

SESSION WEEKLY

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HF3082 - HF3209

SESSION WEEKLY

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On the cover: Heidi Holmer of Thief River Falls shows her 6-year-old son, Brett, the House seating chart outside the House Chamber Feb. 18.

— Photo by: Tom Olmscheid

Schools shore up state's checkbook

Obscure law forces drawdown of school reserves before state can borrow

By KRIS BERGGREN

In order to pay its bills this spring, the state is holding out its hat to school districts. It will borrow \$423 million from 221 school districts' cash reserves by delaying regularly scheduled March and April state aid payments.

But first the state had to dust off an old statute allowing it to do so. It's not that the state particularly wants to borrow schools' cash, but if it plans to borrow money, the state is required by law to look to schools first. The districts affected are those with more than \$700 per pupil unit in their reserve funds.

The use of the obscure mechanism highlights a snowballing problem with avalanche potential. The long-term effect of how the state is juggling to pay its bills could impact the fiscal health of schools, said Rep. Mindy Greiling (DFL-Roseville), the House K-12 Education Finance Division chairwoman. The move sets a bad precedent, and compounds the burden of a poorly designed funding formula already failing to

meet schools' rising expenses in the face of growing demands, she said.

"The snowball is rolling faster and faster with bad financial management practices. We have to raise taxes, make cuts, look for reforms," Greiling said.

Rep. Larry Howes (R-Walker) agrees the system is broken. "The Legislature should be able to balance their budget and not have that impact on school districts," he said.

Avoid borrowing at all costs

In the early 1980s, the administrations of governors Al Quie and Rudy Perpich used short-term borrowing to resolve temporary shortfalls, but after several years of double-digit interest rates, "the political climate in 1985 was that short-term borrowing was to be avoided at any cost," said House Chief Fiscal Analyst Bill Marx.

The law requiring delayed school payments as an alternative was enacted in 1986, effective for one year, and made permanent in 1987. It has never been used, even in other years the state's faced fiscal crunches.

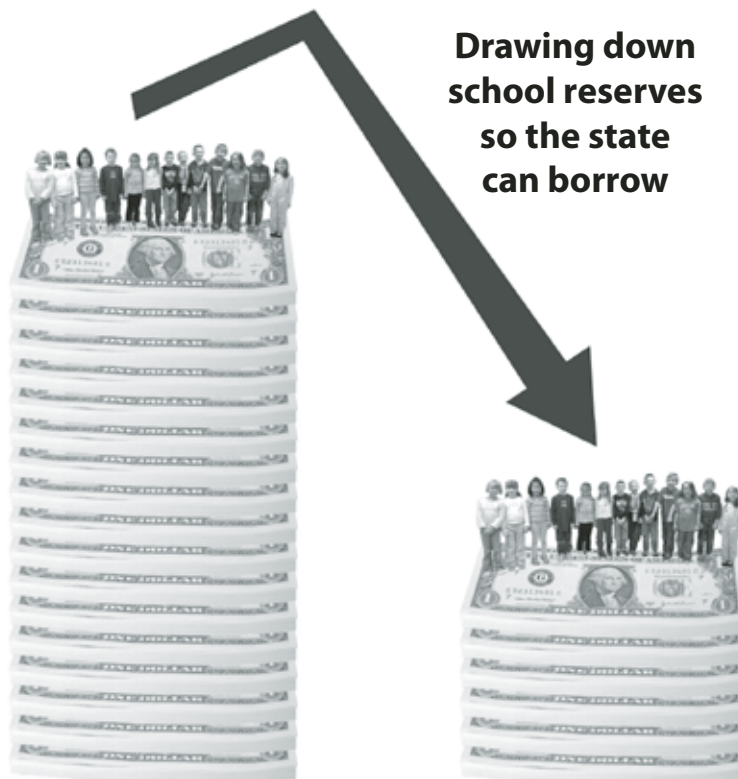
School administrators understand the weight of the state's \$1.2 billion deficit this biennium and projected \$5.4 billion deficit in the next biennium, and definitely prefer shifts to cuts. But neither they nor legislators like penalizing districts that have, through thrift, property tax levies or both, built up their own cash reserves for a rainy day—or a snowy one.

Snow day woes

Late last year, the Albany Area Schools bus shelter roof collapsed under the weight of a huge Christmas Day snowfall, damaging seven buses and three vans. Repair and replacement expenses were partially covered by insurance, but the incident cost the district \$65,000, covered by its reserve fund balance, according to Scott Thielman, superintendent of the district about 20 miles west of St. Cloud.

That's exactly the sort of unforeseen expense school

Drawing down school reserves so the state can borrow



Cash flow shortages this spring will trigger a 24-year-old, never-before-used statute that requires the state to delay payments to school districts before borrowing money. In effect, the payment delays will draw down schools' cash reserves. So far, the plan is to take only from those school districts with reserves greater than \$700 per pupil. Some lawmakers question the fairness of borrowing money from schools.

First Reading continued on page 4



PHOTO BY TOM OLMSCHIED

The House K-12 Education Finance Division debates the fiscal future for education in front of a packed room of onlookers.

First Reading continued from page 3

districts should use their reserves for, say lawmakers.

“If there are bad times, we shouldn’t take the money from the schools,” Howes said. He sponsors HF2783 that would repeal the statute effective Aug. 1. Greiling sponsors HF2645, a bill nearly identical to Howes’s except for its effective date.

“If it was a one-time episode and it wasn’t used again for 20 years, I wouldn’t say much about it, but I see it happening again next Sept. 1, which is the next time they can use it, and then the money would be kept by the state the whole school year,” Greiling said.

Both bills were laid over Feb. 17 by the House K-12 Education Finance Division for possible omnibus inclusion.

The Pequot Lakes Public Schools in Howes’s district will lend the state about \$1.3 million this spring. Supt. Rick Linnell said his district has “worked very, very hard” to maintain two and a half months of operating expenses in its reserve balance, for example, by trimming \$400,000 from its 2010 budget and eliminating its German language program next year. Now the district will lose interest income and incur penalties for early withdrawal of savings certificates of deposit.

“We are going to lose money in that deal and we shouldn’t have to do that. If you lose a boiler or buses go bad, we have to have that,” Linnell said.

An avalanche of consequences

Howes and Greiling worry about the long term consequences of delayed payments and the routine use of accounting shifts on students, teachers and communities.

Howes points out the ripple effect of employment uncertainty on school employees and their families. “Every year we lay off 30 teachers,” Howes said, referring to Pequot Lakes. Many are rehired once funding is secure, but “if you have 30 teachers in limbo, you have other people who are in limbo. You’re laid off, what are you going to do, pick up the family and move somewhere else?”

Greiling is worried about the state’s declining bond ratings, the possible decline of school districts’ credit ratings as they’re forced to borrow money to cover their own operating expenses, and that the districts will see the continual borrowing from their reserves as disincentive to keep those reserves full.

“Meanwhile, we kill the golden egg and then we kill the goose too,” Greiling said.

But taking — or at least borrowing — from schools has become the norm. Many districts scrambled to accommodate the accounting shifts the governor authorized last May. Such shifts are common, and the amount withheld is typically repaid in subsequent years, but the 27 percent shift imposed this year left schools with 17 percent less operating funding this year. Albany Area Schools borrowed \$1.745 million to cover the larger-than-usual shift. (When a shift is used, it’s normally 10

percent.) That loan cost the district about \$35,000 between lost interest and the cost of putting an aid anticipation certificate out for sale, said Thielman. “You can hire a paraprofessional or even a teacher for that amount,” he said—or buy two used vans.

Worse, said Thielman, he and his fellow superintendents worry shifts won’t be repaid, or that cuts to K-12 education are inevitable.

Lawmakers are also concerned about that possibility.

HF2683 sponsored by Rep. Denise Dittrich (DFL-Champlin), and HF2508, sponsored by Rep. Pat Garofalo (R-Farmington), would codify the shifts made last year by the governor, which mimic Legislature-approved shifts but do not bind future lawmakers.

“Members of this committee know I am not a fan of shifts,” Garofalo told the House K-12 Education Finance Division Feb. 17. “When we shift we mask the problems from the public.” Still, he sponsors the bill because he believes it’s possible “that when we elect a new Legislature and governor, they would have the choice to decide the current unallotments were a cut and not a shift. Or maybe in a lesser degree, maybe of the \$1.7 billion in shifts he mimicked, maybe \$200 million or \$300 million of those would be cuts instead of shifts.” He thinks such a sudden decrease would be too much for schools to bear.

The division approved both bills and held them over for possible inclusion in an omnibus bill, but the conversation isn’t over.

CONSUMERS

Brewing in basements

Beverage producers would be able to make their products in basements under a bill approved Feb. 22 by the House Agriculture, Rural Economies and Veterans Affairs Committee.

Sponsored by Rep. Mindy Greiling (DFL-Roseville), HF2918 would allow the Department of Agriculture to issue permits to businesses producing certain types of beverages in basements or other subgrade areas.

Greiling said basements are currently automatically ruled out due to the “olden days” when basements were wet and had mildew problems. The department would like to look at basements on a case-by-case basis now, she said.

Seth Couenhoven, director of operations for Thuro Bread, wants to rent the basement of a building he owns to a company to make fermented tea, but is unable to do so under current law. The basement is updated and approved for commercial packaging, but also needs to be approved for the bottling process, he said.

The bill now goes to the House floor. A companion, SF2632, sponsored by Sen. John Marty (DFL-Roseville), was scheduled to be heard Feb. 25 by the Senate Agriculture and Veterans Budget and Policy Division.

— P. OSTBERG

CRIME

Penalty for deadly careless driving

A driver runs a red light and slams into a minivan. A 4-year-old boy is thrown from the van and killed after the minivan rolls on top of him.

The penalty for the driver running the red light? A misdemeanor.

“Our office has prosecuted numerous tragic cases over the years involving severe injury or death caused by careless and reckless driving,” Minneapolis City Attorney Susan Segal wrote in a letter to Rep. Karla Bigham (DFL-Cottage Grove). “In the absence of adequate evidence to charge driving under the influence of alcohol or drugs, typically the only charges that can be brought are at the misdemeanor level for careless driving, inattentive driving or failure to obey a traffic control device.”

Sponsored by Bigham, HF2888 would increase the penalty for careless driving that

results in the death of another person to a gross misdemeanor, which could mean a year in jail.

Approved Feb. 18 on a split-voice vote by the House Public Safety Policy and Oversight Committee, the bill was sent to the House Transportation and Transit Policy and Oversight Division. A companion, SF2503, sponsored by Sen. Steve Murphy (DFL-Red

Wing), awaits action by the Senate Judiciary Committee.

“Current statute says if you can prove gross negligence it’s a felony, otherwise it’s a misdemeanor,” Bigham said. “There’s a lot of people that believe a misdemeanor penalty is not enough.”

Rep. Terry Morrow (DFL-St. Peter) said the bill would allow a middle position for a judge

BIKER’S DAY



PHOTO BY TOM OLMSCHIED

Pamela and Timothy Braastad and Mike and Jewels Langmade look through the House Chamber’s front gate while participating in Biker Day at the Capitol Feb 24. The two couples are members of the East Central River Riders, St. Croix Valley Riders and ABATE (American Bikers for Awareness, Training, & Education).

between doing little or forcing the prosecution to prove gross negligence, which can be difficult to do when alcohol or a controlled substance is not involved.

“Right now what several county attorneys and other people are faced with is you either have to spend the taxpayer’s money trying to prove criminal vehicular for grossly negligent or to take a simple careless driving, which really doesn’t fit a death,” said Rep. Dave Olin (DFL-Thief River Falls).

A similar bill sponsored by Bigham, HF45, failed to get House Finance Committee approval last year. A provision to revoke a person’s license for one year is not in the current bill.

— M. Cook

Electronic monitoring for abusers

According to the Minnesota Coalition for Battered Women, at least 12 Minnesota women, one man and two friends, family members or interveners died last year in a domestic violence situation.

That is 11 people fewer than in 2008.

Rep. Paul Gardner (DFL-Shoreview) sponsors a bill to reduce those numbers even more.

