibly used for research.

When a conference committee report was presented on the House floor May 15, there was an additional provision requiring the person who performs the test to document that the parents or legal guardians have received the information and had an opportunity to ask questions.

Already passed by the Senate earlier in the day 51-12, the bill was approved by the House 103-29. It now awaits action by the governor.

Under the bill, parents would be told the benefits and consequences of declining the tests, and given the option to refuse either testing, storage, research or all. Additionally, the department would have to provide a report to the Legislature on the newborn screening process by Jan. 15, 2009.

The proposal came about because of a recent statute requiring written consent for all genetic material collection. One can opt into the program only with written consent. Under the newborn screening proposal, testing would be done unless the parents opt-out.

— C. GREEN

Federal health centers

**Signed
by
the
governor**

A technical change to when the state disperses subsidies to federally qualified health centers is the subject of a new law signed May 11 by Gov. Tim Pawlenty.

Sponsored by Rep. Diane Loeffler (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls), the law changes the dispersing of funds to “the most recent” calendar year, rather than a specific year.

Loeffler said the change prevents the Legislature from having to annually come back to change a simple statute.

The law takes effect Aug. 1, 2008.

HF3412/SF3323*/CH292

— P. OSTBERG

Medical privacy protection

**Vetoed
by
the
governor**

Gov. Tim Pawlenty put the axe to a bill May 8 that would have prohibited health care providers from disclosing an individual patient's financial or medical debt information to another entity.

Sponsored by Rep. Diane Loeffler (DFL-Mpls) and Sen. Linda Scheid (DFL-Brooklyn Park), the bill would have also prohibited health care providers from obtaining or using financial or medical debt information until after health care services have been provided to a patient.

Health care providers could have shared debt information with the patient and patient's insurer or authorized third-party debt management services provider.

In his veto message, the governor wrote the bill doesn't define “financial information,” or “medically necessary,” and that without the definitions there would be confusion that would likely result in “significant unintended consequences.” Further, “this bill could force significant changes in the

delivery of routine medical services in Minnesota and unnecessarily impact the costs to Minnesotans,” he wrote.

About one-third of Americans have problems with medical debt and seek medical assistance because they have to, said Assistant Attorney General Jeffrey Harrington. The change would prevent health care providers from rationing care to those with debt, he said.

HF3610/SF3132*/CH279

— P. OSTBERG

HIGHER EDUCATION

Omnibus policy bill is now law

**Signed
by
the
governor**

Higher education policy changes relating to board makeup, data practices and Office of Higher Education responsibilities are now law.

Sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. Sandy Pappas (DFL-St. Paul), the omnibus higher education policy law also establishes an oral

practitioner education program. Signed May 12 by Gov. Tim Pawlenty, the law is effective Aug. 1, 2008, unless otherwise noted.

Financial changes to support programs in the new law are included in HF1812, the omnibus supplemental budget bill.

The law 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 and Privacy Act. For example, schools will be able to disclose to a parent or guardian 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 form will be made available at parent and student orientation meetings.

The idea behind the oral practitioner language is to serve the basic dental needs of some Minnesotans who cannot afford to see a dentist. It is anticipated the first graduates of the program would be in 2011. Effective May 13, 2008, a working group will develop recommendations on education requirements and practitioner regulation. A report is due to

the Legislature by Jan. 15, 2009.

As part of the program, the practitioner must agree to practice in settings serving low-income, uninsured and underserved patients or in a dental health professional shortage area as determined by the health commissioner. The program would only work under the supervision of, and in conjunction with, a licensed dentist. This section is effective July 1, 2009.

Other provisions in the law include:

- effective May 13, 2008, the three Minnesota State Colleges and Universities Board student members must be enrolled at least half-time when appointed, and at least one other board appointee must represent labor;
- the Office of Higher Education and Education Department can, effective May 13, 2008, share educational data to analyze and improve instruction consistent with federal law;
- the office must evaluate the enrollment patterns of students from low-income families in higher education, and identify potential changes to increase participation;
- a spouse and dependent of resident vet-

SESQUICENTENNIAL NATIONAL ANTHEM



PHOTO BY TOM OLMSCHEID

Associate Justice Paul H. Anderson of the Supreme Court portrays former Justice Loren W. Collins while he and a caravan of covered wagons, buggies and riders paused during the playing of the National Anthem. The wagon train was part of the May 11 sesquicentennial festivities at the state's 150th birthday celebration in front of the Capitol. More events, including fireworks, are planned at the Capitol May 17-18. For information, go to www.mn150years.com.

erans will be eligible for the state grant program;

- making permanent that extra money in the state grant program must be used to increase the living and miscellaneous expense allowance above state law; and
- requirements of a student loan forgiveness program for health professionals are clarified for midlevel practitioners, nurses and other health care technicians who teach.

HF3349/SF2942*/CH298

— M. COOK

HOUSING

Contract for deed limit increased

**Signed
by
the
governor**

The limits allowed for one type of home loan will increase under a largely technical law signed May 8 by Gov. Tim Pawlenty.

