

# SESSION WEEKLY

A NONPARTISAN PUBLICATION

MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES

VOLUME 26, NUMBER 20 • MAY 29, 2009

## 2009 SESSION WRAP-UP



## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. During the 2009-2010 Legislative Session, each issue reports House action between Thursdays of each week, lists bill introductions and provides other information. No fee.

To subscribe, contact:  
Minnesota House of Representatives  
Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298  
651-296-2146 or 800-657-3550 or the  
Minnesota Relay service at 711 or  
800-627-3529 (TTY)  
[www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp)

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Sonja Hegman, Patty Ostberg

### Chief Photographer

Tom Olmscheid

### Photographers

Nicki Gordon, Andrew VonBank

### Staff Assistants

Christy Novak, Joan Bosard

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 St. Paul, Minn., and additional offices. 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.



## CONTENTS

### New Laws

Agriculture • 6  
Bonding • 6  
Budget • 7  
Business • 8  
Consumers • 8  
Crime • 9  
Education • 10  
Employment • 10  
Energy • 11  
Environment • 11

Family • 12  
Gambling • 13  
Game & Fish • 14  
Government • 14  
Health • 15  
Housing • 17  
Humanities • 18  
Human Services • 18  
Industry • 20

Insurance • 20  
Law • 21  
Local Government • 21  
Military • 23  
Retirement • 23  
Safety • 23  
Technology • 26  
Transportation • 27

### Vetoos

Budget • 31  
Education • 31  
Elections • 31

Employment • 32  
Environment • 33  
Health • 33

Housing • 33  
Transportation • 35

## BILL INTRODUCTIONS (HF2389-HF2407) • 53

### FEATURES

**FIRST READING:** 2009 session ends with many questions left unanswered • 3-5

**FEATURE:** Override: the Legislature's chance to make law • 28-29

**AT ISSUE:** Energy upgrades planned with federal stimulus funds • 37

**AT ISSUE:** Holding firm on funding positions • 38

**AT ISSUE:** New law strengthens stimulus fund accountability • 39

**AT ISSUE:** Jobs bill also makes ice hockey the state sport • 40

**AT ISSUE:** Tuition caps and increased student aid highlight higher ed. law • 41

**AT ISSUE:** Outdoors and arts funding gets green light • 42

**AT ISSUE:** Health care line-item veto cause for override attempt • 43

**AT ISSUE:** Education funding is in a holding pattern • 44

**RESOURCES:** Roster of federal representatives • 45

**RESOURCES:** New laws and vetoes • 46-52

**RESOURCES:** Roster of House and Senate members • 54-55

**MINNESOTA INDEX:** 2009 session • 56

**On the cover:** Like the water glass on House Speaker Margaret Anderson Kelliher's chamber desk May 18, some members may have seen the glass half full and others half empty as session ended.

— Photo by: Tom Olmscheid





# No easy fixes

The 2009 session ends with many questions left unanswered

By Nick Busse

**T**he 2009 legislative session began and ended in uncharted territory.

When the 86th Minnesota Legislature convened Jan. 6, lawmakers faced the unenviable task of solving the biggest budget deficit in state history. Tax receipts were tanking, unemployment was nearing record levels, and State Economist Tom Stinson was predicting the worst economic recession since World War II. Despite all this, legislative leaders promised to balance the budget on time and bring the session to a successful close.

First Reading continued on page 4



## First Reading continued from page 3

Whether they accomplished this depends on whom you ask.

Here are the facts: by the final week of session, lawmakers had passed, and Gov. Tim Pawlenty had signed, all the necessary legislation to fund state government for the next two years. Lawmakers had also passed tax increases and K-12 payment shifts needed to pay for the budget bills they sent. So far, so good.

But legislative leaders and the governor couldn't reach an agreement on how to pay for the appropriations. Arguing that increasing taxes during a recession would harm the state's economy, Pawlenty vetoed the Legislature's tax proposals, leaving an approximately \$3 billion gap between state spending and revenues. Some saw the state careening toward a special session.

Things change quickly at the Capitol, however. In an unprecedented move that stunned legislative leaders, the governor announced on May 14 — four days before the end of session — that he planned to take “executive action” to balance the budget himself. Having all the necessary budget bills in his possession, the governor said he would simply sign them and then use his authority to unallot state spending to close the remaining budget gap.

Budget talks continued following the announcement, but quickly lost momentum, with each side accusing the other of having thrown in the towel on negotiations. DFLers and Republicans seemed to interpret Pawlenty's announcement differently. Members like Rep.



PHOTO BY TOM OLMSCHIED

**Finance Commissioner Tom Hanson discusses the February budget forecast at a March 3 press conference along with State Budget Director James Schowalter, left, and State Economist Tom Stinson.**

Paul Kohls (R-Victoria) saw it as a “backstop” to prevent the need for a special session; House Speaker Margaret Anderson Kelliher (DFL-Mpls) saw it as “bullying” and took it as a sign the governor wasn't willing to negotiate in good faith.

On May 18 at midnight, lawmakers adjourned the 2009 session without an agreement.

“We did continue to try to negotiate with the governor right up until the end. ... But in the end, I think the chasm was just a little too wide to actually just scale easily,” Kelliher told reporters shortly after the House adjourned.

In the coming weeks, Pawlenty will announce his plans to close the remaining budget gap. He is expected to delay payments to K-12 schools and to cut roughly \$1 billion from various state programs. He has yet to announce what will be cut.

Whatever happens, Pawlenty has made one thing clear: there will be no special session.

“The legislators are gone, and they're not coming back,” he said.

## A session of firsts

Before the session began, many had predicted a virtual repeat of the 1981-82 biennium. Then, as now, Minnesota had a DFL-controlled Legislature, a Republican governor, a battered economy and a record budget deficit. That situation resulted in six special sessions, and was ultimately resolved with budget cuts and — despite the reluctance of Gov. Al Quie — tax increases.

Despite the outward similarities, the 2009 session proved to be a radically different scenario. It wasn't just that the deficit was bigger — though it was, a lot bigger. In December, Finance Commissioner Tom Hanson announced the state was facing a projected \$4.8 billion budget shortfall. By the time the February Forecast was released, that number had been revised upward to \$6.4 billion; however, it was announced that \$1.8 billion in fiscal stabilization funds from the American Recovery and Reinvestment Act of 2009 could be used to whittle the deficit back down to \$4.6 billion.

Lawmakers and the governor came up with very different proposals to close the remaining gap. Pawlenty, who saw the deficit



PHOTO BY TOM OLMSCHIED

**Gov. Tim Pawlenty delivers his State of the State address to the Legislature Jan. 15.**



PHOTO BY TOM OLMSCHIED

**With Gov. Tim Pawlenty's seat empty, the Legislative Commission on Planning and Fiscal Policy questioned, from left, Revenue Commissioner Ward Einess, Finance Commissioner Tom Hanson and Human Services Commissioner Cal Ludeman May 16 on the effects of line-item vetoes and unallotment.**

as an opportunity to shrink state government, remained steadfast in his opposition to tax increases. Instead, the governor proposed budget cuts, payment shifts to K-12 schools and a controversial plan to sell \$1 billion of future revenues from the state's decade-old tobacco settlement.

It didn't take long for DFL leaders to rip into the governor's "tobacco bonds" proposal, which, as they pointed out, would have cost the state some \$600 million in interest over the life of the bonds. Instead of the one-time tobacco money, DFLers proposed a package of tax increases that would raise \$1 billion, providing a permanent revenue stream — along with a series of budget cuts that went even deeper than the ones proposed by Pawlenty. DFL leaders said it represented fiscally responsible budgeting; Republicans called it "the worst of both worlds."

But before DFL legislators offered their own budget proposals, they went on an unprecedented "listening tour," holding town hall-style meetings at various locations across the state to get public input on budget solutions. Both DFL and Republican legislators attended the meetings that were part of a first-of-its-kind effort by legislative leaders to add openness and public scrutiny to the normally esoteric process of building the state's budget.

In addition to the listening tour, DFL leaders made extensive use of a previously little-known legislative panel — the Legislative Commission on Planning and Fiscal Policy — to shed public light on budget negotiations between the Legislature and the Pawlenty administration. During the final week of session, the commission met on an almost daily basis to flesh out the governor's budget proposals live, in front of a public audience, and on television.

Republicans criticized both the listening tour and the commission hearings, arguing they amounted to public grandstanding and an ineffective use of time; DFLers defended them as an important measure of accountability.

"Another important part of this was doing things more publicly," Kelliher said. "There was more transparency; I think that actually leads to more accountability. It was important to us to hold public hearings..."

That public process is expected to continue during the interim, when Kelliher said the Legislature will hold hearings on the governor's unallotment plans.

Whether the session was a success or a failure probably depends on how you define those terms. Kelliher and DFL leaders point out that they sent the governor a balanced budget. It was his choice, they say, to veto their

proposed revenue increases. Republican leaders denounce the DFLers for passing tax increases they knew the governor would veto. Either way, it's done, and there is always next year.

The Minnesota House and Senate are scheduled to reconvene at noon on Thursday, Feb. 4, 2010.

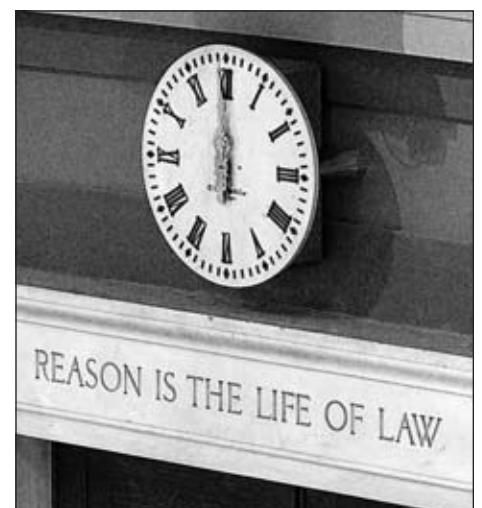


PHOTO BY ANDREW VONBANK

**The clock in the House Chamber approaches the midnight hour on May 18, the last day of the 2009 legislative session.**



**Editor's note:** The following are governor's actions on bills through May 23. Designations used in New Laws and Vetoes 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

### Ag, vets funding gets trim

Receiving overwhelming support in the House and Senate, the omnibus agriculture and veterans affairs finance law received nearly full support from the governor.

"We had two goals with the bill: preserve jobs and protect core services," said Rep. Al Juhnke (DFL-Willmar), who sponsors the law with Sen. Jim Vickerman (DFL-Tracy). Although the law came in a little under Gov. Tim Pawlenty's proposed budget target, the state's top official trimmed \$130,000 with two line-item vetoes.

For the 2010-2011 biennium, the law appropriates approximately \$116.8 million to the Veterans Affairs Department, \$75 million to the Department of Agriculture, \$41.7 million to the Military Affairs Department, \$10.4 million to the Board of Animal Health and \$5.6 million for the Agricultural Utilization Research Institute. Most of the law is effective July 1, 2009.

Although the governor's budget proposed no cuts to the Veterans Affairs and Military Affairs departments, it was the Agriculture Department funding that had to be shifted around to provide more money for veterans affairs. This was accomplished largely by deferring some ethanol producer payments.

Pawlenty red-lined \$100,000 in sustainable agriculture grants from the law. The amount would have been available in each of the two years of the biennium. However, his veto eliminates the funding for the second year. "The remaining \$100,000 will allow the department to fund the most worthy projects," he wrote.

Also nixed was a \$30,000 appropriation for the development of a star farms program, which would have recognized farms meeting certain criteria. "While the development of such a program may have merit, it does not rise to the level of a top priority considering the state's budget situation," Pawlenty wrote in his veto letter.

Biennial funding proposals in the law include:

- \$87.5 million for use by the state's five veterans homes;
  - \$23.6 million for Minnesota National Guard enlistment incentives;
  - \$9.4 million for agriculture marketing and development, including grants for the Minnesota Grown promotion;
  - \$1 million to Second Harvest Heartland for purchase of milk for distribution to Minnesota food shelves; and
  - \$282,000 to help the veterans homes receive Medicare certification.
- Policy provisions in the law include:
- the ability to seek tenants for vacant or unused space in the Orville L. Freeman Office Building in St. Paul, which houses the Agriculture and Health departments;
  - a green jobs food production study and report is called for to identify green job opportunities relating to various farming methods, including organic, local, conventional and urban farming;

- new regulations on the sale and distribution of agricultural pesticides, including modifications to the fee schedule;
  - establishment of a Noxious Weed Advisory Committee to advise the commissioner concerning the noxious weed control program;
  - veteran designation availability on a Minnesota Driver's License or state identification card; and
  - extending interviews to qualifying veterans who apply for state employment and a mandated annual report, beginning in 2011, containing data regarding number of veterans employed by state agencies.
- HF1122\*/SF1779/CH94

— L. SCHUTZ

## BONDING

### 'Bare bones' bonding sees reductions

After conference committee members spent weeks deciding what shovel- or paint-ready projects should be considered for this year's capital investment law, Gov. Tim Pawlenty used his veto power to cut \$85.16 million worth of projects from the \$343.5 million proposal.

In an earlier letter to the conferees, Pawlenty laid out his concerns regarding the size and scope of the bill. He indicated an acceptable bill should focus on "maintaining existing buildings rather than constructing new ones; funding projects that leverage available federal matching dollars; and remaining fiscally responsible."

Despite his disappointment with the size presented to him, Pawlenty said he was grateful for increases in the flood mitigation

## Dear Readers:

The Legislature adjourned May 18 and is scheduled to reconvene for the second year of the biennium at noon, Feb. 4, 2010.

This special issue of Session Weekly provides a wrap-up of all legislation considered during the final days of session, including Gov. Tim Pawlenty's actions on the major spending bills.

To our readers currently on the Session Weekly mailing list, your free subscription will be rolled over to next year. The first issue of Session Weekly for the 2010 session is scheduled to be published Feb. 12.

Of course, House activities do not come to a standstill during the interim, and updates

when news from the House warrants are available online.

- Session Daily, the House electronic news source, will be updated during the interim and is accessible on the House home page, [www.house.mn](http://www.house.mn). Subscribers to Session Daily receive e-mail alerts whenever a new article is posted. To subscribe to Session Daily, log on to <http://www.house.mn/list/join.asp?listname=sessiondaily> or call 651-296-2146 or 800-657-3550.
- For information on any House or many legislative commission

meetings scheduled during the interim, go to [www.house.mn/hinfo/hinfosched.asp](http://www.house.mn/hinfo/hinfosched.asp). To subscribe to the house schedule electronic mailing list go to [www.house.mn/list/join.asp?listname=houseschedule](http://www.house.mn/list/join.asp?listname=houseschedule).

- For information on interim meetings that will be video-streamed online, go to <http://www.house.leg.state.mn.us/htv/schedule.asp>.
- Subscribe to the House Public Information Services' Twitter feed at <http://twitter.com/MNHouseInfo>.

— Session Weekly staff

amount and included disaster assistance money for northwest Minnesota, Hugo and St. Charles. "These are important items that need to be funded this year," he wrote. "While many of the vetoed projects are meritorious, they should be considered next year as part of the larger, regular bonding bill."

"This money is going to go a long way to protect the Red River Valley from future flooding," said Rep. Paul Marquart (DFL-Dilworth). "Those dollars will be saved many times over in reduced damages in the future."

Law sponsors Rep. Alice Hausman (DFL-St. Paul) and Sen. Keith Langseth (DFL-Glyndon) placed a high priority on higher education and gave asset preservation money to nearly every state agency.

"I will tell you that this is one of those bare bones, bread and butter bonding (laws) that takes care of the basics," Hausman said. "It focuses on both paintbrush- and shovel-ready projects that can be undertaken immediately."

The law will provide \$54 million for flood mitigation. The rest of the money allocated in the law is toward asset preservation including \$40 million and \$25 million to the Minnesota State Colleges and Universities system and University of Minnesota.

The law will also provide:

- \$26 million to the Department of Transportation for intercity passenger rail projects;
- \$22.6 million to the Metropolitan Council; and
- \$2.1 million for a national solar rating and certification laboratory that will likely be built on the University of Minnesota-Morris campus;

The line-item vetoes include:

- \$24 million for the University of Minnesota's Bell Museum of Natural History;
- \$13.3 million for North Hennepin Community College Center for Business and Technology;
- \$11 million for a health and science center addition at Lake Superior Community and Technical College;
- \$6.5 million for a Mankato civic center expansion;
- \$5.78 million for the Red Lake school district;
- \$5.75 million for a Metropolitan State University smart classroom center;
- \$3 million for expansion of the St. Cloud Civic Center;
- \$2 million for early childhood learning and child protection facilities; and
- \$2 million for the Minnesota Shubert Performing Arts and Education Center in Minneapolis.

HF855\*/SF781/CH93

— S. HEGMAN

## CAPITOL IN BLOOM



PHOTO BY ANDREW VONBANK

The Capitol Dome is framed by a profusion of blooming trees May 15.

## BUDGET

### Federal stimulus oversight

A last-minute deficiency law includes funding for oversight of federal stimulus appropriations.

Sponsored by Rep. Loren Solberg (DFL-Grand Rapids) and Sen. Richard Cohen (DFL-St. Paul), the law, effective May 22, 2009, will provide \$700,000 to Minnesota Management and Budget and \$384,000 to the Office of the State Auditor.

The money, available immediately and

carrying over into the next fiscal biennium, will be used to monitor state and local use of stimulus funds from the American Recovery and Reinvestment Act of 2009.

In addition, the law, passed by the Legislature during the final hours of session, includes some changes to the session's omnibus higher education finance law. Notably, it raises the caps on tuition increases in the second year of the biennium for the University of Minnesota and Minnesota State Colleges and Universities system. For the university, the cap is raised from \$300 to \$450; for MnSCU, the cap is raised from 3 percent to 5 percent.



Rep. Tom Rukavina (DFL-Virginia) explained that the changes were needed to give some added financial flexibility for the university and MnSCU, both of which now face possible unallotment by Gov. Tim Pawlenty.

"It's a minimal increase from what was in the original bill," Rukavina said.

The law also includes several smaller provisions making changes to county health care programs in a way that brings them into conformity with requirements included in the federal stimulus legislation. There is also a provision relating to the small school district in Deer River, allowing the district to continue receiving sparsity aid. Solberg said it was requested by the Education Department.

HF2251\*/SF1938/CH177

— N. BUSSE

## BUSINESS

### Commercial licensing updated

A new law clarifies and modifies certain technical licensing and continuing education requirements regulated by the Commerce Department for workers such as real estate salespersons and appraisers, and insurance producers and adjusters.

Provisions of the law modify or clarify numerous aspects related to self-study and classroom- or Internet-based courses for pre-licensing or continuing education professional requirements including payment of fees, course content and examinations, approved textbooks, curriculum or materials, course management and credit hours.

For example, references to "sponsor" are changed to refer to "education provider." The sections dealing with insurance producers now align with the current version of laws and guidelines promoted by the National Association of Insurance Commissioners (NAIC) for insurance producers and adjusters.

The law is sponsored by Rep. Kurt Zellers (R-Maple Grove) and Sen. Kevin Dahle (DFL-Northfield). It takes effect July 1, 2010.

HF2099/SF1910\*/CH63

— K. BERGGREN

## CONSUMERS

### Expansion of U stadium liquor sales

For the University of Minnesota, it's all or nothing when it comes to liquor sales at TCF Bank Stadium that is scheduled to open this fall.

A provision in the omnibus liquor law requires the university to change its plans

regarding alcoholic purchases only in the premium seating area and suites.

Under the new law, mostly effective May 21, 2009, a liquor license can be issued for the facility only if sales are allowed throughout the stadium. "It should be all or nothing; you can't just have a situation that applies only in the luxury suites. If you're not in a luxury suite you can't have a beer?" said Rep. Leon Lillie (DFL-North St. Paul) who successfully offered the amendment on the House floor.

Sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Linda Scheid (DFL-Brooklyn Park), the law is a catchall for the various liquor-related bills acted on this session.

The law also addresses an issue Augsburg College in Minneapolis has regarding alcoholic sales by permitting the city to consider issuance of an on-sale license. The college has been serving alcohol at selected alumnae events over the years, before finding out that it didn't have a license to do so. This provision is effective upon approval of the Minneapolis City Council.

The law also provides for consideration of liquor licenses by issuing authorities for:

- the Duluth Entertainment Convention Center for intercollegiate hockey games;
- Sporty's Pub & Grill in Minneapolis;
- the Best Western Superior Inn and Suites and East Bay Suites in Grand Marais; and
- private convention centers outside the seven-county Twin Cities metropolitan area.

Additional provisions allow for on-sale liquor hours to be expanded at the Humphrey and Lindbergh airport terminals; and license holders selling wine to hold wine-tasting events.

The law adds a device designed to ensure safe storage and monitoring of alcohol in the home to the list of items that can be sold by liquor stores.

HF1476\*/SF1313/CH120

— L. SCHUTZ

### Payday lending protections added

When people don't have bank accounts or need cash fast, some turn to "payday lenders" who charge interest rates higher than standard bank rates for short-term loans of \$1,000 or less payable within 60 days. However, the "serial borrowing" that may occur if lenders allow customers to keep rolling over their loans can be like quicksand, sinking cash-strapped people into deep debt.

A new law adds safeguards to existing regulations to protect these borrowers from harm. Sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Kevin Dahle (DFL-

## 2009 New Laws

A complete review of all new laws passed this year is expected to be available after July 1 at the New Laws 2009 Web page, <http://www.house.leg.state.mn.us/hinfo/NewLaws/NewLawsmain.asp>. To receive an electronic notification when the New Laws have been posted, go to [www.house.mn/list/join.asp?listname=houseinformation](http://www.house.mn/list/join.asp?listname=houseinformation).

Arranged by category, readers will find user-friendly access to stories that explain the new laws. A link is provided to the actual bill text that was passed into law. By typing in a key word, an index will help readers find under which category the new law being searched for is located.

Because this is the first year of the biennium, bills that were introduced but not acted upon could see new life in the second year of the biennium. Stories on some of the more high-profile bills not making it into law and those that were vetoed will also be featured.

Northfield), it tightens payday lending rules and creates penalties for lenders who violate them.

The law requires payday lenders to:

- keep detailed records about their transactions and to track the dollar amount collected in interest payments on the loans, how many borrowers they serve, the frequency of customer borrowing, the average rate of interest charged and other data;
- submit an annual report of that data to the commerce commissioner; and
- provide the borrower with a copy of the loan agreement in the language that was used to negotiate the loan.

Penalties for noncompliance apply to any loan made to a Minnesota resident even if made on the Internet.

Except for certain reporting requirements, which are effective retroactively from Jan. 1, 2009, the law takes effect Aug. 1, 2009.

HF914/SF806\*/CH68

— K. BERGGREN

### Medicare and 'robo calls'

A law relating to the Commerce Department could be considered a catchall of technical changes needed to areas of regulations, including Medicare, insurance providers and telecommunications.

The law, sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Dan Sparks (DFL-Austin), will impact people covered under various Medicare plans by bringing Medicare statutes into compliance for notice requirements dictated by the American Recovery and Reinvestment Act of 2009. Of significance is one provision laying out how requests for genetic information from issuers of supplemental Medicare policies are



## STUDY TIME



PHOTO BY TOM OLMSCHIED

**Rep. Sarah Anderson tries to go through the entire second omnibus tax bill in the session's final hour. Approved by the House and Senate, the bill was vetoed by Gov. Tim Pawlenty.**

to be handled. The level of coverage for various Medicare supplement plans is also clarified.

Additionally, the law addresses marketing insurance or annuities to senior citizens. It will be considered a "deceptive act" for agents to mislead a client by implying they have special certification or training in advising or servicing seniors.

Minnesota has statutes regarding who can use "robo calls" or automated telemarketing phone calls. Under the new law, a nonprofit, tax-exempt charitable organization can robo call if it is "solely for the purpose of soliciting voluntary donations of clothing to benefit disabled United States military veterans."

The law also sunsets the Minnesota do-not-call provision Dec. 31, 2012. Atkins said there is a similar federal law. He favored a sunset two years out, "just in case something happens with the federal law."

The law has various effective dates.  
HF1853\*/SF1653/CH178

— L. SCHUTZ

## CRIME

### Prostitution penalty changes

Prostitution penalties are toughened and definitions have been clarified.

Effective Aug. 1, 2009, a new law makes prostitution arrest information more accessible.

Under current law, a crime of engaging in prostitution goes on a person's record, but not on a person's driving record. That makes it hard for law enforcement personnel to access the data from their in-car computer if a person is using a motor vehicle to patronize prostitutes.

A loophole is closed in the law where a second violation was enhanced if the first violation was a misdemeanor, but not enhanced if the first was a gross misdemeanor.

It also makes a definitional change to "place of public accommodation," to enhance the penalty for prostitution in a public place, and amends the public place prostitution crime by replacing current language to make it identical to that in the other prostitution crimes.

Rep. Melissa Hortman (DFL-Brooklyn Park) and Sen. Patricia Torres Ray (DFL-Mpls) sponsor the law.

HF1213/SF1009\*/CH170

— M. COOK

### Tougher sex trafficker penalties

As part of an overall effort to stop sex trafficking in the state, the criminal penalties will become more severe.

"Sex trafficking is not limited to foreign nationals. Girls and women are regularly trafficked every day in the state of Minnesota. The average age of a trafficked individual is 12 years old," said Rep. Michael Paymar (DFL-St. Paul), who sponsors the law with Sen. Sandy Pappas (DFL-St. Paul). The changes are based on a report commissioned by Minnesota's Human Trafficking Task Force.

The law, effective for crimes committed on or after Aug. 1, 2009, creates a first- and second-degree sex-trafficking offense that is similar to first- and second-degree sexual or domestic assaults. It calls for a 20-year felony for sex trafficking a minor and 15 years for sex trafficking any other person.

It also contains a provision for a 25-year sentence for a first-degree case with aggravating factors, such as repeat offenders, the victim suffering bodily harm during the offense, more than one victim is involved, or the time the victim was held in debt bondage or forced labor was for more than 180 days.

The definition of "prostitution in a public place" is clarified so it is consistent throughout statutes, and the law enhances the penalty for repeat prostitution-related violations in certain instances.

To find out who represents you at the Capitol . . .  
Call House Public Information Services  
at 651-296-2146 or 800-657-3550

The law adds language to state statute that prohibits employer retaliation against a sex crime victim who wants to testify in court if they are a victim or witness to a crime.

HF1505\*/SF1514/CH137

— M. COOK

### **Vulnerable, elderly adult protection**

A 20-year prison term and a felony charge for conviction of financial exploitation of a vulnerable adult when the stolen amount exceeds \$35,000 is one provision of a new law.

Effective for crimes committed on or after Aug. 1, 2009, a new law makes various statutory changes based on recommendations from a working group comprised of 52 agencies, entities and organizations.

The law intends to help people like a 92-year-old St. Paul man who was befriended by a neighbor when he became frail and who bilked him out of almost \$200,000. The woman put his home on the market without his knowledge, put an ad in the newspaper for a rummage sale of his belongings and left him to sit in a chair all day. She was ultimately sentenced to probation and repayment of funds.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Mee Moua (DFL-St. Paul), provisions of the law include:

- clearing up definitions of financial exploitation;
- extending the statute of limitations for criminal financial exploitation from three to five years when the exploitation exceeds \$35,000;
- any business or financial institution that acts on good faith in telling authorities about suspected maltreatment or financial exploitation will be granted immunity from legal liability;
- the human services commissioner is to seek federal money to design, implement, maintain and evaluate a common entry point for reports of vulnerable adult maltreatment;
- a boarding care home, nursing home or hospital can submit a report of suspected maltreatment electronically, instead of submitting an oral report;
- the consent defense is removed in cases where the victim lacks the capacity to consent; and
- a civil cause of action is created for a vulnerable adult who is a victim of financial exploitation. Damages equal to three times the amount of compensatory damages or \$10,000, whichever is greater, are authorized, as are attorneys' fees and costs for a prevailing vulnerable adult.

HF818\*/SF758/CH119

— M. COOK

## **EDUCATION**

### **Student lifesavers trained properly**

Some schools offer students training in cardiopulmonary resuscitation and automatic external defibrillator use.

A new law, sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. Kathy Saltzman (DFL-Woodbury), ensures that training will be in accordance with the American Heart Association, the American Red Cross, or with other nationally recognized, evidence-based guidelines.

"The mandate here isn't to provide the instruction," Mariani said, but "if the instruction is provided, we want to make sure they are following these industry standards." He said the odds of surviving cardiac arrest without the interventions described are only 10 percent, but acquiring the right kind of skills "properly trains our young people to be lifesavers as they go out into the world."

The law is effective Aug. 1, 2009.

HF648/SF567\*/CH107

— K. BERGGREN

## **EMPLOYMENT**

### **Workers comp rates, rules modified**

Modifications are made to the workers compensation statutes in a new law sponsored by Rep. Mike Nelson (DFL-Brooklyn Park) and Sen. Tom Bakke (DFL-Cook).

They include:

- adjustments to partial disability compensation rates to account for previous gaps in the rating scale;
- changes to the Rehabilitation Review Panel membership to replace the requirement for two members from the medical field, which was determined to be too loosely defined, with two licensed or registered health care providers, and removing one member who represents chiropractors, but adding an actual chiropractor;
- changes to the Medical Services Review Board membership, replacing one member who represents hospital administrators with one who represents hospitals, adding an occupational therapist and removing a member representing the general public;
- modifications to these groups' alternate membership;
- allowance for certain of the groups' meetings to be held by telephone or electronically;
- prohibiting medical examinations by an employer's physician from being held in hotel or motel facilities;
- sharing data, including Social Security numbers, is allowed between certain state departments; and

- application by the Commissioner of Labor and Industry to Ramsey County or the county where the nearest office of the Department of Labor and Industry is located for an order compelling production of an employer's payroll and business record documents is permitted.