Approved Feb. 19 by the House Crime Victims/Criminal Records Division, HF2864 would lift current restrictions on electronic monitoring as a pre-trial condition in domestic abuse cases, and allow a judicial district to establish a pilot project whereby a judge could, as a condition of release, require an offender to wear an electronic monitoring device.

Also approved by the House Public Safety Policy and Oversight Committee it awaits action by the House Public Safety Finance Division. A companion, SF2636, sponsored by Sen. Chuck Wiger (DFL-Maplewood), awaits action by the Senate Judiciary Committee.

“Electronic monitoring becomes one tool that can help in those cases to enhance safety,” said Liz Richards, the coalition’s director of advocacy and systems change.

She said Stearns County has a domestic violence court that focuses on repeat offenders who have a felony domestic assault charge against them.

“During one three-month period last year, they had 19 domestic violence offenders in that court program,” she said. Those offenders combined for 401 violations of release during that time, mostly violations of a no-contact order. “It’s precisely those offenders that this type of monitoring would be targeting.”

A system would need to have dedicated resources and a localized system capable of implementation, leading Rep. Michael Paymar (DFL-St. Paul) to wonder about the cost.

“We’re not looking for any state dollars to go with this, we’re really authorizing programs to set up a pilot, meaning the pilot would be responsible for figuring out whether they are going to seek outside funding sources to pay for this or whether their system can currently absorb it within whatever they’re doing,” Richards said. “From what I hear it can range anywhere from something like the \$10-\$20 per day. It really depends on the system you set up.”

— M. Cook

Expanding ex parte protection area

An ex parte order for protection provides a certain level of immediate protection for a domestic abuse victim.

However, it could get even more specific.

Sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center), HF2608 would allow courts to provide a reasonable area surrounding a dwelling or a residence in an ex parte order.

This tries to get at people who have no reason to be there, she said.

Approved Feb. 19 by the House Crime Victims/Criminal Records Division, and Feb. 25 by the House Public Safety Policy and Oversight Committee, it awaits action by the full House. A companion, SF2437, sponsored by Sen. Mee Moua (DFL-St. Paul), awaits action by the Senate Judiciary Committee.

According to state statute, if a victim “alleges an immediate and present danger of domestic abuse, the court may grant an ex parte order for protection and granting relief as the court deems proper.” The order can force the offender to stay away from a victim’s residence and workplace and permit no contact between the alleged abuser and their victim.

Vanessa Foster, a legal advocate at Tubman, which offers services and shelter to domestic violence victims, said that when boundaries are not clearly stated, abusers often stretch an order’s limit to harass or intimidate their victims. She said a recent client had her abuser loitering three doors down from her home. “The police could not protect her until he entered her home or threatened to actually hurt her,” Foster said.

“Under current Minnesota law, courts can exclude respondents in orders for protection from a reasonable area surrounding the dwelling or residence of the applicant for the order,” said Matthew Frank, an assistant attorney general. “This provision includes or adds that same language to the ex parte provision that an applicant can apply for from the court.”

What constitutes a reasonable area?

Although nothing is set in stone, Frank said, “Typically, what courts do is define that in terms of geographic area, within a block or two blocks, or within 100 feet or

within certain areas the respondent would recognize.”

— M. Cook

‘Mixture’ definition sought

A weighty issue can mean dissimilar penalties for people using the same amount of drugs.

The weight of an entire mixture can now be used when charging decisions are made regarding illegal use of a controlled substance, even if the drug residue is only a small part of the mixture.

Sponsored by Rep. Phyllis Kahn (DFL-Mpls), HF2757 would amend the definition of “mixture” in statute. It would require law enforcement and prosecutors to determine the purity of a mixture that contains a controlled substance’s residue before weighing it for purposes of determining the level of offense.

The House Public Safety Policy and Oversight Committee held the bill over Feb. 18 for possible omnibus bill inclusion. It has no Senate companion.

The problem came to light in 2008 when a defendant was charged with a first-degree controlled substance offense because they possessed bong water that contained a residue of methamphetamine. Even though the bong water had just a small amount of residue, the mixture’s total weight was used to charge the defendant with the more serious drug offense. The Minnesota Supreme Court ruled last year that the charge was appropriate under the current definition of mixture.

“It allows small-time drug users to be punished as major dealers, and it gives prosecutors a vast amount of discretion to decide to treat someone as either a major offender or a minor offender based on arbitrary factors,” said Ted Sampson-Jones, a criminal law professor at William Mitchell College of Law.

Assistant Dakota County Attorney Scott Hersey spoke against the bill, noting it would require more Bureau of Criminal Apprehension lab work and increased court costs because expensive third parties would likely become more involved.

“It would be a battle of experts if we’re going to do purity analysis, which is not well-defined in the statute, to determine how pure the drug actually is.”

— M. Cook

EDUCATION

Computerized tests aren’t best for all

Computerized testing don’t always work well for every student, including those learning English or those who have difficulty

LIFE SAVER



PHOTO BY TOM OLMSCHIED

House Minority Leader Kurt Zellers, right, recognizes 12-year-old Callie Crane of St. Michael on the House floor Feb. 22. Last summer, Callie bravely saved the life of a 150-pound young man who became unconscious while swimming in Mill Pond in Wright County. She was honored for her swift action at the 26th Annual Minnesota Public Safety Service Awards.

scrolling up and down on a screen to read text.

Facing a high-stakes test on the computer screen after failing more than once can cause students and their parents stress and anxiety, Burnsville High School Associate Principal Bruce Morrisette told the House K-12 Education Policy and Oversight Committee Feb. 24.

Rep. Will Morgan (DFL-Burnsville) sponsors HF2751, which would allow students who do not pass the reading and language arts Graduation Required Assessment for Diploma to retake the test in pencil-and-paper format.

Matt Mohs, St. Paul Schools director of Title I programs, said about 600 seniors in that district have not passed the test this year. He supports the bill “because I want to make sure we have done everything we can” to allow them to pass the required test.

Mohs also said frequent computer retakes tie up high schools’ computers for two weeks a month, preventing access for other students and requiring additional network capacity and technical support at the expense of other program areas.

Education Department Director of Research and Assessment Dirk Mattson estimated that a paper and pencil option would also have a cost, which could be “in the seven digits” depending on how frequently it was administered.

Rep. Keith Downey (R-Edina) opposed the

bill, in part, because of “the unknown fiscal dimension in a year when everybody is just totally under fiscal pressures.”

The committee approved the bill on a 13-7 roll call vote, sending it to the House Finance Committee with a recommendation it be sent to the House K-12 Education Finance Division. Its companion, SF2610, sponsored by Sen. Ellen Anderson (DFL-St. Paul), awaits action the Senate Education Committee.

— K. BERGGREN

Smart tests get committee OK

Computer-adaptive testing is a type of online assessment that adjusts questions to an individual student’s responses. The “smart” test is meant to provide an accurate measure of the student’s achievement level, and can quickly give teachers feedback they can use to adjust classroom instruction to align with students’ needs.

A constituent’s experience with how transformative such tests can be prompted Rep. Jeremy Kalin (DFL-North Branch) to sponsor HF3043, which would require computer-adaptive testing for math students in grades three through eight in the 2010–2011 school year and in reading tests beginning in 2013–2014.

Kalin told the House K-12 Education Policy and Oversight Committee that he met a fourth-grade teacher while campaigning in 2004 who said that computer-adaptive tests transformed how he taught reading in his

classroom almost overnight, and that he “saw the light bulbs going on” in his students when he made changes.

The meat of the bill, Kalin said, is a provision allowing districts to replace district-purchased computer-adaptive assessments with those that are state-developed and state-funded. Kalin said North Branch has spent \$35,000 for its own testing contract despite being among the lowest in the state in terms of districts receiving state aid.

Education Department Director of Research and Assessment Dirk Mattson said the department supports and is developing computer-adaptive testing, but cautioned it doesn’t eliminate the need for other kinds of tests. He also said it is costly to develop new tests when academic standards change, which may happen if the state is awarded a Race to the Top grant that could require Minnesota to adopt a common core of standards.

The committee approved the bill Feb. 24 and sent it to the House Finance Committee with a recommendation to refer it to the House K-12 Education Finance Division. There is no Senate companion.

— K. BERGGREN

Race to the Top proposals critiqued

Education Commissioner Alice Seagren told the House K-12 Education Policy and Oversight Committee Feb. 23 that the attorney general has certified that the state’s Race to the Top application for \$330 million in federal

grants is not in conflict with Minnesota laws; but some lawmakers and advocates have a different reading.

The proposal to extend Q Comp in the application could circumvent laws retaining local control over districts' ability to make Q Comp agreements, said Rep. Mindy Greiling (DFL-Roseville). Q Comp is an alternative teacher compensation and professional development system.

Rep. Kathy Brynaert (DFL-Mankato) is wary of the proposal to link data about growth in student achievement to individual teacher evaluations. She said a law enacted last year puts the brakes on using student achievement in teacher evaluations. Seagren said school districts may use such data in teacher evaluations, but the Education Department cannot.

Education Minnesota chief lobbyist Jan Alswager said that several RTTT proposals could be in conflict with Minnesota law or legislative intent, including the push to expand Q Comp, alternative teacher licensure pathways and an "equitable transfer" plan that would move "highly effective" teachers to high-need schools without regard for seniority.

Alswager noted that a state map of chronically low-performing schools targeted for reforms in the application is similar to one made by Kids Count Minnesota indicating high poverty areas. She added that teachers are tired of feeling they're expected to solve societal problems stemming from poverty.

"For some reason we have got this notion that if a school isn't working, or kids aren't performing the best that they can, we're going to put it on the backs of teachers," Alswager said. "Poverty and all of the needs that go along with poverty came before the kids ever walked in the school."

Committee Chairman Rep. Carlos Mariani (DFL-St. Paul) said legislators should decide "whether or not we need to be acting proactively to change Minnesota statute, or, quite frankly, acting proactively to say no to certain proposals in the Race to the Top proposal, to be consistent with Minnesota statutes."

No action was taken.

— K. BERGGREN

Alternative teacher licensure OK'd

Teach for America places college graduates in high-need schools.

Daniel Sellers, executive director of Teach for America Twin Cities, said about one-quarter of the organization's members share the socio-economic background of the children they serve, and about 10 percent are African American and six percent Latino.

Teach for America members are permitted to teach because the Board of Teaching is authorized to grant "experimental approval" of certain programs. The House K-12 Education Policy and Oversight Committee heard two bills Feb. 25 that would facilitate their licensure.

HF 3074 sponsored by Rep. Linda Slocum (DFL-Richfield), would repeal the current alternative teacher licensure law, and allow the Board of Teaching to adopt rules establishing a two-year limited teaching license and a pathway to full licensure for nontraditional teacher candidates.

HF3093 sponsored by Rep. Carlos Mariani (DFL-St. Paul) would direct the board to approve qualified programs that enable a two-year license under legislative authority. The change would target districts or charter schools where there is a teacher shortage, a demonstrated achievement gap or where existing teaching staff does not reflect the racial or cultural student population.

Jan Alswager, chief lobbyist with Education Minnesota said her primary concerns are ensuring teacher quality, and that the "teacher of record" in charge of the classroom be a fully licensed teacher.

"Most studies nationally show little connection between teacher effectiveness and their route to certification," said Pat Pratt-Cook, Minneapolis Public Schools chief of human resources and accountability, who supports the bills.

The committee approved both measures Feb. 25. HF3074 was sent to the House Finance Committee. HF3093 goes to the House Floor.

Sen. Terri Bonoff (DFL-Minnetonka) sponsors companion bills SF2757 and SF2811, which await action by the Senate Education Committee.

— K. BERGGREN

ELECTIONS

House approves August primary

Minnesota's traditional September primary could move to the second Tuesday in August to meet a federal mandate under a bill passed Feb. 25 by the House 126-5.

Passed in October 2009, the federal Military and Overseas Voter Empowerment Act requires at least a 45-day period for absentee ballots to be returned and counted for primaries and elections. Previous law was 30 days.

Rep. Steve Simon (DFL- St. Louis Park) and Sen. Terri Bonoff (DFL-Minnetonka) sponsor HF2552/SF2251* that would conform Minnesota's elections to the federal mandate. Simon amended the House version to the Senate file. It now returns to the Senate.