The law raises the allowable "contract for deed" mortgage from \$100,000 to \$300,000. When a house is purchased under this system, the buyer gets the deed to the property only after the loan is paid off.

The law also provides penalties and remedies

for a broker's failure to comply with regulations. This section is effective May 9, 2008.

This new limit takes effect Jan. 1, 2009. The law is sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Linda Scheid (DFL-Brooklyn Park).

HF3236/SF2881*/CH276

— T. HAMMELL

Utility bill payments

**Signed
by
the
governor**

Tenants can restore utility service by paying outstanding utility charges that would otherwise be the responsibility of the landlord, as a result of a law signed by the governor

May 15.

According to Rep. Bob Gunther (R-Fairmont), who sponsors the law with Sen. Rick Olseen (DFL-Harris), the law was put in place to solve the problem of landlords leaving their tenants without heat or electricity. Gunther said the problem has predominantly been in the Twin Cities metropolitan area.

If a residential building has less than five units, the law allows tenants to become the customer of record and the responsible bill payer for the utility account. If the residential building is single metered, other tenants in

the building may contribute payments to the utility company or municipality on the landlord's account or the account of a tenant who is the customer of record.

The law takes effect Aug. 1, 2008.

HF3428/SF2909*/CH313

— B. HOGENSEN

INSURANCE

No stiffing the auto shop

**Signed
by
the
governor**

A new law is designed to prevent insurance companies from denying payment to auto body shops for repairs made under an insurance claim.

Signed May 8 by Gov. Tim Pawlenty, the law specifies that insurers cannot "unilaterally and arbitrarily disregard" the cost of auto repairs made under an insurance claim if the auto service provider used an estimating system recognized by the insurance industry.

Rep. A. Willie Dominguez (DFL-Mpls) and Sen. Mary Olson (DFL-Bemidji) sponsor the law it takes effect Aug. 1, 2008.

HF3822/SF3508*/CH284

— N. BUSSE

SESQUICENTENNIAL AMERICAN INDIAN PROTEST



PHOTO BY TOM OLMSCHIED

Clyde H. Bellecourt, executive director of the Elaine M. Stately Peacemaker Center, protests a passing caravan of covered wagons, buggy and riders as members and supporters of the American Indian Movement parade a gallows with 38 nooses in remembrance of the 38 Dakota men executed on presidential orders in Mankato in 1862. The marchers offered a sober protest May 11 to acknowledge the oppression of American Indians in the founding of Minnesota.

Flood insurance not automatic

Signed
by
the
governor

Many southeast Minnesotans were caught off guard when the flooding swamped parts of the area last August. Hundreds of homes were destroyed, seven counties were designated federal disaster areas, and property damage was estimated to be close to \$67 million.

Many were also surprised when they learned they didn't have flood insurance.

Gov. Tim Pawlenty signed a new law May 12 that requires insurance companies to annually notify customers that their policy does not include flood coverage.

The law is sponsored by Rep. Ken Tschumper (DFL-La Crescent) and Sen. Kevin Dahle (DFL-Northfield). It takes effective Aug. 1, 2008.

The law also requires the notice to inform policyholders that if they live in an area covered by the National Flood Insurance Program, they may be eligible for flood insurance.

"This is a common-sense solution that will eliminate some confusion surrounding flood insurance," Tschumper said. "It will give Minnesotans the opportunity to prepare for floods before they happen."

HF3582/SF2980*/CH293

— C. GREEN

LAW

Data practices penalties, info sharing

Chapter 13 of Minnesota Statute, the "Minnesota Government Data Practices Act," dictates how certain data is gathered and maintained throughout the state.

Sponsored by Rep. Steve Simon (DFL-St. Louis Park) and Sen. Mary Olson (DFL-Bemidji), this year's omnibus data practices law (HF3553/SF3235*) is mostly technical, with varying effective dates.

It passed the House and Senate in April. The conferred bill was passed May 7 60-0 by the Senate and a day later by the House in a 134-0 vote. The bill now awaits action by the governor.

Some of the changes effective Aug. 1, 2008, include:

- willful violation of the Data Practices Act by a government entity carries a penalty between \$1,000 and \$15,000, an increase from the current range of \$100 to \$10,000;
- data from customers using parking facilities at the Minneapolis-St. Paul International Airport is restricted;
- government entities are prohibited from mailing any items with Social Security numbers displayed, and are prohibited from requiring

Social Security numbers be written on the outside of submitted correspondence;

- once an individual is appointed to a public body, a person's residential address and either a telephone number or e-mail address must be made public; and
- marriage dissolution documents dealing with child support or spousal maintenance must include Social Security numbers on a separate non-public document.

Effective May 16, 2008, Hennepin County Medical Center may share data between its clinics and practitioners.

— C. GREEN

LOCAL GOVERNMENT

Nonprofit riverfront revitalization

Signed
by
the
governor

The City of Minneapolis can establish a nonprofit corporation for riverfront revitalization.

Sponsored by Rep. Diane Loeffler (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls), a

new law creates the organization to "facilitate and support coordinated revitalization of the Mississippi riverfront within the city."