The law is effective May 13, 2009, except for the partial disability compensation rate changes that apply retroactively to dates of injury on or after Oct. 1, 2000.

HF1678/SF1476\*/CH75

— K. BERGGREN

### **Labor contracts ratified**

A number of labor contracts negotiated between Minnesota Management and Budget and various state employee unions have been ratified.

Sponsored by Rep. Leon Lillie (DFL-North St. Paul) and Senate President James Metzen (DFL-South St. Paul), a new law ratifies contracts with workers in organizations as diverse as the Minnesota Nurses Association, the State Board of Investment and Minnesota State Colleges and Universities.

The legislation comprises the work of the Legislative Coordinating Commission Subcommittee on Employee Relations, which approves negotiated labor agreements. Affected employees or groups include:

- the Minnesota State University Association of Administrative and Service Faculty;
- the executive directors of the Teachers' Retirement Association, Minnesota State Retirement System and Public Employees Retirement Association;
- the SBI;
- the MNA;
- the Office of the Legislative Auditor; and
- the Inter Faculty Organization.

The law caused some controversy on the House floor, where some members argued the agreed-to salaries do not reflect the current economic downturn.

Referring to a provision that authorizes a 10 percent raise for certain SBI employees, Rep. Mark Buesgens (R-Jordan) called it "unconscionable" to raise state workers' salaries at a time of record unemployment.

"We are not a rubber-stamp organization, members; we're here to do the right thing. And if you consider voting for a 10 percent increase for state employees when the rest of the state of Minnesota is hurting, then I don't think you understand the idea of the whole concept."

Rep. Lyndon Carlson, Sr. (DFL-Crystal) explained that it is an executive-branch initiative to retain "top-notch people" responsible for investing state pension funds.

Supporters of the legislation note that many



of the contracts were negotiated prior to the beginning of the recession.

The law has various effective dates.  
HF1218/SF1036\*/CH85

— N. BUSSE

### Uniform deduction law cleaned up

A practice already in place between auto dealers and employees regarding the cost of some workers' uniform cleaning and maintenance will be codified in state law.

Car dealers and some employees' unions have agreed that service employees' uniforms are picked up, cleaned and returned to the workplace as part of their collective bargaining agreement. The law "allows that practice codified in their collective bargaining agreement to continue," said Rep. Jim Davnie (DFL-Mpls), who sponsors the law with Sen. David Tomassoni (DFL-Chisholm).

Employers may deduct up to \$25 per month from employee wages for the uniform maintenance expense. The amount deducted is not subject to reimbursement upon the employee's termination.

The law takes effect Aug. 1, 2009.  
HF1685/SF1431\*/CH69

— K. BERGGREN

## ENERGY

### Focus on renewables, conservation

Pushing energy conservation to the front burner of Minnesota homes and providing a framework so that renewable energy production coexists with traditional energy delivery methods are the focus of a new law.

Sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Yvonne Prettner Solon (DFL-Duluth), most of the law became effective May 20, 2009.

Renewable energy and conservation initiatives contained in the new law include:

- extending the annual \$10.9 million for renewable energy production incentives to 2021 and adding hydroelectric production facilities to eligible grantees;
- allowing the Public Utilities Commission to consider the impact of energy conservation as a preferred consumer choice when setting rates that utilities may charge and removing direct compensation to utilities for their revenue losses as a result of their conservation programs;
- allowing a natural gas company to count biomethane purchases toward its energy conservation plan; and
- allocating \$5 million from the Renewable Development Account to the Initiative for Renewable Energy and the Environment at the University of Minnesota. A portion of



PHOTO BY TOM OLMSCHIED

**A new law will continue the state's focus on developing renewable energy sources like wind power.**

the funds will be redistributed to a rural state college or university. The funds are to study environmentally sound production of energy from renewable sources, energy storage methods, development of energy conservation and utilization technologies, and to analyze policy options. An annual report is due to the Legislature.

Geographically specific policies are also in the law, which include:

- allowing the Mountain Iron Economic Development Authority to form a company to develop a C-BED project; and
- enabling utilities that serve the Central Corridor, the light rail transit line to be built between Minneapolis and St. Paul, to apply for new facilities within and outside the designated zone. Xcel Energy has plans to create a mixed use of utilities along the transit route.

HF863/SF550\*/CH110

— S. HEGARTY

## ENVIRONMENT

### Changes to temporary drawdowns

Cities and counties will no longer need the approval of every lakefront property owner along a public water body in order to temporarily lower the lake's water level.

A new law, effective Aug. 1, 2009, allows cities and counties to apply for a public waters work permit for the drawdown from

the Department of Natural Resources if the commissioner deems it is in the public's best interest. Also, at least 75 percent of the riparian landowners must agree to the drawdown. A public hearing is required and the permit applicant must mail notices of the hearing to affected property owners and publish the date, time and place of the hearing in a local newspaper.

Local governments and watershed districts temporarily draw down the water level in a lake as a management tool to prevent or eradicate invasive species.

The law, sponsored by Rep. Paul Rosenthal (DFL-Edina) and Sen. Ken Kelash (DFL-Mpls), excludes public waters that have been designated by the commissioner for the protection and management of wildlife.

HF1539/SF640\*/CH48

— S. HEGARTY

### LCCMR projects approved

Each year, the Legislative-Citizen Commission on Minnesota Resources receives funding from lottery sales that it redistributes to grant recipients who submit requests for proposals. The LCCMR funding recommendations for these environmental projects form the basis of a new law.

This new law, sponsored by Rep. Jean Wagenius (DFL-Mpls) and Sen. Ellen Anderson (DFL-St. Paul), appropriates \$26 million, primarily out of the state lottery's Environment and Natural Resources Trust Fund, for various projects.

More than \$12.8 million from the trust fund is available for partnerships and grants. For example, the University of Minnesota and the Department of Natural Resources will split \$500,000 to study the effect that development has on coldwater springs and trout streams.

Those receiving funding include Pheasants Forever, Minnesota Deer Hunters Association, Ducks Unlimited, National Wild Turkey Federation and others who purchase conservation easements and who restore and maintain wildlife habitats.

Nearly \$6 million will pay for conducting geological atlas surveys to study groundwater, including the Mt. Simon aquifer in south-central Minnesota. Though some county surveys have been completed and paid for through other funding sources, the LCCMR money will speed up the data collection of water, soil and wetlands throughout the state. Soil surveys also are paid for through local and federal cost-share programs.

Just over \$2 million is available for water studies, such as the removal of toxic compounds found at wastewater treatment plants that are known endocrine disruptors.

Studies have linked endocrine disruptors to adverse biological effects in animals, and potentially in humans.

Another \$2 million from the trust fund is available for a demonstration project by the nonprofit Center for Energy and Environment, which is charged with developing a new residential energy conservation program.

The Renville Soil and Water Conservation District will receive \$1.5 million to purchase perpetual easements in addition to its current 14,000 acres of conservation easements, particularly where there are unique outcroppings of granite rock along the Upper Minnesota River Valley.

Others receiving funds include:

- Science Museum of Minnesota for the St. Croix watershed research station; and
- Metro Blooms, Minnehaha Creek Watershed District and the City of Minneapolis for rain gardens to improve water in Powderhorn Lake.

The new law specifies that plant vegetation only of native ecotypes to Minnesota and preferably of the local ecotype be used when restoring wetlands. The use of local stock within a few miles of the area being restored helps prevent genetic contamination and leads to more success for wetland and prairie restoration projects, according to scientific studies relied upon by lawmakers.

HF2049/SF1012\*/CH143

— S. HEGARTY

## FAMILY

### Adult guardianship jurisdiction

Minnesota will have procedures and standards for recognizing and interacting with guardianship and protective order proceedings and appointments from outside of the state.

Sponsored by Rep. Gail Kulick Jackson (DFL-Milaca) and Sen. Mee Moua (DFL-St. Paul), the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act will establish uniform jurisdiction on determining a primary residence or other state of substantive contact, how to transfer and register guardianships between states so procedures are not repeated in each state. It does not change anything regarding minor guardianship.

Because today's elderly are very mobile and often live in other states for periods of time, it can be problematic between states as to where an appropriate venue is for guardianship, conservatorship or other adult protective actions, Jackson said.

For example, if a husband and wife live in Florida six months a year, and the wife

becomes incapacitated, the husband may become her legal guardian or conservator in Florida. However, Jackson said, if something were to happen to the husband and their child wants to move them here, Minnesota would not recognize the guardianship. The law hopes to reduce the number of times a person has to go through the guardianship or conservatorship process.

In early May, Jackson estimated 13 other states had a similar law.

As more states adopt this, she said there will be a larger group that has uniformity, meaning easier transfers of registration of guardianship, conservatorship or protective provision.

A court may treat a foreign country as if it were a state for applying provisions of the law, if the country matches the requirements of our jurisdiction regarding a protective order, guardianship or conservatorship.

Most of the law takes effect Jan. 1, 2010, and will apply to guardianship and protective proceedings begun on or after that date.

HF632/SF412\*/CH46

— M. COOK

### Guardianship/conservatorship help

A bill of rights for wards and protected persons will be in state statute.

That is just one of the provisions in a law that makes changes related to guardians and conservators.

Effective Aug. 1, 2009, the law addresses accountability and transparency in the system.

Rep. Paul Thissen (DFL-Mpls), who sponsors the law with Sen. Mee Moua (DFL-St. Paul), said approximately 22,000 Minnesotans are under a guardianship or conservatorship, a number that is expected to increase.

The law does three primary things:

- establishes conflict-of-interest rules for attorneys that represent guardians and wards;
- puts more eyes on these transactions with an ombudsman being more involved, along with more interested persons; and
- creates the bill of rights to put many related issues in current law into one place.

Among the 14 listed rights that must be enforced by the court are treatment with dignity and respect; due consideration of personal desires, medical preferences and religious beliefs; personal privacy; and timely and appropriate health care "that does not violate known conscientious, religious, or moral beliefs of the ward or protected person."

Other provisions in the law include:

- an adult related by blood, adoption or

marriage is placed seventh on the list, and any other adult or a professional guardian is eighth on the list in order of who a court shall consider in appointing a guardian; and

- a guardian cannot revoke a health care directive of a ward or protected person without a court order.

HF804\*/SF951/CH150

— M. COOK

### Marriage laws get updated

A person under age 21 can get married in Minnesota, but someone under that age will no longer be able to perform the ceremony.

That is one provision in a new law that makes modifications to the state statutes governing marriage. It takes effect Aug. 1, 2009.

Current law would allow someone of any age to potentially become a licensed or ordained minister of any religion over the Internet and perform a marriage.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Don Betzold (DFL-Fridley), the law also removes a requirement on a marriage application about any children the couple has together. The confidential information is currently collected; although nothing is done with it. Supporters said there is no point to spending money to track the information when it is not used for anything.

If an individual applies for a marriage license, but does not have a Social Security number, they must certify they do not have one.

Premarital education gets a couple a discount on their license fee. The law requires that proof of the class must be notarized. Currently a handwritten note or an e-mail is sufficient for the reduced rate.

It also makes changes to clarify that the local registrar is the custodian of marriages, not the court administrator; clarifies that the person performing the marriage must ensure the people getting married are the people for whom the license is intended; clarifies that both parties must apply for the marriage license, but it creates an application process if one of the parties is not available; and clarifies that a person with a felony cannot change their name through marriage without following the process identified in the court-ordered name change for felons. It used to be that felons couldn't change their last name when they got married, but could change their first name.

HF695/SF548\*/CH129

— M. COOK



### Probate code changes

Funeral directors should now have more clarity regarding the disposition of a body upon death.

Effective May 21, 2009, a new law clarifies what documents control and what the order of relationships of the decedent are for whom has say over what happens to the body after death.

Rep. Melissa Hortman (DFL-Brooklyn Park), who sponsors the law with Sen. Linda Scheid (DFL-Brooklyn Park), said the changes come from a Health Department request.

When someone dies, the person who decides what to do with the body is determined by order of degree of kinship. Previous law had an order for seven people: whomever is appointed in a document signed by the decedent; the spouse; an adult child or majority of the adult children; the surviving parent or parents, with each having equal authority; an adult sibling or majority of adult siblings; person or persons in the next degree of kinship specified by law; and the appropriate court authority.

New language adds new numbers six-10: adult grandchild or majority of the adult grandchildren; grandparent or grandparents, with each having equal authority; adult nieces and nephews, or a majority of them; person or persons who were acting as guardians; and "an adult who exhibited special care and concern." The person or persons in the next degree of kinship specified by law and the appropriate court authority now rank 11th and 12th.

It also states that an advanced directive no longer has to be notarized; changes the amount of property that a person could collect by affidavit from \$20,000 to \$50,000; and provides timelines for a probate court to correct their errors.

HF265\*/SF262/CH117

— M. Cook

## GAMBLING

### Ratings charitable gaming outlays

Organizations receiving charitable gambling receipts are suffering their own economic downturn.

Some changes to statute would help keep the "struggling organizations afloat," said Rep. Joe Atkins (DFL-Inver Grove Heights), who sponsors a new law with Sen. Tony Lourey (DFL-Kerrick).

The law makes technical changes to statutes regarding licensing and auditing requirements. It also establishes a star-rating system, "so that people can compare how much money is actually given to charitable organizations through the pull tabs they are purchasing," Atkins said.

## AWAITING ACTION

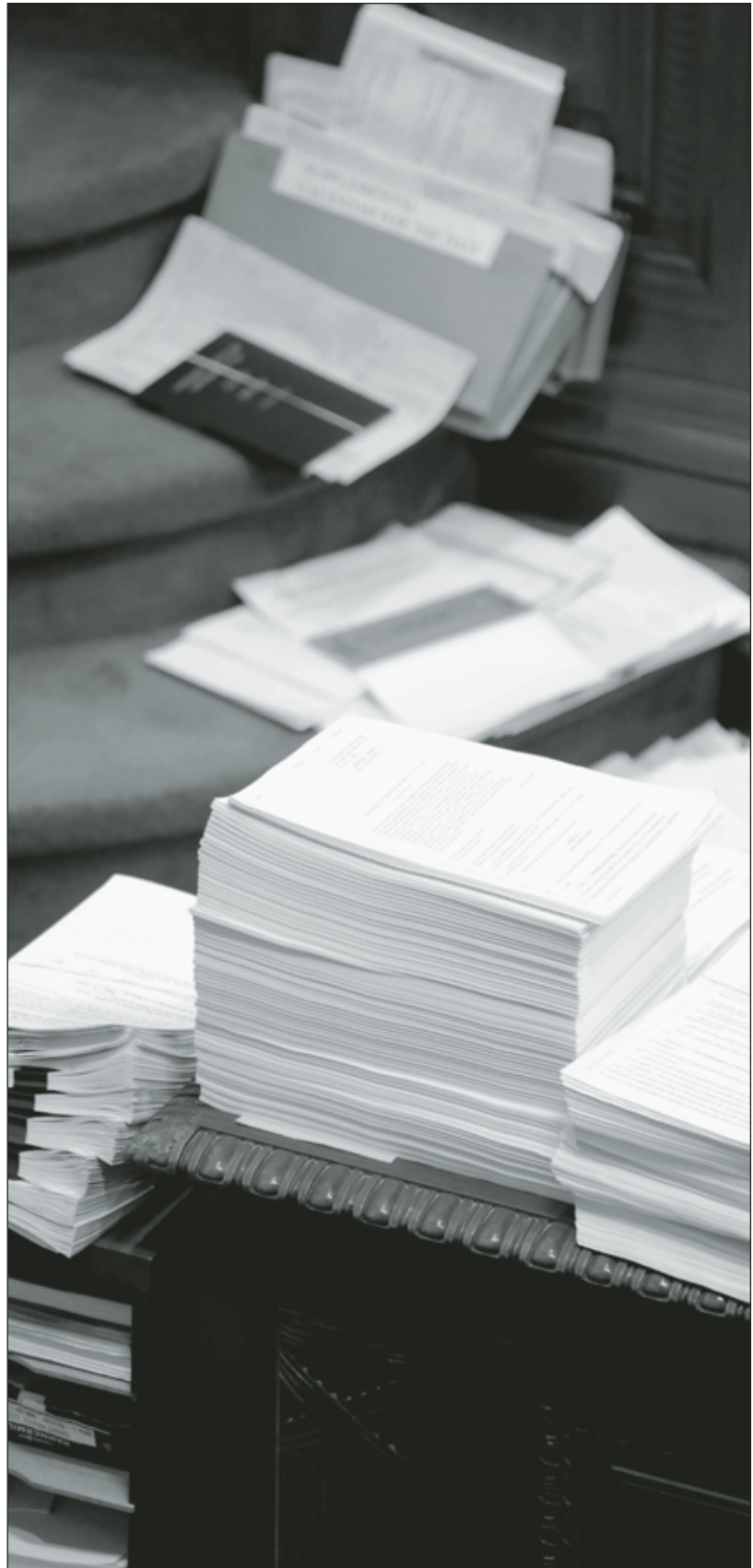


PHOTO BY TOM OLMSCHIED

Piles of paperwork awaiting House action May 17 sit on the chief clerk's desk and the steps leading to the Speaker Margaret Anderson Kelliher's chamber desk.

Beginning July 1, 2009, when most of the law takes effect, the Minnesota Gambling Control Board will conduct a 12-month review of licensed organizations, rating them based on the percentage of lawful expenditures as compared to gross profits.

An organization that expends at least 50 percent of gross profits on charitable purposes will receive the highest rating—five stars. An organization that fails to expend at least 30 percent of annual gross profits on charitable purposes is automatically on probation for one year. The organization must increase its rating to a minimum of 30 percent or be subject to sanctions by the board. If an organization fails to meet the minimum standard after a one-year probation, the board may suspend the organization's license or impose a civil penalty of up to \$10,000.

Under the law, the list of allowable expenditures for charitable gambling receipts is expanded to include:

- monitoring of surface water quality by individuals or a nongovernmental organization, under Pollution Control Agency guidance and procedures; and
- construction or acquisition of a replacement licensed organization's building that is in compliance with the Americans with Disabilities Act if the board has specifically approved the amount. This provision could extend to an organization-owned building taken or sold under an eminent domain proceeding.

The law also calls for a licensed charitable organization to pay a monthly regulatory fee of 0.1 percent of its gross monthly gambling receipts. These fees will be deposited into the state's lawful gambling regulation account. Failure to pay the monthly regulatory fees in a timely manner may result in disciplinary action by the board.

Licensed organizations will be given more leeway to conduct lawful gambling at events off-premise. If approved by the board, an organization could hold lawful gaming at up to four events per year in connection with a county fair, state fair, church festival or civic celebration, not to exceed three days per event.

HF1511/SF1284\*/CH124

— L. SCHUTZ

## GAME & FISH

### Recreation statutes amended

The omnibus game, fish and forestry law includes new regulations related to fishing and hunting, plus uses for parks and state trails.

Sponsored by Rep. Kent Eken (DFL-Twin

Valley) and Sen. Satveer Chaudhary (DFL-Fridley), the law includes several new fishing provisions. For example, people age 90 and older can fish without a license. Known as the "Irene Long Act," it is named for a 91-year-old Isle woman who lives on a fixed income but enjoys annual fishing. Long's angling highlight is catching a 43-inch muskie on Lake Mille Lacs.

In addition, lifetime spearing licenses for residents are added to statute and will cost between \$173 and \$372 depending upon the angler's age. Bow-fishing for rough fish will also be allowed at night on approved lakes.

Organizing fishing contests becomes easier if additional conditions are met, thereby avoiding the need for a permit. Conditions include: if 25 or fewer boats are competing, if the contest is limited to rough fish or if the total prize value is \$500 or less.

School field trips to state parks will be less expensive thanks to a provision that allows buses carrying students on school-sanctioned trips to enter state parks without paying admission.

There was lively debate in a House committee about establishing criteria before naming any more state property after people, yet the Northshore Trail between Duluth and Two Harbors will be renamed in honor of C. J. Ramstad, an outdoor enthusiast and publisher who was killed in a motor vehicle accident. Some female legislators said there is too much disparity between men and women when naming state property.

Backed by the All-Terrain Vehicle Association of Minnesota, there will be new penalties for reckless operation of an ATV. For instance, riding across a wetland will be a gross misdemeanor and upon second offense, could lead to the seizure of the machine by law enforcement.

Minnesota's state grain, wild rice, can be harvested in public waters, but the earliest date for harvesting shifts from July to Aug. 15 and continues through Sept. 30. Harvesting too early can negatively impact the grain's ability to reproduce as a perennial crop, according to one lawmaker.

HF1237\*/SF1110/CH176

— S. HEGARTY

## GOVERNMENT

### E-meetings for state agencies

State agencies will be allowed to hold meetings electronically instead of in person — as long as the public has access to the meetings.

Sponsored by Rep. Sheldon Johnson (DFL-St. Paul) and Sen. Mee Moua (DFL-St. Paul),

a new law is designed to save state officials money by letting them meet via telephone or other electronic means. It applies to all state departments, boards, commissions and other state government entities.

Johnson said the law will be especially useful to members of boards or commissions who live in Greater Minnesota and have difficulty commuting to regular meetings.

"The whole intent is to provide more openness and more flexibility for people to participate," Johnson said.

Under the law, agencies will be authorized to meet via electronic means as long as the following conditions are met:

- all participants in the meeting must be able to hear all discussion and testimony;
- at least one member of the government entity must be physically present at the regular meeting location;
- members of the public who are present at the regular meeting location must be able to hear all discussion and all votes of members of the entity and be able to participate in testimony; and
- all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

The law also states that the board or agency shall allow the public to access the meeting electronically, to the extent practicable. However, the entity may require a person to pay for any "marginal costs" associated with providing that access.

A state entity intending to conduct a meeting in which members will participate through electronic means must post public notice on its Web site at least 10 days prior to the event.

The law takes effect Aug. 1, 2009.

HF456/SF764\*/CH80

— N. BUSSE

### Divesting from Iran

Companies that may be underwriting Iran's nuclear ambitions will no longer get any business from the state of Minnesota.

A new law requires the State Board of Investment to divest any assets it currently holds with companies that do business with Iran's energy sector. The board, which invests and manages the state's retirement funds and other accounts, will have to sell or otherwise get rid of its stock in those companies.

Sponsored by Rep. Ryan Winkler (DFL-Golden Valley) and Sen. Terri Bonoff (DFL-Minnetonka), the law is part of a broader campaign to stop Iran from developing nuclear weapons. The goal is to discourage companies that could supply them with the relevant technology and resources. Iran is currently one of four nations the U.S.



government classifies as a state sponsor of terrorism.

Under the law, effective Aug. 1, 2009, the board will have 90 days to identify and compile a list of companies engaging in “scrutinized business operations” in Iran. The board will then notify the affected companies that they may be subject to divestment. If a company does not take action within 90 days to cease its scrutinized business operations, the board will begin selling, redeeming, divesting or withdrawing its stock in the company. Additionally, the law includes a prohibition on acquiring new stocks in such companies.

Exemptions are provided to companies involved in humanitarian and similar work in Iran. The law would cease to be effective if Iran was removed from the state sponsors of terror list, or if the president of the United States determines the law is interfering with U.S. foreign policy.

Howard Bicker, the board’s executive director, said that the bill would affect approximately \$280 million of state investments, or slightly more than 1 percent of the state’s total portfolio.

HF111\*/SF131/CH90

— N. BUSSE

### **Wasting less paper**

Less paperwork without any less transparency in government is the goal of a new law that modifies state report and document requirements.

Sponsored by Rep. Gene Pelowski, Jr. (DFL-Winona) and Sen. Joe Gimse (R-Willmar), the law will allow the Legislative Reference Library to keep fewer print copies of mandated legislative reports and eliminate certain other paperwork requirements.

Effective Aug. 1, 2009, the library will be required to keep on hand two print copies of each mandated report to the Legislature; the current requirement is six copies. In addition, copies will no longer have to be filed with the chief clerk of the House and the secretary of the Senate.

Other eliminated mandates include:

- that a print copy of the library’s monthly checklist of state documents be distributed to all legislators, state agencies and public college and university libraries; and
- that Minnesota Management and Budget submit printed daily reports to the library showing the balances of certain state accounts.

The law will ensure that all documents affected by the changes are available on the library’s Web site.

HF801\*/SF779/CH32

— N. BUSSE

### **Revising and updating statutes**

The yearly version of what is commonly referred to as the Revisor’s Law corrects typographical or grammatical errors, editorial conflicts, ambiguities, omissions, cross-references, obsolete or expired references, miscellaneous drafting errors and any other changes that need to be made to state statutes.

Sponsored by Rep. Gail Kulick Jackson (DFL-Milaca) and Sen. Mee Moua (DFL-St. Paul), most of the law takes effect Aug. 1, 2009.

During the interim between sessions, substantial editing and proofreading is done to the Laws of Minnesota and Minnesota Statutes. These changes, together with requests for additional changes from other state agencies, make up the law.

HF1171/SF1096\*/CH86

— M. COOK

## **HEALTH**

### **Acupuncturist services now covered**

Treatment by licensed acupuncture practitioners will become more widely reimbursed by health care plans that already offer physician-supervised or provided coverage only.

A new law provides equal access to a licensed acupuncture practitioner for services covered under a regulated health plan. If acupuncture services provided by a physician are covered, the same services provided by a licensed acupuncture practitioner must also be covered. It does not require health plans that don’t cover any acupuncture services to begin doing so.

The law is also a memorial to Edith R. Davis, considered Minnesota’s pioneer acupuncturist, who brought “the whole area of acupuncture into the light of day and (made) sure that we have good standards,” said Rep. Karen Clark (DFL-Mpls), who sponsors the law with Sen. Linda Berglin (DFL-Mpls).

Advocates said that a growing body of scientific evidence supports the benefits of acupuncture for a variety of conditions and that the treatment is rarely associated with complications. They also said only about a dozen Minnesota physicians or chiropractors are board-certified in medical acupuncture.

“Acupuncturists licensed under Board of Medical Practice’s very high standards ironically are not allowed to get reimbursed, and often their prices are lower and they are far more qualified” to practice acupuncture than are physicians, even those with acupuncture licenses, said Rep. Jim Abeler (R-Anoka).

The law takes effect Aug. 1, 2009, and applies

to coverage issued, renewed or continued on or after that date.

HF286/SF245\*/CH45

— K. BERGGREN

### **Oversight for rural cooperatives**

The Minnesota Rural Health Cooperative was authorized in 1994 to provide better health care access to rural communities, by allowing multiple service providers to contract jointly with healthcare insurers. A new law gives the Department of Health more oversight responsibilities for the 40 hospitals and clinics and 10 specialty clinics that comprise that cooperative and others like them.

For a \$2,000 fee, health care providers may submit an application to the department to form a cooperative. The department will have 60 days to review, approve or deny the application. The fee to modify, renew or extend a cooperative agreement is \$500.

When considering whether to approve an application, the health commissioner must consider the potential for antitrust violations and may revoke the cooperative privilege if the contract parties do not comply with state regulations.

An active investigation by the Federal Trade Commission is ongoing for allegations that the cooperative engaged in collective negotiations of physician, hospital and pharmacy prices, according to the FTC.

The law, which takes effect Aug. 1, 2009, keeps application data collected on individuals private. Rep. Larry Hosch (DFL-St. Joseph) and Sen. Gary Kubly (DFL-Granite Falls) are the law’s sponsors.

HF120/SF203\*/CH97

— S. HEGARTY

### **Volunteer health practitioner**

A new law provides technical clarifications regarding volunteer health practitioners.

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls), the law defines “volunteer health practitioner” as one who provides health or veterinary services, whether or not the practitioner is compensated for their services.

Typically volunteer health practitioners perform services for a disaster relief organization, Thissen said.

The law also extends liability protections to practitioners from other states unless their license has been suspended, revoked or voluntarily terminated.

The law is effective Aug. 1, 2009.

HF521/SF457\*/CH72

— P. OSTBERG



PHOTO BY TOM OLMSCHIED

House and Senate leadership talk with the Capitol press corps after leaving Gov. Tim Pawlenty's office May 16.

### Specialty hospital approved

Imagine having a child needing psychiatric services, but having to send them hundreds of miles away because all the hospital beds near your home are full. That is the impetus for a new law that will allow a specialty psychiatric hospital to be built in western Hennepin County to serve patients under the age of 21.

Sponsored by Rep. Marsha Swails (DFL-Woodbury) and Sen. Yvonne Prettner Solon (DFL-Duluth), the law provides an exception to the hospital moratorium by approving the construction of a 20-bed facility for young patients.

As the severe shortage of child and adolescent beds in the state continues to worsen, the addition of 20 beds would give teens and adolescents the inpatient mental health services they need in a time of crisis, Swails said.

The law is effective Aug. 1, 2009.

HF665/SF615\*/CH51

— P. OSTBERG

### Licensing changes

Changes to licensing requirements for health occupations, such as speech pathologists and occupational therapists, are included in new law.

Sponsored by Rep. Maria Ruud (DFL-Minnetonka) and Sen. John Marty (DFL-

Roseville), the law makes technical changes related to national standards for speech pathologists, continuing education changes for occupational therapists, language permitting pharmacists to administer flu vaccines to people ages 10 or over, and it combines a biennial licensure fee and surcharge into one for speech-language pathologists.

The law also repeals some mortuary science regulations that were inadvertently not repealed in 2007.

The law takes effect Aug. 1, 2011.

HF1745\*/SF1445/CH157

— P. OSTBERG

### Pharmacists changing prescriptions

Pharmacists will be able to change prescriptions for some legend drugs without a physician's signature.

Sponsored by Rep. Erin Murphy (DFL-St. Paul) and Sen. Kathy Sheran (DFL-Mankato), a new law adds pharmacists to others, such as nurses or certain physician assistants, who can make drug changes under the direction of a licensed practitioner. The prescription change cannot be for a specific patient, but rather the amount being prescribed.