"It's been said that in every recount in Minnesota there are basically two stacks of discarded ballots, one is the people who just did it wrong, and one are the overseas people who didn't get their ballots back in time. ... This is finally the fix that we need," Simon said.

In 2008, almost 400,000 military and overseas absentee voters failed to have their ballots counted, Bob Carey, director of the Federal Voting Assistance Program, previously told a House committee. "That's because there is just not enough time," he said. Those voters "experience much more difficulty than the average voter in exercising their right to vote."

There were several failed amendment attempts, including one by Rep. Tom Emmer (R-Delano) that would have required voters to show photo identification at the polling place. Another, offered by Rep. Marty Seifert (R-Marshall), would have reduced the number of voters one person could vouch for in an election from 15 to 3.

Only Hawaii currently has a later primary date than Minnesota. Ten states and the District of Columbia will also have to change primary dates to meet the new law.

— P. OSTBERG

EMPLOYMENT

Workforce programs may face cuts

The state's workforce development programs could be facing nearly across-the-board cuts, members of a House division learned.

Gov. Tim Pawlenty's supplemental budget plan includes \$10.3 million in cuts to the Department of Employment and Economic Development. Commissioner Dan McElroy discussed the proposed cuts Feb. 23 with members of the House Higher Education and Workforce Development Finance and Policy Division. No action was taken.

Combined with \$570,000 in unallotments he made last year, the governor's proposal amounts to a 4.8 percent cut to the agency's \$81 million biennial base budget, plus \$6.9 million in one-time transfers from DEED dedicated funds into the state's General Fund.

In addition to reducing the agency's operating budget, the cuts would affect numerous organizations and programs that receive funding through DEED grants. State Services for the Blind, the Independent Living Program and the Job Skills Partnership Program are among the many initiatives that would be affected.

McElroy said most grantees would see a roughly 6 percent cut.

"Every one of these has some impact. I would be disingenuous to say you can cut this

kind of money and not have in impact. You can't," McElroy said.

McElroy said other impacts of the governor's plan could include:

- fewer people served by the Extended Employment Program, which helps disabled Minnesotans maintain jobs;
- fewer projects funded with Contaminated Cleanup and Investigation grants; and
- job vacancies in the agency would be left open.

Division members also received an update from Department of Labor and Industry Commissioner Steve Sviggum on the governor's supplemental budget plan for his agency.

According to Sviggum, only \$1 million of the department's \$248 million budget comes from the state's General Fund; the rest is funded with a variety of fees. He said the governor's plan would reduce the agency's funding by \$16,000, with the only potential impact being slight time delays on labor standards investigations.

— N. BUSSE

ENERGY

Interim rates stripped from bill

A bill that would have changed how the Public Utilities Commission grants interim rate increases now simply requires stricter reporting policies for utility employees' travel and entertainment expenses.

The House Energy Finance and Policy Division approved HF2798 Feb. 22 after Rep. Andy Welti (DFL-Plainview) successfully amended the bill by stripping the entire section having to do with interim rate increases. It awaits action by the House Finance Committee.

Several division members said the bill, sponsored by Rep. Debra Hilstrom (DFL-Brooklyn Center), needed more discussion. Rep. Andrew Falk (DFL-Murdock) said private utility shareholders, not ratepayers, should be expected to carry the burden of executive compensation.

Rep. Mike Beard (R-Shakopee) called the bill "a solution looking for a problem."

"I'm going to caution us to be very careful. Before we kick over this can and afflict our ratepayers with more cost, know that there is no natural occurring defense mechanism to protect the ratepayers from us. We're it," Beard said.

SF2519, a companion bill sponsored by Sen. Ellen Anderson (DFL-St. Paul), awaits action by the Senate Energy, Utilities, Technology and Communications Committee.

— S. HEGARTY

ENVIRONMENT

Buckthorn on private land

Cities could adopt ordinances allowing their employees to enter on to private land to take

measures to stop the spread of buckthorn under a bill approved by the House State and Local Government Operations Reform, Technology and Elections Committee Feb. 24.

Sponsored by Rep. Paul Gardner (DFL-Shoreview), HF418 would give municipalities

ANGLING FOR SUPPORT



PHOTO BY ANDREW VONBANK

Wearing angler garb and carrying minnow buckets, members of the Congress of Minnesota Resorts visit with Rep. Loren Solberg. The association of small, family-owned resorts came to the Capitol Complex Feb. 23 urging members to support preservation of the small resort industry.

the authority to control the noxious weed within its geographic boundaries.

Gardner said the idea came to him from North Oaks residents concerned about buckthorn in their area. Buckthorn is considered one of the most invasive plant species in the state, according to the Department of Natural Resources.

Rep. Steve Gottwalt (R-St. Cloud) said the bill doesn't give consideration to private property owners by allowing city officials to have unlimited access to private land to control the noxious weed.

"This kind of exposure and breaching of private property rights is not appropriate," Gottwalt said. He unsuccessfully offered an amendment to remove "private property" from the bill's language.

Gardner said if residents don't agree with a city council's decision to allow city employees on private land, they can hold them accountable at the next election.

The bill now goes to the House floor. A companion, SF1176, sponsored by Sen. Sandy Rummel (DFL-White Bear Lake), awaits action in the Senate Environment and Natural Resources Committee.

— P. OSTBERG

More support for green projects

The types of environmentally friendly projects eligible for state support would be expanded, under a pair of bills that won approval Feb. 24 from a House division.

The first, sponsored by Rep. Jeremy Kalin (DFL-North Branch), would broaden a program that currently pays for roads and pipelines to support bioscience businesses to include clean energy projects.

Kalin sponsors HF2946, which would make clean energy businesses eligible to receive funds from the state's Bioscience Business Development Public Infrastructure Grant Program. The program, which supports biobusiness development by funding local infrastructure needs, currently has all its biennial funds committed to various projects; however, Kalin argued that clean energy projects should get a crack at competing for future grant funds.

"We've seen, in the last two years ... an increase of about 4.5 percent — almost 1,000 net new jobs in Minnesota — as the result of the demand for clean energy business development," Kalin said.

Some division members voiced concern over expanding the scope of the program. Rep. Steve Gottwalt (R-St. Cloud) said the bill would be "diluting" the amount of funding available for bioscience initiatives in the state.

The House Bioscience and Workforce

Development Policy and Oversight Division voted 8-4 to approve the bill. A companion, SF2719, sponsored by Sen. John Doll (DFL-Burnsville), awaits action by the Senate Business, Industry and Jobs Committee.

Additionally, Rep. Kate Knuth (DFL-New Brighton) sponsors HF2837, which would expand the statutory definition of "green economy" to include the concept of "green chemistry." It, too, won division approval.

"Green chemistry means an approach to designing and manufacturing products that minimizes the use and generation of toxic substances," Knuth said, reading from the definition of the term.

The change would make green chemistry initiatives eligible for state grants and other funding. As with Kalin's bill, some division members objected to the expansion, arguing it could spread the state's funding for high-tech projects too thin.

Both bills now go to the House Higher Education and Workforce Development Finance and Policy Division.

Sen. D. Scott Dibble (DFL-Mpls) sponsors the companion, SF2490, to Knuth's bill, which awaits action by the full Senate.

— N. BUSSE

FAMILY

Cuts and child care businesses

Gov. Tim Pawlenty's proposed cuts to child care programs for low-income families could save the state \$11.7 million in fiscal year 2011 and \$29.66 million the following biennium.

However, advocates for those families told the House Early Childhood Finance and Policy Division Feb. 18 the cuts would harm children by making licensed child care unaffordable for their parents and cause some providers to close their doors. No action was taken.

Among Pawlenty's recommendations, according to Department of Human Services Assistant Commissioner Chuck Johnson, are:

- redirection of \$5 million in under-spent fiscal year 2009 funding for Basic Sliding Fee child care subsidies to offset the state's General Fund deficit, which means 470 fewer families would be served through BSF;
- inclusion of Social Security income of family members in eligibility determinations for the Minnesota Family Investment Program, which is estimated to close 500 MFIP cases, shift 4,000 cases from cash and food assistance to food-only and increase child care co-payments for about 800 families;
- a 5 percent reduction in the state appropriation for child care assistance programs,

saving \$1.9 million in fiscal year 2011 and \$8.9 million the following fiscal year, while serving 470 fewer families per fiscal year; and

- a 5 percent reduction to reimbursement rates paid to providers who accept assistance program subsidies for children in their care.

Miranda Oliver, a child care provider and board president of the Minnesota Licensed Family Child Care Association, Inc., said approximately 12,000 family child care businesses in Minnesota care for 187,000 children, or about half of all children cared for in licensed child care in Minnesota. She said child care businesses generate more than \$900 million in gross receipts annually, and that assistance program subsidies allow providers to accept children whose parents can't afford the full cost of care.

"Besides the tax revenue this industry provides Minnesota," Oliver said, "it is this industry that allows workers in all others the ability to work by providing education and care for their children."

— K. BERGGREN

GAME & FISH

Deer, coyote provisions held over

Counties would be authorized to pay bounty hunters for killing coyotes, and drivers who kill a deer with their vehicle would have the option of keeping the carcass, according to two bills laid over for possible inclusion in the House Game, Fish and Forestry Division omnibus bill.

Sponsored by Rep. Lyle Koenen (DFL-Clara City), HF2811 would let counties pass resolutions that allow bounty hunters to capture coyotes. Counties would administer the programs and pay the bounties; no state money would be used.

Chippewa County Commissioner Jeffrey Lopez said coyote along the Minnesota River Valley in southwestern Minnesota have reportedly killed livestock in pastures, including piglets and sheep grown on organic farms. The predators have been known to burrow under electric fences to get at their prey.

Lopez estimates the bounty price to be about \$25 per coyote. Ed Boggess, deputy fish and wildlife director for the Department of Natural Resources, doubts that a coyote bounty would significantly impact the population.

Rep. Tony Cornish (R-Good Thunder) said he's seen an explosion of coyotes and supports the bill. "I don't see any downside to this legislation."

A companion, SF2641, sponsored by Sen. Gary Kubby (DFL-Granite Falls), awaits action by the Senate Environment and Natural Resources Committee.

Division Chairman Rep. David Dill (DFL-Crane Lake) sponsors HF2955 that would allow the driver of a motor vehicle that collides and kills a deer on a public road the right to keep the deer so long as the deer was not killed illegally. Currently, all wildlife is considered state property. Sen. Tom Bakk (DFL-Cook) sponsors a companion bill, SF2711, which awaits action by the Senate Environment and Natural Resources Committee.

— S. HEGARTY

GOVERNMENT

Temporary legislative successor

Legislators who serve in the military could choose a temporary successor to fill their House or Senate seat while called to active duty, under a bill approved by the House State and Local Government Operations Reform, Technology and Elections Committee Feb. 23.

Sponsored by Rep. Roger Reinert (DFL-Duluth), HF2405 would put the proposed constitutional amendment on the November ballot. It awaits action by the House Finance Committee.

Under the change, a legislator would submit the names of three successors to the leader of the legislative body in which they serve, and the presiding officer would select the successor.

Reinert said the change is prompted from his possible 2011 deployment with the Navy Reserve. There are about 25 states that have a similar provision, he said.

Rep. Mark Buesgens (R-Jordan) noted the bill doesn't specify criteria on the length of service the soldier would be required to fulfill, such as a two-week absence versus a one-year deployment.

Rep. Tom Emmer (R-Delano) asked why the bill is limited to military members and not others under special circumstances, such as those with a serious illness.

Reinert responded he would take their concerns under consideration as the bill moves forward.

A companion bill, SF2586, sponsored by Sen. Steve Murphy (DFL-Red Wing), awaits action by the Senate State and Local Government Operations and Oversight Committee.

— P. OSTBERG

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

HEALTH

Cancer treatment costs

St. Paul resident Robert Tisdale credits his oral cancer medication for keeping him alive. It's the only treatment that has stopped the spread of the disease, which began in Tisdale's kidney before metastasizing to other vital organs.