Gov. Tim Pawlenty signed the law May 15. It is effective the day after the city and the Minneapolis Park and Recreation Board comply with relevant state statutes. However, compliance must occur by Aug. 1, 2008, or the act is deemed to be disapproved.

The law establishes a board of directors with between 10 and 24 members, including two representatives each from the city and the park board, with no more than half representing government entities.

A report is required to the Legislature by Jan. 15, 2010.

HF3692/SF3303*/CH314

— B. HOGENSON

Nursing home asset transfer

Signed
by
the
governor

Steele County is free to sell, lease or transfer a nursing home to a nonprofit corporation, with the signing of a new law by Gov. Tim Pawlenty on May 8.

The law, sponsored by Rep. Patti Fritz (DFL-Faribault) and Sen. Dick Day (R-Owatonna), allows Steele County, one of the few remaining counties that owns and operates a nursing home, to make the transfer in order to develop a long-term sustainable facility that will be connected to local medical service providers.

The Steele County Board has the right to appoint and remove one or more members of the governing board of the corporation. Also, the law states that the corporation is subject to

the open meeting law and Data Practices Act.

The law is effective the day after the governing body of Steele County and its chief clerical officer complete compliance with local approval and filing requirements.

HF4014/SF3715*/CH285

— B. HOGENSON

RETIREMENT

State pension plans modified

The omnibus pensions bill, a product of the Legislative Commission on Pensions and Retirement, passed the House 108-20 on May 12.

However, because the Senate passed its version, SF2720, 50-16 May 13, a conference committee is expected to work out the differences.

"This bill provides more security for every member of every public pension plan in the state," said Rep. Mary Murphy (DFL-Hermantown), sponsor of HF3082. Sen. Don Betzold (DFL-Fridley) sponsors the Senate version.

The bill makes changes to the postretirement fund by allowing for it to be combined with active funds of each of the statewide retirement systems, if it falls below a certain threshold. The bill provides that the investment-based component of the fund would only be paid if inflation is more than 2.5 percent. Also, if the postretirement fund is more than 90 percent funded and the increase in the Consumer Price Index is less than 2.5 percent, any excess earnings can be used to pay an increase based on lost purchasing power from prior years.

Also included in the bill are changes that allow a phased retirement or phased return on retirement benefit for teachers.

According to Murphy, the bill ensures the actuarial evaluations are based on realistic expectations to give a better picture of the financial needs of the state's major public pension plans. It also brings the state's pension system in compliance with recently enacted federal regulations.

The bill increases the membership of the commission from five to seven members of each legislative body, with no more than five members from the majority caucus.

An amendment successfully offered Rep. Paul Thissen (DFL-Mpls) provides that if someone retires before the normal retirement age and has more than 30 years of state service, the minimum age requirement does not apply, and reductions and increases in benefits will apply to age 62 rather than the normal retirement age.

— B. HOGENSON

SAFETY

Abigail Taylor Pool Safety Act

House members hope a bill they passed 133-0 May 12 will prevent a tragedy like what happened to the girl for whom the act is named.

The Abigail Taylor Pool Safety Act is named for the 6-year-old Edina girl whose injuries ultimately took her life after a 2007 pool incident in which her intestines were sucked out of her body after sitting on a pool drain.

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. Geoff Michel (R-Edina), HF3812/SF2833* would require all public pool construction plans submitted for review after Jan. 1, 2009, to be certified by a registered engineer with the state, and it creates new regulations for drains and suction outlets.

"The bill is intended to broaden the application of our pool safety regulations to more of our public pools and to strengthen them," Thissen said.

Thissen added an amendment that would require the commissioner of health to report to the Legislature by Jan. 15, 2009, the number of public pools and spas under license in the state, the type of ownership of public pools, the type of drains at all licensed public pools and spas as reported by owners and licensees, and the number of pools and spas that require drain modification due to this act. The report should also include the estimated economic impact and costs of installation of a second main drain and cover for pools.

As amended, the bill returns to the Senate, where it initially passed 64-0 April 28.

Under the bill, a pool operator would be required to conduct a physical inspection of the drain covers and grates on a daily basis and record the inspection. If an outlet cover or grate is missing, broken or loose, the pool must be closed immediately.

Public pools less than 4 feet would be required, beginning Jan. 1, 2009, to have an unblockable suction outlet or drain; at least two suction outlets, connected in parallel with suction outlet covers that meet certain standards; or a gravity outlet or drain.

— P. OSTBERG

Trying the REAL ID Act again

Legislators are stubborn in their opposition to the REAL ID Act.

Because of previous language regarding the proposed federal identification card, an omnibus transportation policy bill was vetoed April 25. Both bodies approved different anti-act wording May 13.

The one sentence bill states: "The commissioner of public safety is prohibited

from taking any action to implement or to plan for the implementation by this state of those sections of Public Law 109-13 known as the Real ID Act." Eighteen other states have passed similar legislation.

The sentence was amended onto HF3807*/SF3494, sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. Mee Moua (DFL-St. Paul). When first passed by the House May 1, the bill provided additional whistleblower protection for state executive branch employees.

As amended, the bill was passed 50-16 by the Senate and 103-30 by the House. If the votes hold, this would be enough to potentially override a veto.