The law is effective Aug. 1, 2009.

HF53/SF29\*/CH161

— P. OSTBERG

### Isolation and quarantine

How the state will mass dispense vaccinations or prescription drugs in case of a public emergency is defined in a new law.

Sponsored by Rep. Ryan Winkler (DFL-Golden Valley) and Sen. Yvonne Prettner Solon (DFL-Duluth), the law creates three dispensing methods: a designated representative of a household can pick up prescription drugs or vaccines for that household; postal carriers can deliver drugs to households; and it will create a closed point of dispensing in which a business, church or other organization will be a center for dispensing drugs to a limited number of people. A closed point will not be open to the public.

The law removes a sunset provision on a peace officer's authority to use force if a person resists isolation and quarantine required by a court order.

The health commissioner is authorized to purchase vaccines, antitoxins, serums, immunizing agents, antibiotics, antivirals, antidotes, other pharmaceutical agents and medical supplies. The commissioner can also request Minnesota Responds Medical Reserve Corps health volunteers to help in case of emergency.

The law became effective May 8, 2009.

HF1554/SF1462\*/CH41

— P. OSTBERG



### Health technology infrastructure

Converting health records to electronic form is the focus of a new law.

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. Tony Lourey (DFL-Kerrick), the law aligns state requirements to match federal stimulus requirements in the Health Information Technology for Economic and Clinical Health Act.

The law will help pull down federal money to state providers by aligning definitions such as “interoperable electronic health record” and “qualified electronic health record” to ensure coordination between state, regional and national efforts to effectively use health technology to improve coordination and patient care among providers. The change could help reduce medical errors, improve population health and reduce health disparities and chronic disease.

The HITECH Act was included in the American Recovery and Reinvestment Act of 2009 to help providers create electronic health records that would be interchangeable between health systems.

The health commissioner, in conjunction with an e-Health Initiative Advisory Committee, will monitor related national activity and coordinate statewide input on developments.

The law has various effective dates.

HF1322/ SF1890\*/CH102

— P. OSTBERG

## HOUSING

### Mortgage clarification language

A new law cleans up changes made in a number of 2008 mortgage laws.

Among the changes is that a written notice to tenants in property subject to mortgage foreclosure or termination of contract for deed is to be included for both pre- or post-foreclosure. The 2008 law did not include the pre-foreclosure requirement.

A party conducting a foreclosure that requests a sheriff's sale must provide certain notices at the party's expense.

Other issues addressed include specifying requirements for vendors under contracts for deed and foreclosure counseling notices. It makes a technical change for what needs to be in an affidavit for purposes of clearing title.

Most of the law takes effect for foreclosures where the notice of pendency is recorded on or after Aug. 1, 2009.

Rep. Joe Mullery (DFL-Mpls) and Sen. Lisa Fobbe (DFL-Zimmerman) sponsor the law.

HF995/SF1302\*/CH130

— M. COOK

### Foreclosure consultants accountable

Those teetering on the edge of foreclosure may welcome outside help to renegotiate their mortgage, but those promising foreclosure assistance don't always follow through. Homeowners will have more protection against unscrupulous consultants.

A new law modifies a 2004 law regulating mortgage foreclosure consultant contracts. It clarifies that people classified as mortgage consultants, including originators of mortgages who negotiate or renegotiate a mortgage, and nonprofit agency counselors who work with people at risk of foreclosure, may collect a fee for such services only after the services have been performed.

The law, sponsored by Rep. Joe Mullery (DFL-Mpls) and Sen. Lisa Fobbe (DFL-Zimmerman), takes effect June 20, 2009.

The law also will allow an owner of homestead real estate consisting of one to four residential units to postpone a mortgage foreclosure sale for five months. That provision will give a homeowner more time to reinstate the mortgage loan by paying off the amount in default plus associated costs, rather than the entire mortgage amount loan after the foreclosure sale.

HF903/SF708\*/CH141

— K. BERGGREN

### Protecting problem properties

A clarification to rules and regulations for how cities can secure foreclosed and abandoned properties so they cannot be used for improper purposes may help in some troubled areas.

Rep. Jeff Hayden (DFL-Mpls), who sponsors

a new law with Sen. Linda Higgins (DFL-Mpls), said that Minneapolis had about 3,000 foreclosed properties in 2008 and is on pace for about the same this year. However, the state's largest city is far from being alone during the current foreclosure crisis.

When a property is deemed abandoned by a court, a city is permitted a limited right of entry to secure the property. The law limits which city employees can determine an entrance to the property is necessary, including a housing official.

In order to get the property sold, the law allows a political subdivision to request reduction of the mortgagor's redemption period to five weeks from six months on a foreclosed abandoned property.

Other aspects of the law, which has various effective dates, include:

- specification of certain notice requirements;
- extension of the deadline for action by a property owner from six to 14 days from being ordered to secure the premise, and specifying that failure to do so could result in municipal action;
- classification of the sale or gift of alcohol in an abandoned property as a public nuisance in certain circumstances; and
- the holder of a sheriff's certificate of sale — the official document granted to the purchaser of real property sold at a mortgage foreclosure sale — is required to secure and protect the premise if there is prima facie evidence the property has been abandoned. If the locks are changed, the mortgagor must be provided a key.

HF1394/SF1147\*/CH123

— M. COOK



PHOTO BY TOM OLMSCHIED

Legislators fought the foreclosure crisis with bills to stem vandalism in vacant houses and to protect homeowners from unlawful foreclosure practices.

## HUMANITIES

### Resolving a Dakota conflict

One year after the Dakota Conflict of 1862 in Minnesota, President Lincoln signed the Minnesota Indian Removal law, resulting in removal of the Dakota people from the state.

The law is still on the books.

A new law, in the form of a nonbinding resolution, urges the president and Congress to repeal the federal legislation.

Rep. Dean Urdahl (R-Grove City), who sponsors the law along with Sen. Steve Dille (R-Dassel), said the measure is “largely symbolic, but it is important to the tribes in Minnesota.”

It wasn't until 1924 that all Native Americans in the United States received full citizenship, said Rep. Paul Gardner (DFL-Shoreview). “The law is still on the books, and it basically says that one group of people are not allowed to live here. I don't think that's right to be on the books.”

Under the resolution, the secretary of state is to prepare copies of the memorial to be sent to the president, Congressional leadership and its members.

HF1825/SF1623\*/CH171

— L. SCHUTZ

## HUMAN SERVICES

### Juvenile justice data collection

Data collection about decisions that affect a child's status within the juvenile justice system could occur more uniformly.

A new law requires a criminal and juvenile justice information policy group to “study the feasibility of collecting and reporting summary data relating to the decisions that affect a child's status within the juvenile justice system.” A report is due to the Legislature by Feb. 15, 2010.

Rep. Debra Hilstrom (DFL-Brooklyn Center), who sponsors the law with Sen. Mee Moua (DFL-St. Paul), said current data is not collected in a uniform way resulting in it not being very useful. The study will look at ways to make collection more uniform so that better decisions can be made on how to use criminal justice resources with juveniles.

The study must consider data to be collected, such as age, race, gender, criminal charge and county of residence; the decision points at which data must be collected; criminal and juvenile justice agencies required to supply data; the repository for data; level of summary analysis; frequency of reporting; plan to implement data collection, reporting and analysis; and costs.

A pilot project to study and report on all state expenditures “that serve the primary function of supporting the health, safety, stability, growth, development and education of children in this state” is called for in the law.

Hilstrom said current financial tracking does not allow the state to differentiate how much money is spent on children and juveniles within different areas. An electronic version of the executive summary is due to the Legislature by Jan. 15, 2010.

The pilot project language takes effect July 1, 2009; the study language takes effect Aug. 1, 2009.

HF702\*/SF561/CH132

— M. COOK

### Hennepin County rule changes

Hennepin County can streamline its human resources policies and extend the life of a task force by two years, because of a new law.

Sponsored by Rep. Kurt Zellers (R-Maple Grove) and Sen. Ann Rest (DFL-New Hope), the law makes technical changes requested by the county, whose human resources policies are governed by state law as well as their own rules.

The legislation, effective upon county compliance, will conform state statutes to internal rule changes recently adopted by the county. Specifically, department directors and the county human resources director will be given more discretion to set policies regarding the length of probationary periods, compensation plans and non-disciplinary appeals. Currently, the authority in such matters resides in the county board.

In addition, the law extends a sunset date for the Victory Memorial Drive Historic District Task Force by two years to Dec. 31, 2011.

HF940/SF729\*/CH50

— N. BUSSE

### Child welfare policy changes

Improving outcomes for children and families by making changes to American Indian child welfare, child protection and out-of-home placement is the goal of a new law.

Sponsored by Rep. Larry Hosch (DFL-St. Joseph) and Sen. Patricia Torres Ray (DFL-Mpls), the law makes changes to conform with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

According to the Human Services Department, the law clarifies the roles and responsibilities for tribal agencies that choose to establish a panel to review child fatalities and near fatalities on the reservation. It also clarifies mental health screenings for children

receiving child protective services, in out-of-home placement or for whom parental rights have been terminated. Tribal agencies can access state funding for the screenings.

The law defines factors for which children can be removed from their home to ensure their safety, and eliminates certain child behavior, such as running away, as a sole reason for removal. It also states that “family group decision-making” can be used as a form of dispute resolution.

The law makes changes so child welfare officials have access to child support enforcement data to establish a father's identity and whereabouts. It clarifies when fathers are notified of proceedings, their legal rights and responsibilities and sets requirements for establishing paternity in certain cases.

Changes to meet federal requirements include:

- applying “reasonable effort” to place siblings together in foster care and for the agency to provide frequent visits if the siblings cannot be placed together;
- monthly caseworker visits must include determining whether the child is enrolled and attending school, and addressing the issue if not; and
- requiring due diligence in identifying and notifying adult relatives prior to placement or within 30 days after the child is removed from the parents' care.

The law takes effect when at least 35 states have enacted it.

HF1709/SF1503\*/CH163

— P. OSTBERG

### County mandate reliefs

A variety of health and human services county mandate reliefs and provisions on how counties cremate and bury those on public assistance are included in a new law.

Sponsored by Rep. Kim Norton (DFL-Rochester) and Sen. Ann Lynch (DFL-Rochester), the law includes changes to residential treatment centers, cremation and burial of public assistance recipients.

The law allows families to place their children in treatment centers across state lines if they are closer than an in-state institution, with counties responsible for the costs. A county board can determine the appropriate level of care when county funds are used to pay for services.

Upon their death, any person receiving public assistance through the Minnesota Family Investment Program can be cremated by the county. However, the county must attempt to contact the decedent's spouse or next of kin. If a faith tradition is unknown, the county may cremate the body.

Home health aide qualifications are



changed to include that a person may perform aide tasks if the person maintains current registration as a nursing assistant on the Minnesota nursing assistant registry.

Other provisions include changes to day training and habilitation alternative inspection requests and changes to a mailing notice from a juvenile's probation officer to a school.

Most of the law takes effect Aug 1, 2009.  
HF1276\*/SF986/CH174

— P. OSTBERG

### **Medical Assistance expanded**

Fetal alcohol spectrum disorder will be added to the list of related conditions that qualify for Medical Assistance under disabled children's services.

Sponsored by Rep. Larry Hosch (DFL-St. Joseph) and Sen. Ann Lynch (DFL-Rochester), the law, effective Aug. 1, 2009, adds the disorder to the list of others currently defined as related conditions, such as cerebral palsy, epilepsy, autism and Prader-Willi syndrome.

The change will only qualify those if other eligibility requirements are met and would bring more awareness to the condition, Hosch said.

Sara Messelt, executive director of the Minnesota Organization on Fetal Alcohol Syndrome, said it would give credibility to those with FASD and would cause social workers to give it a second look as a disability. About 8,500 babies a year are born in Minnesota with the incurable disorder, she said.

HF581/SF501\*/CH147

— P. OSTBERG

### **Foster care benefits extended**

Children in foster care who are nearing their 18th birthday will have the option of staying in foster care, if they feel they are not yet ready to live on their own.

A new law sponsored by Rep. Jeff Hayden (DFL-Mpls) and Sen. John Marty (DFL-Roseville) requires social services agencies to develop a plan with the child for their vocational, educational and social needs. Agencies must also ensure that any foster care, housing or counseling benefits are consistent with that plan.

Hayden said nearly 600 children leave foster care each year when they reach age 18. However, studies have shown that most young adults are age 25 or older before becoming self-sufficient, he said. Extending foster care options until age 21 gives them "a place to return for help when things go wrong and unexpected supports go away."

The law takes effect Aug. 1, 2009.  
HF985/SF666\*/CH106

— S. HEGARTY

### **Licensing, background changes**

Technical changes to human services licensing programs and background study requirements are included in a new law.

Sponsored by Rep. Jim Abeler (R-Anoka) and Sen. Tony Lourey (DFL-Kerrick), the law makes technical changes to licensing requirements for respiratory therapists and massage therapists, inspections for day training and habilitation programs, and training about sudden infant death syndrome for child care providers.

Under the law, licensed child care programs must conduct a background study on former employees wanting to return to work that have been absent 45 or more consecutive days, and persons having no direct contact for more than 45 consecutive days must have a new background check before returning to a position of providing direct contact services.

The human services commissioner will be permitted to conduct background checks on persons between the ages of 13 and 23 living in the homes of child care providers, and can review juvenile records.

The law takes effect Aug. 1, 2009.  
HF1750/SF1447\*/CH142

— P. OSTBERG

### **Mental health changes**

Some adult and child mental health policies in the Human Services Department are changed under a new law.

Sponsored by Rep. Larry Hosch (DFL-St. Joseph) and Sen. Linda Berglin (DFL-Mpls), the new law modifies statutes related to drug and alcohol counselor licensure and county maintenance of effort provisions, and clarifies rate setting and reimbursement procedures for intensive residential treatment services and certain community treatment.

The law takes effect Aug. 1, 2009, except for the reimbursement procedures provision, which is effective with services provided on or after Jan. 1, 2010, through Dec. 31, 2011.

Under the law, a provision is removed that would have sunset July 1, 2009. The provision provided for exceptions for drug and alcohol counselors integrating dual-diagnosis treatment for adults in mental health rehabilitative programs certified by the department.

How counties establish base level expenditures is included to simplify administration and improve budgeting predictability. The human services commissioner is instructed to use each county's actual prior year revenues to adjust the county's minimum required expenditures for the coming year, and is permitted to use current information regarding major revenue

changes if the change is known early enough to allow counties time to adjust their budgets. If a county doesn't comply with the changes, the commissioner can approve a corrective action plan for the county.

Other clarifying provisions include definitions of an adult mental health rehabilitation worker, community health worker and mental health behavioral aide services.

HF1708/SF1504\*/CH167

— P. OSTBERG

### **Parental fees clarified**

Parental fees paid for services for persons with developmental disabilities will be eligible for inclusion as part of an employer's health care flexible spending account.

Sponsored by Rep. Patti Fritz (DFL-Faribault) and Sen. John Marty (DFL-Roseville), the law is a clarification requested by the Human Services and Employment and Economic Development departments.

Under the law, all reimbursements must include a notice that the amount is taxable income if the parent paid for the fees through an employer's account, and parents are responsible for paying taxes on the amount reimbursed.

The law takes effect July 1, 2009.  
HF266/SF711\*/CH145

— P. OSTBERG

### **Using vouchers for organics**

Vouchers for the special supplemental program for Women, Infants and Children can be used to purchase organic foods.

Sponsored by Rep. Karen Clark (DFL-Mpls) and Sen. Sharon Erickson Ropes (DFL-Winona), a new law requires the health commissioner to evaluate the list of WIC foods and add any organic foods determined to be cost-neutral.

"This is a matter of consumer choice," Clark said. The cost of organic foods continues to go down, so they are more affordable, she said.

Tom Petersen, chairman of the Organic Advisory Task Force, said the proposal is one the task force has been working on for a number of years. He said the state of Washington has a similar program that allows for the purchase of some fruits, vegetables, breads, brown rice and legumes.

The law is effective May 21, 2009.  
HF285/SF213\*/CH114

— P. OSTBERG

### **Technical health policy changes**

Technical clarifications to policies and appropriations needed by the Human Services Department are included in a new law.

Sponsored by Rep. Erin Murphy (DFL-St.

Paul) and Sen. Linda Berglin (DFL-Mpls), the law corrects miscellaneous references and updates state provisions to meet federal requirements.

One change includes limiting state payment rates for cesarean births and vaginal deliveries to \$3,528 for managed care and county-based purchasing plans beginning Oct. 1, 2009. Another clarifies that a background study must be completed on an individual before they begin performing services with direct contact to seniors and individuals with disabilities.

Under the law, the human services commissioner may develop "centers of excellence" criteria to designate certain providers of care for those on Medicare. The commissioner can then make coverage for certain procedures conditional upon the facility providing the services and meeting certain criteria.

The law has various effective dates.

HF1988\*/SF1924/CH173

— P. OSTBERG

### State system eases child care billing

A new law will help child care providers who participate in the basic sliding fee program to manage billing and payment through a new automated system administered by the Department of Human Services.

Basic sliding fee child care assistance is highly valued by working parents who may apply if they earn less than 47 percent of the state's median income and remain eligible until earning up to 67 percent of the state's median income. For example, a three-person household with \$32,167 of annual income could apply, and then remain on the program until they earn \$45,855.

The law, sponsored by Rep. Diane Loeffler (DFL-Mpls) and Sen. Patricia Torres Ray (DFL-Mpls), makes several other technical changes and clarifications to existing law.

A change to eligibility requirements for school readiness service agreements will allow children to keep attending high-quality child care programs even if their parents' work or other authorized activities dip below a 35-hour a week requirement during the first year. "The idea is to keep children in care on a continuous basis as long as possible to help improve the outcome for those kids," said Cherie Kotilinek, child care assistance program manager with the department. Child care providers in the SRSA program receive a higher rate of reimbursement for providing certain early learning services.

The law also directs the State Advisory Council on Early Childhood Education and Care to create an inventory of early childhood services. The inventory will identify programs serving children and their

families by geographic and demographic characteristics, and numbers served plus those eligible who are not served.

Other provisions allow the commissioner to charge for development and operating costs of county-initiated projects, such as those to facilitate more integrated services to clients and create more efficient county workflow.

Renewal of overpayment judgments for certain programs is allowed, which is expected to save county and court costs.

Foster care providers no longer need to be re-licensed as adult foster care providers in order to obtain funding for a disabled child who has turned age 18.

HF1728\*/SF1509/CH175

— K. BERGGREN

## INDUSTRY

### Name-squatters lose their rights

A business forgetting to file its annual renewal with the Office of the Secretary of State could fall prey to name-stalkers or name-squatters. These are people who seek out business names that are not secured and try to squeeze the business owner for money to get the name back.

A new law, sponsored by Rep. Jeremy Kalin (DFL-North Branch) and Sen. Rick Olseen (DFL-Harris), will make it a more difficult for people to "hop on the name ... an unethical practice," Kalin said.

Effective 30 days after the office certifies it has systems in place to implement the provisions, the office will automatically file a name reservation to hold the name for a period of one year from the date of the business dissolution or termination if an annual renewal has not been filed.

The new law will also help the office upgrade its systems and practices. Primarily a technical law, there are two other provisions of note: eliminating the need for non-Minnesota businesses to file duplicate certificates from other states, as this information is readily accessible over the Internet; and strengthening of the so-called bogus filing review act that was passed by the Legislature four years ago.

HF1532/SF1288\*/CH98

— L. SCHUTZ

### Elevator inspection exemptions

Some elevators and lifts in nonprofit or nonpublic settings are temporarily exempted from annual safety inspections for an operating permit.

Under a new law, effective May 13, 2009, through July 1, 2010, manlifts in grain elevators, feed mills, and elevators or platform lifts for wheelchairs in churches are excluded

from an annual inspection requirement.

Also, the Department of Labor and Industry is directed to establish an advisory group to study existing rules and laws that relate to the maintenance and operation of special purpose lifts, hand elevators and manlifts in facilities not for public use, and report its findings to the Legislature by Jan. 30, 2010.

Rep. Al Juhnke (DFL-Willmar) and Sen. Rod Skoe (DFL-Clearbrook) sponsor the law.

HF1813/SF1425\*/CH76

— K. BERGGREN

## INSURANCE

### Speeding up insurance claims

Let's say you own a store and a fire destroys the building and your inventory. You have insurance, but you may find you have to hire a lawyer to get them to pay up.

A new law will allow for a 10 percent interest charge on the insurance proceeds calculated from the time the insured requests payment of the policy amount, plus reasonable attorney fees and court costs. Effective Aug. 1, 2009, the law is sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Tom Bakk (DFL-Cook).

Opponents say the legislation will increase insurance litigation costs and, in turn, increase insurance payments. Some say the law goes beyond similar regulations in other states.

The new law also clarifies the term and usage of "surviving spouse" as it relates to a business of a deceased professional who was the sole owner of a firm at the time of the professional's death.

HF417\*/SF528/CH148

— L. SCHUTZ

### Electronic data interchange

Creating uniformity in health care insurance billing is the focus of a new law.

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. Kevin Dahle (DFL-Northfield), the law requires the health and human services commissioners along with the Minnesota Administrative Uniformity Committee to study and recommend ways to simplify health care billing transactions through electronic interchanges.

The study must include recommendations on establishing a single, standardized system for all group purchasers for transactions and notifications; recommendations on technology relationships regarding e-prescribing laws; ensuring any use of technologies among providers and purchasers is consistent with national standards; analysis of the readiness of providers and purchasers to implement technologies; and prioritizing the



## LEGO CAPITOL



PHOTO BY TOM OLMSCHIED

**Historical Society Site Guide Cindy Stephani tells a group of fifth graders from Tatanka Elementary School in Buffalo about the 6-by-4-by-3 LEGO Capitol that was on display May 26 at the Capitol. Built by LEGO Ambassador Roy Cook, the model took about 50 hours to plan and 100 hours to build using approximately 70,000 unaltered original size and color LEGO bricks.**

implementation of specific technologies.

The law is effective Aug. 1, 2009.

HF384\*/SF704/CH155

— P. OSTBERG

## LAW

### Greater attorney fee awards

A new law could help people fight the state.

Sponsored by Rep. Joe Mullery (DFL-Mpls) and Sen. Don Betzold (DFL-Fridley), it eliminates a per-hour cap on an award of attorney's or agents fees in a civil action or contested case where the state is a party. The law takes effect Aug. 1, 2009.

Under current law when a court finds the state is not justified in bringing forth an action, the defendant is entitled to an award of attorney fees and expenses. However, the \$125 hourly cap, established in 1986, is still in statute.

Supporters said it is hard to get good legal representation at that limited price.

The law will allow a judge to issue a reasonable award based on the prevailing market rate for the kind and quality of service received by the defense.

HF1529\*/SF798/CH125

— M. COOK

### Lien, claims protection

Individuals, other than a spouse, who have ownership in a property of a person who died in a nursing home and was on Medical Assistance will have lien and claims protection, under a new law.

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. D. Scott Dibble (DFL-Mpls), the law requires an approved hardship waiver, and that an individual, other than the recipient's spouse, have ownership interest in the property and also have occupied the property for at least 180 days before the date of the decedent's death.

If the property is a homestead, Medical Assistance claims can only be made after the individual no longer resides in the property or until it's sold or transferred.

The law is effective Aug. 1, 2009.

HF1482/SF1208\*/CH160

— P. OSTBERG

### Deputy sheriffs can practice law

Deputy sheriffs will be able to provide a different kind of legal service.

Effective Aug. 1, 2009, a new law removes a prohibition of a deputy sheriff practicing law, provided the deputy has the appointing sheriff's approval. The law also permits a

coroner to practice as an attorney.

Rep. John Lesch (DFL-St. Paul), who sponsors the law with Sen. Ellen Anderson (DFL-St. Paul), said it allows deputy sheriffs to practice law outside their jurisdiction for cases that do not affect them in their deputy sheriff job. Violation of the law will be a petty misdemeanor.

An assistant St. Paul city attorney, Lesch said he has sometimes provided services for cases in other jurisdictions.

HF348\*/SF297/CH118

— M. COOK

## LOCAL GOVERNMENT

### Sanitary district dissolution

The Central Lakes Regional Sanitary District will be allowed to dissolve.

Established in 2003, the district was to construct a wastewater collection system spanning several townships in north-central Minnesota; however, it ran into a number of problems, including opposition from residents. It now plans to dissolve.

Rep. Torrey Westrom (R-Elbow Lake) and Sen. Bill Ingebrigtsen (R-Alexandria) sponsor a new law that clarifies statutes so that the district has a path to dissolution. It takes effect

upon approval by the affected townships.  
HF1501/SF1489\*/CH44

— N. BUSSE

### Iron Range sewer district

After a series of mishaps that delayed its creation for several years, the Central Iron Range Sanitary Sewer District will be established.

The district, which will manage the wastewater needs of a group of cities and townships northeast of Hibbing, was originally authorized in 2002; however, a series of errors in the original and subsequent legislation, as well as local problems, delayed its implementation.

A new law sponsored by House Majority Leader Tony Sertich (DFL-Chisholm) and Sen. David Tomassoni (DFL-Chisholm) will fix all the errors, authorize the district retroactively from Dec. 27, 2003, and set up governance and operational requirements.

Effective May 21, 2009, a provision in the law changes the recipient of a \$2.5 million appropriation for mercury treatment facilities that was made in the 2006 bonding law from the district to the city of Hibbing. It also specifies that the money is not available until an equal amount is committed from other sources.

HF17/SF79\*/CH122

— N. BUSSE

### Redwood County pavilion to expand

Redwood County residents will have more space for their summertime class reunions, wedding receptions and church picnics.

House Minority Leader Marty Seifert (R-Marshall) and Sen. Dennis Frederickson (R-New Ulm) sponsor a new law that allows the upgrade of a popular picnic shelter to accommodate larger groups. Visitor numbers to the site and its surrounding grounds of the historic Gilfillan Estate have more than doubled in the past decade.

The law, effective May 21, 2009, will allow an exemption to the state building code so the pavilion can be remodeled without a costly sprinkler system that would ordinarily be required by state code. The county has raised \$150,000 in private funds and sought no additional funding, but only a code exemption to save it the \$75,000 sprinkler system price tag.

HF1946/SF1477\*/CH146

— K. BERGGREN

### Shoreland regulation changes

An issue that has spawned decades' worth of disputes among property owners, local governments and the Department of Natural Resources might finally be resolved.

A new law is designed to address the longstanding problem of DNR shoreland regulations preventing owners of property on legal nonconforming lots from selling or otherwise using their land as they see fit. Rep. Mike Nelson (DFL-Brooklyn Park) and Sen. Ann Rest (DFL-New Hope) are the sponsors.

Local governments are responsible for implementing DNR shoreland management standards designed to protect the water quality of lakes and other environmental factors. These rules can negatively impact owners of properties that were legally built but that no longer conform to current shoreland regulations.

The new law establishes shoreland rules based on a 2008 compromise reached by a working group comprised of DNR officials, local governments, realtors and others.

Contiguous nonconforming lots under common ownership can be sold or purchased individually, as long as each had a habitable residential dwelling when it came under common ownership, under the law. This addresses a problem of owners of two adjacent properties being prevented from selling one of them.

A provision in the law addresses problems faced when buildings on nonconforming shoreline lots are damaged to the extent of more than 50 percent of their market value. If the lot has less than 50 percent of the required setback from water, the law states that the setback may be increased if reasonable and practicable conditions may be placed on the zoning or building permit to mitigate impacts on the adjacent property or water body.

Other provisions in the law include:

- allowing building on nonconforming lots without variances from lot size requirements, under certain conditions;
- specifying that lots that meet certain requirements are treated as separate parcels of land even if they are under common ownership; and
- requiring property owners to address water and environmental issues when applying for a variance, zoning or building permit.

The law is effective May 22, 2009.

HF519\*/SF747/CH149

— N. BUSSE

### Local government mandate relief

Local governments will receive less money from the state this year; however, they will also have fewer state mandates to fund.

Sponsored by Rep. Mike Nelson (DFL-Brooklyn Park) and Sen. Ann Rest (DFL-New Hope), a new law is the result of legislative hearings held early in session to determine

what state mandates could be removed to help cities and counties cope with budget shortfalls.

A number of statutory requirements are eliminated in the law, including minimum salary mandates for local officials. These include:

- counties with populations under 75,000 no longer have to abide by outdated minimum salary requirements for auditors, treasurers, recorders and sheriffs;
- county boards will have the ability to reduce commissioners' salaries at any time; and
- cities with populations under 100,000 will be able to temporarily reduce salaries of members of their governing bodies at any time.

The law includes provisions to simplify local governments' compliance with agency rulemaking authority. State agencies proposing rule changes must determine whether local ordinances will have to be adopted or amended to comply with the proposed rule. If so, then the rule cannot become effective until the next July 1 or Jan. 1 after its adoption.

A change effective July 31, 2009, allows deputy registrars to collect a surcharge on vehicle-related filing fees paid for with credit or debit cards. The surcharge must not exceed the cost of processing the credit or debit transaction.

Other provisions in the law include:

- specifying that a county or town that has accepted responsibility for an abandoned cemetery may prohibit further burials and cease acceptance of responsibility for new burials;
- doubling the annual threshold for municipalities to report to the Department of Labor and Industry on fees collected from developers, builders and subcontractors to \$10,000;
- increasing from \$300 to \$2,000 the threshold for which itemized accounts, claims or demands allowed by a county board must be published in the local newspaper;
- allowing townships to recover the full cost of employing "fence viewers" to help settle private land disputes; and
- striking a cap on booking fees charged to jailed individuals and allowing counties to recover the actual costs of booking.