But the medication is expensive, costing Tisdale and his wife, Roxanne, \$300 a month. It's an added financial burden considering the Tisdales, parents of five, previously paid \$25 monthly co-payments for Robert's IV therapy.

"Are we going to be late on our mortgage or are we going to give the \$300 for the oral medication?" Roxanne Tisdale asked the House Health Care and Human Services Policy and Oversight Committee Feb. 18.

The committee approved HF1847, which would require health plans to set equal patient cost-sharing for oral and injected or infused chemotherapy drugs. Sponsored by Rep. Patti Fritz (DFL-Faribault), the bill was sent to the House Commerce and Labor Committee. A companion, SF1761, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), awaits action by the full Senate.

Dr. Thomas Flynn, president of Minnesota Oncology, said about 10 percent of oncology drugs are administered orally. He expects that number to rise to 25 percent by 2013.

"Cancer patients should be able to work with their physicians to determine the best course of treatment for their disease," Flynn said, "and not be put in a situation where

the difference in out-of-pocket cost is such a significant factor that they are forced to choose potentially less effective treatments than would otherwise be available."

Opponents said the legislation could result in higher premiums and even have the reverse effect of higher co-pays.

"It's a balancing act," said Kathryn Kmit, director of policy and government affairs for the Minnesota Council of Health Plans. "The more invisible the cost is to the patient, the more the employer will have to pay. If you pass this bill, you are making the decision to shift more of the cost of health care to the employer."

Cecilia Retelle, manager of education and health policy for the Minnesota Chamber of Commerce, said the bill could force employers to choose between laying off employees and cutting health coverage.

— L. RADOMSKI

Senate overrides GAMC veto

The Senate successfully overrode Gov. Tim Pawlenty's veto of a bill continuing General Assistance Medical Care (GAMC) on a 45-21 vote Feb. 25. An attempt by the House could follow in the near future.

Pawlenty vetoed HF2680/SF2168* Feb. 18 following its passage in the House and Senate the same day.

Sponsored by Rep. Erin Murphy (DFL-St. Paul) and Sen. Linda Berglin (DFL-Mpls), the legislation would create a 16-month GAMC program and reform delivery of mental health services. The \$285 million program would be funded by reduced reimbursement to health care providers, cuts to county social services

VETS MESSAGE



PHOTO BY TOM OLMSCHIED

Gary Gunker, left, and Darrell Sande join other veterans outside the House Chamber Feb. 18 urging House members to support extended funding for General Assistance Medical Care.

grants and the draw-down of federal dollars.

GAMC pays for basic medical services for eligible low-income Minnesotans, many of whom are single adults struggling with chemical dependency or chronic mental health issues. Funding for the current program is scheduled to end April 1.

In his veto message, Pawlenty said the legislation “does not represent meaningful reform and does not address fundamental cost issues.”

“As the state struggles to resolve a \$1.2 billion deficit, passage of this legislation is at best premature,” Pawlenty said. “Legislation that appropriates significant funds simply cannot be passed in a piecemeal fashion. A comprehensive, balanced budget solution must first be reached.”

Pawlenty has proposed automatically transitioning current GAMC enrollees into another state health program, MinnesotaCare, but he would need the Legislature’s cooperation to do it.

In a Feb. 23 letter to Human Services Commissioner Cal Ludeman, House Speaker Margaret Anderson Kelliher (DFL-Mpls) and Senate Majority Leader Larry Pogemiller (DFL-Mpls) instructed state officials not to spend any money on the governor’s proposal. Current law does not grant authority or designate funds for an automatic transition of GAMC enrollees into MinnesotaCare, legislative leaders said.

Bill sponsors and House and Senate leadership met with Pawlenty Feb. 24 to discuss their concerns. Berglin said she took the meeting as a “good sign,” adding there was agreement on the cost-effectiveness of the GAMC bill over the governor’s proposal.

A Pawlenty spokesperson reiterated the governor’s “strong preference” that DFL leadership propose a balanced budget solution before approving additional spending.

If all House Democrats vote to override, they would still need three additional votes to get to 90 votes, the number needed for an override. House Minority Leader Kurt Zellers (R-Maple Grove) said that no House Republicans will vote to override the veto. He accused the Senate of “hijacking” the process by sending the legislation to the governor without further discussion by a conference committee.

— L. RADOMSKI

HOUSING

Making a happier home

Help could be on the way for landlords and tenants facing some problems they can’t resolve on their own. The House Civil Justice

Committee informally heard four bills on the issue Feb. 24. Rep. Joe Mullery (DFL-Mpls), the committee chairman, said all parties have pledged to continue working together to develop one bill that can be acted upon yet this session.

“This is about creating balance for both sides,” said Larry McDonough, managing attorney in the housing unit at the Legal Aid Society of Minneapolis.

The four bills are:

- HF2668, sponsored by Mullery, which includes modifying expungement procedures in eviction cases and providing rights to tenants of foreclosed properties;
- HF2816, sponsored by Rep. Jeff Hayden (DFL-Mpls), that would modify utilities and eviction provisions and permit lease termination due to medical reasons;
- HF2829, sponsored by Rep. Bobby Joe Champion (DFL-Mpls), that includes unit access to a personal representative of a deceased tenant; and
- HF2985, sponsored by Rep. Karen Clark (DFL-Mpls), that includes a prohibition on rent late fee penalties unless a written agreement provides for such fees, and language to permit a tenant to make emergency repairs and deduct those costs from their rent if the tenant has provided at least 48 hours notice to the landlord of the emergency.

HOME Line, a statewide tenant advocacy organization, has proposed a 10-item Tenants’ Bill of Rights, which includes the right to a warm home and the right to fair treatment if a landlord goes into foreclosure.

“Everything we propose, most landlords do already. We just want to raise the bar and make sure we’re providing proper homes for tenants in Minnesota,” said Michael Dahl, the organization’s public policy director.

Among the provisions in Mullery’s bill is a requirement that landlords provide a functioning heating system, and it sets minimum standards for the degree of heat the system must provide during winter months.

“We think this is unwieldy for a number of reasons,” said Jack Horner, general counsel and chief lobbyist for the Minnesota Multi Housing Association.” This puts into state law a legal ability of a tenant to simply determine for himself that the building, that his apartment, is not 68 degrees, whether he’s left the windows open or whatever reason, and withhold the rent.”

— M. COOK

Fighting foreclosures

Minnesota homeowners facing foreclosure could get a new tool to help save their houses.

Sponsored by Rep. Debra Hilstrom (DFL-

Brooklyn Center), HF2613 would give homeowners the option to negotiate a mortgage modification with the help of a mediator.

Gov. Tim Pawlenty vetoed a similar measure last year; however, Hilstrom said the bill now has support from a broader array of interests, and added that she is committed to passing a bill the governor will sign.

Rep. Jim Davnie (DFL-Mpls) presented the bill on Hilstrom’s behalf at a Feb. 23 hearing of the House Commerce and Labor Committee. He conceded that mediation is not a guaranteed solution to the foreclosure crisis; however, he said it would at least provide a means for borrowers and lenders to communicate clearly with each other.

“There’s a recognition that, needless to say, it’s not a 100 percent successful process. But ... this creates a forum where people can work together,” he said.

Under the bill’s provisions, a homeowner in danger of foreclosure would first have to consult with a mortgage counselor. If counseling fails to resolve their situation, the Office of the Attorney General could then appoint a mediator to facilitate good-faith negotiations between the homeowner and their lender.

The bill is modeled after the Farmer-Lender Mediation Act of 1986, which Hilstrom said saved thousands of Minnesota farms from being foreclosed.

Rep. Greg Davids (R-Preston) questioned the need for such a program, arguing that there are already a number of state and federal initiatives designed to accomplish the same thing.

Steve Johnson, Minnesota Bankers Association government relations director, also questioned the need for the bill. He said a 2008 law that promotes pre-foreclosure counseling for homeowners is already accomplishing much of what the bill is intended to do.

The committee approved the bill and referred it to the House Civil Justice Committee. A companion, SF2170, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), awaits action by the Senate Judiciary Committee.

— N. BUSSE

HUMAN SERVICES

Benefits for unemployed

Jobless Minnesotans without unemployment benefits could get some help from a bill receiving committee approval this week.

Rep. Jeff Hayden (DFL-Mpls) sponsors HF3071, which is targeted at Minnesotans who have lost their jobs within the past 16 months. Under the bill, people who have exhausted

or are ineligible for certain unemployment benefits would be exempt from asset limits for General Assistance and the Minnesota Family Investment Program. Both are state-funded programs: GA provides cash benefits to childless adults, while MFIP offers cash and food assistance to working families.

Forcing people to spend down their savings or sell their assets to qualify for assistance only makes it harder for them to get back on their feet, Hayden told the House Health Care and Human Services Policy and Oversight Committee Feb. 24. The committee approved Hayden's bill and sent it to the House Finance Committee. It does not have a Senate companion.

As many as 5,000 Minnesotans lose unemployment benefits each month despite diligent efforts to find work, said Rep. Diane Loeffler (DFL-Mpls). A growing number are middle class.

"I think we're encountering a new group of poor that are different than the poor we've traditionally focused on in this committee," Loeffler said.

The committee also heard two additional bills related to MFIP eligibility, both sponsored by Hayden. Under HF2564, MFIP cash assistance received over a two-year period beginning July 1 would not count toward the program's 60-month time limit. HF2576 would offer a "hardship extension" to certain MFIP participants during the same time period.

Several committee members said stopping the time clock for two years is too long.

"When we spend additional state money like this, we're taking it from other people who may be right on the edge as well," said Rep. Steve Gottwalt (R-St. Cloud). "...These approaches do not help us in the long-run."

No action was taken on either bill.

— L. RADOMSKI

NURSING SENIORS



PHOTO BY ANDREW VONBANK

Seniors from the nursing program at the College of Saint Benedict rally Feb. 23 to save public funding for General Assistance Medical Care. The students were taking part in Nurses Day on the Hill, sponsored by the Minnesota Nurses Association.

INDUSTRY

License fees may change

If you work in the construction trades, take note: the state's annual license fees for contractors may change.

A House division approved a bill Feb. 19 that would change the fee structure at the Department of Labor and Industry, which licenses plumbers, electricians and dozens of other types of contractors.

Rep. Mike Obermueller (DFL-Eagan) sponsors HF2781, which would reorganize license fees so that they are tied more closely to the four trade skill levels — entry-level, journey-level, master-level and business-level — and also to the cost the department actually incurs in licensing each trade.

"It's a bill that seeks to essentially take our license system and make it more efficient and more transparent," Obermueller said, adding that he is sponsoring the legislation on the department's behalf.

Approved by the House Labor and Consumer Protection Division, the bill now awaits action by the House Commerce and Labor Committee.

Steve Sviggum, labor and industry commissioner, said the bill would not raise any new or additional revenues for the department. He said the goal is merely to add transparency and consistency to the fees for the roughly 108,000 licenses the department issues annually.

"These changes are very reflective of — and respective of — the services, the time that

labor and industry puts into issuing a license," Sviggum said, adding that licenses currently range from \$0 up to \$450.

According to Sviggum, of the total number of licenses issued annually by the department, 51 percent will see their fee decrease, 36 percent will see their fee increase, and 13 percent will see no change. If enacted, the fee changes would take effect Jan. 1, 2012.

Sviggum added that the department consulted with all interested stakeholder groups before proposing the new fees.

A companion, SF2510, sponsored by Sen. Dan Sparks (DFL-Austin), awaits action by the Senate Business, Industry and Jobs Committee.

— N. BUSSE

New license requirements

A bill that adds training and licensure requirements for school boiler operators and certain types of contractors is headed to the governor's desk.

Sponsored by Rep. Tim Mahoney (DFL-St. Paul), HF927*/SF1004 would clarify statutes relating to the licensing of various construction trades. On Feb. 22, House members voted 82-50 to pass the bill, which now awaits action by Gov. Tim Pawlenty.

Selected provisions in the bill include:

- requiring eight hours of annual training for school boiler operators;
- forbidding contractors from advertising services for which they are not licensed;
- establishing licensure requirements for those who install and maintain medical gas systems; and
- requiring licensure for anyone who installs water conditioning systems.