The act's goal is to make documents such as driver's licenses and state identification cards harder to forge, thereby reducing identity fraud and tightening immigration standards. States have called it an unfunded mandate, and others have questioned the security associated with the plan and have expressed concern about data privacy issues.

"The most conservative figure we've been given by our Department of Public Safety is that over the course of the next three years, REAL ID will cost us \$31.4 million over and above what we're currently spending on driver's licenses and state identification production, verification and issuance," Mariani said. Because the federal government has yet to pass funding for the plan, he said, "It's going to come out of your constituent's pockets sooner or later."

Rep. Mary Liz Holberg (R-Lakeville) said this approach isn't smart given department hopes to implement a new computer system. It would make sense, she continued, for the state to prepare for this act while designing the system.

Gov. Tim Pawlenty has warned that if state licenses are not in federal compliance by the end of 2009, Minnesotans would be unable to use their driver's license or state identification card for air travel or to enter federal buildings. Eventually, all Americans would have a government-approved card to enter a federal facility or board a plane.

— M. COOK

TECHNOLOGY

Name change enacted

Signed
by
the
governor

What's in a name?

Quite a bit, it would seem, to Minnesota Technology, Inc.

A technical law changes that nonprofit corporation to Enterprise Minnesota, Inc.

Rep. Tim Mahoney (DFL-St. Paul), who

sponsors the law with Sen. David Tomassoni (DFL-Chisholm), said that the organization was getting confused with the Minnesota High Tech Association.

Formed by the Legislature in 1991, the purpose of the corporation is to "foster long-term economic growth and job creation by stimulating innovation and the development of new products, services and production processes through energy conservation, technology application and utilization and financial assistance."

Signed May 12 by Gov. Tim Pawlenty, it is effective May 13, 2008.

HF2972/SF2468*/CH290

— T. HAMMELL

TOURISM

Cabin controversy soon to be studied

Signed
by
the
governor

A study will determine if some cabin owners are breaking the law.

Rep. Frank Moe (DFL-Bemidji), who sponsors the law with Sen.

Dan Skogen (DFL-Hewitt) said

that real estate companies are often renting large blocks of cabins, which may then compete with resort owners who are more heavily regulated.

"Explore Minnesota Tourism wants to look into that," Moe said.

The law requires Explore Minnesota Tourism to conduct a study of vacation rental lodging in the state and report back to the Legislature the recommendations needed to protect consumers, ensure tax compliance, promote safe rentals and promote tourism in Minnesota. Then Explore Minnesota will work with stakeholders to recommend legislation and promote vacation rental lodging.

The law is effective May 13, 2008, the day after it was signed by the governor.

This study is also in the omnibus jobs and economic development policy law (HF3722*/SF3471/CH300) that was signed May 12 by the governor.

HF3356/SF3158*/CH291

— T. HAMMELL

TRANSPORTATION

Professional engineer atop MnDOT

The prerequisite to be one of the top Department of Transportation officials could be changing.

House approval was given May 12 to a bill that would require the transportation commissioner or a deputy commissioner to be licensed as a professional engineer and serve as a chief engineer.

"This reflects a final agreement we reached with the department," said Rep. Terry Morrow (DFL-St. Peter), who sponsors HF3090*/SF2925 with Sen. Kathy Saltzman (DFL-Woodbury). It now awaits action by the full Senate.

One of those voting no during the 104-26 vote was Rep. Mark Buesgens (R-Jordan), who said it would put "undue restrictions" on the executive branch. "We don't mandate that the commissioner of education must have an education license. We don't require that the commissioner of health or a deputy commissioner be licensed in some health arena."

"All other 49 states have a chief engineer and/or professional engineer within the upper management," countered Morrow, who previously said the goal was not to change the commissioner's role, but ensure an engineer is in the department's upper echelon. Eleven states require their transportation commissioner be an engineer.

Tom Sorel, who was named transportation commissioner by Gov. Tim Pawlenty April 21, has a degree in civil engineering.

— M. Cook

2007 plan becomes law in 2008

**Signed
by
the
governor**

A bill awaiting legislative action when the final gavel fell in 2007 is now law, sans an objectionable provision.

The 2007 omnibus transportation policy signed law, by Gov. Tim Pawlenty May 8, is sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. Steve Murphy (DFL-Red Wing). It addresses, in part, traffic regulations, vehicle registration, Transportation Department planning reports, towing authority, Metropolitan Council planning, railway safety and truck weight restrictions. The law is effective Aug. 1, 2008, unless otherwise noted.

The bill changed slightly since 2007, including shifting effective dates from 2007 to 2008; removing obsolete or duplicative provisions, such as things included in the transportation finance law passed earlier this year; and updating some verbiage.

The final product does not include language about the state's refusal to comply with federal REAL I.D. Act language, which is designed to enhance homeland security, reduce identity fraud and help with illegal immigration issues. States have called it an unfunded mandate, and others have questioned the security associated with the plan and have expressed concern about data privacy issues.