HF1849\*/SF1544/CH152

— N. BUSSE

### Minnesota River Board reorganizes

The former Minnesota River Basin Joint Powers Board is renamed as the Minnesota River Board and its purpose, duties and membership are expected to change under a new law.

Rep. Terry Morrow (DFL-St. Peter) and Sen. Dennis Frederickson (R-New Ulm) sponsor



the law, which is effective May 8, 2009.

The board was established in 1995 as a joint powers board comprised of counties for the purpose of improving and protecting water quality in the Minnesota River Basin. Proposed reorganization plans include collaboration with the Water Resources Center at Minnesota State University, Mankato and the creation of an advisory committee to serve as a forum for issues the board should address. The committee must convene prior to Dec. 31, 2009.

Comprised of representatives from the 12 major watersheds in the area, the board will be required to compile and submit reports to the Legislature about the results and progress of water cleanup efforts within the basin.

HF955/SF275\*/CH49

— S. HEGARTY

### **Sewage system regulations modified**

Home sellers with subsurface sewage treatment systems are subject to a new disclosure law that takes effect Aug. 1, 2009. Sellers must tell buyers any pertinent information related to the sewage treatment system and must provide a copy of a previous inspection report, if available.

Systems will also be subject to a local government inspection when adding a bedroom onto a residence. The inspection requirement will no longer be satisfied by the installer providing video, electronic, photographic or other evidence of compliance.

Local governments can also adopt new rules for anyone who abandons all or part of a subsurface sewage treatment system.

The new law, sponsored by Rep. Jeanne Poppe (DFL-Austin) and Sen. Lisa Fobbe (DFL-Zimmerman), also strengthens penalties for installers who engage in illegal activities.

HF1275\*/SF1449/CH109

— S. HEGARTY

## **MILITARY**

### **Calculating pay differential**

Terms and acronyms used by the military and the public sector can differ in interpretation. For instance, a law relating to pay calculations for those having to temporarily leave a school position for active duty has caused some problems.

By deleting the term “basic” and substituting “base,” a new law will help clarify what is meant by “daily rate of pay,” for calculating pay differential.

When someone working in the private sector is called up to active duty, the public employment entity (such as a school) fills the financial gap, if the person’s military pay is less than what they receive from their civil

public employment. The new law will make the definition consistent.

Sponsored by Rep. Rob Eastlund (R-Isanti) and Sen. Tarryl Clark (DFL-St. Cloud), the law is effective May 17, 2009, and applies to National Guard members and United States armed forces reservists serving in the active military on or after that day.

HF1127/SF1794\*/CH84

— L. SCHUTZ

## **RETIREMENT**

### **Public pension plan changes**

Retirement plans for various public employees will undergo a series of administrative changes, under a new law.

Sponsored by Rep. Mary Murphy (DFL-Hermantown) and Sen. Don Betzold (DFL-Fridley), the law enacts modifications recommended by the Legislative Commission on Pensions and Retirement. These include:

- technical changes to disability benefit programs for state employees, including allowing disability benefit applications to be filed 18 months rather than six months after termination of service;
- permitting the Minnesota State Colleges and Universities system to establish an early separation incentive program for its employees, and also permitting MnSCU faculty a second opportunity to elect Teachers Retirement Association coverage within one year of achieving tenure; and
- establishing a voluntary statewide lump-sum volunteer firefighter retirement plan through the Public Employees Retirement Association, and an associated retirement fund to be invested by the State Board of Investment.

The legislation originally included provisions that would have increased teachers’ pension contributions to address deficiencies in several pension funds; however, the provisions were removed over concerns that Gov. Tim Pawlenty opposed the changes and would veto the bill if they were included.

“We are pushing this issue down the road, and it’s a huge mistake and it’s going to haunt us,” said Rep. Paul Thissen (DFL-Mpls).

Most of the law takes effect either May 23, 2009, or the first day of the first full payroll period commencing after final enactment.

HF723/SF191\*/CH169

— N. BUSSE

To find out who represents you at the Capitol . . .  
Call House Public Information Services  
at 651-296-2146 or 800-657-3550

## **SAFETY**

### **Restraint required for young riders**

Minnesota has joined 44 other states in implementing a supplemental child restraint law.

Effective July 1, 2009, youth in a motor vehicle must be in a child passenger restraint system until their eighth birthday or they reach 4 feet 9 inches tall.

Rep. Melissa Hortman (DFL-Brooklyn Park), who sponsors the law with Sen. Jim Carlson (DFL-Eagan), said that an improperly fitted adult safety belt could cause the lap belt to ride up over the stomach and the shoulder belt to cut across the neck. If the shoulder strap is uncomfortable, children often place it behind their back, further defeating the safety benefits of the system. A backless booster seat, which raises a child so the belt properly goes across the shoulders and hips, costs less than \$20.

Violation of the law will be a petty misdemeanor, with the driver fined up to \$50. However, the fine will be waived if within 14 days the operator proves he or she has purchased a system for use. A peace officer is permitted to provide information to a violator on obtaining a free or low-cost child passenger restraint system.

The law should also get the state some federal funds because the National Highway Traffic Safety Administration awards incentive funds for child passenger safety activities to



PHOTO BY TOM OLMSCHIED

**A new law requires children under age 8 or less than 4 feet 9 inches tall to be in a child passenger restraint system when in a motor vehicle**

states that enact a qualifying child restraint law.

HF267/SF99\*/CH82

— M. COOK

### **Bus crash reporting requirements**

It is hoped a new law will never be used.

Sponsored by Rep. Terry Morrow (DFL-St. Peter) and Sen. Rick Olseen (DFL-Harris), the law expands a peace officer's school bus accident reporting requirements.

Effective Aug. 1, 2009, a peace officer responding to an accident involving a school bus must report the accident to the state patrol if there is a fatality, there is bodily injury to a person who requires immediate medical attention or a vehicle involved suffers disabling damage.

In addition to conforming state school bus crash inspection statutes to federal law, the law simplifies reporting requirements because the state has two standards, one for commercial vehicles and one for school bus inspections.

By aligning the two to treat all large-vehicle crashes the same, Morrow said state patrol inspections will be more efficient, and the state will comply with the definition of a reportable crash under the Federal Motor Carrier Safety Administration so that accurate reporting of trend data involving school bus crashes will occur. School bus operators testified in support of the law.

HF668\*/SF782/CH113

— M. COOK

### **Drug testing change**

A simple change in statute will allow certain state workers to receive required drug and alcohol testing from the federal government rather than the state.

Sponsored by Rep. Paul Rosenthal (DFL-Edina) and Sen. Amy Koch (R-Buffalo), a new law extends an exemption on drug and alcohol testing currently applied to local governments to include the state as well. The change will allow state-employed drivers with commercial licenses to be covered by federal regulations instead of state regulations.

"This relieves the pressure on our administration, and also keeps in place appeal processes for employees," Rosenthal said.

The law takes effect Aug. 1, 2009.

HF1820/SF1172\*/CH55

— N. BUSSE

### **Fallen Firefighters Memorial Day**

Firefighters who have lost their lives in the line of duty now have their own day of remembrance in Minnesota.

A new law designates the first Sunday in October as Fallen Firefighters Memorial Day. On that day, each U.S. flag and Minnesota flag on

the Capitol grounds will be flown at half-staff.

According to the Minnesota Fallen Firefighters Memorial Association, there have been 197 line-of-duty firefighter deaths in Minnesota, with the first being recorded in 1881 in Minneapolis, and the most recent in 2008 in Pine City.

Rep. Mike Obermueller (DFL-Eagan) and Sen. Jim Carlson (DFL-Eagan) sponsor the law, which takes effect Aug. 1, 2009.

HF422/SF237\*/CH87

— N. BUSSE

### **Teacher background checks clarified**

The Board of Teaching may now disclose to school boards or administrators more of what's included in a teacher's disciplinary record, if one exists, and requires those hiring to ask for that information.

A new law requires candidates for a teaching position to provide information in their employment application regarding any history of disciplinary actions by the board, or any similar disciplinary history from other states. Those hiring must ask the candidates for that information.

The board is required to release data relating to the substance of the disciplinary action. This could include sexual misconduct or attempted sexual misconduct, or misconduct of another nature. It excludes failure to pay court-ordered child support, spousal support or delinquent state taxes.

Prospective teachers will also undergo a criminal history background check.

The law, sponsored by Rep. Karla Bigham (DFL-Cottage Grove) and Sen. Kathy Saltzman (DFL-Woodbury), is effective May 20, 2009.

HF523\*/SF402/CH115

— K. BERGGREN

### **Gun background check conformity**

Minnesota will be in compliance with the National Instant Criminal Background Check System.

According to the Federal Bureau of Investigation, "NICS is used by Federal Firearms Licensees (FFLs) to instantly determine whether a prospective buyer is eligible to buy firearms or explosives. Before ringing up the sale, cashiers call in a check to the FBI or to other designated agencies to ensure that each customer does not have a criminal record or isn't otherwise ineligible to make a purchase. More than 100 million such checks have been made in the last decade, leading to more than 700,000 denials."

Sponsored by Rep. John Lesch (DFL-St. Paul) and Sen. Ken Kelash (DFL-Mpls), the law requires a court to ensure that information is transmitted as soon as possible to the federal system when it:

- commits a person under the civil commitment law as being mentally ill, developmentally disabled, mentally ill and dangerous or chemically dependent;
- determines in a criminal case that a person is incompetent to stand trial or not guilty by reason of mental illness; or
- restores a person's ability to possess a firearm.

This provision takes effect July 1, 2010, to give the Bureau of Criminal Apprehension time to incorporate the requirements into its computer system.

The law amends the delineation of those ineligible to possess firearms, and it allows a person to petition a court for the right to possess a firearm, if a previous judicial determination found them to be mentally ill, developmentally disabled, mentally ill and dangerous or chemically dependent. A court can consider evidence from a doctor or clinical psychologist that the person no longer suffers from the disease or it has been successfully treated for at least three years. This section is effective Aug. 1, 2009.

The federal government will make money available for the state to input data into the system; however, it is contingent on legislative approval of program acceptance.

HF954/SF722\*/CH139

— M. COOK

### **Licensing full-time firefighters**

Some of the state's first responders will need to prove their aptitude.

Full-time firefighters hired on or after July 1, 2011, will need a license, and volunteer and on-call firefighters will have the option of getting a license by following the same requirements as full-time firefighters.

To receive a three-year license, a person must demonstrate competency in fire prevention, fire suppression and hazardous material operations. A license will be renewed without testing, provided the firefighter had at least 72 hours of training during the previous three years. Grandfathered provisions would exempt the approximately 2,000 current full-time firefighters.

To ensure there is no fiscal impact to the state, a \$75 fee is established for the original license and each renewal.

The new law calls for the Board of Firefighter Training and Education to appoint an accredited organization to prepare and administer firefighter certification examinations.

Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Ann Rest (DFL-New Hope) sponsor the law.

An amendment successfully added by Rep. Larry Howes (R-Walker) provides a two-



week window between Oct. 1, 2009, and Oct. 15, 2009, for people to apply for a restricted master plumber license. He said the previous window to apply for a license was limited, forcing many people to miss the application opportunity.

HF1805/SF1219\*/CH153

— M. Cook

### **Mental health 911 assistance**

When someone calls 911 it is usually for police, fire or ambulance service.

Beginning Aug. 1, 2009, mental health crisis teams will be added to the list of emergency 911 responders, where available.

Supporters said there is not one number to call when someone is having a mental health crisis and is in need of help, and that mobile crisis teams can assess a situation and provide cost-effective ways to stabilize the individual, including a referral to mental health centers, clinics or crisis homes. They said a collaboration that now exists in Grand Rapids has resulted in a crisis team and police dispatched for all behavioral health emergency calls.

Rep. Joe Mullery (DFL-Mpls) and Sen. Tom Saxhaug (DFL-Grand Rapids) sponsor the law.

HF448/SF707\*/CH128

— M. Cook

### **Saying no to REAL ID**

Civil liberties and privacy issues versus national security and federal accessibility are at the heart of a new law, the provisions of which were vetoed 12 months earlier.

Effective May 16, 2009, the law prevents the Department of Public Safety from taking any steps to implement or plan for implementation of the federal REAL ID Act of 2005. Rep. Carlos Mariani (DFL-St. Paul) and Sen. Warren Limmer (R-Maple Grove) sponsor the law.

A recommendation by the 9/11 Commission, the act's goal is to create uniform standards for documents such as driver's licenses and state identification cards, making them harder to forge, and thereby reducing identity fraud and tightening immigration standards.

States have called the act an unfunded mandate, and supporters have questioned the security associated with the plan and have concerns with data privacy issues.

Residents of states that do not adopt the federal standards by the end of this year would not be able to use their license or identification cards for federal purposes, such as boarding commercial aircraft or entering a federal building. However, supporters say this is unconstitutional. Mariani said 12 other states have passed similar laws, and that the federal

government may be backing off on some requirements.

In an effort to compromise after vetoing the 2008 bill, Gov. Tim Pawlenty issued an executive order that would prevent state compliance before June 1, 2009, unless legislative approval is first given. He hoped the time would allow all sides to reach a compromise on issues such as federal funding, privacy and state control.

HF988\*/SF738/CH92

— M. Cook

### **Public safety and courts**

A strategic approach to preserving public safety still means a \$61 million cut in public safety and courts funding.

Gov. Tim Pawlenty is OK with that.

A new law, mostly effective July 1, 2009, contains reforms for the court system and Corrections and Public Safety departments.

Rep. Michael Paymar (DFL-St. Paul) and Sen. Linda Higgins (DFL-Mpls) sponsor the \$2.02 billion law, including \$1.81 billion allocated from the General Fund, to cover courts, human rights, victim services and public safety and other programming.

Unlike most state agencies and departments that face a biennial funding decrease, the Corrections Department will receive a \$3.6 million base bump, although the governor sought more.

To help with department efficiencies, the law requires at least a 1 percent per diem decrease, or 89 cents per day per prisoner. Additional per diem savings are to be put toward treatment beds. A list is included of potential ways the department can cut costs, and a task force will be established to look at how the department can improve efficiencies. The law requires a 20 percent reduction in the department's car fleet — more than 750 now — by Jan. 1, 2010.

The short-term offender program that allows offenders with less than six months remaining on their sentence to serve that time in a local jail is eliminated, effective with those sentenced on or after July 1, 2009, meaning no state inmates should be in local facilities after Dec. 31, 2009. The problem was that state funding was not close to county costs, thereby putting the onus on local taxpayers.

All Challenge Incarceration Program beds must be filled, and the department is required to put an eligible offender's name on a waiting list and to offer the person a chance to participate when space becomes available if there was insufficient space when the person originally became eligible. The list of those ineligible to participate is expanded.

After lawmakers heard about potentially reducing services and hours or not charging

some criminal activity, the law provides the courts an overall biennial funding decrease of less than 1 percent, but some of that is to be offset by \$41 million in fee increases.

Among the increases are:

- initial filing fee in a district court civil action (\$240 to \$310);
- initial filing fee in a marriage dissolution action (\$270 to \$340);
- jury demand fee (\$75 to \$100);
- motion fees (\$55 to \$100);
- subpoena issuance (\$12 to \$16);
- depositing a will (\$20 to \$27);
- filing fee in conciliation court (\$50 to \$65); and
- filing fee for an appeal (\$500 to \$550).

Other court provisions include: an increase from \$4 to \$12 in the surcharge attached to parking violations; an increase of the attorney registration fee to \$75 to help fund public defenders; the public defender co-pay is increased from \$28 to \$75 (it can be waived by the court); referees can serve as judges of conciliation court in all judicial districts; a transfer of money from local drug abuse prevention programs to juvenile drug court programs; and an annual 10 percent interest rate must be put on a judgment or an award over \$50,000.

The law also:

- ensures that five victim's services programs administered by the Office of Justice Programs must not be reduced by more than 3 percent from last year's biennium funding;
- judges can waive the mandatory minimum sentence for a fifth-degree controlled substance crime in certain circumstances;
- counties can develop a revocation center pilot project to house offenders facing probation revocation, rather than sending them to prison;
- a 90-day incarceration cap will be placed on a first-time supervised release violator following a revocation of supervised release; and
- by Jan. 1, 2010, the Public Safety Department is to reduce its non-investigative car fleet by at least 5 percent. This excludes the state patrol.

HF1657/SF802\*/CH83

— M. Cook

### **Safe at Home is more secure**

A program that keeps abuse victims safe will make them even safer.

Safe at Home, an address confidentiality program administered by the Office of the Secretary of State, provides extra security for approximately 226 participants. It provides a mail forwarding service, whereby participants receive a mailing address to use and their correspondence is forwarded to their actual

mailing address, which is not disclosed.

Sponsored by Rep. Steve Simon (DFL-St. Louis Park) and Sen. Mee Moua (DFL-St. Paul), a new law, effective May 20, 2009, states that sex offenders cannot be in the program, and it supersedes local ordinances that require a person to post their name outside of an apartment building where they reside. In some buildings, a listing in the entryway contains each tenant's name and apartment number.

According to its Web site, "The intent of Safe at Home is to allow its participants to go about their lives, interacting with public and private entities, without leaving traces of where they really live in an attempt to keep their abuser from locating them."

HF1677\*/SF1452/CH105

— M. COOK

### Transport time

Ambulances will have to transport patients with an obstructed airway to the nearest trauma hospital, when available.

Sponsored by Rep. Diane Loeffler (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls), a new law states that if a trauma hospital is not within a 30-minute driving distance, the patient must be taken to the nearest hospital.

In cases where the trauma patient's breathing is not impaired, the ambulance must transport a patient to a Level I or II trauma hospital within 30 minutes, or the nearest hospital if a trauma hospital is not within the time frame. An ambulance service medical director can require, however, a person be sent to a higher-designated trauma hospital. This portion of the law is effective July 1, 2010.

Under current law, a Level II trauma center can't be bypassed for a Level I, even if it's closer. The change allows flexibility in determining which care is more appropriate.

The law also requires that the health commissioner, in consultation with the Emergency Medical Services Regulatory Board, emergency medical services and trauma hospitals, to provide quarterly updates to each regional trauma advisory council regarding major trauma scene ambulance transports. This portion is effective Aug. 1, 2009.

HF1293/SF1217\*/CH74

— P. OSTBERG

### Youth violence prevention

Combating youth violence with a public health perspective is the focus of a new law.

Sponsored by Rep. Paul Thissen (DFL-Mpls) and Sen. John Marty (DFL-Roseville), it requires the health commissioner to collaborate with other departments to identify five community-based violence prevention programs that work to create connections

## PEACE VIGIL



PHOTO BY ANDREW VONBANK

**Members of the Bloomington Police Department stand watch at the Peace Officer Memorial during the annual Peace Officers Memorial Day observance May 15.**

between at-risk youth and trusted adults, intervene at the first signs a youth is at risk and rehabilitate youth who have been involved in violence.

Under the law, one program must serve youth in Minneapolis, one in St. Paul and three others in Greater Minnesota communities.

The programs will work with schools to keep students engaged and help prepare them for higher education and job training, teach self-respect and respect of others, provide mentorship and job placement, and parent and family intervention while teaching parenting skills.

The programs are effective upon the availability of funding to support the activities. The health commissioner is to assist in obtaining private, state or federal funding.

HF1328\*/SF1235/CH156

— P. OSTBERG

## TECHNOLOGY

### Making technology accessible

People with visual or hearing disabilities may find it easier to access Minnesota

government services online.

A new law will establish accessibility standards for state information technology, and require state agencies to consider accessibility when purchasing new software, hardware and other technological upgrades.

Sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Ann Rest (DFL-New Hope), the law is designed to make it easier for deaf, blind and hard-of-hearing Minnesotans to access state Web sites, documents and other information.

The law directs the Office of Enterprise Technology to develop a set of accessibility and usability standards for state information systems. It also sets up an advisory committee made up of 10 representatives from various areas of state government to review accessibility standards and recommend any needed changes.

Under the law, the office will require all state agencies to comply with the standards. An exception is made if the office and the advisory committee determine that a standard would result in an "undue burden to the state," in which case the burdensome standard may be modified.

The law appropriates \$300,000 in each year of the 2010-2011 biennium from the state's telecommunications access fund, including:

- \$100,000 each year to OET for coordinating technology accessibility and usability;
- \$100,000 each year to the Commission on Deaf, DeafBlind and Hard of Hearing Minnesotans to provide information on their Web site in American Sign Language and to provide technical assistance to state agencies; and
- \$100,000 each year to the Legislative Coordinating Commission to provide captioning of live streaming of legislative sessions.

A separate \$276,000 appropriation of stimulus funds from the American Recovery and Reinvestment Act of 2009 will go to OET and the Department of Administration to help expand "employment outcomes" for people with disabilities.

The law takes effect July 1, 2009.

HF1744\*/SF1600/CH131

— N. BUSSE

### Electric vehicle infrastructure

Too often state statute changes in reaction to something. But a new law looks to future transportation options by regulating electric vehicle infrastructure.

Sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. D. Scott Dibble (DFL-Mpls), it establishes various regulations related to electric vehicle infrastructure including preventing companies that create electric vehicle infrastructure from being regulated as utilities and modifying the state building



code to accommodate electric vehicles.

Hornstein said there has always been a conundrum with electric cars: while the ability to produce them exists, there lacks much infrastructure to recharge them.

The law also:

- adds the new generation of electric vehicles to existing statute that deals with electric vehicles, plug-in cars and the like;
- requires the Center for Sustainable Building Research at the University of Minnesota to add electric vehicle infrastructure to its ongoing research into sustainable building practices, including looking at energy use by electric vehicle charging infrastructure in or adjacent to buildings; and
- requires the Department of Transportation, as part of a current study, to study the impact of electric cars and the reduced revenue to fund roads, and make recommendations if any steps should be taken to mitigate the impacts. Because of its power source, electric cars do not contribute to the state's gas tax revenues.

Many of the definition changes are effective May 22, 2009; study language and utility regulation sections take effect Aug. 1, 2009.

HF1250\*/SF916/CH134

— M. Cook

## TRANSPORTATION

### Mini-truck usage, fines

Generally sold as off-road vehicles for farms and construction sites, some people use fuel-efficient mini-trucks for other everyday needs, even though the vehicles are not allowed to be on roads.

Law enforcement is concerned the approximately 2,200-pound vehicles, that resemble a pickup truck or van, don't meet federal safety standards for highway use, nor do they meet federal emissions standards. Small cars, such as a Ford Focus or Honda Civic, weigh in the 2,600-pound range.

Sponsored by Rep. Brita Sailer (DFL-Park Rapids) and Sen. Dan Skogen (DFL-Hewitt), a new law authorizes mini-truck operation on local streets and highways, under a special permit issued by the local unit of government.

The special permit will be similar to what is now provided for motorized golf carts and certain all-terrain vehicles. Unlike operators of golf carts and eligible all-terrain vehicles, mini-truck operators must have a driver's license and can drive the vehicle at night.

The law also identifies required equipment for mini-trucks operated under the special permit, including headlamps and taillights, turn signals, rear view mirrors, a windshield, seatbelts and a parking brake.

## CONCENTRATION



PHOTO BY ANDREW VONBANK

**Sophia Hayden, 7, works on an art project while her father, Rep. Jeff Hayden, works to pass bills during a May 15 floor session.**

This section of the law is effective Aug. 1, 2009, and expires on July 31, 2012.

Those same effective dates apply to a provision prohibiting law enforcement agencies from mandating a quota for administrative citations.

The provision is part of HF1517/SF1894, sponsored by Rep. Larry Hosch (DFL-St. Joseph) and Sen. Tarryl Clark (DFL-St. Cloud). It allows peace officers to authorize administrative citations for certain traffic violations. Hosch said more than 100 cities now use the practice with different enforcement and fine rules.

A person who commits an administrative violation — such as driving less than 10 mph over the speed limit, failure to yield, stop sign violations or equipment violations — will

be fined \$60. Two-thirds of the fine will be credited to the local unit of government and one-third to the state's General Fund.

The administrative fine language takes effect Aug. 1, 2009.

HF571/SF492\*/CH158

— M. Cook

### Agency provisions modified

A new law makes various Department of Transportation changes relating to filing highway surveys, state aid calculations and plat requirements.

Sponsored by Rep. Melissa Hortman (DFL-Brooklyn Park) and Sen. Ann Rest (DFL-New Hope), the so-called "housekeeping" law requires the department to file the centerline of a trunk highway as part of the

# Override

## Inside and Outside the House Chamber

If the governor vetoes a bill (including a line-item veto), that doesn't necessarily mean the measure is dead. Despite the governor's action, the Legislature can have the last word — it can override the veto. It's not easy, but with at least a two-thirds vote of the members in each house, a vetoed bill can become law.

Veto override attempts are rare in our state's legislative history and attempts to overturn line-item vetoes are even rarer.

The first line-item override attempt occurred in January 1992, when the House unsuccessfully tried to override two of Gov. Arne Carlson's line-item vetoes. But during Gov. Jesse Ventura's administration, there

was one successful override of line-item vetoes. During his four-year term, 1999-2002, there were 15 override attempts — eight (excluding the line-item veto) were successful.

After a successful override last year of Gov. Tim Pawlenty's veto of the omnibus transportation finance bill, the House was unsuccessful this year in its attempt to override the omnibus tax bill and to restore a line-item veto in the omnibus health and human services finance law.

**Information from the nonpartisan House Research Department and the Legislative Reference Library.**



PHOTO BY ANDREW VONBANK

**Rep. Thomas Huntley makes a motion May 17 to override the governor's line-item veto of provisions in the omnibus health and human services finance law.**



PHOTO BY TOM OLMSCHIED

**Rep. Karla Bigham wipes away tears as Rep. Roger Reinert gives an emotional speech encouraging members to override Gov. Tim Pawlenty's line-item veto of General Assistance Medical Care in the omnibus health and human services finance law May 17.**



PHOTO BY TOM OLMSCHIED

**Rep. Rod Hamilton looks up and tells observers in the House Gallery May 17 that the Legislature has to set priorities, as members debated before unsuccessfully trying to override Gov. Tim Pawlenty's line-item veto of General Assistance Medical Care in the omnibus health and human services finance law.**





PHOTO BY ANDREW VONBANK

Members of the faith, labor and nonprofit communities gather May 17 in front of the House Chamber for a rally to encourage legislators to override the governor's veto of the omnibus tax bill.



PHOTO BY TOM OLMSCHIED

Holding her "Override" sign, Mary Kohls of Minneapolis joined several hundred people outside the House Chamber May 17 encouraging members to override Gov. Tim Pawlenty's line-item veto of General Assistance Medical Care in the omnibus health and human services finance law. The House failed to override on a vote of 87-47.



PHOTO BY TOM OLMSCHIED

Five-year-old Ella Marie holds a sign outside the House Chamber May 17 as members debate Gov. Tim Pawlenty's line-item veto of General Assistance Medical Care funding.



PHOTO BY ANDREW VONBANK

Russ Scheidler rallies citizens with his guitar and song, "King Tim", during a May 17 gathering in the State Capitol encouraging legislators to override the governor's veto of the omnibus tax bill.

permanent public record before it is moved. The centerline is referenced in some older property records as a survey monument in the property description, and the department believes it is important to officially record the existing line for cases where the centerline is to be moved.

Three provisions related to primary seatbelt law are included to make it less restrictive: an exemption for newspaper delivery carriers, provides that only one surcharge can be applied per stop no matter how passengers are unbuckled, and it names the primary seatbelt law the "Kathryn Swanson Seat Belt Safety Act." The former director of the Office of Traffic Safety and seatbelt advocate, Swanson died in February 2008 after a two-year battle with amyotrophic lateral sclerosis (ALS) at age 53.

Representatives from MnDOT and the Public Safety Department are to study "the mandatory 24-hour use of vehicle lighting by vehicles on public highways." The study is to include Canadian and European Union experiences with a 24-hour display of vehicle lighting requirements. A report is due to the Legislature by Jan. 15, 2011.

The law also clarifies calculations used to allocate state-aid dollars to counties, so that projects funded from the state park road account do not count against money needs for the county. State law directs MnDOT to do this, but it is not followed in current practice.

Cities with less than 5,000 people are allowed to arrange a special census for purposes of determining municipal state-aid. It eliminates obsolete language on use of the federal census to determine the population of a city. Previous language referred to the 1980 census.

MnDOT is provided the ability to review and comment on preliminary plat proposals abutting state rail bank corridors. Department officials hope it will help preserve and protect such corridors for future uses.

All provisions take effect Aug. 1, 2009, except for language relating to a seatbelt requirement that takes effect June 9, 2009.

HF878\*/SF746/CH168

— M. Cook

### Seatbelt use becomes mandatory

Everybody in a motor vehicle will need to buckle up or they could be paying financially.

Sponsored by Rep. Kim Norton (DFL-Rochester) and Sen. Steve Murphy (DFL-Red Wing), a new law makes failure to wear a seatbelt a primary offense, thereby allowing issuance of citations solely based on a seatbelt violation. Previously, a person

had to be stopped for another offense before a no-seatbelt citation could be issued.

The law, effective June 9, 2009, requires everyone in a passenger vehicle to wear a seat belt, and extends the seat belt law to drivers and passengers of commercial motor vehicles, type III school buses and type III Head Start buses.

A \$25 fine is to be assessed to the driver for failure to wear a seatbelt, and the driver is subject to a \$25 fine per violation for each unbuckled passenger under age 15. Passengers age 15 and above are subject to their own fine. A violation will not appear on the person's driving record.

Supporters of the primary seatbelt law say it is about saving lives, reducing injuries and saving significant hospital costs. Norton said children in a vehicle are restrained about 90 percent of the time when a driver buckles up, compared to 25 percent when a driver does not fasten his or her seatbelt.

Opponents said the law eliminates personal choice, can increase racial profiling and gives law enforcement another reason to pull someone over.