Mahoney described the legislation as a "housekeeping bill" for the Department of Labor and Industry; however, some Republican House members voiced opposition. Rep. Torrey Westrom (R-Elbow Lake) called new licensure requirements "another piece of red tape in front of the small business owners out there."

The House originally passed the bill 78-54 on May 14, 2009. The Senate passed the bill 58-6 on May 18, 2009, after amending it.

Sen. Linda Scheid (DFL-Brooklyn Park) is the Senate sponsor.

— N. BUSSE

INSURANCE

Letting minors buy auto insurance

In Minnesota, 17-year-olds can legally own an automobile, but nothing in statute says they can buy their own auto insurance. A House committee approved a bill to clarify that they can.

Rep. Karla Bigham (DFL-Cottage Grove) sponsors HF2879, which she said would close a "loophole" in statute that one of her constituents found.

"It was the case that they owned a car and the kid wanted to have their own policy, and they weren't able to do it," she said.

Bigham said that state law is currently unclear as to whether minors can have their own insurance policies. She said some companies sell insurance to minors, while others do not.

Under the bill's provisions, minors could buy their own insurance if they meet the legal requirements for owning their own automobile. These include:

- being 17 and having completed driver training;

- being 17 and graduated from high school;
- being an employed, emancipated minor with a driver's license; or
- owning a car they acquired while residing in a foreign country, and which is registered in their name there.

Insurers would not be obligated to sell policies to minors, Bigham said.

"We believe this bill makes sense," said Douglas Franzen, a lobbyist representing the Property Casualty Insurers Association of America.

The House Commerce and Labor Committee approved the bill Feb. 23 and referred it to the House Civil Justice Committee. Sen. Katie Sieben (DFL-Newport) sponsors the companion, SF2592, which is scheduled to be heard March 2 by the Senate Commerce and Consumer Protection Committee.

— N. BUSSE

Rental code enforcement sought

A 2008 state Supreme Court decision, *City of Morris v. Sax Investments Inc.*, threw enforcement of local building codes into question if they differed from those contained in the state building code. Rep. Tim Mahoney (DFL-St. Paul) told the House Local Government Division Feb. 22 that decision has made it harder for municipalities to enforce health and safety inspections of rental property.

HF2945, which Mahoney sponsors, would modify the local enforcement provision of the state building code to say that a local ordinance must not be "in conflict with," rather than "different from," any provision of the state building code. The bill would not prohibit a municipality from adopting an ordinance relating to property maintenance or rental licensing unless it conflicts with the state code.

Minneapolis Director of Building Inspection Henry Reimer said the change is necessary to maintain livability of many older neighborhoods, especially with the "unprecedented conversions of single-family homes to rental" that he said is taking place in the wake of the foreclosure crisis. "We are on the brink with a lot of neighborhoods in our state," he said.

Todd Liljenquist, director of government relations for the Minnesota Multi Housing Association, opposes the bill, saying it "undermines the uniformity of the building code. Nobody can say what 'not in conflict with' means. The building code seeks a balance between economic feasibility and safety."

"I have been trying to find whether advocates and industry positions are in conflict with each other," said Rep. Jeremy

Kalin (DFL-North Branch), "and it seems they are not. I think the concerns can be reconciled and should be, because I find both sides equally compelling and a solution does need to be found."

The division approved the bill and sent it to the House State and Local Government Operations Reform, Technology and Elections Committee. A companion, SF2759, sponsored by Sen. Dan Sparks (DFL-Austin), awaits action by the Senate Business, Industry and Jobs Committee.

— K. BERGGREN

Division OKs 'Fill the Boot Bill'

The "Fill the Boot Bill" would streamline permission for firefighters to conduct street corner collections for a good cause.

Since 2000 in Minnesota, firefighters have raised money for the Muscular Dystrophy Association by collecting spare change from motorists stopped at red lights.

HF3017, sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights), would allow a municipality to permit firefighters to use this technique for up to three days a year to benefit one registered nonprofit organization. It was approved by the House Local Government Division Feb. 22 and sent to the House State and Local Government Operations Reform, Technology and Elections Committee.

Minnesota Professional Fire Fighters President Tom Thornberg said that in the three years his members have been conducting fill the boot campaigns in Minneapolis, St. Paul and Duluth collections have increased from \$30,000 to \$300,000. He said three days is customary because three shifts of firefighters can take a different day.

Minneapolis and Duluth have expressed concerns about liability and requested statutory permission to permit them to allow such charitable solicitation, Atkins said, though they have no reservations about the cause.

MDA spokeswoman Karen Abrahamson said funds raised in Minnesota stay in the state to help fund support groups, provide health care co-payments, offer free summer camps for children, provide flu shots and \$3.2 million in research over the past five years.

A companion, SF2413, sponsored by Sen. Ann Rest (DFL-New Hope), awaits action by the Senate Commerce and Consumer Protection Committee.

— K. BERGGREN

Tribes eligible for joint agreements

The joint powers statute allowing government entities to enter into agreements of mutual benefit lists cities, states, counties, school districts, the University of Minnesota,

certain nonprofit hospitals and rehabilitation facilities, and other entities as eligible to enter into agreements.

Rep. Bill Hilty (DFL-Finlayson) sponsors HF2797 that would add federally recognized American Indian tribes to the list of eligible entities.

“Tribes are now in a position to help develop cooperative and cost-effective solutions to health care, education, transportation emergency management, emergency response and economic development challenges along with local governments in the state of Minnesota,” said Tad Johnson, Mille Lacs Band of Ojibwe special counsel on government affairs.

Johnson said the bill would authorize tribes to fully participate in a variety of statutory agreements as varied as allowing barbers to count hours cutting hair on a reservation toward their licensing requirements, to voting membership in the NLX Alliance, a group of stakeholders in a proposed railroad project from the Twin Cities to Duluth, part of which goes through tribal land.

“They accepted our dues of \$48,000, but soon discovered we couldn’t vote without this statutory change,” Johnson said.

The division approved an amendment adding the Minnesota Historical Society to the list. This aligns the bill with its Senate companion.

Approved Feb. 22 by the House Local Government Division, the bill was sent to the House State and Local Government Operations Reform, Technology and Elections Committee. A companion, SF2259, sponsored by Sen. Ann Rest (DFL-New Hope), passed the Senate Feb. 25.

— K. BERGGREN

Richfield wants firefighters nearby

When the call for help comes, firefighters sometimes need extra help; so they call off-duty department members for backup assistance.

Richfield Fire Chief Brad Sveum would like to make sure the backups live within a 10-minute response time.

Rep. Linda Slocum (DFL-Richfield) sponsors HF2729 that would allow Richfield to impose a residency requirement based on response time for newly hired firefighters. Sveum expects to hire between two and five new firefighters in the next few years

Sveum told the House Local Government Division Feb. 22 that his on-duty staff can respond to 90 percent of calls, but 100-150 times a year, including responses to 911 calls and requests for mutual aid from neighboring communities, calling in off-duty personnel is necessary.

State law prohibits cities in the seven-county Twin Cities metropolitan area from establishing residency requirements for city employees. Slocum said one reason this change would make sense for Richfield is that they can live in several other nearby communities and still be within the desired response time.

“In the case of Richfield, I can support this because they don’t have any paid on-call or volunteers to back up full-time firefighters,” said Tom Thornberg, president of Minnesota Professional Fire Fighters. “So it is important they can have people come back quickly.”

Approved by the division, the bill was sent to the House State and Local Government Operations Reform, Technology and Elections Committee. A companion, SF2729, sponsored by Sen. Ken Kelash (DFL-Mpls), was recommended to pass Feb. 22 by the Senate State and Local Government Operations and Oversight Committee.

— K. BERGGREN

MILITARY

Getting soldiers their extra pay

Approximately 2,500 members from the Minnesota National Guard 34th Red Bull Brigade Combat Infantry Division are waiting for the extra pay they were promised by the federal government in October 2009.

Rep. Phil Sterner (DFL-Rosemount) sponsors HF2908 that urges President Obama to order the secretary of defense and other responsible federal government officials to promptly issue their claim. The resolution states that many soldiers are especially in need due to “the current economic and employment situation facing all veterans returning to the United States.”

Passed 118-0 by the House Feb. 22, it now goes to the Senate where Sen. Sharon Erickson Ropes (DFL-Winona) is the sponsor.

Col. Eric Ahlness, director of government relations for the Minnesota National Guard, told a House committee that the resolution’s intent is to bring the issue to the attention of federal leadership overseeing the payment of benefits in hopes it will expedite the process.

Congress enacted legislation in October 2009 authorizing implementation of the leave benefit pay. It was only recently that military leadership issued guidance on how to implement the process to pay soldiers for the months served between January 2007 and August 2007, Ahlness said. The Minnesota soldiers qualify for the \$200 per day for an extra four months of military service.

Rep. Mark Buesgens (R-Jordan) urged members to not vote for the measure because

federal leaders recently said the soldiers would be receiving their back pay as soon as March.

— P. OSTBERG

SAFETY

Cell phones locate the missing

When 18-year old Kelsey Smith was abducted from a Target store in Overland Park, Kan. in 2007, her parents tried to get her cell phone provider to track her down by locating her phone.

The provider, Verizon Wireless, eventually did so, but only after four days of bureaucratic wrangling. By then, it was too late: Kelsey was found dead in a wooded area in neighboring Missouri.

“After Verizon finally did the right thing and sent an engineer to the tower that Kelsey’s phone last made contact with, Kelsey’s body was found in 45 minutes,” said Missy Smith, Kelsey’s mother.

Smith and her husband, Greg, appeared before a House division Feb. 19 to testify in support of a bill designed to help prevent similar tragedies in Minnesota.

Sponsored by Rep. Sheldon Johnson (DFL-St. Paul), HF2639 would require cell phone companies to work with law enforcement to track down missing persons who are believed to be in imminent danger. The House Telecommunications Regulation and Infrastructure Division approved the bill and referred it to the House Commerce and Labor Committee.

Currently, federal law states that cell phone providers may disclose information on customers’ call locations to law enforcement agencies in situations where the person is believed to be at risk of death or serious personal harm. Johnson said the bill would make this a requirement.

“Time is of the absolute essence when a person goes missing,” said Greg Smith, a former police officer. “In an abduction case, if no credible lead is found within the first 48 hours, the chances of returning that person home safe and sound are almost zero.”

To address privacy concerns, Johnson said information on users’ call history or the content of phone conversations would not be disclosed.

Bob Bass, president of AT&T Minnesota, said his company supports the bill, and already has a “state-of-the-art system” to help law enforcement locate cell phone users in emergencies.

“We can triangulate your location within 50 to 100 meters,” Bass said.

Lobbyists representing Verizon and Sprint



PHOTO BY TOM OLMSCHEID

Michael McDermott, left, executive director of state public policy for Verizon Wireless, interrupts his testimony to express his condolences to Greg and Missy Smith for the loss of their daughter, Kelsey, who was taken from a Target Store in Overland Park, Kan., and found dead four days later. McDermott spoke in favor of a bill that would authorize wireless telecommunications service providers to provide call locations for emergencies.

also testified in support of the bill.

A companion, SF2470, sponsored by Sen. Yvonne Prettner Solon (DFL-Duluth), awaits action by the Senate Judiciary Committee.

— N. BUSSE

Inflatable indoor park safety

Indoor amusement parks with inflatable rides can be fun places to take children, but critics say they're dangerous when not properly supervised.

Rep. Karla Bigham (DFL-Cottage Grove) sponsors HF1746, which would require inflatable play parks to have trained staff on hand to supervise the rides, among other safety measures. The House Commerce and Labor Committee approved the bill Feb. 23 and referred it to the House Civil Justice Committee.

Lisa Schmidt of Victoria testified in support of the bill. She said her son, Ryan, suffered a fractured skull and bleeding in his brain after he fell from a slide at the Pump It Up indoor play park in Eden Prairie. She read through the names other children who had been seriously injured in similar incidents in recent years.

Schmidt said that parents often drop their children off for parties or other events at inflatable play parks believing that they will be properly supervised. She argued the business owners are being negligent in not adopting

safety standards recommended by inflatable device manufacturers.

"It's the very way that they're running their business against these standards that's contributing to these injuries," Schmidt said.