A previous attempt (HF1351*/SF1971/CH239) vetoed April 25 by Gov. Tim Pawlenty, said that if federal dollars would pay at least 95 percent of state costs, Minnesota could

comply with the act. Pawlenty said just because the federal government's response is "not complete or finalized" doesn't mean the state shouldn't begin preparations to implement the change.

If state licenses are not in federal compliance by the end of 2009, Minnesotans would be unable to use their driver's license or state identification card for air travel or to enter federal buildings.

Other provisions in the bill include:

- MnDOT is to report to the Legislature by Nov. 1, 2009, on the state's long-term transportation needs and strategies to meet them;
- MnDOT is to submit a report on Jan. 15 of each year on the status of major highway projects — at least a \$25 million price tag in the Twin Cities metropolitan area or \$10 million in Greater Minnesota — under construction or planned during the current and ensuing 15 years;
- the reopening of the Culkin Rest Area on Interstate 35 between Hinckley and Duluth, effective May 9, 2008;
- Interstate 94 in the state is designated the "Purple Heart Trail," Highway 210 between Staples and Motley is designated the "Dallas Sams Memorial Highway," part of Highway 53 in Duluth is designated "Walter F. Mondale Drive" and the causeway over Pokegama Lake on Highway 169 is designated the "Jim Oberstar Causeway";
- effective May 9, 2008, a commercial motor vehicle operator subject to federal hours of service can park continuously for up to 10 hours at any MnDOT rest area or travel information center that has parking stalls designed to accommodate a commercial motor vehicle;
- a Public Safety Department report on Internet-based driver education for the instruction permit component is due the Legislature by Feb. 15, 2009; and
- by Feb. 1, 2009, the Public Safety Department is to submit a proposal that would allow deputy registrars and driver's license agents to accept credit and debit card payments of vehicle registration taxes, title transactions and driver's license and identification card fees.

HF3486*/SF3314/CH287

— M. Cook

Construction awareness assistance

**Signed
by
the
governor**

Small businesses impacted by transportation construction projects should more easily get information about what is happening outside their front door.

A new law, signed May 15 by the governor, requires the Transportation Department to

develop a standard operating plan for getting out such information. The report is due to the Legislature by Feb. 15, 2009.

The report is to be developed in consultation with the Department of Employment and Economic Development, Metropolitan Council, counties, cities and community organizations. It is to address the best ways to get information to small businesses; what should be included in an information packet, such as potential changes in parking, traffic and public access in the area; contact information for progress and timing questions; and a listing of area business development organizations that can assist with financing, marketing and technical counseling during the construction period.

Sponsored by Rep. Shelley Madore (DFL-Apple Valley) and Sen. Patricia Torres Ray (DFL-Mpls), the law is effective Aug. 1, 2008.

HF4055/SF3669*/CH308

— M. Cook

Governor signs UPA policy language

**Signed
by
the
governor**

With the signing of his name May 11, Gov. Tim Pawlenty has ensured \$133.3 million in federal money for a project expected to help with traffic congestion between downtown

Minneapolis and the southern suburbs.

Sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. Ann Rest (DFL-New Hope), the policy law provides authority and makes conforming changes related to the Urban Partnership Agreement, a federal program providing money to help reduce traffic congestion in parts of the Twin Cities metropolitan area.

For example, the law, effective May 12, 2008, allows user fees on high-occupancy vehicle lanes similar to those now available on Interstate 394, modifies shoulder use by busses and requires an annual legislative report.

According to the Department of Transportation, the plan includes:

- the use of priced dynamic shoulder lanes on Interstate 35W from 46th Street to downtown Minneapolis;
- the addition of a high-occupancy toll lane from 66th Street to 46th Street;
- conversion of the high-occupancy vehicle lane to a high-occupancy toll lane on I-35W from 66th Street to Burnsville Parkway; and
- expanding Cedar Avenue Bus Rapid Transit between downtown Minneapolis and Lakeville ahead of the current schedule.

The \$49 million state match comes from a couple of different means already passed this session. Minnesota would have risked losing the federal dollars had the law not been signed by May 12.

HF3725/SF3058*/CH306

— M. Cook

No controversy found to be controversial

Education policy bill veto puzzling to House sponsor

By THOMAS HAMMELL

Conference committee members worked to keep controversial elements out of the omnibus education policy bill, but those changes were not enough for Gov. Tim Pawlenty. He vetoed the bill May 13, which would have done everything from adding new reporting measures for schools to making hockey the state sport.

Rep. Carlos Mariani (DFL-St. Paul), who chairs the House E-12 Education Committee and sponsors the bill along with Sen. Chuck Wiger (DFL-Maplewood), said he was puzzled by the reasons the governor gave for the veto.

"There were a lot of polarizing and dynamic issues that we kept out of the bill," he said, including sex-ed and a provision to opt out of the federal No Child Left Behind mandate. "Quite frankly I think the governor was just looking for excuses to veto a good bill," Mariani said.

People are not as concerned about the politics as much as they are that good minds are working on legislation that benefits children, he said. "Our policy bill was a very strong yes to that," he said.

The governor called the bill a step backward for education accountability. In his veto letter, he cited unfunded mandates and a lack of bipartisan support for the bill as reasons for the veto.