An estimated 87 percent of Minnesotans now wear a seatbelt during daytime hours, with fewer doing so at night. Supporters think the law will increase compliance to 93 percent or 95 percent.

Norton said passage of the law puts Minnesota in line for \$3.4 million from the federal government for transportation safety programs.

The law also permits a driver to exceed the



PHOTO BY ANDREW VONBANK

**Rep. Kim Norton, House sponsor of the primary seatbelt law, gets a congratulatory hug from Rep. Patti Fritz after the bill was passed May 18 by the House.**

speed limit by 10 mph when passing another vehicle going the same direction on a two-lane highway with a speed limit of at least 55 mph. The provision comes from HF464/SF601, sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. David Tomassoni (DFL-Chisholm).

Three provisions related to primary seatbelt law are included in a MnDOT housekeeping law (HF878\*/SF746/CH168): an exemption for newspaper delivery carriers; a provision that only one surcharge can be applied per stop, no matter how many passengers are unbuckled; and naming the law the "Kathryn Swanson Seat Belt Safety Act." The former director of the Office of Traffic Safety and seatbelt advocate, Swanson died in February 2008 after a two-year battle with amyotrophic lateral sclerosis (ALS) at age 53.

HF108\*/SF42/CH165

— M. Cook

### Keeping trucks off lift bridge

An attempt to keep big trucks off an older bridge has been accomplished without directly banning them from the span.

Sponsored by Rep. Matt Dean (R-Dellwood) and Sen. Ray Vandeveer (R-Forest Lake), the law prohibits motor vehicle combinations longer than 55 feet from using Highway 36 between Highway 95 and the Stillwater Lift Bridge.

Emergency vehicles, vehicles needed for work on the section of highway or the bridge and vehicles carrying an oversize permit are exempt from the law that takes effect the day signs are erected giving notice of the prohibition.

City officials initially wanted a weight restriction on the 1,000-foot long bridge, but the change was made just for a highway designation so as not to set a precedent for other bridges. However, the law will likely keep dangerous trucks out of historic downtown Stillwater. A saturation study found that many of the large, over-the-road trucks stopped by law enforcement personnel had major safety violations, and some were pulled from the road. Supporters said trucks are often driven through Stillwater to avoid an inspection station on Interstate 94.

A 2008 Department of Transportation review found the bridge to be fracture-critical. A new span over the St. Croix River is expected to be open by 2016.

The law states that by July 1, 2009, signs are to be erected "at appropriate locations" giving notice of the restriction. It will be requested that Wisconsin officials do the same on their side of the river. This section is effective May 22, 2009.

HF1204/SF1091\*/CH144

— M. Cook



## BUDGET

### No need for 'lights-on'

A so-called "lights-on bill" to keep government operating if session ended without any appropriations for state agencies wasn't needed and therefore vetoed by Gov. Tim Pawlenty.

House Majority Leader Tony Sertich (DFL-Chisholm), the bill's sponsor along with Senate Majority Leader Larry Pogemiller (DFL-Mpls), called it "an option of a last resort."

When the bill was presented to the governor in the session's final week, there was uncertainty over whether he would enact any of the omnibus finance bills passed by the Legislature. This bill's intent was to cap state agency spending during fiscal year 2010 at the fiscal year 2009 spending level, if no budget resolution was reached by the constitutional deadline for adjournment.

In his veto letter, Pawlenty wrote that the bill "overlaps with appropriations found in omnibus appropriation bills now signed into law. As a result this bill is not needed."

HFnone/SF2141\*/CH100

— L. SCHUTZ

## EDUCATION

### Safe schools bill is not signed

A bill that would have strengthened schools' responsibility to intervene and prevent bullying was vetoed by Gov. Tim Pawlenty.

In his veto message, the governor called the bill "duplicative of current law." School boards are already required to adopt written sexual, religious and racial harassment and violence policies that conform to the Minnesota Human Rights Act.

Sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. D. Scott Dibble (DFL-Mpls), the bill's original version would have listed characteristics of people who could be targets of bullies, including disability, socioeconomic status, sexual orientation, gender identity or expression, or association with others with those characteristics. It would have required school boards to provide training for teachers about how to intervene and prevent bullying, intimidation, violence and other forms of harassment including by electronic means such as social networking sites or text messaging.

"It would be unfortunate if we had adult staff in our school systems who turned a blind eye and didn't defend our school children,"

said Rep. Ron Shimanski (R-Silver Lake). He suggested schools teach the "Golden Rule" in the early grades to promote respectful behavior.

Others noted that casualties can result from adults' ignorance of how to handle bullies.

"You can hardly pick up a magazine these days without pictures of junior high students who have experienced (bullying) or committed suicide because others don't recognize what bullying is," said Rep. Sandra Peterson (DFL-New Hope).

Davnie said research indicates that when policies clearly identify the groups that could be targets, the policy is more likely to be better enforced.

Pawlenty wrote that he agreed with the goal of the bill, adding that "bullying is a serious issue that must be vigilantly monitored, prevented, and addressed by school administration and staff." He has instructed the education commissioner to review the model policy required by state law and to contact school districts "to ensure they are meeting the requirements of Minnesota law relating to intimidation and bullying" and to encourage them "to revisit" how policies are enforced.

HF1198/SF971\*/CH164

— K. BERGGREN

## ELECTIONS

### Precinct caucus changes vetoed

When political parties in cities like Minneapolis and St. Paul hold precinct caucuses in odd years to nominate mayoral candidates, they don't have all the same privileges that caucuses receive in even years.

Sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Linda Higgins (DFL-Mpls), a bill vetoed by Gov. Tim Pawlenty would have allowed major political parties in Minneapolis, St. Paul and Duluth to hold odd-year caucuses using the same privileges as even-year caucuses, including:

- pre-empting certain school and government activities after 6 p.m. on caucus nights;
- allowing employees to be absent from work to attend political caucuses;
- prohibiting school officials from denying use of public school buildings for caucuses; and
- requiring public agencies to make their facilities available for holding a precinct caucus.

In a veto message, Pawlenty objected to granting "special privileges" for caucus attendees in three cities. He also wrote that the state "should not dictate additional mandates on businesses for what is a local issue."

HF300/SF284\*/CH99

— N. BUSSE

### No notice for felons

A proposal to help felons understand that their voting rights have been restored after they serve out their sentence was nixed by Gov. Tim Pawlenty.

The governor vetoed the bill sponsored by Rep. Bobby Joe Champion (DFL-Mpls) and Sen. Mee Moua (DFL-St. Paul) that would have required the Corrections Department and court officials to ensure that people convicted of a felony are aware of their civil rights status.

Under the proposed legislation, the Office of the Secretary of State would develop a publication regarding voting rights of those who are convicted of a crime and provide it to corrections and court officials, who would then inform convicts of when their right to vote is taken away and when it is restored.

Supporters said that some inmates are never informed of the restoration of their rights upon discharge from prison. Although the information is included in a letter sent to ex-offenders upon their release, many never receive the notice because they are frequently moving and living temporarily with friends and relatives.

In his veto message, Pawlenty stated the bill would have placed added mandates on state and local governments at a time when the state is trying to reduce mandates, and also that the purpose of the bill could be accomplished without statutory requirements.

"Moreover," the message states, "citizens should bear some responsibility for being informed about their own situations and rights."

HF545/SF763\*/CH116

— N. BUSSE

### No automatic voter registration

A proposal to make voter registration automatic for anyone who applies for a driver's license or other state-issued identification card did not meet the approval of Gov. Tim Pawlenty.

The governor vetoed a bill sponsored by Rep. Steve Simon (DFL-St. Louis Park) and Sen. John Marty (DFL-Roseville) that would have changed Minnesota's current system from an opt-in to an opt-out voter registration system.

## TAX BILL PROTEST



PHOTO BY TOM OLMSCHIED

**Rep. Tom Emmer, second from right, speaks May 18 against the omnibus tax bill that was brought to the House floor during the last hour of the session. Other members waiting to speak include, from left, Rep. Pat Garofalo, Rep. Paul Kohls, Rep. Joyce Peppin, Rep. Kurt Zellers and Rep. Mark Buesgens. The bill was hurriedly passed by the House and Senate, but vetoed by the governor.**

Currently those applying for state IDs can ask to be registered to vote at the same time; under the bill, this would have been automatic unless someone asked not to be registered.

In addition, the bill contained a number of provisions to keep voter rolls updated and check for persons who are ineligible to vote, including:

- using data from the Department of Public Safety to check for any non-citizens listed in the statewide voter registration system;
- comparing voter rolls with Social Security databases to check for any deceased voters;
- requiring the Department of Corrections and the courts to update elections officials on the convictions and civil rights statutes of felons; and
- forwarding information on name changes from the courts system to the Office of the Secretary of State and to county auditors, who would then notify individuals with changed names that they have to re-register to vote.

Pawlenty vetoed the bill, in part, he wrote, because no Republican legislators voted for it. The veto letter states that changes to election law “should be accomplished on a bipartisan basis.” In addition, Pawlenty wrote that

“registering to vote should be a voluntary, intentional act.”

HF1053\*/SF660/CH133

— N. BUSSE

### Election changes vetoed

Minnesota’s political primaries will continue to be held in September.

Sponsored by Rep. Ryan Winkler (DFL-Golden Valley) and Sen. Katie Sieben (DFL-Newport), Gov. Tim Pawlenty vetoed an omnibus elections bill that would have made a variety of mostly technical changes to the state’s election laws.

Among the more significant provisions included in the bill, primary elections for the state’s major political parties would have been held in August instead of September. Other provisions included administrative changes requested by local governments, the Campaign Finance and Public Disclosure Board and the U.S. Department of Defense.

Previous versions of the bill included provisions such as online voter registration, early voting and various absentee voting reforms; however, these were removed by a conference committee in an effort to make the bill non-controversial and court the

approval of Republican legislators.

The effort failed, however, and during floor debate, House Republicans stated that members of their caucus would not vote for any elections bill that did not include a photo ID requirement for voters. The photo ID measure is opposed by most Democrats as well as by the Office of the Secretary of State, and was never included as part of the bill.

In his veto letter, Pawlenty stated that he would not sign a bill that did not have support from Republican lawmakers.

“Election laws set forth rules relating to the fundamental right to vote and the government’s administration of those rights,” Pawlenty wrote. “Omnibus election bills making changes to our election process should be bipartisan. Unfortunately, this bill fails that test.”

HF1351/SF1331\*/CH162

— N. BUSSE

## EMPLOYMENT

### Calculating unemployment

The U.S. unemployment rate reached 8.9 percent in April. But what if the real percentage were nearly twice that much?



In fact, it is, depending on what measures are used to calculate unemployment. According to the U.S. Bureau of Labor Statistics, the most comprehensive set of statistical measures available, put the actual unemployment rate at 15.8 percent.

Gov. Tim Pawlenty vetoed a bill that would have ensured that the state's official unemployment estimates are always calculated using the more comprehensive method.

Sponsored by House Majority Leader Tony Sertich (DFL-Chisholm) and Sen. D. Scott Dibble (DFL-Mpls), the legislation would have asked the Department of Employment and Economic Development to use a method of calculation known as "U-6."

The U-6 calculation takes into account people who are unemployed and no longer actively seeking work because of impediments like transportation issues or a lack of child care, and also those who are working part-time but who wish to work full-time. The state's current method of calculation, known as U-3, does not include these measures.

Sertich said the new method would allow DEED, which produces the state's official labor market information reports, to give lawmakers and others a clearer picture of the employment situation in Minnesota. The bill would have allowed up to \$120,000 from funds collected for unemployment insurance administration to be used to implement the changes.

In his veto letter, the governor called the U-6 measure "relatively obscure." He noted that only two other states use it, and that neither of them releases the information publicly, in part because they want to "avoid misleading comparisons with other states."

HF925\*/SF1368/CH135

— N. BUSSE

## ENVIRONMENT

### House paint pilot project vetoed

For the second consecutive year, a product stewardship plan to charge consumers a recycling fee on house paint fell under Gov. Tim Pawlenty's veto pen.

The pilot project would have allowed participating retailers to charge up to 35 cents on each paint container sold at the point of purchase until June 30, 2012. The revenue would have been used to pay for a statewide recycling program administered by a new nonprofit organization comprised of paint manufacturers and retailers.

In liquid form, paint is considered hazardous waste and may not be thrown away with household trash. Most cities and counties accept leftover paint at local government recycling centers.

In his veto letter, Pawlenty said Minnesotans are already paying about \$6 million in taxes a year to cities and counties for paint recycling programs. "I would be willing to consider legislation that creates an industry-managed paint collection and recycling program as long as the program clearly demonstrates taxpayers will not be paying for the same thing twice."

Sponsored by Rep. Brita Sailer (DFL-Park Rapids) and Sen. John Doll (DFL-Burnsville), the goal of the legislation was to minimize the public's involvement in managing leftover paint.

HF569/SF477\*/CH121

— S. HEGARTY

## HEALTH

### Medical marijuana use vetoed

Terminally ill Minnesotans hoping to use medical marijuana to ease their pain will have to seek relief some other way.

Gov. Tim Pawlenty vetoed a measure that would have allowed doctors to prescribe medical marijuana to patients suffering from certain terminal and debilitating conditions.

Sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. Steve Murphy (DFL-Red Wing), the bill would have made Minnesota the 14th state to allow medical use of marijuana. A regulatory process would have been set up through the Health Department, requiring patients to possess special photo identification cards and providing for licensing of marijuana dispensaries.

The bill passed the House and Senate with bipartisan support — and bipartisan opposition — following a series of committee hearings earlier in the session where advocates for medical marijuana pressed their case by emphasizing the benefits to cancer patients and others. Survivors of cancer victims gave testimony that marijuana — obtained illegally — was the only thing that increased the quality of life for their loved ones during their final days and weeks.

The bill included a sunset date of Oct. 1, 2011. This was a concession made in an attempt to assuage concerns from law enforcement. According to Rukavina, the proposal would have been much more restrictive than medical marijuana laws in other states.

Opponents of the measure cited widespread opposition from the law enforcement community, who expressed concerns about whether it would increase the street availability of marijuana. Many argued it would also send the wrong message to young people about the potential dangers of using marijuana.

In his veto letter, Pawlenty echoed these

sentiments, stating the bill posed "serious public safety and health risks."

"While I am very sympathetic to those dealing with end-of-life illnesses and accompanying pain, I stand with law enforcement in opposition to this legislation," the governor wrote.

Noting that the U.S. Food and Drug Administration has not approved and does not regulate medical marijuana, Pawlenty stated that the scientific evidence regarding the benefits and risks of medical marijuana is "insufficient."

HF292/SF97\*/CH166

— N. BUSSE

## HOUSING

### No legal fees for warranty suit

Gov. Tim Pawlenty vetoed a bill that would have made homeowners who successfully sue a builder or contractor for a warranty violation eligible to receive reasonable attorney fees and any other suit-related costs.

"The availability of legal fees can prolong litigation, and it does little to address the underlying issue of home defects," Pawlenty wrote in his veto letter. "Moreover, attorney's fees are typically available only in limited circumstances, and Minnesota should be careful not to overreach in that regard."

Supporters said that builders, contractors and their insurance companies often drag out a case, hoping a homeowner will exhaust their financial resources and settle for less than needed to repair their home.

The bill also would have required the commerce and labor and industry commissioners to work with interested parties to review homeowner warranty statutes and find ways to make such agreements more effective for all parties and report to the Legislature. Among the parties that would have been consulted are the construction section of the Minnesota State Bar Association, Builders Association of Minnesota, Association of General Contractors and homeowner and consumer representatives.

"I support provisions in the bill that would bring interested parties together to develop a timely and prescriptive process for resolving homeowner warranty disputes without litigation," Pawlenty wrote. "My administration will move forward with that process even though this legislation was vetoed."

Rep. Marsha Swails (DFL-Woodbury) and Sen. Kathy Saltzman (DFL-Woodbury) sponsor the bill.

HF211\*/SF170/CH136

— M. COOK

### **Rent control changes vetoed**

Legislation intended to help cities enforce rent-control provisions in subsidized housing agreements was vetoed by Gov. Tim Pawlenty.

Sponsored by Rep. Carlos Mariani (DFL-St. Paul) and Sen. John Marty (DFL-Roseville), the bill would have clarified that cities have the right to enforce contracts with property owners who agree not to raise rents in exchange for accepting public subsidies. Under the bill, cities could take action against property owners who violate their contracts.

In his veto message, Pawlenty expressed concern about the language of the bill, which states that a city has the right to “manage or control property to which it is providing public assistance and for a period of time consistent with the term of the public assistance.” The governor’s letter stated that the bill language could be interpreted as providing broad powers for cities to manage or control properties without providing notice in the agreements.

In addition, Pawlenty’s message stated that the bill is unnecessary because parties to agreements could insert provisions that address the issue into the agreements themselves.

HF1670/SF1033\*/CH81

— N. BUSSE

### **No displacement reimbursement**

Several bills intended to boost homeowners’ protection against defective construction faced steady opposition on the House floor from Republicans. They emphasized how the measures could burden the beleaguered construction industry by opening the door to greater contractor liability for damages or to costly lawsuits.

Gov. Tim Pawlenty agreed with their reasoning when he vetoed a bill sponsored by Rep. Paul Gardner (DFL-Shoreview) and Sen. Ron Latz (DFL-St. Louis Park) that would have reimbursed temporarily dislocated homeowners for the cost of short-term housing, such as a motel, if they were forced to vacate their homes because of a construction defect under warranty, or if the conditions of repairing such a defect, made the property uninhabitable.

“Although this legislation may be well-intentioned,” the governor wrote in his veto message, “we should be cautious about placing more burdens on the housing sector during this historic recession.”

The bill specified that homeowners would be reimbursed for the cost of temporary lodging at a rate limited to the maximum per diem rate set by the federal government for the place where the property is located.

“Under current law,” the veto letter

continued, “a homeowner is entitled to receive ‘the amount necessary to remedy the breach of the warranty’ or ‘the difference between the value of the house without defect.’ Current law provides adequate reconciliation for the homeowner where there has been a violation of a warranty.”

HF239\*/SF6/CH103

— K. BERGGREN

### **Home warranty extension vetoed**

Minnesota winter weather can postpone the effects of certain construction defects or inhibit a contractor’s or inspector’s ability to determine a problem in a timely fashion.

Lawmakers wanted to extend the time a homeowner would have to see the effects of a problem and request remediation from their builder.

However, Gov. Tim Pawlenty vetoed a bill that would have extended from six months to one year the period in which a warranty claim may be made by a homeowner.

“Not reporting a construction related problem in a timely manner could exasperate the problem and increase costs,” he wrote in this veto message.

The bill, sponsored by Rep. Bev Scalze (DFL-Little Canada) and Sen. Lisa Fobbe (DFL-Zimmerman), was one of several passed this session that sought to strengthen homeowner warranty rights.

HF330\*/SF264/CH112

— K. BERGGREN

### **Reverse mortgage bill vetoed**

Reverse mortgage regulations will not be tightened anytime soon.

Available to people 62 or older who borrow a lump sum or receive monthly payments or a line of credit against the value of their home while they continue to live there, reverse mortgages must be paid in full when the borrower moves or dies.

The loans can provide a safety net for many older Minnesotans hit hard by the economic downturn. However, advocates of tighter standards say some borrowers have become victims of unscrupulous lenders or financial counselors who target the product to people who don’t really need it or who have sold borrowers other financial products, such as annuities, paid from the loan proceeds. In some cases, closing costs have exceeded the amount of the loan, and interest rates may be considerably higher than other loans.

A bill sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Tarryl Clark (DFL-St. Cloud) to tighten the rules was vetoed by Gov. Tim Pawlenty.

The governor’s veto message said he shares lawmakers’ goal of trying to protect

borrowers from predatory lending practices, but thinks the legislation could have triggered unintended consequences and increased costs to consumers. He singled out a “suitability” requirement that would have required lenders to make a determination about whether a reverse mortgage is suitable for a particular borrower, as not being clearly defined.

“The suitability criteria in the bill should be clear and specific,” he wrote. “The standard set forth in this bill is vague and will spawn litigation.”

HF528/SF489\*/CH127

— K. BERGGREN

### **Put that warranty claim in writing**

An 80-year-old Duluth homeowner called his builder to report a problem with his new home within the six-month warranty period. He agreed to the builder’s proposal to defer an inspection until winter was over and the problem could be more easily examined. The builder’s insurance company extensively documented the problem, but did not agree to accept liability. The case went to trial, and eventually the Court of Appeals upheld a lower court ruling against the homeowner based on his failure to give written notice. The retiree paid \$250,000 to repair home damages resulting from the construction defect.

Gov. Tim Pawlenty vetoed a bill that would have allowed a phone call or e-mail, besides a written letter, to serve as adequate “actual notice” in similar cases.

Rep. Kate Knuth (DFL-New Brighton) and Sen. Kevin Dahle (DFL-Northfield) sponsor the bill. Limits would have remained in place to hold builders reasonably harmless, such as the six-month claim period, and if the damage is due to homeowner’s negligence or other factors unrelated to the contractor’s work.

“There is a high level of ambiguity as to how a homeowner conveys an actual notice message. Not having the notice put in writing will lead to disputes as to whether and how verbal notice was provided. A requirement for written notice is a much better approach,” the governor’s veto message stated.

HF362\*/SF362/CH140

— K. BERGGREN

### **No Homestead-Lender Mediation Act**

Minnesota home values are predicted to plummet by more than \$7 billion by 2010, while 30,000 additional home foreclosures are predicted this year.

A bill sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center) and Sen. Linda Scheid (DFL-Brooklyn Park) that intended to promote mediation as a tool to prevent some of those foreclosures was vetoed by Gov. Tim Pawlenty.



HF354, the Homestead-Lender Mediation Act of 2009, was modeled after the 1986 Farmer-Lender Mediation Act, which Hilstrom said helped 14,000 farmers avoid foreclosure.

The mediation option would have been available to homeowners who had already received mortgage counseling as currently required, requested the mediation and demonstrated in good faith that they could meet the financial obligations of a refinanced mortgage, an adjusted repayment schedule or other arrangements agreed to by debtor and creditor.

“While I am supportive of a mediation option for certain foreclosure cases, this bill does not incorporate my key recommendations,” Pawlenty wrote in his veto message.

Having a mediator rather than a mortgage counselor determine who is eligible for mediation is “nonsensical,” the governor wrote. If the mediator is making that decision, “the mediation process would have already begun.” Instead, “the counselor should determine eligibility for mediation based on objective criteria prior to the matter being referred to a mediator.”

The attorney general’s office would have appointed and paid for qualified mediators, but Pawlenty wrote that the office “is not the proper entity to select neutral dispute resolution personnel or procedures.” He preferred the Office of Administrative Hearings with the use of qualified volunteers.

To fund the program, every foreclosure fee would have increased by \$125 per foreclosure, even those not involving mediation. Pawlenty wanted the program to fund itself through fees applied within the mediation transaction.

The governor wanted all meetings to be available electronically, instead of having the initial meeting by telephone or video conferencing with the subsequent option to meet in person at the mediator’s discretion, as the bill proposed.

HF354\*/SF340/CH154

— K. BERGGREN

### No statute of repose clarification

A plan to update a 2004 law that would have helped some homeowners was rejected by the governor.

Sponsored by Rep. Julie Bunn (DFL-Lake Elmo) and Sen. Sandy Rummel (DFL-White Bear Lake), the bill was an attempt to clarify intent of the law to provide when a lawsuit for a warranty violation must be brought.

“Although this legislation may be well-intentioned we should be cautious about placing more restrictions on the housing sector during this historic recession,” Gov. Tim Pawlenty wrote in his veto letter.

## MAYOR’S CONCERNS



PHOTO BY TOM OLMSCHIED

**St. Paul Mayor Chris Coleman, right, holds a property tax statement during a May 16 Capitol news conference. Mayors from around the state expressed concerns over possible property tax increases and reductions to personnel and services if local government aid is cut as a state budget-balancing measure. Mayors attending the news conference, from left, Jeff Kletscher, Floodwood; Mary Hamann-Roland, Apple Valley; Steve Cook, Hutchinson; and Dan Mess, Alexandria.**

The statute of repose remained in the bill presented to the governor, so no one could make a claim after 12 years; but it contained two different statutes of limitations. If the breach were discovered in the first 10 years, the homeowner would still have up to two years of statute of limitations to file the claim once they’ve reported the breach. Problems discovered in year 11 or 12 would have just one year to file a claim.

The 2004 law requires a lawsuit to be brought within two years of the breach of the warranty discovery, but not more than 12 years from when the warranty took effect. However, Bunn said one subdivision in law has a 10-year maximum and some courts use that shorter timeframe, thereby catching homeowners in the middle.

A 2007 court decision went against the original intent by stating all claims must be within 10 years — the stated warranty on many home repairs — even though 12 years was always the intent of the 2004 state law, she said.

“The current period of 10 years in current law seems sufficient,” Pawlenty wrote. “The legislation also applies not only to future cases, but current cases as well. Changing the law in the middle of the game is unfair and unwise.”

HF412\*/SF470/CH104

— M. COOK

## TRANSPORTATION

### Policies not OK with Pawlenty

Rest area prohibitions, highway names, pedestrian bridge access and high-speed rail were part of the omnibus transportation policy bill that failed get off the governor’s desk.

“While I support several provisions in the bill, the Minnesota Department of Transportation (Mn/DOT) has raised concerns regarding provisions in this legislation,” Gov. Tim Pawlenty wrote in his veto message. “Those concerns were brought to the attention of the bill’s authors, but the concerns were ultimately ignored.”

Sponsored by Rep. Frank Hornstein (DFL-Mpls) and Sen. Steve Murphy (DFL-Red Wing), the law would have required the department to work with Wisconsin to apply for federal economic stimulus funds relating to the planning and construction of a high-speed passenger rail line that would connect Chicago, La Crosse, Wis. and the Twin Cities metropolitan area, including the Union Depot in St. Paul.

Pawlenty noted that MnDOT has been working with Wisconsin officials on a line from the Twin Cities to Chicago, and that the route is part of a statewide rail study. “We have cautioned the Legislature on many occasions about prematurely selecting specific routes, stops, or endpoints,” he wrote.

A 2008 law that requires mitigation on

transportation construction impacts on local businesses would have been amended to include rail transit projects.

In the area of highways, the bill would have:

- prohibited certain activities at rest stops, including failure to properly dispose of trash, dumping household or commercial trash, leaving an unattended vehicle or trailer at a rest area and pitching tents or sleeping overnight outside a vehicle;
- designated Highway 200 between Mahanomen and the North Dakota border as “Veterans Memorial Highway,” and parts of Highways 34 and 87 in Becker County as the “Becker County Veterans Memorial Highway”;
- named the new Highway 23 bridge over the Mississippi River in St. Cloud as the “Granite City Crossing”;
- permitted the annual closing of Highway 19 in New Prague one weekend in September for the Dozinky Festival; and
- required MnDOT to complete the final envi-

ronmental impact statements to accelerate the improvement on part of Highway 14.

MnDOT already incorporates bicycle and pedestrian facilities into many planning documents, but the bill would have required bicycle and pedestrian facilities on certain bridges repaired or replaced using the trunk highway bridge improvement program enacted last year. It would have applied only to bridges located in a city or that link to a pedestrian path, trail or bikeway. The provisions would not have applied if MnDOT determined there is no demand or a “reasonable alternative” crossing is located within one-quarter mile of the bridge.

Other provisions would have allowed:

- deputy registrars to accept credit cards and add a surcharge to cover the costs of the credit card processing fee;
- removing the household income threshold from the conditions of allowing a person to retrieve contents from an impounded vehicle;
- a statewide expansion of the DWI ignition

interlock device pilot program;

- a prohibition against driving into an intersection controlled by a stoplight until a vehicle is able to move completely through; and
- creation of the Minnesota Council on Transportation Access to improve coordination, availability, cost-effectiveness and safety of transit services to the transit dependent.

Pawlenty wrote that the council would overlap the Interagency Committee on Transit Coordination. “I established ICTC to coordinate health and human service programs with public transportation systems. ... I will direct Mn/DOT to expand the membership of the ICTC to address the purported need for the new council.”

HF928\*/SF1455/CH151

— M. Cook

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

## OUT THE DOOR



PHOTO BY ANDREW VONBANK

Legislators spill out of the House Chamber after a hectic conclusion of the 2009 legislative session in this time-exposed image.



# Warm homes, cool jobs

## Energy upgrades planned with federal stimulus funds

By SUSAN HEGARTY

**A**n unprecedented number of houses throughout Minnesota will be retrofitted to conserve more energy and hundreds of jobs will be created as a result of a new law and federal economic stimulus funding.

Up against a May 12 deadline, the Office of Energy Security submitted an application to receive an estimated \$196.75 million in federal stimulus funds earmarked for energy improvements. Nine days later, Gov. Tim Pawlenty signed into law how the money will be spent.

Pawlenty sent a May 23 letter to Steven Chu, secretary of the U.S. Department of Energy, assuring him that Minnesota is poised to move forward with energy efficiency programs.

"We are prioritizing our energy investments to take advantage of existing programs and expand programs where appropriate. Our State is committed to a robust improvement in energy efficiency and renewable energy, as well as a balanced State energy policy," Pawlenty wrote. Awarding of the energy stimulus package is expected sometime this summer.

### Immediate needs addressed

Weatherizing residences, state government buildings and public schools account for a large portion of the new law, sponsored by Rep. Jeremy Kalin (DFL-North Branch) and Sen. Ellen Anderson (DFL-St. Paul).

Training and hiring people to perform weatherization tasks and energy upgrades to schools and public housing with the stimulus funds is expected to save taxpayers' money by reducing unemployment and utility costs. Less than 3,800 public housing units are weatherized annually now; that number could increase to 35,000 once the federal dollars are received.