Under the bill's provisions, owners of these facilities would have to follow the recommended safety guidelines for each inflatable amusement device, which often includes having padding or other safety equipment installed in or around the rides. Moreover, the bill would require that at least one trained staffperson be on hand to actively supervise each ride or device.

Businesses covered by the regulations would have to pay a \$100 fee and register every two years with the Department of Labor and Industry, which would be responsible for enforcing compliance. Business owners would also be required to buy certain levels of liability insurance to cover accidental death or injury.

Bigham said the regulations would only apply to indoor parks with inflatable rides, and would not affect businesses that rent out inflatable rides for use at parties and events.

Sen. Katie Sieben (DFL-Newport) sponsors the companion, SF1590, which awaits action by the Senate Judiciary Committee.

— N. BUSSE

Expand MSP airport or study options

A lot has happened in the world of aviation since the last Minneapolis-St. Paul International Airport Long-Term Comprehensive Plan was drafted in 1996.

Emerging from its \$3.2 billion expansion program, the Metropolitan Airports Commission is proposing \$2.4 billion in additional improvements, primarily at the state's largest airport.

An updated comprehensive plan, presented to the House Transportation and Transit Policy and Oversight Division Feb. 24, calls for gate additions, a cross-bound taxiway for planes, inter-terminal light rail expansion, a hotel operated by a third party and remodeling at both terminals. The improvements would be completed by 2030.

After receiving its last public hearing earlier this month, the plan must still be finalized and approved by the Metropolitan Council and the commission board.

Although the MAC does not need legislative authority to move forward, Rep. Sandra Masin (DFL-Eagan) said the presentation did not address noise mitigation issues, and Rep. Bernie Lieder (DFL-Crookston) said he suspects the Legislature would issue a moratorium, similar to the previous expansion/relocation debate during the 1990s. Rep. Alice Hausman (DFL-St. Paul) asked for information on airport impacts if alternative modes of transportation are developed, such as high-speed rail between the Twin Cities and Chicago.

Minneapolis Mayor R. T. Rybak told division members to consider an alternative plan that would diffuse airport traffic, as well as its economic benefits, among the metro area, Rochester and St. Cloud. Rep. Dean Urdahl (R-Grove City) said he was intrigued with the concept of decentralized airports and suggested one be named "Twine Ball International."

— S. HEGARTY

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

Watch for House Public Information Services updates at www.twitter.com/MNHouseInfo

From veto fear to positive outlook

Instead of starting over, governor and legislators seek compromise

By MIKE COOK

Round and round it goes and when it will stop, nobody knows. However, it could be soon.

Less than 48 hours after the Legislature passed a nearly billion-dollar bonding bill, despite Gov. Tim Pawlenty's announcement that he would veto the entire bill, the chairs of the respective capital investment committees had a more positive tone about what could happen.

"Definitely next week we want to get it on the governor's desk," Sen. Keith Langseth (DFL-Glyndon) said after a Feb. 24 closed-door meeting between conference committee members and the governor.

"We are still very serious about moving this bill quickly, our motivation has not changed," added Rep. Alice Hausman (DFL-St. Paul).

Added Brian McClung, the governor's spokesman, "Both sides agree we're willing to do some work, we're willing to continue the conversation. Both sides agree that it's in the best interests of the state to pass a bonding bill, but it's got to be affordable and it's got to be prioritized."

The optimism is far different from two days prior.

Passed Feb. 22 by the House and Senate, HF2700*/SF2360 calls for \$999.92 million in general obligation bonding, but lacks many projects the governor wants in a final product. Pawlenty repeatedly warned legislators he would not sign a bill totaling more than \$725 million, calling it fiscally irresponsible when the state faces a \$1.2 billion biennial budget shortfall.

"There was no confusion what our expectations were for this bill regarding size, regarding priorities or the like," Pawlenty said at a press conference the next day.

The bill provides money for investments in higher education, flood mitigation, transportation and transit improvements, and clean water infrastructure and environmental protection.

Supporters say now is the time for a larger bill because of lower construction bids and low interest rates. Plus, they said it would create more than 20,000 new jobs, many to begin once the frost is out of the ground.

But the bill never made it to the governor's desk.

House Speaker Margaret Anderson Kelliher (DFL-Mpls) announced 90 minutes before the governor's press conference that she would use a legislative rule to return the House file to the Senate.

"I think it will allow, for, maybe, a little cooling off period here in the next 24-48 hours," Kelliher said.

Legislators and Pawlenty agreed to discuss their differences and see where compromise could be made, especially for public safety.

In his veto-warning letter, Pawlenty criticized what was missing from their bill, including \$89.07 million for an expansion of the sex offender treatment program in Moose Lake, a security system upgrade at the Oak Park Heights prison, renovations at the Minneapolis Veterans Home and he wanted language to lift a cap that would clear the way for a land purchase for a proposed Lake Vermilion State Park. However, he noted the bill contains funding for "various sports facilities and civic centers, trail enhancements, and other local earmark projects."

The bill contains no money for the Moose Lake facility, but instead calls for the corrections, human services and administration commissioners to "study the potential for using existing vacant or underused state facilities including regional treatment centers, for the sex offender treatment program." A report would be due the Legislature by Jan. 15, 2011. The original House bill contained the funding; the Senate



PHOTO BY TOM OLMSCHIED

Chris DeLaForest, left, Gov. Tim Pawlenty's director of Legislative and Cabinet Affairs, and Sen. Keith Langseth, right, listen as Rep. Alice Hausman asks a question during a Feb. 24 meeting of a working group of the Capital Investment Conference Committee.

Capital Investment continued on page 23

And the cupboard is bare

More Minnesotans struggle to put food on the table

By LAUREN RADOMSKI

Rep. Patti Fritz (DFL-Faribault) was at a church service a few months ago when a woman in a neighboring pew tapped her on the shoulder. The woman told Fritz she had worked all her life, but was struggling to feed her children in light of her husband's job loss. She asked Fritz to do something about it.

Now Fritz sponsors one of two bills targeted at hungry Minnesotans — a growing group. One in 10 Minnesotans visited a food shelf last year, with total visits up by 23 percent from 2008. As of November, more than 400,000 Minnesotans were enrolled in Food Support, the federal nutrition assistance program formerly called food stamps.

Fritz sponsors HF453 that would eliminate state-imposed asset limits on Food Support eligibility and raise the maximum qualifying income to about \$30,000 annually. Another bill, HF2799, would increase the state appropriation to food shelves by \$500,000 beginning in the current biennium. The legislation is sponsored by Rep. John Benson (DFL-Minnetonka).

"It is a fundamental human right to have sufficient nutrition," Benson told the House Housing Finance and Policy and Public Health Finance Division Feb. 17. "It also affects all other areas of the society, from health care to even corrections — all these other issues that relate to this fundamental need for nutrition."

Who's hurting

The past two years have been especially tough for Minnesotans who were struggling even before the recession. According to the Department of Human Services, more than half of Food Support applicants each month since June 2008 had received similar assistance in the past five years. State officials also attribute much

of the increase in the Food Support caseload to a 2009 policy change that allowed childless adults to stay in the program longer.

But county case workers and food shelf managers are seeing more of another demographic: the middle class. At Channel One Food Bank and Food Shelf in Rochester, visits were up by 30 percent each month of 2009 compared with the same month in 2008. Executive Director Cynthia Shaffer credits the increase to more first-time visits among the middle class.

One in 10 Minnesotans visited a food shelf last year, with total visits up by 23 percent from 2008.

"These were not people who were used to using the system," she said.

Unemployment is a major factor, but it's not just the jobless who need help. Byron Laher is president of Community Emergency Assistance Program, Inc. (CEAP), which runs three food shelves in the north metro. He says most CEAP clients are working and visit only when they're desperate. The average family comes in three times a year.

"They are working, they are right on the edge," Laher said. "And a car repair, kids need clothes, rent gets raised — those are the things that throw these families into a real economic turmoil."

Under current law, some of those "on the edge" families don't qualify for Food Support because they have savings and other assets totaling more than \$7,000. Supporters of Fritz's bill hope her proposal will remedy the situation.

"The reason we don't want asset tests there (is) so if you lose your job for six months (and) you need the money for a short time, we don't want you spending down your assets because

then you'll never be able to build yourself back up," said Rep. Paul Thissen (DFL-Mpls), a member of the House Health Care and Human Services Finance Division. Division members laid the bill over

Feb. 16 for possible inclusion in an omnibus bill. A companion, SF481, sponsored by

Human Services continued on page 23



PHOTO BY TOM OLSMSCHIED

Volunteers at the Friends in Need Food Shelf in St. Paul Park pack bags of groceries for recipients.

To have and to hold

Trio of bills would permit same-sex marriage, but opponents voice concern

By MIKE COOK

Jacob Reitan just wants what his three siblings had. He was the best man when his two brothers got married, and was the man of honor at his sister's wedding. However, he won't be able to have them in his wedding unless it occurs in another state. Jacob is gay.

"I want my son to be able to marry the person he loves, just as I was able to do 38 years ago," said his mother, Randi Reitan.

Sponsored by Rep. Phyllis Kahn (DFL-Mpls), HF893 would permit same-sex marriages in Minnesota. It would also replace gender-based marriage terminology in state law and rule with gender-neutral terms.

The House Civil Justice Committee held an informational hearing on the bill, and two others, Feb. 22. Rep. Joe Mullery (DFL-Mpls), the division chairman, said no action is expected this session, but same-sex marriage is an issue people want discussed.

Also heard by the division were:
• HF999, sponsored by Mullery, that would

replace the concept of "marriage" within state law with a "civil union contract;" and

• HF1740, sponsored by Rep. Ryan Winkler (DFL-Golden Valley), which would provide that same-sex marriages validly performed in other states would be recognized as valid in Minnesota.

A companion to Kahn's bill, SF120, sponsored by Sen. John Marty (DFL-Roseville), and a companion to Winkler's bill, SF1732, sponsored by Sen. Patricia Torres Ray (DFL-Mpls), await action by the Senate Judiciary Committee. Mullery's bill has no Senate companion.

Three bills have been introduced to constitutionally ban same-sex marriage and Mullery said those sponsors opted not to present their bills.

"It's not that we don't want them heard, it's just that we've got a lot of other things that are on the agenda right now, including solving a budget and some other things," said Rep. Steve Drazkowski (R-Wabasha), who sponsors HF1871. "Do we want to delve into this divisive issue at this point?"

According to OutFront Minnesota, 14 states and the District of Columbia have enacted legislation to provide legal benefits for same-sex couples and two recognize marriages performed in other states. Iowa, Massachusetts, Connecticut, Vermont and New Hampshire have civil marriage benefits for same-sex couples.

Among the arguments made by same-sex marriage proponents are economic costs, such as lower health and life insurance; highly talented people won't want to work in the state because they would be giving up a basic civil right; and the happiness they have for one another.

"Families like ours are not going anywhere," said Chris Dolan of St. Paul. He and his partner, Ryan, were married in Toronto. A mother giving up her daughter for adoption has since picked them from more than 70 other families.