HF3316/SF3001* included two growth-based reporting measures, which would have been added to the school report cards mandated by the federal No Child Left Behind Act.

Pawlenty wrote that he would like to see growth models measured against "world class achievement" standards; adding that growth-based models could mask underperforming schools and these reporting measures would be confusing.

Mariani said the bill was a sound one, addressing overweight young people and the growing race-based gap. "We pretend it's not there, but it's there," he said.

One part of the bill, which was a combination of House and Senate language, would have kept students in school from the time they were in first grade until they were 18. Currently, children under age 7 are exempted from attendance requirements and students can drop out of school at age 16.

Pawlenty wrote that this was a good idea, but said the bill did not account for unintended consequences, such as "additional space and material needs, added truancy enforcement, and additional per-pupil funding."

Pawlenty was supportive of reading and literacy language in the bill, which was included as part of the Senate language.

However, he cited a section that called for the Education Department to adopt state and district technology standards, a provision requiring the department to encourage schools and districts to submit individual plans to close the achievement gap and a number of task forces and reporting requirements as unfunded mandates.

Other provisions in the bill include:

- parents or guardians could designate someone else to participate in school conferences involving their child, and that person would have access to the same information that a parent would have;
- teachers would have been required to

What was in the bill:

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

HF420 — Ward
HF744 — Mullery
HF2783 — Swails
HF3263 — Clark
HF3329 — Brynaert
HF3470 — Winkler
HF3472 — Mariani
HF3633 — Swails
HF4005 — Bly
HF4053 — Wardlow

receive instruction in American Indian education relating to teaching information about history and culture as well as practices for successfully teaching American Indian students;

- before being granted a license, teaching students would have had to successfully complete an assessment of reading instruction;
- the current P-16 partnership would have expanded to a P-20 partnership that would have provided a seamless transition from pre-school through graduate school, rather than college; and
- high school students would have been required to take half a credit of physical education, though students who demonstrated mastery of the subject or participate in another athletic opportunity, including sports, would not have had to participate.

The governor was silent on whether to make hockey the state sport, which created controversy when the bill was considered on the House floor.

Rep. Bud Heidgerken (R-Freeport) took offense to the designation, saying this would be a problem for coaches of other sports,

Education continued on page 22

Health reform still in play

Governor nixes months of work; supporters remain optimistic

By PATTY OSTBERG

After nearly a year of task force and commission meetings on health reform proposals, a bill was finally presented to the governor, but was quickly met with a veto.

Sponsored by Rep. Thomas Huntley (DFL-Duluth) and Sen. Linda Berglin (DFL-Mpls), HF3391*/SF3099, would have created a statewide health improvement program, established criteria for health care homes and care coordination fees, allowed providers to offer one-price “baskets of care” for chronic diseases in hopes of saving money and raised the percentage of federal poverty guidelines for some services to qualify an additional 39,000 people for state-assisted medical care. The changes were projected to cost \$11.9 million in Health Care Access Fund money this biennium, increasing to \$180.7 million in the 2010-11 biennium.

The House passed the measure 85-50 on May 12, and the Senate passed it 53-13 the same evening.

It was vetoed by Gov. Tim Pawlenty the following day.

“A tremendous amount of work went into this with a whole lot of people, we need to get it done,” Huntley said.

He is working on a compromise and is optimistic that some form of health reform will happen yet this session, calling it a “70-30” chance. “It will involve some expansion of MinnesotaCare and it will involve some payment reform that will result in lower premiums for everybody that has insurance,” he said.

Pawlenty believes the poverty guideline set in the bill is too high. “A family of four with income up to \$84,800 would be eligible under this legislation. This is above the Minnesota median family income for a family of four of \$81,477,” he wrote.

Rather than adding more money to the mix, the governor said in his veto message that

fundamental changes were needed and the “goal should be to encourage more individuals to participate in the private sector, not make it easier for those currently in private coverage to transfer to public coverage.”

As far as raising the federal poverty guidelines, Huntley said, “We need some expansion and I think he’ll end up going for that, particularly for adults without children, because the standard is way too low.”



PHOTO BY TOM OLMSCHEID

Rep. Thomas Huntley presents an overview of the health reform bill May 12. It was vetoed by the governor May 13.

Health care homes would have been a centerpiece in the bill to guide patients through the decision-making process of medical needs by providing comprehensive, coordinated care by physicians, advanced practice nurses, physician assistants as personal clinicians and specialists.

Huntley said 80 percent of health care costs are for people with chronic illnesses. The point of health care homes is to keep people out of hospitals by maintaining their health through continuous care, he said.


The medical homes would be paid to focus on delivering high-quality, efficient and effective health care services, while enhancing the experience of continuous care for patients by providing ongoing contact with a personal clinician.

The health commissioner would develop definitions for “baskets of care” and consider specifically, “coronary artery and heart disease, diabetes, asthma, and depression.” Health care providers could then establish package pricing for baskets of care, and the commissioner would publish comparative prices and information on those “in a manner that is easily accessible and understandable to the public.”