The new law outlines several policies related to the expenditures:

- contractors must ensure that workers are qualified and have participated in apprentice and training programs for the work being performed;
- the Minnesota Housing Finance Agency will coordinate loans, grants and rebates for energy improvements to qualified residents, including for energy efficient window installation;
- a revolving loan fund for Duluth customers of Minnesota Power will stretch stimulus dollars, and a grant program for its customers in communities with less than 4,000 people will be established;
- local governments may apply for block grants to plan for and implement energy upgrades, such as window replacement or street lighting;
- Department of Education staff will help prioritize school district projects that optimize energy savings and improve the learning environment for students; and
- state government buildings will receive lighting upgrades, window repair or replacement and other energy upgrades.

### Brighter future with renewables

With an eye to the future, Minnesota will plan for a national energy efficiency center designed to test and measure energy saving performance of equipment. Stakeholders

will include the Center for Energy and the Environment, the Minnesota Center for Engineering and Manufacturing Excellence, and the Minnesota Technical Assistance Program at the University of Minnesota.

A former school building in the city of Kennedy will also be converted for use as a renewable energy business center through a grant provision in the new law.


Rebate money will be used to encourage the movement toward renewable resources, such as solar or geothermal production of electricity. Both homeowners and businesses may be eligible for rebates when they install solar energy.

Schools, park districts, port authorities and local governments will be able to submit financing proposals to the commerce commissioner for purchase and installation of renewable energy systems or geothermal heating and cooling systems. Criteria used when awarding grants include projects that use parts manufactured in Minnesota; those that will reduce greenhouse gas emissions; and geographic diversity of grant recipients. Schools that accept the grants must include information about their renewable energy project into their education curriculum.

Even companies that manufacture parts for renewable energy systems may be eligible for grants. Applicants must demonstrate that their company will help position Minnesota as a center for renewable energy manufacturing.

The St. Paul Port Authority will receive money to establish a revolving loan fund for Xcel Energy's commercial and industrial customers. Though the authority will accept the grant, the money will be disbursed as sub-grants to Xcel Energy business customers throughout the state.

The Office of Energy Security has more information on its Web site, which will be updated as new information becomes available. Log onto [www.energy.mn.gov](http://www.energy.mn.gov) and click on the federal stimulus energy info box on the right-hand side of the homepage.

HF680/SF657\*/CH138 

# Holding firm on funding positions

Historic deficit magnifies differences on how to pay for state services

By SONJA HEGMAN

**T**he governor and the Legislature were at loggerheads all session as to how to fill what was to be a nearly \$3 billion funding gap to support programming for the 2010-2011 biennium.

The governor's stand was no new taxes, but to rely on cuts, shifts and use of appropriation bonds. The Legislature said that appropriation bonds would be "borrowing against the future," and even with shifts, an increase in taxes would be necessary to stave off devastating cuts.

One bill (HF885\*/SF681) to make taxes part of the funding mix made it onto the governor's desk, and was swiftly vetoed. Positions were held firm right up to the last night of session, when with minutes to spare in the 2009 legislative session, House DFLers hoped for another chance at funding the spending bills with what they termed sustainable revenue.

Amidst shouts of unfairness from the minority, House Minority Leader Marty Seifert (R-Marshall) kept yielding to members of his caucus as the clock ran down to the midnight constitutional adjournment. "Division!" they would shout after every voice vote, in an effort to stall a vote on HF2323\*/SF2074, the tax bill passed in a conference committee about an hour earlier.

"This should have been a thoughtful process," said Rep. Tom Emmer (R-Delano). "We had no chance to go through the bill. This was completely mismanaged."

The bill, vetoed May 21 by Gov. Tim Pawlenty, would have closed a \$2.7 billion budget gap by delaying payments to schools, raising income taxes on joint filers earning more than \$250,000 a year, increasing alcohol taxes and creating a surcharge on lenders charging high interest rates.

"I think everyone can be proud of this bill," said Rep. Ann Lenczewski (DFL-Bloomington), chairwoman of the House Taxes Committee on the House floor explaining the second tax bill. "We're at a point where we need to close up the session and I hope you'll join me in voting yes."

The bill passed 82-47 in the House and 35-1 in the Senate minutes later. Sen. Dan Sparks (DFL-Austin) voted no, and Sen. Tom Bakk (DFL-Cook), Senate Tax Committee chairman, and the bill's co-sponsor, was among the 31 senators who abstained from voting.

## Session-long disagreement

After vetoing the first omnibus tax bill on May 9, the governor announced May 14 that there would be no special session to solve the funding disagreement, and that he would unallot to resolve the deficit.

"A key principle is that the DFL-controlled Legislature shouldn't spend more money than the state has available," Pawlenty said. "Unfortunately, they have done just that and now I'll fix it."

With no new tax bill coming together in a conference committee, negotiations between legislators and Pawlenty failing to produce an agreement, and the Legislative Commission on Planning and Fiscal Policy demanding answers about the potential unallotment scenario, Pawlenty's ultimatum forced the Legislature to try to override an earlier veto.

An override attempt of HF885\*/SF681, sponsored by Lenczewski and Bakk, failed to get the 90 votes needed with a vote of 85-49 on May 17. Rep. Gene Pelowski, Jr. (DFL-Winona) and Rep. Jeanne Poppe (DFL-Austin) joined all House Republicans in supporting the veto.

That bill was similar to HF2323 in that it would have raised more than \$1 billion in taxes in the 2010-2011 biennium, but did not include the K-12 shift. It was an attempt to save cuts to schools, hospitals and nursing homes by creating a new tax bracket for the state's top earners, increasing alcohol taxes and adding a tax for excessive interest rates.


"This is a bold move by the Legislature to acknowledge the governor's revenue proposal and solve the state's historic budget shortfall," House Speaker Margaret Anderson Kelliher (DFL-Mpls) said prior to the veto.

## New tax law

Though the Legislature was not successful with either of its omnibus tax finance bills, the governor did sign HF1298\*/SF1257/CH88, a tax policy bill.

The law has many technical policy and non-controversial tax provisions as were possible, Lenczewski said.

It includes more federal tax conformity that Congress has adopted since HF95, the House federal conformity bill, was signed into law earlier in the session. In addition, it includes disaster relief provisions for St. Charles for a fire and the flood-ravaged Red River Valley for help with new home construction. It also allows for an emergency debt situation for cities and counties that may lose local government aid, market value homestead credit and county program aid due to unallotment.

Seifert called the bill the "lifeboat" of the tax conference committee, as it was the only bill to come out of the committee that didn't include a tax increase. 



# State government funding signed

New law strengthens accountability of stimulus funds received by the state

By NICK BUSSE

**L**ess spending and more accountability are the hallmarks of a new law that funds state government operations for the 2010-2011 biennium.

Sponsored by Rep. Phyllis Kahn (DFL-Mpls) and Sen. Don Betzold (DFL-Fridley), the law funds the Legislature, the state's constitutional offices and several state agencies including Minnesota Management and Budget and the Department of Revenue.

In all, the law will have a net General Fund impact of \$580 million, which amounts to a 7 percent reduction from the February forecasted base. This is made possible largely through a new tax compliance initiative by the Revenue Department that is expected to supply \$41.5 million in the biennium.

Under the law, the Legislature and the governor's office will receive 3 percent cuts from their forecasted base funding. The Office of the Secretary of State and the Office of the Attorney General will be cut 5 percent and 4.5 percent, respectively. The Office of the State Auditor would actually see a 3.7 percent budget increase to help oversee and report on the use of federal stimulus funds from the American Recovery and Reinvestment Act of 2009. Most executive agencies would see a 5 percent reduction in their operating budgets.

The law includes several information technology initiatives supported by Gov. Tim Pawlenty, including:

- funding completion of an integrated tax system;
- partial funding and lease-purchase

- authorization for replacing the state's accounting and procurement system;
- funding for preliminary planning to consolidate the state's data centers; and
- provisions to establish a statewide electronic licensing system for commercial and professional licenses, paid for by an extension on a temporary technology surcharge.

The law is designed to help strengthen accountability and financial management in state government in a number of ways. A provision sponsored by Rep. Ryan Winkler (DFL-Golden Valley) clarifies that knowingly misusing state funds is a gross misdemeanor and grounds for employment termination; previously, statutes were unclear as to whether misappropriating state funds is actually a crime.

Legislation sponsored by Winkler and Rep. Keith Downey (R-Edina) that would strengthen the state's internal financial controls has been included in the law. The provisions require Minnesota Management and Budget to take responsibility for internal controls across the executive branch, and also direct the Legislative Audit Commission to make recommendations on improving internal controls.


A provision sponsored by Rep. Steve Simon (DFL-St. Louis Park) establishes a false claims act for the state. The act imposes penalties

and allows the state to recover damages and establishes protections for whistleblowers.

Other policy provisions include:

- granting preferences to certain veteran-owned small businesses in regard to bids on state contracts;
- requiring municipalities to consider using the state's cooperative purchasing venture for contracts greater than \$25,000;
- requiring the creation of a Web site with a searchable database of information on state contracts, expenditures and appropriations;
- officially changing the name of the Department of Finance to the Department of Management and Budget, which may also be referred to as Minnesota Management and Budget;
- requiring the state demographer to release a state demographic forecast to coincide with the November economic forecast from MMB;
- allowing the use of state facilities to provide fitness or wellness classes for state employees;
- establishing a central Geospatial Information Office within the Department of Administration that consolidates a number of existing state geographic information services; and
- requiring occupants of state-owned buildings to try to turn off building lights between midnight and dawn during bird migration seasons (the "bird-safe buildings" provision).

Funding provisions in the law take effect July 1, 2009. Most policy provisions are effective Aug. 1, 2009. The provisions relating to the false claims act take effect July 1, 2010.

HF1781/SF2082\*/CH101 

## Line-item vetoes for jobs bill

New law funds jobs and housing, makes ice hockey the state sport

By Nick Busse

**G**ov. Tim Pawlenty trimmed a little more than \$1.8 million from a new law that funds jobs, housing and cultural heritage programs for the next biennium — and also designates ice hockey as the official state sport.

The law, sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. David Tomassoni (DFL-Chisholm), authorizes \$260.1 million (after line-item vetoes) in net General Fund spending.

Major appropriations, reflecting cuts from earlier projected funding bases, include:

- \$115.9 million to the Department of Employment and Economic Development (a 4 percent cut);
- \$86.8 million to the Housing Finance Agency (a 3.5 percent cut);
- \$46 million to the Minnesota Historical Society (a 6 percent cut);
- \$20.2 million to Explore Minnesota Tourism (a 9 percent cut);
- \$17.2 million for the Minnesota State Arts Board (a 16.6 percent cut); and
- \$4 million for public broadcasting (a 3 percent increase).

The law prevents deeper cuts to DEED programs by temporarily increasing a fee paid by employers into the state's workforce development fund. The fee hike would raise \$15.5 million over the next biennium.

Pawlentyline-item vetoed six appropriations. The largest, a \$1.2 million grant to the Minnesota Film and TV Board, was intended to nearly double the amount of money available to the "Snowbait" film production incentive. In his veto letter, the governor said that while incentivizing the film industry

creates short-term jobs in the state, funding should focus on long-term job growth.

Other line item-vetoes include:

- a \$280,000 grant to Minnesota Public Radio to help with its conversion to a digital broadcast signal;
- \$200,000 for the Indigenous Earthkeepers environmental and cultural youth education program;
- \$100,000 for the Southeast Asian Collaborative;
- \$70,000 to the Legislative Coordinating Commission to study economic development issues; and
- \$50,000 to the Department of Administration for a workers memorial on the Capitol grounds.

Pawlenty also vetoed an earlier version of the legislation because it included a provision that would have forgiven \$33 million of a loan St. Paul owes the state on the Xcel Energy Center. The loan forgiveness would have allowed the city to move forward on a proposed new indoor ice arena across the street from the Xcel.

While St. Paul didn't get its new ice rink, hockey fans can still take heart, as the law establishes ice hockey as the official state sport.

A number of other policy provisions are also included in the law. Among them, public employers will be required to purchase

employee equipment and apparel made in the United States. The provision takes effect Jan. 1, 2010, or upon expiration of contracts entered into before June 1, 2009, whichever is later.

A "Minnesota Green Enterprise Assistance" provision in the law directs DEED and the Commerce Department to collaborate on a program to "advise, promote, market and coordinate" state help for environmentally focused enterprises. The objective is to use existing state resources to expedite the delivery of grants, licenses, permits and other authorizations for green economy projects.


Increased accountability requirements for DEED are also in the law, which directs the agency to develop a set of measures to evaluate the effectiveness of its workforce development programs. Annual reports are required to the Legislature.

The law establishes an 18-member bipartisan Economic Development Strategy Working Group to create an overall economic growth strategy for the state. Made up of six senators, six House members and six public members, the group will work under the umbrella of the Legislative Coordinating Commission and report back to the Legislature by Feb. 15, 2010.

Other policy changes include:

- splitting the Board of Barber and Cosmetologist Examiners into two separate organizations;
- strengthening enforcement of prevailing wage requirements for state contracts; and
- allowing Delta Airlines flight attendants taking unpaid furloughs as part of their contracts to collect unemployment benefits.

Appropriations in the bill take effect July 1, 2009. Policy provisions mostly take effect either May 17, 2009, or Aug. 1, 2009.

HF2088\*/SF1926/CH78 



# Higher education 'stabilized'

Tuition caps, student financial aid increases are focus of funding law

By Nick Busse

**A** higher education funding package mostly passed muster with Gov. Tim Pawlenty, who trimmed a little more than \$2.5 million from the legislation before signing it into law.

However, there may be deeper cuts coming, as Pawlenty said he may unallot between \$150 million and \$190 million of higher education spending to help close the state's remaining budget gap.

Sponsored by Rep. Tom Rukavina (DFL-Virginia) and Sen. Sandy Pappas (DFL-St. Paul), a new law sets higher education funding in the 2010-2011 biennium at \$3.1 billion. This includes funding for the University of Minnesota, the Minnesota State Colleges and Universities system and the Office of Higher Education, which includes student aid and other programs.

The total includes nearly \$138 million in fiscal stabilization funds from the American Recovery and Reinvestment Act of 2009. Notwithstanding any possible unallotments by the governor, the \$3.1 billion figure represents a cut of approximately 2 percent from the forecasted base for total higher education funding.

The law caps undergraduate tuition increases at MnSCU institutions to no more than 3 percent in the first year and 5 percent in the second year of the biennium. Similarly, the law asks the university to cap its tuition increases at \$300 in the first year and \$450 in the second year.

More restrictive tuition caps were included in the law when it was originally signed; however, after hearing of the governor's unallotment plans, the Legislature passed, and the governor signed, a deficiency law

(HF2251\*/SF1938/CH177) that raised the caps slightly in the second year of the biennium.

Student financial aid will get a boost under the law, which raises the four-year tuition maximum for students in the state grant program, and also raises the maximum allowance for living and miscellaneous expenses. Work-study funding will also get a \$5 million increase.

The governor used his line-item veto power to cut several programs. The largest, a \$2 million appropriation for a free-tuition demonstration project called the Power of You, was nixed, according to Pawlenty's veto message, because it would only serve six cities and is "not a viable option" given the budget deficit.

Pawlenty also vetoed a \$500,000 appropriation to a scholarship program to early childhood care and education providers, commenting that it already received funding from the omnibus health and human services finance law.

The governor also vetoed a \$40,000 appropriation to the Cook County Higher Education Board, stating that a county board "is not the appropriate place to fund higher education."

Funding provisions in the law take effect July 1, 2009, with the exception of appropriations from ARRA stabilization funds that are effective May 17, 2009.

## Policy provisions

In addition to providing funding, the law includes policy changes covering a variety of higher education-related subjects ranging from alcohol at sporting events to clothing sold in campus bookstores.


A new class of mid-level dental practitioners is established by the law: "dental therapists." These oral health care practitioners will serve as a middle option between dentists and hygienists, and will work in "settings that serve low-income, uninsured, and underserved patients," especially rural areas. The law lays out educational requirements for dental therapists and "advanced dental therapists," and also establishes licensure requirements and other regulations.

State funding for the University of Minnesota may not be used for research that involves human cloning, partially defined as "generating a genetically identical copy of an organism at any stage of development," under the law. The provision was added to the legislation as an amendment on the House floor by Rep. Steve Smith (R-Mound).

Campus bookstores at public colleges and universities must, to the extent possible, offer clothing for sale that was manufactured in the United States, under a provision proffered by Rukavina. A report back to the Legislature on attempts made to comply with the provision is required.

The new TCF Bank Stadium and other sports arenas will have to offer liquor for sale throughout the facilities if they offer it for sale in certain areas, under a Rukavina-sponsored provision in the law. Rukavina said the goal is to make sure ordinary people attending sports events are not denied the same privileges afforded to people in premium seating areas. Or, in the words of the governor, who supports the provision, "If some get beer, all should get beer."

Most policy provisions in the law take effect Aug. 1, 2009.

HF869/SF2083\*/CH95 

# Money for outdoors, arts gets green light

Legacy bill passes but still needs work

By SONJA HEGMAN

**T**he majority of state voters approved a sales tax increase in November 2008 with some uncertainty as to how the anticipated revenue would be spent.

A new law provides the answer.

"This is the best ride I've had in 33 years at the Legislature. This is the people of Minnesota's (law)," said Rep. Mary Murphy (DFL-Hermantown), who sponsors the omnibus cultural and outdoor funding resources finance law with Sen. Richard Cohen (DFL-St. Paul).

Yet it almost did not happen.

After making the motion to pass the conference committee report in the session's final hours, the committee recessed abruptly with no clear explanation before voting. About an hour later, conferees reconvened and Murphy explained that three concerns were brought to her attention that were to be corrected in the so-called "revisor's bill" because there was no time to make the necessary changes in this bill. The concerns were:

- criteria for how grants are appropriated regarding emerald ash borer;
- the conservation partner grant program will not be a pilot program, and will be reviewed at the end of the first year; and
- the Lessard Outdoor Heritage Council, which was established to provide annual recommendations to the Legislature on how the funds should be used, can use its definition of "protect, restore and enhance," because it differs from the conference committee report. Murphy said these definitions would be discussed in the interim.

Beginning July 1, 2009, the state's sales tax will increase from 6.5 percent to 6.875 percent.

The tax is expected to generate \$396.8 million annually to be divided into four dedicated funding areas: wildlife habitat, clean water, parks and trails, and arts and culture.

Funding in the law for the 2010-2011 biennium includes:

- \$75.7 million to the Department of Natural Resources split among prairies; wetlands; forests; and fish, game and wildlife habitat;
- \$51.3 million to the Pollution Control Agency for grants, drinking water protection, Minnesota river water quality testing and wastewater treatment monitoring;
- \$36.9 million to the DNR for grants and the state parks and trails legacy;
- \$32.7 million to the Public Facilities Authority for grants among small community wastewater treatment technical assistance and construction and phosphorus reduction; and
- \$22 million to the Minnesota Historical Society for a variety of things including grants and assistance to local historical societies.

Line-item vetoed by Gov. Tim Pawlenty was \$200,000 to the Star Lake Board for a "pilot program to focus on engaging citizen participation and fostering local partnerships by increasing citizen involvement in water quality enhancement by designating star lakes and rivers."

"This board was created with a \$100,000 appropriation as a pilot program last year. At the time, supporters of the legislation

indicated the need was for one-time money only," Pawlenty wrote in his veto message. "If additional funding is needed for this new board, it should come from sources other than constitutionally dedicated dollars. Such dollars should be used for projects, not process and bureaucracy."

The law is the result of weeks of testimony about the potential monetary impact during the next 25 years especially in the face of an economic downturn, Murphy said. It also provides a plan to guide the distribution of the legacy amendment money over the 25-year life of the tax. All appropriations are one-time, thus agencies should not expect to receive the same amount of funding from the tax every year. Priorities will be reviewed on a year-to-year basis.

"We looked at this as a tremendous fiscal responsibility," Murphy said. "We did not want to make a mistake. It certainly would be better if we'd had more time."

Rep. Dean Urdahl (R-Grove City) acknowledged Murphy's task was "monumental."

"You were looking to the future and trying to do it right," he said. "I know it was a hard job and tweaks will come in the future."

Murphy said that there had not been a lot of communication between the Lessard Outdoor Heritage Council and legislative committees, which is why there were some things that still need to be worked out. "We need a lot more communication so we create better understanding and a better environment for the future," she said. "This is the promise to the future on enhancement, protection and restoring of our habitats. This is the promise of the future for arts and culture and having whole new groups of people exposed to arts and culture."

HF1231\*/SF1651/CH172 



# Health care law quagmire

Sustainability at issue in law line-item vetoed by governor

By PATTY OSTBERG

**U**nsustainable or part of the budget-balancing solution? Such was the dilemma faced by supporters and opponents of the omnibus health and human services finance law.

Gov. Tim Pawlenty line-item vetoed \$381 million in funding for the state's General Assistance Medical Care, which assists some of the state's poorest residents.

An attempted override failed in the House on an 87-47 party-line vote.

Recipients of the state's publicly funded health program are adults between ages 21-64 who have no children and make less than \$7,800 per year. Rep. Thomas Huntley (DFL-Duluth), who sponsors the law with Sen. Linda Berglin (DFL-Mpls), said of the approximately 35,000 on GAMC, many have mental illness, severe physical disabilities or chronic conditions to the point that they can't work on a regular basis; therefore, they receive state health care at no cost to them.

While some will qualify for MinnesotaCare, a different public program, opponents say many of those on GMAC do not have the mental capacity to maintain eligibility or the finances to make payments MinnesotaCare requires.

Yet, veto supporters say health care costs continue to rise at an unsustainable rate the state can't afford, and can't fund when the state's Health Care Access Fund runs out of money, which it's projected to do in the future. Rep. Steve Gottwalt (R-St. Cloud) said the state is already unable to pay market rates to hospitals and providers for services they provide to those on GAMC, and the costs that

shift to the rest of the state are "bankrupting our health care system." They also note the cut does not take effect until fiscal year 2011.

But opponents argue costs will increase in the long run when those dropped from GAMC show up in emergency rooms in worse conditions.

"The impact of this item veto and related, anticipated unallotments will not occur immediately. As a result, the legislature will have an opportunity to address this change further if it chooses," the governor wrote in his veto message. He urged legislators "to continue working next session to slow the growth in the state's human services spending."

## Other provisions

The law, mostly effective July 1, 2009, implements a 3 percent cut to Medical Assistance and GAMC providers, but it does not cut primary care providers such as pediatricians, family practice physicians and general internal medicine.

"Every one of these cuts is painful and will hurt somebody," Huntley said. "We tried to minimize the damage best we could."

"There was tremendous pressure on us to protect hospitals," Huntley said, noting the 3 percent cut to hospitals is 1/17th of what the governor wanted. Many of them are "in the red," and the governor's proposal would have

put more of them in the red, he added.

Specialists are cut by about 5 percent in the law. While the cuts will hurt, it's a push to help change the way the state provides medical care and move toward managing chronic diseases through primary care providers instead, Huntley said.

Other spending reductions include delayed rebasing for nursing homes; a 2.58 percent cut to long-term care facilities; reducing public assistance dental services; and limiting personal care attendant hours to 310 per month/per individual.

A personal care attendant recipient must need help with at least one activity of daily living — dressing, grooming, bathing and toileting — to qualify for public assistance. The governor's proposal required at least two activities of daily living to be needed for services.


The disability community services comprise about 29 percent of the state health and human services budget, and were cut by that percent.

Money is invested to meet the federal Children's Health Insurance Program Reauthorization Act of 2009 that could result in an additional \$20 million to increase the number of children on public health insurance by easing the enrollment process, said Huntley.

The change will add an additional 22,000 children to MinnesotaCare, but they are children that already qualify but for some reason are not on the program, he said.

Another \$4 million is invested to meet provisions of, and receive funding from, the federal Health Information Technology for Economic and Clinical Health Act that is designed to help the state convert health records to electronic form.

A Steering Committee on Performance and Outcome Reforms is established in the law to develop a review process for essential human services programs. The committee is to develop reporting and accountability measures to respond to a county or human service authority that is not achieving performance measures.

HF1362\*/SF695/CH79 

# No shifts, no cuts

Education funding in a holding pattern

By KRIS BERGGREN

**M**innesota schools emerged fairly unscathed in the state budget battle of 2009. Education funding will hold steady at \$13.7 billion for the 2010-2011 biennium and increase to \$14.1 billion the following biennium.

The law, effective July 1, 2009, includes \$500 million in one-time federal economic stimulus money, but not \$1.8 billion in accounting shifts proposed by the House but rejected in the conference committee. However, Gov. Tim Pawlenty is expected to implement similar shifts through the same authority by which he has pledged to unallot portions of the state budget.

"While we're very proud of this budget, who would think we would ever have to be proud of not cutting or not paying the schools late?" asked Rep. Mindy Greiling (DFL-Roseville), who sponsors the law with Sen. LeRoy Stumpf (DFL-Plummer).

In a message to legislative leaders, Pawlenty said that he signed the law "with reluctance," because it doesn't increase education spending as he had proposed, or include his reform proposals, such as several teacher-training programs, his Pay for Progress incentive or a statewide implementation of the alternative teacher compensation plan known as Q Comp.

The governor isn't the only one who isn't thrilled.

"There's a big gap between where this (law) is and where it could be," said Rep. Pat Garofalo (R-Farmington), the House K-12 Education Finance Division minority lead. "It cuts \$185 million from the governor's education budget. It lacks reform."

The law isn't exactly what Greiling hoped for either, because it does not include the proposal to stabilize and simplify education funding, known as the "new Minnesota

Miracle" which would have equalized state aid to districts statewide and eliminated property tax levies from the funding formula.

Others said the law does include meaningful reforms they expect will pay off in coming years, including new ways of measuring student performance; significant and hard-won special education changes and mandate reductions; and a provision allowing school districts to create site-governed schools.

## A facelift for charters

The law makes the most significant reforms to charter schools since 1991, when Minnesota became the first state to allow their development.

"Whether someone hates charters or loves them, they're not going away," said Rep. Linda Slocum (DFL-Richfield), so it makes sense "to make them more responsive and more responsible and better in our communities."

The responsibilities of charter school authorizers (formerly known as sponsors) are strengthened and the fees they may charge increased; a more rigorous process for application to open a new charter school is established; board financial training is required and conflict of interest rules clarified.

School boards may now approve site-governed schools, which function as a kind of hybrid of charter and district schools that allow teachers freedom to innovate while retaining district status, especially to reach students not well served by traditional schools. Rep. John Benson (DFL-Minnetonka)

compares the concept to the professionalism of "forming a practice, like a law firm or doctor's office." Greiling called it a "cutting-edge" model and a national first.

## Testing is examined

A highly disputed alternative path to graduation for students who cannot pass a high-stakes math test is included. While Pawlenty expressed his disappointment with the measure, calling it a "step backward" in efforts to raise academic standards, its advocates were concerned that thousands of high school juniors could fail the test this year, leaving them in postsecondary limbo without a diploma.

The GRAD's (Graduation-Required Assessment for Diploma) effectiveness will be studied, but in the meantime the new law relieves some testing anxiety. New measures of student progress assessing students' year-to-year growth in addition to standards-based knowledge will "fully, fairly and accurately report student achievement and measure school excellence" and represent "the critical reform in this bill," said Rep. Kathy Brynaert (DFL-Mankato).

## All eyes on the achievement gap

Lawmakers kept their eye on a guiding goal: their desire to close the nation's biggest achievement gap between white students and students of color, which Rep. Carlos Mariani (DFL-St. Paul), House K-12 Education Policy and Oversight Committee chairman, calls an "opportunity gap."

Early learning and literacy are considered the foundation for future school success. The law expands a pilot Quality Rating and Improvement System for child care facilities to help parents gauge their child care choices by considering how programs address school readiness, as well as other factors like safety and family support. It establishes a Minnesota Reading Corps to train Head Start teachers in literacy instruction, and requires that pre-kindergarten and elementary teacher candidates must successfully complete a reading instruction assessment as part of their exam for licensure.

Integration revenue, the \$92 million funding category intended to reduce segregation through cross-cultural programs, magnet

Education continued on next page


## Education continued from previous page

schools and other means, is an old-school response to concerns about making sure all children get a high-quality education. The program was scrutinized by the Office of the Legislative Auditor in 2005 and found wanting. The new law redefines its purpose to include closing the achievement gap and requires school districts' integration budget

plans to be approved by their boards, or in the case of the Minneapolis, St. Paul and Duluth districts, by the education commissioner, before integration revenue is awarded.

As classrooms in every corner of the state are absorbing a demographic transition to a more diverse, less affluent and sometimes more mobile student body, Mariani issued a gentle challenge to what he called the "E-12 establishment."

"I think we are really going to need you to step up not just simply to protect the wonderful schools and school districts that you have," Mariani said, "but to really be courageous about suggesting different ways to restructure, if you will, the delivery of K-12 education."