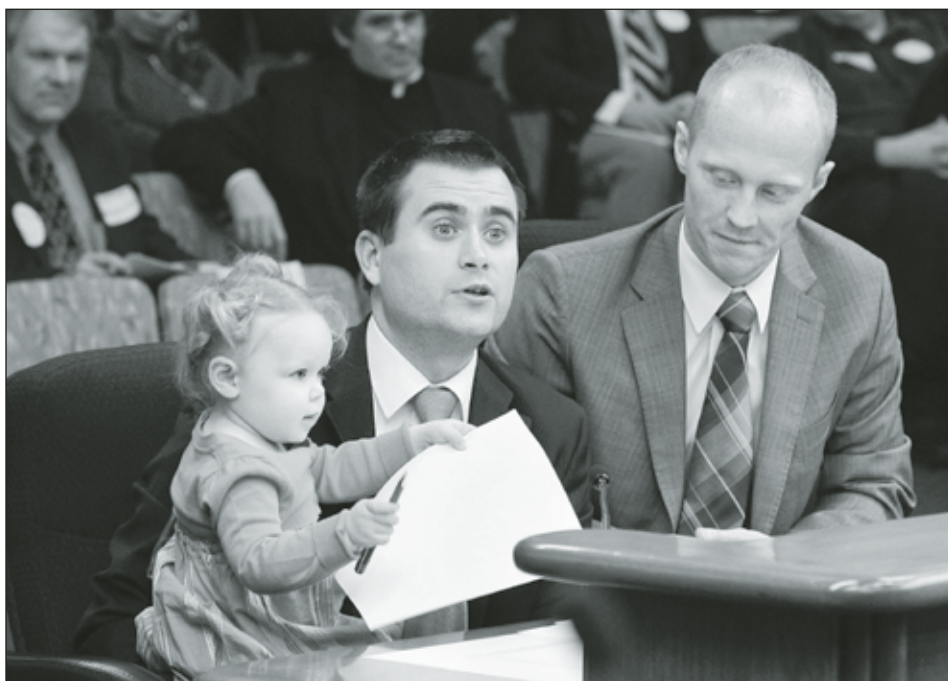


PHOTO BY ANDREW VONBANK

Chris and Ryan Dolan testify with their 2-year-old daughter, Olivia, before the House Civil Justice Committee Feb. 22 in support of legislation that would create gender-neutral marriage laws and recognize in Minnesota marriages performed in other states.

Family continued on page 23

Monday, Feb. 22

HF3082-Lenczewski (DFL) **Finance**

State budget balancing appropriations reduced; calculation modified for state aids and credits to cities, counties, school districts and other local governments.

HF3083-Buesgens (R) **Finance**

Revenue and appropriation proposal review period established.

HF3084-Dittrich (DFL)
Environment Policy & Oversight
Congress and the secretary of agriculture memorialized to appropriate money and negotiate with the State of Minnesota on the sale and exchange of school trust lands.

HF3085-Marquart (DFL) **Taxes**

Eminent domain awards and property tax adjustments and refunds exempted from increased interest rates on certain judgments.

HF3086-Thissen (DFL) **Health Care & Human Services Policy & Oversight**

Access to health records provided to surviving domestic partners; domestic partners included in provisions governing health care rights, consent to autopsies and anatomical gifts.

HF3087-Seifert (R) **State & Local Government Operations Reform, Technology & Elections**

Moratorium imposed on unfunded mandates to businesses and units of local government, and commissions created to recommend elimination of unfunded mandates on units of local government and to reduce mandates and paperwork imposed on businesses.

HF3088-Hayden (DFL) **Health Care & Human Services Policy & Oversight**

Children and family service technical and policy provisions changed, Minnesota Family Investment Program and adult supports provisions changed and child welfare provisions changed.

HF3089-Paymar (DFL) **Public Safety Policy & Oversight**

Statutory cap exception provided on bail for certain non-felony domestic abuse offenders, domestic abuse no-contact order law recodified and clarified, tampering with a witness crime expanded and data communications network requirement clarified.

HF3090-Hilstrom (DFL) **Public Safety Policy & Oversight**

Stalking crime modified.

HF3091-Demmer (R) **Finance**

Lake Shady funding provided for dredging and maintenance.

HF3092-Shimanski (R) **Taxes**

Hutchinson authorized to impose a sales and use tax.

HF3093-Mariani (DFL)
K-12 Education Policy & Oversight
Alternative teacher preparation program and limited-term teacher license established.

HF3094-Eken (DFL)
Environment Policy & Oversight
Natural resources provisions modified relating to administrative accounts, electronic transactions, registration exemptions, ATV restrictions, state trails and boating routes, fees and disposition of receipts, bidding exemptions, horse trail pass, master plan requirements, beaver dams, the Water Law, nongame wildlife check-offs, and Lake Vermilion State Park acquisition provided.

HF3095-Bly (DFL)
K-12 Education Policy & Oversight
History of organized labor and collective bargaining included in the academic standards.

HF3096-Pelowski (DFL) **State & Local Government Operations Reform, Technology & Elections**

Rehabilitation facility, extended employment provider and day training and habilitation service program provisions changed.

HF3097-Juhnke (DFL) **Commerce & Labor**

Private shared services regulated.

HF3098-Loeffler (DFL)
Health Care & Human Services Policy & Oversight
Statewide trauma system provisions modified.

HF3099-Champion (DFL)
Transportation & Transit Policy & Oversight Division
Commissioner of transportation directed to require bids for federally assisted contracts to include information on the inclusion of disadvantaged business enterprises, commissioner required to provide training for disadvantaged business enterprises, and reporting requirements imposed.

HF3100-Marquart (DFL)
Taxes
Levy provided for county aid reductions and computation of the adjusted levy limit base modified.

HF3101-Doty (DFL)
Agriculture, Rural Economies & Veterans Affairs
Minnesota "Support our Troops" account eligible money use expanded.

HF3102-Emmer (R)
State & Local Government Operations Reform, Technology & Elections
Agency rulemaking activity provided to take place only when the Legislature is not meeting in regular session, newly adopted rules provided to expire at the end of the next legislative session and rulemaking procedures modified.

HF3103-Drazkowski (R)
Public Safety Policy & Oversight
Child pornography related definition amended.

HF3104-Kohls (R)
Finance
Level of budgeted spending limited to the amount collected in the prior biennium; constitutional amendment proposed.

HF3105-Downey (R)
Finance
Information required to determine return on investment for capital requests.

HF3106-Bigham (DFL)
Public Safety Policy & Oversight
Implied consent, driving while impaired and ignition interlock provisions modified.

HF3107-Dettmer (R)
Taxes
Property, agricultural land and boarding of horses.

HF3108-Winkler (DFL)
State & Local Government Operations Reform, Technology & Elections
Elections provisions modified.

HF3109-Kalin (DFL)
Finance
Local assessments for energy improvements by cities and counties permitted, and green revenue bonds authorized.

HF3110-Severson (R)
State & Local Government Operations Reform, Technology & Elections
Authorized proofs of residence changed, provision eliminated permitting vouching for certain voters on

Election Day and provisional ballots provided.

HF3111-Winkler (DFL)
State & Local Government Operations Reform, Technology & Elections
Ballot board use required to process absentee ballots, absentee ballots permitted to be counted starting on the fourth day prior to election and other absentee ballot processing procedures modified.

HF3112-Hayden (DFL)
Finance
Emergency general assistance and emergency Minnesota supplemental aid programs funding provided.

HF3113-Hamilton (R)
Finance
Minnesota Assistance Council for Veterans funding provided for continued services to Minnesota veterans and their families who are homeless or at risk of being homeless.

HF3114-Knuth (DFL)
Health Care & Human Services Policy & Oversight
Department of Health criteria amended for designation of a chemical as a "priority chemical."

HF3115-Norton (DFL)
K-12 Education Policy & Oversight
Statewide physical education standards and report required, and healthy kids awards program established.

HF3116-Swails (DFL)
Health Care & Human Services Policy & Oversight
Hospital construction moratorium modified.

HF3117-Morrow (DFL)
Transportation & Transit Policy & Oversight Division
Motor carrier contracts regulated and indemnification provisions prohibited.

HF3118-Doty (DFL)
Environment Policy & Oversight
Cass, Crow Wing and Morrison counties; Camp Ripley Veterans Trail designated as a state trail.

HF3119-Mullery (DFL)
Finance
Minority Workforce Collaborative funding provided.

HF3120-Bly (DFL)
K-12 Education Policy & Oversight
Efficiency plus access task forces created.

HF3121-Davnie (DFL)**Commerce & Labor**

Conditions expanded under which penalties may be assessed against alcohol license holders and maximum penalties increased.

HF3122-Juhnke (DFL)**Commerce & Labor**

Licensing and regulation provided for appraisal management companies.

HF3123-Morgan (DFL)**Finance**

K-12 special education third-party billing process made more cost effective.

HF3124-Dill (DFL)**Environment Policy & Oversight**

Aquaculture provisions modified; provisions for taking, possessing and transporting wild animals modified; fish and wildlife management plans requirements modified; and game and fish license provisions modified.

HF3125-Hilty (DFL)**Energy Finance & Policy Division**

Route permits for high-voltage transmission lines granting regulated.

HF3126-Cornish (R)**Environment Policy & Oversight**

Deer, moose and elk stand height restrictions removed.

HF3127-Davnie (DFL)**Commerce & Labor**

Administrative, benefit and tax provisions modified.

HF3128-Hilstrom (DFL)**Civil Justice**

Powers clarified for health care agents, guardians and others to make health care decisions for wards and protected persons; governing guardians and conservators provisions modified.

HF3129-Torkelson (R)**K-12 Education Policy & Oversight**

Career and technical levy reporting requirements repealed.

HF3130-Lesch (DFL)**Public Safety Policy & Oversight**

Fire departments authorized to access criminal history data on current employees.

HF3131-Mullery (DFL)**Public Safety Policy & Oversight**

Interstate Compact for Juveniles adopted.

HF3132-Mullery (DFL)**Civil Justice**

Fees and expenses awarded to prevailing parties in certain actions involving municipalities.

HF3133-Hornstein (DFL)**Higher Education & Workforce Development Finance & Policy Division**

Workers' compensation benefits provided for domestic partners, domestic partners of military members in employee leave requirements included and payment of wages due to a deceased employee to a surviving domestic partner provided.

HF3134-Hornstein (DFL)**Civil Justice**

Probate and intestate rights established for domestic partners.

HF3135-Simon (DFL)**Civil Justice**

Wrongful death actions by domestic partners provided, and witness privilege and crime victim rights for domestic partners established.

HF3136-Rukavina (DFL)**Civil Justice**

Funds required to be applied to arrears.

HF3137-Mullery (DFL)**Public Safety Policy & Oversight**

Chemical use screen required of juvenile offenders.

Thursday, Feb. 25**HF3138-Jackson (DFL)****Health Care & Human Services Policy & Oversight**

County board authorized to ascertain whether the adult next of kin of a decedent has sufficient funds to pay for funeral expenses before the county assumes responsibility.

HF3139-Bigham (DFL)**Civil Justice**

Financial records release authority reinstated in response to a subpoena.

HF3140-Kohls (R)**Health Care & Human Services Policy & Oversight**

Social Security numbers excluded from Medical Assistance documents filed with the county recorder or registrar of titles.

HF3141-Bigham (DFL)**Finance**

Revolving account funded with taxes paid by assisted productions established; reporting requirements modified.

HF3142-Hayden (DFL)**Finance**

Local government aid modified and human services money appropriated.

HF3143-Nornes (R)**State & Local Government Operations Reform, Technology & Elections**

Council membership requirements amended.

HF3144-Brynaert (DFL)**Commerce & Labor**

Local government employees required to approve participation in, or withdrawal from, the public employee's insurance program.

HF3145-Atkins (DFL)**Transportation & Transit Policy & Oversight Division**

Vehicle weight limitations violations penalties and requirements modified.

HF3146-Atkins (DFL)**Commerce & Labor**

Continuing education provisions modified; insurance laws amended involving insurance company rehabilitation and liquidation, group life insurance, use of mortality tables, the Life and Health Insurance Guaranty Association and mutual insurance companies.

HF3147-Jackson (DFL)**Taxes**

Use of reports and testimony by assessors provided.

HF3148-Lieder (DFL)**Finance**

Center for Transportation Studies study on motor fuel used for non-highway purposes funding provided.

HF3149-Kahn (DFL)**State & Local Government Operations Reform, Technology & Elections**

Payment of compensation to legislators timing changed.

HF3150-Davnie (DFL)**Health Care & Human Services Policy & Oversight**

Blood level guidelines established.

HF3151-Laine (DFL)**Health Care & Human Services Policy & Oversight**

Viewing, transportation and removal of a dead human body provisions modified.

HF3152-Bunn (DFL)**Environment Policy & Oversight**

Land use allowed within the Lower St. Croix River area.

HF3153-Benson (DFL)**Finance**

Building lease levy allowance increased.

HF3154-Benson (DFL)**Finance**

School district transfer authority extended from the reserved for operation capital account to the undesignated general fund.

HF3155-Benson (DFL)**Finance**

Referendum allowance limit increased for certain school districts.

HF3156-Benson (DFL)**Finance**

Equity revenue formula modified.