While the governor agreed the concept of medical homes were progress, he questioned the additional duties that would be assigned to the health commissioner. “The bill allocates less than half the needed funding to implement these responsibilities,” Pawlenty wrote.

The bill called for a 10-member Health Care Reform Review Council to develop and implement the certification, process and quality standards for health care homes, the implementation of payment reform and develop a plan and recommendation for providing subsidies to qualifying employees of employer-subsidized health coverage.

The bill also called for a statewide health improvement program, whereby grants would have been made available to communities for strategies to reduce the number who are obese or use tobacco.

The health commissioner would have had to develop measures to access quality care resulting in the monetary reward, and consider risk adjustments to reflect the differences in the health and demographics of patient populations, as well as the types of services needed. The commissioner would annually publish the information on providers’ cost and quality. 

Reassessing priorities

After years of public service, Berns steps down to focus on his family

By Nick Busse

Just before Rep. John Berns (R-Wayzata) was elected state representative in 2006, his wife, Beth, gave birth to their third child. Although he's been proud of his service in the House, Berns has found the grueling pace of the legislative session and the normal demands of his family life to be a tough act to balance.

"Most people would say it's a little bit more challenging for legislators with young families," Berns said. "By no means would I say that it's worse for me than for anybody else here. ... But it's just my wife and I have had many, many discussions about this, and about what our long-term plans are."

Those plans, for the time being, do not include his serving another term as state representative. In an e-mail to constituents May 12, Berns announced he would not seek reelection.

"It's a very, very difficult decision for me — but I have to make my family a priority, and that means finding something else to do," he said.

Although Berns is only in his first term, he has worked in public service for virtually his

entire adult life. He has been a prosecutor, a city council member, a conservation district board member — and until his election to the House, a top lawyer on Gov. Tim Pawlenty's staff. Although he's proud of his long and varied record of public service, he concedes that it has its downsides.

"One of the sacrifices of public service is a lot of time away from your family — and you don't make as much in income. And, you know, I have three kids to send to college," Berns said.

Less than two years ago, Berns was one of a handful of Republicans to join the House as freshmen amid an electoral wave that swept DFLers into power with an overwhelming legislative majority. Berns said he has helped his fellow Republicans play an important role at the Capitol.

"Overall, I think we've done a good job for the people of Minnesota in holding the line on spending and trying to keep their taxes at a reasonable rate — and I was one small part of that," he said.

Berns points to many bipartisan achievements as well. He is particularly proud of environment and energy legislation he helped to pass. Among other things, Berns was the sole Republican conference committee member for last year's Next Generation Energy Act and this year's greenhouse gas cap-and-trade bill.

"People are really cognizant of how important it is to be good stewards of our environment, and that's something I feel really strongly about. And I'm very happy to play a very small role and help

move those issues forward in a balanced way," he said.

Balance, according to Berns, is often lacking at the Capitol. He points to debates on environmental legislation as an example.

"Some people say it's the environmentalists on one end and the business community on the other. I don't think that's fair. I think in both groups there's reasonable people, and they want to come to a compromise to protect the environment and also to make sure that we have a good, strong economy," Berns said, adding that it's important for lawmakers to work together to find a middle ground.

Berns isn't quite sure yet what he'll do after he leaves the Legislature. He plans on working in the private sector, but he hasn't really started looking for jobs — and probably won't until session ends.

He isn't completely leaving the public sector, though; Berns has been a volunteer firefighter for several years, and will continue to serve with his local department.

"I will at least get my fix of public service when my fire pager goes off," Berns said.



PHOTO BY SARAH STACKE

Rep. John Berns is stepping down after two years in the House to spend more time with his family, including his 2-year-old daughter, Katie, and 4-year-old son, Lincoln.

STEPPING DOWN

Rep. John Berns
Republican
District 33B — Wayzata
Terms: 1 (elected 2006)

Advice to successor: "It's the same advice I got from my predecessor: listen. There's no way a legislator can know the answers on all the issues. You have to immediately rely on experts — people who understand the myriad of issues. But more importantly, just hear people out. Even if you disagree with them, just take the time to listen to them and let them know you care."

Monday, May 12

HF4239-Otremba (DFL)
Agriculture, Rural Economies & Veterans Affairs
Dog food incidence fee changed.

HF4240-Berns (R)
Public Safety & Civil Justice
Disarming a peace officer crime established and criminal penalties provided.

HF4241-Huntley (DFL)
Rules & Legislative Administration
Health care provider tax proceeds dedicated to MinnesotaCare and health care access, and constitutional amendment proposed.

Tuesday, May 13

HF4242-Ruud (DFL)
Commerce & Labor
Disclosures required for direct-to-consumer genetic testing and report required.

HF4243-Dettmer (R)
Environment & Natural Resources
Watershed districts and water management organizations required to submit information to counties.

HF4244-Dean (R)
Environment & Natural Resources
Private sale of certain tax-forfeited land authorized.

Thursday, May 15

HF4245-Kahn (DFL)
Transportation Finance Division
Bicycle operation requirements amended concerning stop signs or traffic control signals.

HF4246-Slawik (DFL)
Health & Human Services
Required behavioral health coverage specified for children and young adults who have autism spectrum disorder.