HF2\*/SF1328/CH96 

## Minnesota's representation in Washington, D.C.

### U.S. Representatives

#### First District

##### Tim Walz (DFL)

1529 Longworth  
House Office Building  
Washington, D.C. 20515  
202-225-2472  
Fax: 202-225-3433

1134 Seventh St. N.W.  
Rochester, MN 55901  
507-206-0643  
Fax: 507-206-0650

227 E. Main St., Suite 220  
Mankato, MN 56001  
507-388-2149  
Fax: 507-388-6181  
877-846-9259

Web site: [walz.house.gov](http://walz.house.gov)  
Access to e-mail through Web site

#### Second District

##### John Kline (R)

1210 Longworth  
House Office Building  
Washington, D.C. 20515  
202-225-2271  
Fax: 202-225-2595

101 W. Burnsville Pkwy.  
Suite 201  
Burnsville, MN 55337  
952-808-1213  
Fax: 952-808-1261

Web site: [kline.house.gov](http://kline.house.gov)  
Access to e-mail through Web site

#### Third District

##### Erik Paulsen (R)

126 Cannon  
House Office Building  
Washington, D.C. 20515  
202-225-2871  
Fax: 202-225-6351

250 Prairie Center Drive, Suite 230  
Eden Prairie, MN 55344  
952-405-8510  
Fax: 952-405-8514

Web site: [paulsen.house.gov](http://paulsen.house.gov)  
Access to e-mail through Web site

#### Fourth District

##### Betty McCollum (DFL)

1714 Longworth  
House Office Building  
Washington, D.C. 20515  
202-225-6631  
Fax: 202-225-1968

165 Western Ave. N., Suite 17  
St. Paul, MN 55102  
651-224-9191  
Fax: 651-224-3056

Web site: [www.mccollum.house.gov](http://www.mccollum.house.gov)  
Access to e-mail through Web site

#### Fifth District

##### Keith Ellison (DFL)

1130 Longworth  
House Office Building  
Washington, D.C. 20515  
202-225-4755  
Fax: 202-225-4886

2100 Plymouth Ave.  
Minneapolis, MN 55411  
612-522-1212  
Fax: 612-522-9915

Web site: [ellison.house.gov](http://ellison.house.gov)  
Access to e-mail through Web site

#### Sixth District

##### Michele Bachmann (R)

107 Cannon  
House Office Building  
Washington, D.C. 20515  
202-225-2331  
Fax: 202-225-6475

6043 Hudson Rd., Suite 330  
Woodbury, MN 55125  
651-731-5400  
Fax: 651-731-6650

110 Second St. S., Suite 232  
Waite Park, MN 56387  
320-253-5931  
Fax: 320-240-6905

Web site: [bachmann.house.gov](http://bachmann.house.gov)  
Access to e-mail through Web site

#### Seventh District

##### Collin Peterson (DFL)

2211 Rayburn  
House Office Building  
Washington, D.C. 20515  
202-225-2165  
Fax: 202-225-1593

Minn. Wheat Growers Bldg.  
2603 Wheat Drive  
Red Lake Falls, MN 56750  
218-253-4356  
Fax: 218-253-4373

100 N. First St.  
Montevideo, MN 56265  
320-269-8888  
(Open Tuesdays only)

230 E. Third St.  
P.O. Box 50  
Redwood Falls, MN 56283  
507-637-2270  
(Open Tuesdays only)

714 Lake Ave., Suite 107  
Detroit Lakes, MN 56501  
218-847-5056  
Fax: 218-847-5109

320 Fourth St. S.W.  
Centre Point Mall  
Willmar, MN 56201  
320-235-1061  
Fax: 320-235-2651

SW/WC 1420 East  
College Drive  
Marshall, MN 56258  
507-537-2299  
Fax: 507-537-2298

Web site: [collinpeterson.house.gov](http://collinpeterson.house.gov)  
Access to e-mail through Web site

#### Eighth District

##### James L. Oberstar (DFL)

2365 Rayburn  
House Office Building  
Washington, D.C. 20515  
202-225-6211  
Fax: 202-225-0699

231 Federal Building  
Duluth, MN 55802  
218-727-7474  
Fax: 218-727-8270  
(TTY) 218-727-7474

Chisholm City Hall  
316 Lake St.  
Chisholm, MN 55719  
218-254-5761  
Fax: 218-254-5132

Brainerd City Hall  
501 Laurel St.  
Brainerd, MN 56401  
218-828-4400  
Fax: 218-828-1412

38625 14th Ave., Suite 300B  
North Branch, MN 55056  
651-277-1234  
Fax: 651-277-1235

Web site: [www.oberstar.house.gov](http://www.oberstar.house.gov)  
Access to e-mail through Web site.



## Bills not acted upon in 2009 could come to life in 2010

**W**hen the gavel came down on the legislative session at midnight May 18, it didn't put an end to the business of the 86th session.

Minnesota is one of several states operating on a biennium: the first year is used to set the state budget, and the second year is generally used to consider capital investment projects. Unlike the second year, when legislators adjourn sine die, which means "without a day," in the first year a date for return is established. The Legislature is scheduled to reconvene Feb. 4, 2010, at noon.

Of the 2,407 bills introduced in the House and 2,166 in the Senate, only 179 were passed by both bodies and sent to the governor. So, what happened to the remaining bills? Some were duplicates, some were folded into other bills, but most are sitting in limbo, waiting for possible action in the 2010 session.

The future of any bill depends upon where it was in the process when session ended:

- Bills on the General Register return to the last standing committee or division where they were acted upon. The rules also apply to any bill up for consideration on the Consent Calendar, Calendar for the Day or the Fiscal Calendar.
- For appointed conference committees that have not submitted a report upon adjournment, the bill returns to the body where it originates and is laid on the table. The conference committee is discharged.
- Bills that passed one body and not the other remain alive for the second year of the biennium. The house that approved the bill in the first year need not repass the bill in the second.

- House files amended by the Senate coming back for concurrence are available to take up when session begins.
- Bills pending before the rules committee of either body return to the standing committee to which the bill was previously referred.
- Bills vetoed by the governor are returned to the body where the bill originated and tabled.
- Bills remaining in standing committees can be taken up in the second year of the biennium in the committee to which they were referred.

For information on how a bill becomes law, go to [www.house.leg.state.mn.us/hinfo/govser/GOVSER6.pdf](http://www.house.leg.state.mn.us/hinfo/govser/GOVSER6.pdf) or call House Public Information Services at 651-296-2146 or 800-657-3550 and request the Minnesota State Government Series State Law Process.

— L. SCHUTZ

## New Laws and their effective dates

**Editor's note:** The following chart includes the 179 bills that passed both the House and the Senate and were sent to the governor for consideration. The bills are, for the most part, sorted according to the committee of origin. An asterisk marks the version of the bill the House and Senate approved and sent on to the governor.

Here are definitions of some of the terms used in the chart.

### Governor's options

#### • enactment

The date the governor signed the bill into law.

#### • line-item veto

The power or action of the governor to reject individual items within an appropriations bill while approving the rest of the bill.

#### • veto

The governor did not approve the bill.

### Effective dates for new laws

Each act takes effect at 12:01 a.m. on the day stated in the act itself, unless it specifies a different time. Examples:

#### • Aug. 1, 2009

Each act the governor signs into law, except those that make appropriations, take effect on Aug. 1 following final enactment, unless the act specifies a different date.

#### • July 1, 2009

An appropriations act, an act spending money, takes effect at the beginning of the first day of July following its final enactment, unless the act specifies a different date.

#### • Day after enactment

The act becomes effective the day after the governor signs it.

#### • Upon local approval

A special law requiring approval from the local government unit it affects becomes effective the day after the local government unit's governing body files a certificate with the secretary of state, unless the act specifies a later date.

#### • Various

Different parts of the act have different effective dates.

#### • with exceptions

Act includes other effective dates.

#### • with qualifications

Act adds conditions to the effective date.

#### • retroactive

Act goes into effect as of a specified date in the past.

# 2009 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 23, 2009

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

\*—bill the governor  
signed or vetoed

CH

Enactment

HF	Author	SF	Author	Description	CH	Enactment
<b>AGRICULTURE</b>						
1122*	Juhnke	1779	Vickerman	Omnibus agriculture and veterans affairs bill.	94	Line-item vetoed
<b>BONDING</b>						
855*	Hausman	781	Langseth	Omnibus bonding bill.	93	Line-item vetoed
<b>BUDGET</b>						
886*	Solberg	824	Cohen	General Fund balance allocation exempted at end of fiscal year 2009.	5	3/2/2009
117	Solberg	95*	Cohen	Deficiency funding provided for certain state agencies, and money appropriated.	13	4/6/2009
none		2141*	Pogemiller	Continuing appropriations for state agencies.	100	Vetoed
2251*	Solberg	1938	Cohen	Federal stimulus oversight funding allocated for certain state agencies.	177	5/21/2009
<b>BUSINESS</b>						
1717	Atkins	1711*	Dahle	Motor vehicle sales and distribution regulation.	34	5/6/2009
none		1910*	Dahle	Commerce provisions modifications. Salespersons and appraisers licensing and regulations and continuing education requirements.	63	5/12/2009
2082	Hortman	1810*	Scheid	Uniform Disclaimer of Property Interests Act.	67	5/12/2009
1685	Davnie	1431*	Tomassoni	Motor vehicle dealers unreimbursed expenses deduction from wages regulation.	69	5/12/2009
<b>CONSUMERS</b>						
1615	Sanders	743*	Dahle	Petroleum standards updated, biodiesel blends and fuels standards established.	17	4/16/2009
326	Clark	247*	Rummel	Bisphenol-A products prohibition for young children.	40	5/7/2009
1648	Sailer	1486*	Higgins	Electronic products recycling (e-waste) manufacturer and retailer responsibilities modifications.	42	5/7/2009
1306	Hornstein	122*	Dibble	Cocoa bean shell mulch retail sellers warning sign posting requirement.	47	Vetoed
854	Lesch	298*	Anderson	Cell phones unauthorized use customer liability limits.	54	5/9/2009
819*	Atkins	759	Latz	Unfair ticket sales prohibited.	61	5/11/2009
914	Davnie	806*	Dahle	Consumer short-term (pay day) loan lending regulation.	68	5/12/2009
420*	Laine	776	Latz	Existing statutory implied residential construction warranties required to be made as express warranties.	91	5/16/2009
239*	Gardner	6	Latz	Homeowners permitted to recover certain damages incurred due to faulty construction.	103	Vetoed
412*	Bunn	470	Rummel	Home owner warranty claims statute of repose adjusted.	104	Vetoed
330*	Scalze	264	Fobbe	Homeowners provided with a longer period within which to notify contractors of construction defects.	112	Vetoed
1476*	Atkins	1313	Scheid	Liquor licensing requirements clarified and modified.	120	5/20/2009
528	Davnie	489*	Clark	Reverse mortgage provisions modifications.	127	Vetoed
1853*	Atkins	1653	Sparks	Miscellaneous commerce provisions.	178	5/22/2009
<b>CRIME</b>						
1639	Morrow	1436*	Lourey	Sex offender program provisions modifications.	111	5/20/2009
818*	Hilstrom	758	Moua	Vulnerable adults financial exploitation, investigation, protection and cause of action establishment.	119	5/21/2009
1505*	Paymar	1514	Pappas	Data on human trafficking, criminal penalties increased for promoting prostitution/sex trafficking offenses.	137	5/21/2009
1213	Hortman	1009*	Torres Ray	Prostitution penalty enhancement clarification; crime of prostitution in a public place expansion.	170	5/21/2009
<b>DEVELOPMENT</b>						
1169	Rukavina	2081*	Tomassoni	Omnibus economic development and housing appropriations.	39	Vetoed
2088*	Rukavina	1926	Tomassoni	Omnibus Economic Development bill.	78	Line-item vetoed

# 2009 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 23, 2009

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

\*—bill the governor  
signed or vetoed

CH

Enactment

HF	Author	SF	Author	Description	CH	Enactment
<b>EDUCATION</b>						
1040	Shimanski	811*	Dille	McLeod West; ISD 2887 reorganization operating debt bonds issued.	20	4/16/2009
2*	Greiling	1328	Stumpf	Omnibus K-12 education bill.	96	5/16/2009
648	Mariani	567*	Saltzman	Cardiopulmonary resuscitation and automated external defibrillator instruction requirement.	107	5/19/2009
<b>ELECTIONS</b>						
300	Davnie	284*	Higgins	First-class cities major political party caucuses privileges application.	99	Vetoed
1053*	Simon	660	Marty	Maintaining the voter registration system, and automatic voter registration.	133	Vetoed
1351	Winkler	1331*	Sieben	Omnibus elections provision bill.	162	5/22/2009
<b>EMPLOYMENT</b>						
4	Mahoney	4*	Metzen	Unemployment; new base period for calculating benefits and a limited extension of benefits provided.	1	1/29/2009
1227	Rukavina	1197*	Tomassoni	Minnesota law conformed to the requirements necessary to receive federal stimulus funds, and money appropriated.	15	4/8/2009
1048	Brynaert	643*	Sheran	Eligibility for unemployment benefits under certain training programs provided.	25	4/27/2009
2040	Urdahl	1454*	Saltzman	Shared work plan establishment.	27	4/30/2009
334*	Hilstrom	683	Scheid	Garnishment instructions, forms, procedures, and exemptions modified.	31	5/1/2009
1850	Haws	1569*	Clark	Workforce development; local workforce council representative requirements modifications.	65	5/12/2009
1678	Nelson	1476*	Bakk	Workers compensation provisions modifications.	75	5/12/2009
1218	Lillie	1036*	Metzen	State labor contracts ratification.	85	5/16/2009
925*	Sertich	1368	Dibble	Dissemination and calculation of the state unemployment rate regulated.	135	Vetoed
<b>ENERGY</b>						
863	Hilty	550*	Prettner Solon	Omnibus energy conservation provisions; nuclear power plant certificate of need issuance prohibition elimination.	110	5/19/2009
680	Kalin	657*	Anderson	Federal stimulus energy programs funding direction and appropriations.	138	5/21/2009
<b>ENVIRONMENT</b>						
1756	Kath	1329*	Frederickson	Federal funds allocated for clean water and drinking water loans and grants, money appropriated.	16	4/8/2009
2123*	Wagenius	1915	Rummel	Omnibus environment and natural resources bill.	37	Line-item vetoed
1539	Rosenthal	640*	Kelash	Public waters temporary drawdown.	48	5/7/2009
569	Sailer	477*	Doll	Paint stewardship pilot program; used architectural paint collection and processing.	121	Vetoed
2049	Wagenius	1012*	Anderson	Environment and natural resources appropriations.	143	Line-item vetoed
<b>FAMILY</b>						
632	Jackson	412*	Moua	Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.	46	5/7/2009
265*	Hortman	262	Scheid	Disposition of items on death references clarified.	117	5/20/2009
695	Hilstrom	548*	Betzold	Marriage provisions modifications.	129	5/20/2009
804*	Thissen	951	Moua	Guardian and conservator governing provisions modified.	150	5/22/2009
1709	Hosch	1503*	Torres Ray	Child welfare provisions modifications; birth records disclosure provisions affidavit filing by birth parents requirement.	163	5/22/2009
<b>GAMBLING</b>						
1511	Atkins	1284*	Lourey	Lawful gambling regulation provisions modifications.	124	5/20/2009
<b>GAME AND FISH</b>						
1237*	Eken	1110	Chaudhary	Natural resources and state park provisions modified.	176	5/22/2009



# 2009 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 23, 2009

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

\*—bill the governor  
signed or vetoed

HF	Author	SF	Author	Description	CH	Enactment
----	--------	----	--------	-------------	----	-----------

## GOVERNMENT

100	Winkler	94*	Latz	I-35W bridge collapse survivor compensation process provisions clarified, indemnification rights specified.	4	2/24/2009
801*	Pelowski	779	Gimse	State report and document laws modified.	32	5/1/2009
1857	Pelowski	532*	Rest	Electronic mail (e-mail) notification for department of administration rule proposals and hearings.	71	5/12/2009
456	Johnson	764*	Moua	State agencies electronic meetings authority.	80	5/15/2009
1171	Jackson	1096*	Moua	Revisor's bill.	86	5/16/2009
111*	Winkler	131	Bonoff	Divestment required from certain investments relating to Iran.	90	5/16/2009
none		2082*	Betzold	Omnibus state government appropriations.	101	5/16/2009
1193*	Koenen	1011	Latz	Department of Corrections and Department of Employment and Economic Development claims settlement provided, and money appropriated.	126	5/21/2009

## HEALTH

1554	Winkler	1462*	Prettner Solon	Public health emergencies and pandemics medication mass dispensing authority; isolation and quarantine.	41	5/7/2009
286	Clark	245*	Berglin	Equal Access to Acupuncture Act and Edith R. Davis memorial.	45	5/7/2009
665	Swails	615*	Prettner Solon	Hennepin County specialty psychiatric hospital construction project moratorium exception.	51	5/7/2009
521	Thissen	457*	Higgins	Volunteer health practitioners licensed in other states provisions modifications.	72	5/12/2009
1362*	Huntley	695	Berglin	Omnibus health and human services finance bill.	79	Line-item vetoed
120	Hosch	203*	Kubly	Health cooperative arrangements oversight.	97	5/16/2009
1322	Thissen	1890*	Lourey	Health information technology and infrastructure and electronic health record system.	102	5/19/2009
1448	Mullery	1887*	Marty	Health care agents information release and agent quarantine access; public safety department traffic accident reporting modification.	108	5/19/2009
1745*	Ruud	1445	Marty	Department of health technical provisions.	157	5/21/2009
53	Murphy, E.	29*	Sheran	Pharmacy practice influenza vaccines administration provision clarification.	161	5/22/2009
292	Rukavina	97*	Murphy	Medical use of marijuana.	166	Vetoed

## HIGHER EDUCATION

none		2083*	Pappas	Omnibus higher education appropriations.	95	Line-item vetoed
------	--	-------	--------	--	----	------------------

## HOUSING

1394	Hayden	1147*	Higgins	Vacant, abandoned and nuisance property modifications.	123	5/20/2009
995	Mullery	1302*	Fobbe	Mortgage foreclosure procedures modification.	130	5/20/2009
211*	Swails	170	Saltzman	Statutory housing warranties recovery for breaches regulated.	136	Vetoed
362*	Knuth	362	Dahle	Homeowner notice requirements modified.	140	Vetoed
903	Mullery	708*	Fobbe	Mortgage foreclosure consultants provisions modifications.	141	5/21/2009
354*	Hilstrom	340	Scheid	Mortgage foreclosure proceedings on homestead property mediation provided.	154	Vetoed

## HUMAN SERVICES

177	Thissen	162*	Berglin	Moratorium on radiation therapy facility construction extended in certain counties.	6	3/11/2009
782	Sterner	978*	Erickson Ropes	Shaken baby syndrome training requirements changed in licensed programs.	26	4/27/2009
940	Zellers	729*	Rest	Hennepin County human resources board modifications; Victory Memorial Drive historic district task force sunset extension.	50	5/7/2009
388	Bigham	431*	Betzold	Civil commitment clinical drug trials participation prohibition.	58	5/11/2009
936*	Thissen	839	Sheran	Communities for a lifetime criteria specified.	60	5/11/2009

# 2009 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 23, 2009

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

\*—bill the governor  
signed or vetoed

HF	Author	SF	Author	Description	CH	Enactment
985	Hayden	666*	Marty	Children aging out of foster care provisions modified.	106	5/19/2009
285	Clark	213*	Erickson Ropes	WIC coupons cost neutral organic food purchase authorization.	114	5/20/2009
545	Champion	763*	Moua	Civil rights restoration notice requirements.	116	Vetoed
702*	Hilstrom	561	Moua	State expenditure pilot project on children authorized for various purposes.	132	5/21/2009
1750	Abeler	1447*	Lourey	Human services licensing bill.	142	5/21/2009
266	Fritz	711*	Marty	Children with developmental disabilities services costs requirements modification.	145	5/21/2009
581	Hosch	501*	Lynch	Disabled children's services medical assistance services availability expansion.	147	5/21/2009
1760*	Thissen	1526	Lourey	Continuing care provisions modifications.	159	5/22/2009
1708	Hosch	1504*	Berglin	Mental health provisions modifications.	167	5/22/2009
1276*	Norton	986	Lynch	County human services mandates modified.	174	5/22/2009
1728*	Loeffler	1509	Torres Ray	Child care programs, program integrity, and adult supports including general assistance medical care.	175	5/22/2009
<b>HUMANITIES</b>						
422	Obermueller	237*	Carlson	Fallen Firefighters Memorial Day designation.	87	5/15/2009
1825	Urdahl	1623*	Dille	Resolution to urge the President and Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota and the Dakotas.	171	5/21/2009
1231*	Murphy, M.	1651	Cohen	Omnibus cultural and outdoor resources finance bill.	172	Line-item vetoed
<b>INDUSTRY</b>						
1056*	Howes	638	Scheid	Construction subcontractors prompt payment required, and progress payments and retainages regulated.	66	5/12/2009
1813	Juhnke	1425*	Skoe	Grain elevators and feed mills manlifts and platform wheelchair lifts and elevators in churches.	76	5/12/2009
813	Johnson	910*	Tomassoni	Independent contractor definition clarifications.	89	5/16/2009
1532	Kalin	1288*	Olseen	Secretary of State filings provisions modifications.	98	5/16/2009
<b>INSURANCE</b>						
2138	Atkins	1904*	Scheid	Health coverage limited extension of continuation election period.	33	5/6/2009
1823	Simon	1754*	Kubly	Church benefits board as trustee authorization.	43	5/7/2009
704	Knuth	166*	Scheid	Insurable Interest Act (STOLI).	52	5/9/2009
1789	Fritz	1611*	Sparks	Nonprofit insurance trust self-insurance authorization.	53	5/9/2009
1719	Atkins	1539*	Gerlach	Viatical (life insurance) settlement model.	62	5/12/2009
417*	Atkins	528	Bakk	Third-party administrators of health coverage plans, health claims clearinghouse regulated.	148	5/22/2009
1988*	Murphy, E.	1924	Berglin	Managed care plan and county-based purchasing plan provider reimbursement rate information report required.	173	5/22/2009
<b>LAW</b>						
332	Jackson	261*	Latz	Transfer on death deeds technical modifications.	30	4/30/2009
348*	Lesch	297	Anderson	Law prohibiting sheriffs, deputy sheriffs, and coroners from practicing law repealed.	118	5/21/2009
1529*	Mullery	798	Betzold	Attorney or agent fees dollar limitation removed.	125	5/19/2009
1482	Thissen	1208*	Dibble	Medical assistance claims and liens against estates provisions modifications.	160	5/21/2009
<b>LOCAL GOVERNMENT</b>						
329	Reinert	212*	Prettner Solon	Boiler operation regulation exception provided.	2	2/20/2009
56*	Hosch	55	Fischbach	Stearns County; grantee for parks appropriation corrected.	7	3/23/2009

# 2009 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 23, 2009

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

\*—bill the governor  
signed or vetoed

Enactment

HF	Author	SF	Author	Description	CH	Enactment
951	Lillie	896*	Wiger	Two or more existing municipal power agencies authorized to form a new municipal power agency.	19	4/16/2009
1501	Westrom	1489*	Ingebrigtsen	Central Lakes region sanitary district dissolution.	44	5/7/2009
955	Morrow	275*	Frederickson	Minnesota River basin joint powers board name change to Minnesota River board and provisions modifications.	49	5/7/2009
1670	Mariani	1033*	Marty	Local government rent control provisions modification.	81	Vetoed
1275*	Poppe	1449	Fobbe	Sewage treatment systems provisions modified.	109	5/19/2009
17	Sertich	79*	Tomassoni	Central Iron Range sanitary sewer district establishment.	122	5/20/2009
1946	Seifert	1477*	Frederickson	Redwood County Gilfillan Estate state building code limited exemption authority.	146	5/21/2009
519*	Nelson	747	Rest	Nonconforming lots in shoreland areas regulated.	149	5/21/2009
1849*	Nelson	1544	Rest	Local governmental unit mandates removed, extended, and modified.	152	5/22/2009
<b>MILITARY</b>						
433	Obermueller	236*	Carlson	Medal of Honor day designated as March 25.	8	4/1/2009
1400	Kalin	1142*	Murphy	Honoring All Vietnam Era Veterans Day enacted.	10	4/3/2009
1127	Eastlund	1794*	Clark	National Guard and reserve members pay differential conditions clarification.	84	5/16/2009
<b>RECREATION</b>						
865*	Welti	983	Lynch	Wabasha and Olmsted counties; Great River Ridge Trail established.	11	4/3/2009
<b>RETIREMENT</b>						
723	Murphy, M.	191*	Betzold	Omnibus retirement provisions modifications.	169	5/22/2009
<b>SAFETY</b>						
254	Thissen	265*	Kelash	Crime alerts required to be distributed in a format that people with disabilities can access.	22	4/16/2009
525	Mullery	462*	Latz	DWI ignition interlock device pilot program expansion.	29	4/30/2009
1242*	Seifert	1146	Frederickson	Brandon's law established, and procedures implemented for investigating missing person cases.	38	5/7/2009
1820	Rosenthal	1172*	Koch	Alcohol and controlled substance testing exemption extension.	55	5/9/2009
1301*	Hilstrom	993	Moua	Omnibus public safety policy bill.	59	5/11/2009
842	Olin	675*	Kubly	Ambulance emergency medical services technical changes.	70	5/12/2009
1097	Hansen	1408*	Metzen	Aircraft laser discharge criminal penalties.	73	5/12/2009
1293	Loeffler	1217*	Higgins	Emergency medical transport provisions modifications.	74	5/12/2009
267	Hortman	99*	Carlson	Motor vehicle operators child restraint systems use requirement expansion.	82	5/15/2009
1657	Paymar	802*	Higgins	Omnibus public safety appropriations.	83	5/15/2009
988*	Mariani	738	Limmer	REAL ID Act implementation prohibited.	92	5/15/2009
1677*	Simon	1452	Moua	Sex offenders excluded from the Safe at Home program.	105	5/19/2009
668*	Morrow	782	Olseen	Post crash procedures provided for school buses in accidents.	113	5/19/2009
523*	Bigham	402	Saltzman	School background check requirements modified relating to disciplinary actions.	115	5/19/2009
448	Mullery	707*	Saxhaug	911 system referral to mental health crisis teams authorization.	128	5/20/2009
954	Lesch	722*	Kelash	National Instant Criminal Background Check System information transmittal for persons civilly committed.	139	5/21/2009
1805	Atkins	1219*	Rest	Firefighters licensing standards.	153	5/22/2009
1328*	Thissen	1235	Marty	Youth violence addressed as a public health problem.	156	5/21/2009
1198	Davnie	971*	Dibble	School harassment, bullying, intimidation, hazing and violence policy clarification.	164	Vetoed
108*	Norton	42	Murphy	Seat belt violation made a primary offense in all seating positions regardless of age, and increased speed limit provided when passing.	165	5/21/2009



# 2009 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 23, 2009

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

\*—bill the governor  
signed or vetoed

Enactment

HF	Author	SF	Author	Description	CH	Enactment
----	--------	----	--------	-------------	----	-----------

TAXES						
95	Lenczewski	49*	Bakk	Health Insurance premium credit created.	3	2/20/2009
392*	Lenczewski	252	Bakk	Internal Revenue Code federal update provided, and net income and payment of corporate franchise tax refunds computation modified.	12	4/3/2009
1073	Solberg	832*	Bakk	Income tax; exception extended to minimum contacts required for jurisdiction to ownership of property on the premises of a printer.	14	4/6/2009
885*	Lenczewski	681	Bakk	Tax bill.	77	Vetoed
1298*	Lenczewski	1257	Bakk	Tax policy bill.	88	5/16/2009
2323*	Lenczewski	2074	Bakk	Omnibus tax bill.	179	Vetoed

TECHNOLOGY						
868	Mahoney	684*	Sheran	Bioscience business development public infrastructure grant program expansion.	35	5/6/2009
1149	Juhnke	926*	Sparks	Telecommunications service providers reduced rate regulation and promotion activities provisions.	57	5/11/2009
1744*	Hilty	1600	Rest	Technology accessibility standards created for the state, rulemaking authorized.	131	5/21/2009
1250*	Hornstein	916	Dibble	Electric vehicle infrastructure regulated.	134	5/21/2009
384*	Thissen	704	Dahle	Technology standards and tools developed to exchange information electronically between groups.	155	5/22/2009

TRANSPORTATION						
1797*	Lieder	1511	Murphy	Federal economic recovery transportation funds receipt and appropriation provided.	9	4/1/2009
121	Sailer	451*	Skoe	Memorial signs erected on designated highways governing provision modified.	18	4/16/2009
619	Hornstein	757*	Carlson	Public Safety Department authorized to collect fuel decal fee.	21	4/16/2009
110	Anzelc	335*	Saxhaug	Irv Anderson Memorial Highway designated.	23	4/16/2009
116	Ward	33*	Olseen	Type III school bus driver qualifications modified.	24	4/23/2009
486*	Eastlund	1183	Olseen	Trunk highway system routes removed.	28	4/30/2009
1309*	Lieder	1276	Murphy	Omnibus transportation finance bill.	36	5/7/2009
1421	Scott	1467*	Fobbe	Rural residential district speed limits.	56	5/9/2009
1816	Morrow	1876*	Carlson	Miscellaneous transportation department (DOT), motor carriers and highways provisions modifications.	64	5/12/2009
1204	Dean	1091*	Vandever	Stillwater lift bridge trucks prohibition.	144	5/21/2009
928*	Hornstein	1455	Murphy	Omnibus transit and transportation policy bill.	151	Vetoed
571	Sailer	492*	Skogen	Mini truck use and operation regulation.	158	5/21/2009
878*	Hortman	746	Rest	MnDOT agency provisions.	168	5/22/2009

## Frequently called numbers

Area code 651

### House Public Information Services

175 State Office Building ..... 296-2146  
**Meeting Hotline, House**  
 175 State Office Building ..... 296-9283  
**Chief Clerk of the House**  
 211 Capitol ..... 296-2314

### House Index

211 Capitol ..... 296-6646  
**Senate Information**  
 231 Capitol ..... 296-0504  
**Secretary of the Senate**  
 231 Capitol ..... 296-2344  
 Voice mail/order bills ..... 296-2343

### Senate Index

110 Capitol ..... 296-2887  
**Meeting Hotline, Senate**  
 231 Capitol ..... 296-8088

## Friday, May 15

### HF2389-Hausman (DFL)

#### Health Care & Human Services Policy & Oversight

Health facilities authority feasibility and potential benefit study and report required.

### HF2390-Faust (DFL)

#### Energy Finance & Policy Division

Carbon sequestration exemption to greenhouse gas control plan provided.

## Saturday, May 16

### HF2391-Dill (DFL)

#### Finance

Metropolitan area shooting sports facility funding provided.

### HF2392-Atkins (DFL)

#### Commerce & Labor

Claims practices regulated for certain homeowner's or property claims.

### HF2393-Nelson (DFL)

#### Commerce & Labor

Building and construction contracts regulated, certain conditions on payments to subcontractors prohibited and notice of loan defaults required.

### HF2394-Faust (DFL)

#### Energy Finance & Policy Division

Carbon dioxide emissions by utilities provisions modified.

## Sunday, May 17

### HF2395-Falk (DFL)

#### Rules & Legislative Administration

Unallotment authority repealed.

### HF2396-Johnson (DFL)

#### Commerce & Labor

Cable communication system regulation amended and state-authorized video service provider regulation provided.

### HF2397-Slawik (DFL)

#### K-12 Education Policy & Oversight

Public school theft reports of financial and property loss required.

### HF2398-Urdahl (R)

#### Finance

Wright County; Bertram Chain of Lakes Regional Park funding provided.

### HF2399-Mahoney (DFL)

#### Finance

St. Paul; regional baseball facility funding provided.

### HF2400-Morrow (DFL)

#### Taxes

Agricultural property tax credit provided for property used in a farm operation that has incurred economic losses due to the H1N1 virus.

### HF2401-Gunther (R)

#### Finance

Pork producers funding provided and money appropriated.

### HF2402-Gardner (DFL)

#### Commerce & Labor

Lead acid battery recycling purchase, return and collection regulated.

### HF2403-Dettmer (R)

#### State & Local Government Operations Reform, Technology & Elections

Temporary successors provided to members of the Legislature called into active military service; implementation of statutory language provided and constitutional amendment proposed.

### HF2404-Brod (R)

#### Taxes

Additional personal exemption allowed and an alternate even rate tax provided.

## Monday, May 18

### HF2405-Reinert (DFL)

#### State & Local Government Operations Reform, Technology & Elections

Temporary successors provided to members of the Legislature called into active military service; implementation of statutory language provided.

### HF2406-Mariani (DFL)

#### Finance

Jobs created through rehabilitation and construction of affordable housing and through green energy investments in public buildings; nonprofit housing bonds authorized; emergency employment development program established.

### HF2407-Gardner (DFL)

#### Environment Policy & Oversight

Product stewardship framework operated and funded by producers to collect, recycle and dispose of products at the end of their useful lives, account created, civil penalties provided and report required.

## Constitutional Officers

### Governor

#### TIM PAWLENTY (R)

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-296-3391/800-657-3717  
Fax: 651-296-2089  
Web site: [www.governor.state.mn.us](http://www.governor.state.mn.us)  
E-mail: [tim.pawlenty@state.mn.us](mailto:tim.pawlenty@state.mn.us)

### Lieutenant Governor

#### CAROL MOLNAU (R)

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-296-3391  
Fax: 651-296-2089  
E-mail: [carol.molnau@state.mn.us](mailto:carol.molnau@state.mn.us)

### Secretary of State

#### MARK RITCHIE (DFL)

Election Center  
Room 180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
651-215-1440/877-600-8683  
Business Services  
Suite 100  
60 Empire Drive  
St. Paul, MN 55103  
651-296-2803/877-551-6767  
Web site: [www.sos.state.mn.us](http://www.sos.state.mn.us)  
E-mail: [secretary.state@state.mn.us](mailto:secretary.state@state.mn.us)

### State Auditor

#### REBECCA OTTO (DFL)

525 Park St.  
Suite 500  
St. Paul, MN 55103  
651-296-2551/(TTY) 800-627-3529  
Web site: [www.osa.state.mn.us](http://www.osa.state.mn.us)  
E-mail: [state.auditor@state.mn.us](mailto:state.auditor@state.mn.us)

### Attorney General

#### LORI SWANSON (DFL)

Executive Offices  
Room 102 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-296-6196/800-657-3787  
Web site: [www.ag.state.mn.us](http://www.ag.state.mn.us)  
E-mail: [attorney.general@state.mn.us](mailto:attorney.general@state.mn.us)  
Consumer Division  
1400 Bremer Tower  
445 Minnesota St.  
St. Paul, MN 55101  
651-296-3353/800-657-3787  
(TTY) 651-297-7206  
(TTY) 800-366-4812

# 2009-2010 Minnesota House of Representatives

District	Member/Party	Room*	Phone 651-296-	District	Member/Party	Room*	Phone 651-296-
48B	Abeler, Jim (R)	203	1729	34A	Kohls, Paul (R)	313	4282
19A	Anderson, Bruce (R)	295	5063	50A	Laine, Carolyn (DFL)	407	4331
13A	Anderson, Paul (R)	239	4317	9A	Lanning, Morrie (R)	259	5515
43A	Anderson, Sarah (R)	217	5511	40B	Lenczewski, Ann (DFL)	509	4218
3A	Anzelc, Tom (DFL)	417	4936	66A	Lesch, John (DFL)	537	4224
39B	Atkins, Joe (DFL)	503	4192	30A	Liebling, Tina (DFL)	553	0573
35A	Beard, Michael (R)	207	8872	1B	Lieder, Bernard (DFL)	423	5091
43B	Benson, John (DFL)	517	9934	55A	Lillie, Leon (DFL)	369	1188
57A	Bigham, Karla (DFL)	353	4342	59A	Loeffler, Diane (DFL)	349	4219
25B	Bly, David (DFL)	557	7065	42B	Loon, Jenifer (R)	311	7449
25A	Brod, Laura (R)	291	4229	37A	Mack, Tara (R)	321	5506
27A	Brown, Robin (DFL)	337	8216	22A	Magnus, Doug (R)	253	5505
23B	Brynaert, Kathy (DFL)	421	3248	67A	Mahoney, Tim (DFL)	591	4277
35B	Buesgens, Mark (R)	307	5185	65B	Mariani, Carlos (DFL)	563	9714
56A	Bunn, Julie (DFL)	521	4244	9B	Marquart, Paul (DFL)	597	6829
45B	Carlson Sr., Lyndon (DFL)	479	4255	38A	Masin, Sandra (DFL)	527	3533
58B	Champion, Bobby Joe (DFL)	329	8659	53B	McFarlane, Carol (R)	223	5363
61A	Clark, Karen (DFL)	471	0294	57B	McNamara, Denny (R)	255	3135
24B	Cornish, Tony (R)	281	4240	40A	Morgan, Will (DFL)	411	4212
31B	Davids, Greg (R)	283	9278	23A	Morrow, Terry (DFL)	415	8634
62A	Davnie, Jim (DFL)	545	0173	58A	Mullery, Joe (DFL)	367	4262
52B	Dean, Matt (R)	287	3018	10B	Murdock, Mark (R)	213	4293
29A	Demmer, Randy (R)	245	9236	64A	Murphy, Erin (DFL)	413	8799
52A	Dettmer, Bob (R)	251	4124	6B	Murphy, Mary (DFL)	343	2676
6A	Dill, David (DFL)	571	2190	46A	Nelson, Michael V. (DFL)	569	3751
47A	Dittrich, Denise (DFL)	371	5513	49B	Newton, Jerry (DFL)	331	5369
33B	Doepke, Connie (R)	215	4315	10A	Nornes, Bud (R)	277	4946
12B	Doty, Al (DFL)	433	4247	29B	Norton, Kim (DFL)	387	9249
41A	Downey, Keith (R)	323	4363	38B	Obermueller, Mike (DFL)	335	4128
28B	Drazkowski, Steve (R)	247	2273	1A	Olin, Dave (DFL)	593	9635
17A	Eastlund, Rob (R)	243	5364	11B	Otremba, Mary Ellen (DFL)	445	3201
2A	Eken, Kent (DFL)	575	9918	64B	Paymar, Michael (DFL)	543	4199
19B	Emmer, Tom (R)	301	4336	31A	Pelowski Jr., Gene (DFL)	491	8637
20A	Falk, Andrew (DFL)	431	4228	32A	Peppin, Joyce (R)	279	7806
8B	Faust, Tim (DFL)	567	0518	4A	Persell, John (DFL)	529	5516
26B	Fritz, Patti (DFL)	551	8237	45A	Peterson, Sandra (DFL)	345	4176
53A	Gardner, Paul (DFL)	581	2907	27B	Poppe, Jeanne (DFL)	487	4193
36B	Garofalo, Pat (R)	221	1069	7B	Reinert, Roger (DFL)	429	4246
15A	Gottwalt, Steve (R)	231	6316	41B	Rosenthal, Paul (DFL)	393	7803
54A	Greiling, Mindy (DFL)	381	5387	5A	Rukavina, Tom (DFL)	477	0170
24A	Gunther, Bob (R)	289	3240	42A	Ruud, Maria (DFL)	515	3964
48A	Hackbarth, Tom (R)	309	2439	2B	Sailer, Brita (DFL)	577	4265
22B	Hamilton, Rod (R)	209	5373	51A	Sanders, Tim (R)	233	4226
39A	Hansen, Rick (DFL)	401	6828	54B	Scalze, Bev (DFL)	451	7153
66B	Hausman, Alice (DFL)	453	3824	49A	Scott, Peggy (R)	225	4231
15B	Haws, Larry (DFL)	473	6612	21A	Seifert, Marty (R)	267	5374
61B	Hayden, Jeff (DFL)	539	7152	5B	Sertich, Anthony "Tony" (DFL)	459	0172
46B	Hilstrom, Debra (DFL)	379	3709	14A	Severson, Dan (R)	261	7808
8A	Hilty, Bill (DFL)	559	4308	18A	Shimanski, Ron (R)	227	1534
36A	Holberg, Mary Liz (R)	303	6926	44A	Simon, Steve (DFL)	375	9889
34B	Hoppe, Joe (R)	317	5066	55B	Slawik, Nora (DFL)	403	7807
60B	Hornstein, Frank (DFL)	437	9281	63B	Slocum, Linda (DFL)	501	7158
47B	Hortman, Melissa (DFL)	377	4280	33A	Smith, Steve (R)	271	9188
14B	Hosch, Larry (DFL)	565	4373	3B	Solberg, Loren (DFL)	443	2365
4B	Howes, Larry (R)	201	2451	37B	Sterner, Phillip (DFL)	523	4306
7A	Huntley, Thomas (DFL)	585	2228	56B	Swails, Marsha (DFL)	409	1147
16A	Jackson, Gail Kulick (DFL)	531	6746	65A	Thao, Cy (DFL)	359	5158
67B	Johnson, Sheldon (DFL)	549	4201	63A	Thissen, Paul (DFL)	351	5375
13B	Juhnke, Al (DFL)	485	6206	51B	Tillberry, Tom (DFL)	583	5510
59B	Kahn, Phyllis (DFL)	365	4257	21B	Torkelson, Paul (R)	211	9303
17B	Kalin, Jeremy (DFL)	579	5377	18B	Urdahl, Dean (R)	237	4344
26A	Kath, Kory (DFL)	357	5368	62B	Wagenius, Jean (DFL)	449	4200
60A	Kelliher, Margaret Anderson (DFL)	463	0171	12A	Ward, John (DFL)	533	4333
28A	Kelly, Tim (R)	241	8635	30B	Welti, Andy (DFL)	389	4378
16B	Kiffmeyer, Mary (R)	229	4237	11A	Westrom, Torrey (R)	273	4929
50B	Knuth, Kate (DFL)	507	0141	44B	Winkler, Ryan (DFL)	525	7026
20B	Koenen, Lyle (DFL)	439	4346	32B	Zellers, Kurt (R)	315	5502



# 2009-2010 Minnesota Senate

District/Member/Party	Room*	Phone 651-296-	District/Member/Party	Room*	Phone 651-296-
66 Anderson, Ellen R. (DFL).....	120 Cap.....	5537	30 Lynch, Ann (DFL).....	G-24 Cap.....	4848
6 Bakk, Thomas M. (DFL).....	226 Cap.....	8881	54 Marty, John (DFL).....	328 Cap.....	5645
61 Berglin, Linda (DFL).....	309 Cap.....	4261	39 Metzen, James P. (DFL).....	322 Cap.....	4370
51 Betzold, Don (DFL).....	111 Cap.....	2556	41 Michel, Geoff (R).....	133 SOB.....	6238
43 Bonoff, Terri E. (DFL).....	325 Cap.....	4314	67 Moua, Mee (DFL).....	120 Cap.....	5285
38 Carlson, Jim (DFL).....	G-9 Cap.....	7-8073	28 Murphy, Steve (DFL).....	325 Cap.....	4264
50 Chaudhary, Satveer S. (DFL).....	205 Cap.....	4334	17 Olseen, Rick E. (DFL).....	G-24 Cap.....	5419
15 Clark, Tarryl (DFL).....	208 Cap.....	6455	33 Olson, Gen (R).....	119 SOB.....	1282
64 Cohen, Richard J. (DFL).....	121 Cap.....	5931	4 Olson, Mary A. (DFL).....	124 Cap.....	4913
25 Dahle, Kevin (DFL).....	320 Cap.....	1279	34 Ortman, Julianne E. (R).....	125 SOB.....	4837
26 Day, Dick (R).....	113 SOB.....	9457	65 Pappas, Sandra L. (DFL).....	120 Cap.....	1802
60 Dibble, D. Scott (DFL).....	111 Cap.....	4191	36 Pariseau, Pat (R).....	117 SOB.....	5252
18 Dille, Steve (R).....	103 SOB.....	4131	59 Pogemiller, Lawrence J. (DFL).....	235 Cap.....	7809
40 Doll, John (DFL).....	G-9 Cap.....	5975	7 Prettner Solon, Yvonne (DFL).....	G-9 Cap.....	4188
31 Erickson Ropes, Sharon L. (DFL).....	G-24 Cap.....	5649	45 Rest, Ann H. (DFL).....	205 Cap.....	2889
14 Fischbach, Michelle L. (R).....	145 SOB.....	2084	35 Robling, Claire A. (R).....	143 SOB.....	4123
16 Fobbe, Lisa (DFL).....	306 Cap.....	8075	24 Rosen, Julie A. (R).....	109 SOB.....	5713
47 Foley, Leo T. (DFL).....	G-24 Cap.....	4154	53 Rummel, Sandy (DFL).....	323 Cap.....	1253
21 Frederickson, Dennis R. (R).....	139 SOB.....	8138	56 Saltzman, Kathy L. (DFL).....	306 Cap.....	4166
37 Gerlach, Chris (R).....	129 SOB.....	4120	3 Saxhaug, Tom (DFL).....	124 Cap.....	4136
13 Gimse, Joe (R).....	105 SOB.....	3826	46 Scheid, Linda (DFL).....	G-9 Cap.....	8869
42 Hann, David W. (R).....	127 SOB.....	1749	29 Senjem, David H. (R).....	147 SOB.....	3903
58 Higgins, Linda (DFL).....	328 Cap.....	9246	23 Sheran, Kathy (DFL).....	G-24 Cap.....	6153
11 Ingebrigtsen, Bill G. (R).....	123 SOB.....	7-8063	57 Sieben, Katie (DFL).....	321 Cap.....	7-8060
49 Johnson, Debbie J. (R).....	135 SOB.....	3219	2 Skoe, Rod (DFL).....	303 Cap.....	4196
48 Jungbauer, Michael J. (R).....	121 SOB.....	3733	10 Skogen, Dan (DFL).....	303 Cap.....	5655
63 Kelash, Ken (DFL).....	320 Cap.....	7-8061	27 Sparks, Dan (DFL).....	317 Cap.....	9248
19 Koch, Amy T. (R).....	115 SOB.....	5981	1 Stumpf, LeRoy A. (DFL).....	208 Cap.....	8660
12 Koering, Paul E. (R).....	131 SOB.....	4875	5 Tomassoni, David J. (DFL).....	317 Cap.....	8017
20 Kubly, Gary W. (DFL).....	301 Cap.....	5094	62 Torres Ray, Patricia (DFL).....	124 Cap.....	4274
9 Langseth, Keith (DFL).....	122 Cap.....	3205	52 Vandever, Ray (R).....	107 SOB.....	4351
44 Latz, Ron (DFL).....	306 Cap.....	7-8065	22 Vickerman, Jim (DFL).....	226 Cap.....	5650
32 Limmer, Warren (R).....	141 SOB.....	2159	55 Wiger, Charles W. (DFL).....	323 Cap.....	6820
8 Lourey, Tony (DFL).....	303 Cap.....	0293			

\*Capitol or State Office Building, St. Paul, MN 55155

## Minnesota House and Senate Membership

<b>1</b> A Rep. Dave Olin-(DFL) B Rep. Bernie Lieder-(DFL) Sen. LeRoy A. Stumpf-(DFL)	<b>15</b> A Rep. Steve Gottwalt-(R) B Rep. Larry Haws-(DFL) Sen. Tarryl Clark-(DFL)	<b>29</b> A Rep. Randy Demmer-(R) B Rep. Kim Norton-(DFL) Sen. David H. Senjem-(R)	<b>43</b> A Rep. Sarah Anderson-(R) B Rep. John Benson-(DFL) Sen. Terri E. Bonoff-(DFL)	<b>57</b> A Rep. Karla Bigham-(DFL) B Rep. Denny McNamara-(R) Sen. Katie Sieben-(DFL)
<b>2</b> A Rep. Kent Eken-(DFL) B Rep. Brita Sailer-(DFL) Sen. Rod Skoe-(DFL)	<b>16</b> A Rep. Gail Kulick Jackson-(DFL) B Rep. Mary Kiffmeyer-(R) Sen. Lisa Fobbe-(DFL)	<b>30</b> A Rep. Tina Liebling-(DFL) B Rep. Andy Welti-(DFL) Sen. Ann Lynch-(DFL)	<b>44</b> A Rep. Steve Simon-(DFL) B Rep. Ryan Winkler-(DFL) Sen. Ron Latz-(DFL)	<b>58</b> A Rep. Joe Mullery-(DFL) B Rep. Bobby Joe Champion-(DFL) Sen. Linda Higgins-(DFL)
<b>3</b> A Rep. Tom Anzelc-(DFL) B Rep. Loren A. Solberg-(DFL) Sen. Tom Saxhaug-(DFL)	<b>17</b> A Rep. Rob Eastlund-(R) B Rep. Jeremy Kalin-(DFL) Sen. Rick E. Olseen-(DFL)	<b>31</b> A Rep. Gene Pelowski Jr.-(DFL) B Rep. Greg Davis-(R) Sen. Sharon L. Erickson Ropes-(DFL)	<b>45</b> A Rep. Sandra Peterson-(DFL) B Rep. Lyndon Carlson Sr.-(DFL) Sen. Ann H. Rest-(DFL)	<b>59</b> A Rep. Diane Loeffler-(DFL) B Rep. Phyllis Kahn-(DFL) Sen. Lawrence J. Pogemiller-(DFL)
<b>4</b> A Rep. John Persell-(DFL) B Rep. Larry Hoves-(R) Sen. Mary A. Olson-(DFL)	<b>18</b> A Rep. Ron Shimanski-(R) B Rep. Dean Urdahl-(R) Sen. Steve Dille-(R)	<b>32</b> A Rep. Joyce Peppin-(R) B Rep. Kurt Zellers-(DFL) Sen. Warren Limmer-(R)	<b>46</b> A Rep. Michael V. Nelson-(DFL) B Rep. Debra Hilstrom-(DFL) Sen. Linda Scheid-(DFL)	<b>60</b> A Rep. Margaret Anderson Kelliher-(DFL) B Rep. Frank Hornstein-(DFL) Sen. D. Scott Dibble-(DFL)
<b>5</b> A Rep. Tom Rukavina-(DFL) B Rep. Anthony "Tony" Sertich-(DFL) Sen. David J. Tomassoni-(DFL)	<b>19</b> A Rep. Bruce Anderson-(R) B Rep. Tom Emmer-(R) Sen. Amy T. Koch-(R)	<b>33</b> A Rep. Steve Smith-(R) B Rep. Connie Doepke-(R) Sen. Gen Olson-(R)	<b>47</b> A Rep. Denise Dittrich-(DFL) B Rep. Melissa Hortman-(DFL) Sen. Leo T. Foley-(DFL)	<b>61</b> A Rep. Karen Clark-(DFL) B Rep. Jeff Hayden-(DFL) Sen. Linda Berglin-(DFL)
<b>6</b> A Rep. David Dill-(DFL) B Rep. Mary Murphy-(DFL) Sen. Thomas M. Bakk-(DFL)	<b>20</b> A Rep. Andrew Falk-(DFL) B Rep. Lyle Koenen-(DFL) Sen. Gary W. Kubly-(DFL)	<b>34</b> A Rep. Paul Kohls-(R) B Rep. Joe Hoppe-(R) Sen. Julianne E. Ortman-(R)	<b>48</b> A Rep. Tom Hackbarth-(R) B Rep. Jim Abeler-(R) Sen. Michael J. Jungbauer-(R)	<b>62</b> A Rep. Jim Davnie-(DFL) B Rep. Jean Wagenius-(DFL) Sen. Patricia Torres Ray-(DFL)
<b>7</b> A Rep. Thomas Huntley-(DFL) B Rep. Roger Reinert-(DFL) Sen. Yvonne Prettner Solon-(DFL)	<b>21</b> A Rep. Marty Seifert-(R) B Rep. Paul Torkelson-(R) Sen. Dennis R. Frederickson-(R)	<b>35</b> A Rep. Michael Beard-(R) B Rep. Mark Buegens-(R) Sen. Claire A. Robling-(R)	<b>49</b> A Rep. Peggy Scott-(R) B Rep. Jerry Newton-(DFL) Sen. Debbie J. Johnson-(R)	<b>63</b> A Rep. Paul Thissen-(DFL) B Rep. Frank Hornstein-(DFL) Sen. Ken Kelash-(DFL)
<b>8</b> A Rep. Bill Hilty-(DFL) B Rep. Tim Faust-(DFL) Sen. Tony Lourey-(DFL)	<b>22</b> A Rep. Doug Magnus-(R) B Rep. Rod Hamilton-(R) Sen. Jim Vickerman-(DFL)	<b>36</b> A Rep. Mary Liz Holberg-(R) B Rep. Pat Garofalo-(R) Sen. Pat Pariseau-(R)	<b>50</b> A Rep. Carolyn Laine-(DFL) B Rep. Kate Knuth-(DFL) Sen. Satveer S. Chaudhary-(DFL)	<b>64</b> A Rep. Erin Murphy-(DFL) B Rep. Michael Paymar-(DFL) Sen. Richard J. Cohen-(DFL)
<b>9</b> A Rep. Morrie Lanning-(R) B Rep. Paul Marquart-(DFL) Sen. Keith Langseth-(DFL)	<b>23</b> A Rep. Terry Morrow-(DFL) B Rep. Kathy Brynaert-(DFL) Sen. Kathy Sheran-(DFL)	<b>37</b> A Rep. Tara Mack-(R) B Rep. Phillip Sterner-(DFL) Sen. Chris Gerlach-(R)	<b>51</b> A Rep. Tim Sanders-(R) B Rep. Tom Tillberry-(DFL) Sen. Don Betzold-(DFL)	<b>65</b> A Rep. Cy Thao-(DFL) B Rep. Carlos Mariani-(DFL) Sen. Sandra L. Pappas-(DFL)
<b>10</b> A Rep. Bud Nornes-(R) B Rep. Mark Murdock-(R) Sen. Dan Skogen-(DFL)	<b>24</b> A Rep. Bob Gunther-(R) B Rep. Tony Cornish-(R) Sen. Julie A. Rosen-(R)	<b>38</b> A Rep. Sandra Masin-(DFL) B Rep. Mike Obermueller-(DFL) Sen. Jim Carlson-(DFL)	<b>52</b> A Rep. Bob Dettmer-(R) B Rep. Matt Dean-(R) Sen. Ray Vandever-(R)	<b>66</b> A Rep. John Lesch-(DFL) B Rep. Alice Hausman-(DFL) Sen. Ellen R. Anderson-(DFL)
<b>11</b> A Rep. Torrey Westrom-(R) B Rep. Mary Ellen Otremba-(DFL) Sen. Bill G. Ingebrigtsen-(R)	<b>25</b> A Rep. Laura Brod-(R) B Rep. David Bly-(DFL) Sen. Kevin Dahle-(DFL)	<b>39</b> A Rep. Rick Hansen-(DFL) B Rep. Joe Atkins-(DFL) Sen. James P. Metzen-(DFL)	<b>53</b> A Rep. Paul Gardner-(DFL) B Rep. Carol McFarlane-(R) Sen. Sandy Rummel-(DFL)	<b>67</b> A Rep. Tim Mahoney-(DFL) B Rep. Sheldon Johnson-(DFL) Sen. Mee Moua-(DFL)
<b>12</b> A Rep. John Ward-(DFL) B Rep. Al Doty-(DFL) Sen. Paul E. Koering-(R)	<b>26</b> A Rep. Kory Kath-(DFL) B Rep. Patti Fritz-(DFL) Sen. Dick Day-(R)	<b>40</b> A Rep. Will Morgan-(DFL) B Rep. Ann Lenczewski-(DFL) Sen. John Doll-(DFL)	<b>54</b> A Rep. Mindy Greiling-(DFL) B Rep. Bev Scalze-(DFL) Sen. John Marty-(DFL)	
<b>13</b> A Rep. Paul Anderson-(R) B Rep. Al Juhnke-(DFL) Sen. Joe Gimse-(R)	<b>27</b> A Rep. Robin Brown-(DFL) B Rep. Jeanne Poppe-(DFL) Sen. Dan Sparks-(DFL)	<b>41</b> A Rep. Keith Downey-(R) B Rep. Paul Rosenthal-(DFL) Sen. Geoff Michel-(R)	<b>55</b> A Rep. Leon Lillie-(DFL) B Rep. Nora Slawik-(DFL) Sen. Charles W. Wiger-(DFL)	
<b>14</b> A Rep. Dan Severson-(R) B Rep. Larry Hosch-(DFL) Sen. Michelle L. Fischbach-(R)	<b>28</b> A Rep. Tim Kelly-(R) B Rep. Steve Drazkowski-(R) Sen. Steve Murphy-(DFL)	<b>42</b> A Rep. Maria Ruud-(DFL) B Rep. Jennifer Loon-(R) Sen. David W. Hann-(R)	<b>56</b> A Rep. Julie Bunn-(DFL) B Rep. Marsha Swails-(DFL) Sen. Kathy L. Saltzman-(DFL)	

**MINNESOTA HOUSE OF REPRESENTATIVES**  
**PUBLIC INFORMATION SERVICES**  
**175 STATE OFFICE BUILDING**  
**100 REV. DR. MARTIN LUTHER KING JR. BLVD.**  
**ST. PAUL, MN 55155-1298**

**SPEAKER OF THE HOUSE: MARGARET ANDERSON KELLIHER**

**MAJORITY LEADER: ANTHONY "TONY" SERTICH**

**MINORITY LEADER: MARTY SEIFERT**

## MINNESOTA INDEX

### 2009 session

House files introduced during the 2009 session .....	2,407
In 2007 .....	2,552
In 2005 .....	2,562
In 2003 .....	1,658
Senate files introduced during the 2009 session .....	2,166
In 2007 .....	2,363
In 2005 .....	2,340
In 2003 .....	1,568
Bills sent to the governor in 2009 .....	179
In 2007 .....	150
In 2005 .....	169
In 2003 .....	133
Bills signed into law this year .....	149
Number of full gubernatorial vetoes in 2009 .....	22
Line-item vetoes .....	8
Full vetoes in the seven years Tim Pawlenty has been governor .....	78
Line-item vetoes by Pawlenty .....	22
Full, line-item vetoes when Jesse Ventura was governor (1999-2002) .....	33, 21
When Arne Carlson was governor (1991-98) .....	127, 52
When Rudy Perpich was governor (1983-90) .....	15, 5
Total gubernatorial vetoes (full and line-item) since 1939 .....	511
Maximum number of legislative days that lawmakers can meet in regular session	
during the biennium .....	120
Number used in 2009 .....	58
In 2007 .....	75
In 2005 .....	66
Pages in the 2009 House Journal .....	7,462
In 2007 regular session .....	7,576
In 2005 regular session .....	5,038
Member's annual salary .....	\$31,140
Daily House, Senate member per diem .....	\$77, \$96
Time lawmakers are scheduled to reconvene Feb. 4, 2010 .....	noon
Date members reconvened in 2008 .....	Feb. 12
Date members reconvened in 2006 .....	March 1
Days from the May 18, 2009, adjournment until legislators reconvene in 2010 .....	262

— M. Cook

**Sources: House Public Information Services office; Legislative Reference Library;  
Governor's Log 2009; Journal of the House; Journal of the Senate.**

### FOR MORE INFORMATION

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

To have a copy of Session Weekly mailed to you, subscribe online at: [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call: 651-296-2146 or 800-657-3550.

Session Weekly online is available at: [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly)

Subscribe to Session Daily e-mail alerts at: [www.house.mn/list/join.asp?listname=sessiondaily](http://www.house.mn/list/join.asp?listname=sessiondaily).

Check your local listings to watch television coverage of House committees, floor sessions and select press conferences.

To obtain a copy of a bill, call the Chief Clerk's Office at 651-296-2314.

To learn about bill introductions or the status of a specific bill, call the House Index Office at 651-296-6646.

The House of Representatives can be found on the Web at: [www.house.mn](http://www.house.mn).

People who are deaf and hard of hearing may ask questions or leave messages by calling the Minnesota Relay service at 711 or 800-627-3529 (TTY).

Senate Information  
651-296-0504 or 888-234-1112

Senate Index  
651-296-5560