New Web access to laws provides a window to history

Did you know that a law forbidding installation of a television screen in a motor vehicle “at any point forward of the driver’s seat” was passed as early as 1949?

Our state laws are a window to history. And now laws enacted back to the territorial days of 1849 can be accessed online, thanks to a recently completed project by the Minnesota Office of the Revisor of Statutes.

“I am delighted that technological advances and broad legislative support made it possible for the Revisor’s office to improve public access to the historical session laws in this sesquicentennial year,” said Michele Timmons, revisor of statutes.

Sometimes called “session laws” or “Laws of Minnesota,” these are important because they provide the basis for state statutes and

may play a critical role in the interpretation of a statute’s meaning. Some session laws are never codified because their effect is limited in time (such as budget bills) or scope (such as special laws which apply just to one county or city), Timmons said.

The laws can be found at www.revisor.leg.state.mn.us/laws. Prior to the project, laws passed before 1994 were only in print, and few libraries had a complete set.

An online search function makes it easy to find laws on interesting topics. For instance, searching “grasshoppers” brings up many laws from the 1800s that helped citizens harmed by plagues of those insects.

Timmons said the process of adding Web access to the older laws was complex. The laws from 1983 to 1993 were in

a customized format on an outdated mainframe computer. As part of a larger project to develop a more modern bill-drafting and publishing system, these laws were converted to HTML format for Web access.

Pre-1983 laws were converted from print.

“First, the original book bindings were carefully removed by staff at the University of Minnesota. The often-crumbling book pages were scanned and the results were subjected to optical character recognition technology,” Timmons said. Office programmers, along with consultants, transferred the data to the Web in over 40,000 searchable PDF documents, while university staff carefully rebound the original books for archiving.

Education continued from page 19

especially in small schools. “It’s a slap in the face for hockey to be the official sport.”

Rep. Dean Urdahl (R-Grove City) didn’t see it that way.

“What we’re saying is that hockey is unique to Minnesota. This is the birthplace of American hockey.”


Many items the governor had voiced concern about were removed by a conference committee, including an appeal process for Adequate Yearly Progress mandated under No

Child Left Behind; creation of a transitional three-year period in which high school seniors who fail the Graduation-Required Assessments for Diploma would be able to appeal and possibly still graduate; and a proposal to opt out of the federal No Child Left Behind Act.

One item that garnered intense debate on the House floor was addressed by Sen. Sandy Pappas (DFL-St. Paul) during conference committee. She told conferees that she was “deeply disappointed” that the Responsible Family Life and Sexuality Education Programs

language sponsored by Rep. Neva Walker (DFL-Mpls) wasn’t included in the bill. It would have required school districts to offer responsible family life and sexuality education that is age-appropriate and medically accurate for grades seven through 12.

She said this was the first year that this issue had passed the House and Senate by significant margins.

“Members, this issue isn’t going to go away,” she said. 

CAPITOL CAKE



PHOTO BY SARAH STACKE

Lina and Predrag Vuleta, the owners of State Street Bistro in Waseca and bakers of a cake in the shape of the Capitol, watch as their creation is wheeled toward of the House Chamber May 15 as part of sesquicentennial celebration, commemorating Minnesota's 150th anniversary of statehood. Lobbyist Tom Lehman inspects the cake on its way to the Chamber.

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MINNESOTA INDEX

Experiencing Minnesota's outdoors

Minnesota's ranking in the sale of fishing licenses per capita.....	1
Resident individual angling licenses sold in 2007	477,040
In 2006	471,457
In 2005	457,063
In 2004	451,736
In 2003	454,145
Millions of acres of fishing waters in Minnesota	3.8
Fishable lakes	5,493
Miles of fishable streams	5,000
Miles of trout streams	1,900
Annual sport fishing expenditures in Minnesota, in billions.....	\$1.58
Minnesota's ranking in the number of recreational watercraft per capita	1
Number of watercraft registrations in 2002.....	834,974
Number of watercraft operator's permits issued (1975-2002)	132,600
Miles of canoeing routes in Minnesota	3,353
Number of state parks and recreation areas in Minnesota	72
Number of visitors to state parks in 2006, in millions	8.43
Visitors to Fort Snelling State Park.....	644,076
Visitors to Gooseberry Falls State Park.....	567,133
Visitors to Itasca State Park	502,184
Visitors to Tettegouche State Park.....	423,152
Visitors to Interstate State Park.....	316,095
Percentage of Minnesotans who visit a state park each year	30
Number of campers who camped at state parks in 2006	866,000
Wildlife management areas in Minnesota	1,355
Millions of acres of wildlife management areas in Minnesota.....	1.1
Number of game species in Minnesota	110
Resident deer firearm licenses sold in Minnesota in 2007	299,336
In 2006	303,211
In 2005	301,603
In 2004	309,462
In 2003	340,190
Resident small game licenses sold in Minnesota in 2007	88,029
In 2006	90,564
In 2005	76,666
Resident regular trapping licenses sold in Minnesota in 2007	5,756

— B. HOGENSON

Source: Minnesota Department of Natural Resources

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