HF3157-Mahoney (DFL)**K-12 Education Policy & Oversight**

Parent notification of child maltreatment in a school facility modified, mental health assessment required of teachers disciplined for child maltreatment, teaching license revoked of repeat child maltreatment offenders, and district policy required for educating employees about mandatory child maltreatment reporting.

HF3158-Olin (DFL)**Energy Finance & Policy Division**

Electric energy importation from coal-fired power plants in other states prohibition repealed.

HF3159-Jackson (DFL)**Taxes**

Class rate reduced on certain agricultural property.

HF3160-Jackson (DFL)**Taxes**

Method provided for valuation of agricultural property in the Green Acres program, and the Minnesota agricultural property tax law modified.

HF3161-Jackson (DFL)**Taxes**

Green Acres program withdrawal deadline extended.

HF3162-Dill (DFL)**Environment Policy & Oversight**

Congress memorialized to effect change in U.S. Coast Guard law relating to fishing guides.

HF3163-Mariani (DFL)**K-12 Education Policy & Oversight**

Prekindergarten through grade 12 funding provided, including general education, education excellence, special programs and early childhood education.

HF3164-Haws (DFL)**Higher Education & Workforce Development Finance & Policy Division**

Transfer of credits regulated within institutions belonging to the Minnesota State Colleges and Universities system.

HF3165-Dettmer (R)**Transportation & Transit Policy & Oversight Division**

Single license plate allowed to be displayed vertically on certain vehicles.

HF3166-Dettmer (R)**Finance**

Optional six-month vehicle registration period provided.

HF3167-Fritz (DFL)
Health Care & Human Services Policy & Oversight
Chiropractic related definitions added.

HF3168-Nelson (DFL)
Transportation & Transit Policy & Oversight Division
Escort drivers of over-dimensional loads allowed to control traffic, and commissioner of public safety directed to establish escort driver training and certification program.

HF3169-Hansen (DFL)
Finance
Thompson Lake remediation funding provided.

HF3170-Davnie (DFL)
Commerce & Labor
Payday lending regulated.

HF3171-Cornish (R)
Taxes
Public safety radio communications equipment exemptions provided.

HF3172-Cornish (R)
K-12 Education Policy & Oversight
Baseball field advertisements permitted.

HF3173-Beard (R)
Transportation & Transit Policy & Oversight Division
Railroad property exempted from storm sewer or storm water utility assessments, levies or charges.

HF3174-Bigham (DFL)
Public Safety Policy & Oversight
Predatory offender registration law amended to address registrants living in homeless shelters and to clarify that the registration requirement for offenders who move out of state are suspended, not terminated.

HF3175-Olin (DFL)
Health Care & Human Services Policy & Oversight
Pools owned and operated by a private organization exempted from the definition of a public pool.

HF3176-Slocum (DFL)
Finance
Charter school provisions modified, commission created and charter schools permitted to borrow money.

HF3177-Beard (R)
Environment Policy & Oversight
Pollution Control Agency required to refund erroneous assessments, costs and payments in the matter of the Baytown groundwater contamination Superfund site.

HF3178-Thao (DFL)
Health Care & Human Services Policy & Oversight
Medical Assistance providers required to use oral language interpreters who are listed in the interpreter registry or roster.

HF3179-Magnus (R)
Finance
Casey Jones State Trail funding provided.

HF3180-Welti (DFL)
Finance
Veteran cemeteries appropriation modified.

HF3181-Sterner (DFL)
State & Local Government Operations Reform, Technology & Elections
City payments provided to towns following annexation.

HF3182-Winkler (DFL)
State & Local Government Operations Reform, Technology & Elections
Incorporations temporarily prohibited, and study required.

HF3183-Liebling (DFL)
State & Local Government Operations Reform, Technology & Elections
Urban or suburban defined in character for the purpose of annexation, and factor added to be considered in annexation.

HF3184-Champion (DFL)
State & Local Government Operations Reform, Technology & Elections
Employment guidance created for using bond proceeds.

HF3185-Atkins (DFL)
Civil Justice
Time period increased for commencing probate or appointment proceedings, and conforming changes made.

HF3186-Atkins (DFL)
Commerce & Labor
Minneapolis liquor license provision clarified.

HF3187-Bigham (DFL)
Civil Justice
Civil commitment oath or affirmation provided without notarization and the acceptability of electronic signatures and documents.

HF3188-Nornes (R)
Agriculture, Rural Economies & Veterans Affairs
Minnesota Congressional delegation called to fully support and fund passage of the Agent Orange Equity Act of 2009.

HF3189-Peppin (R)
Finance
Dayton; local road improvement program funding provided for reconstructing Hennepin County Road 49.

HF3190-Hackbarth (R)
Environment Policy & Oversight
Off-highway vehicle seasons modified, off-highway vehicle youth operation requirements modified and nonresident all-terrain vehicle state trail pass modified.

HF3191-Morrow (DFL)
Health Care & Human Services Policy & Oversight
Sexual contact in secure treatment facilities included as criminal sexual conduct in the fourth degree.

HF3192-Poppe (DFL)
State & Local Government Operations Reform, Technology & Elections
Minnesota State Colleges and Universities employee coverage specified, and employer required to provide certain notices.

HF3193-Hilstrom (DFL)
Commerce & Labor
Credit scores and other credit information regulated in insurance underwriting.

HF3194-Norton (DFL)
Health Care & Human Services Policy & Oversight
Nurse Licensure Compact provided, and appointments provided.

HF3195-Peterson (DFL)
Finance
Early childhood education program created for at-risk 4 year olds.

HF3196-Hosch (DFL)
Health Care & Human Services Policy & Oversight
Home health care services regulating provisions modified.

HF3197-Eken (DFL)
Environment Policy & Oversight
Watershed district permit requirement applicability modified.

HF3198-Dill (DFL)
Taxes
Property tax exemption provided for property leased to charter schools.

HF3199-Dill (DFL)
Environment Policy & Oversight
St. Louis County; public and private sales authorized of certain tax-forfeited land.

HF3200-Peterson (DFL)
Finance
Early childhood community partnerships grant program created.

HF3201-Brynaert (DFL)
Health Care & Human Services Policy & Oversight
Medical Assistance employed persons with disabilities program modified and asset limitation provisions changed.

HF3202-Dill (DFL)
Environment Policy & Oversight
Intermediate auction timber sale provisions modified.

HF3203-Anzelc (DFL)
Transportation & Transit Policy & Oversight Division
Koochiching County; International Falls; Route No. 297 and a portion of Route No. 332 removed from trunk highway system.

HF3204-Brown (DFL)
Commerce & Labor
Video lottery terminal established, tax imposed on lottery terminal revenue, other lawful gambling taxes modified, powers and duties provided to the director of the state lottery and changes made.

HF3205-Mahoney (DFL)
Finance
Preference created for community banks and credit unions for the state's general revenue account, state depository accounts required to be held in community banks or credit unions, and a study required of possible further use of community banks and credit unions by the state and municipalities.

HF3206-Rukavina (DFL)
State & Local Government Operations Reform, Technology & Elections
Authority modified of the commissioner of Minnesota Management & Budget to reduce allotments.

HF3207-Sailer (DFL)
Environment Policy & Oversight
Cross-country ski trail pass fees increased and an exception provided for school activities.

HF3208-Slawik (DFL)
Early Childhood Finance & Policy Division
Unique identification number required to be assigned to all Minnesota children at the time of birth.

HF3209-Greiling (DFL)
Early Childhood Finance & Policy Division
Child care centers required to develop a risk reduction plan, and the term non-maltreatment mistake defined.

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had a \$1 million placeholder.

Dennis Benson, executive director of the sex offender program, told conferees that the facility is already overcrowded and that about 65 more patients are expected to be added in each of the next five or six years. "I don't think we want to be careless, reckless or flippant about how we're going to manage these people," he said.

"Even the Republicans are voicing some concerns about the cost of the facility and also the program," Langseth said. "I have always said I think that before the end of session there'll be something on Moose Lake, but I think the number is going to be somewhat lower. We're going to try to figure out what we need to do with that programming area. ... It just baffles me that a kitchen and some rooms are going to be \$61 million."

Another Pawlenty criticism is that the bill was finalized behind closed doors, and released to the public in the wee hours of the morning.

Conferees met for the first time at 3 p.m. Feb. 21 to hear testimony about the sex offender facility request and some other housing issues, recessed at about 4:30 p.m. and returned more than eight hours later to accept the spreadsheet just before 1 a.m. Feb. 22. Language details were finalized later that morning, and both bodies approved the bill that evening.

"I think that all of this should happen in public from here on out; budget negotiations, everything else," Kelliher said. "I'm willing to take the governor up on that." 🗽

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Sen. Linda Berglin (DFL-Mpls), awaits action by the Senate Finance Committee.

Benson's bill was also laid over for possible inclusion in an omnibus bill following his

testimony before the housing division. A companion, SF1607, sponsored by Sen. Katie Sieben (DFL-Newport), is also before the Senate Health and Human Services Budget Division.

Food assistance got a big boost from the American Recovery and Reinvestment Act of 2009, which gave most four-member Food Support households an \$80 increase in their monthly grocery benefit. The legislation also provided \$100 million for the federal program that distributes commodity foods from the U.S. Department of Agriculture to states, where food banks allot goods to food shelves, soup kitchens and shelters.

Donations to food shelves are also up, but not enough to match demand, said Colleen Moriarty, executive director of Hunger Solutions Minnesota.

"The charitable system alone simply cannot handle the crush of people that have found themselves in the position of having little or no income at all for a substantial period," Moriarty said.

The challenge for lawmakers is how to address the need when so many issues are high-priority and high-cost. Broadening access to federally-funded Food Support wouldn't have a direct impact on the state budget, but as Rep. Laura Brod (R-New Prague) observed, the federal dollars need to come from somewhere.

"It's not free money. It's not separate money," she said. "It's all money that comes out of the pockets of the hard working people of this state."

Bill supporters maintain the cost is worth it.

"I understand the dramatic economic strain that you have in dealing with the budget," Moriarty told members of the housing division, "but your neighbors and your friends are dealing with this on a daily basis." 🗽

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"She told us the best example in her life of a healthy relationship was a gay relative and his partner. She told us that we reminded her of them, and thought we were best able to raise Olivia and give her the love and care she deserved," he said.

Opponent arguments included sexual activity between gay people leads to more disease, religious beliefs that marriage should be between a man and woman, and beliefs that children should grow up with biologically connected parents.

"Children do best with a mother and a father. Mommies do not make good daddies, and daddies do not make good mommies," said the Rev. David Glesne, senior pastor at Redeemer Lutheran Church in Fridley. "The two sexes are different to the core, and each is necessary culturally and biologically for the optimal development of a human being. There is now social research that indicates strongly that children with a married mother and father consistently do better in every measure of well-being than their peers in any other type of family arrangement."

Winkler said other studies show that children can be well raised by same-sex parents.

No matter the pro and con arguments, Jacob Reitan reminded members that each day without equal marriage rights comes with a "heavy price" for gays and lesbians.

"It is the price of pain felt by gay and lesbian people at hearing the forces of intolerance time and again demean their lives and love. ... Finally, it is the quiet yet ever-present price of inferiority gay people feel with the knowledge that in the eyes of government, they are second-class citizens," he said. 🗽

Minnesota State Agencies

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Agriculture	651-201-6550		800-657-3866	Metropolitan Council	651-602-1000
	800-967-2474	Housing Finance Agency	651-296-7608	Military Affairs	651-268-8919
Commerce	651-296-4026		800-657-3769	Natural Resources	651-296-6157
Corrections	651-361-7200	Human Rights	651-296-5663		888-646-6367
Education	651-582-8200		800-657-3704	Pollution Control Agency	651-296-6300
Employment and		Human Services	651-431-2000		800-657-3864
Economic Development	651-259-7114	Iron Range Resources	218-735-3000	Public Safety	651-201-7000
	800-657-3858		800-765-5043	Revenue	651-296-3403
Enterprise Technology	651-296-8888	Labor and Industry	651-284-5005	Transportation	651-296-3000
Explore Minnesota Tourism	651-757-1845		800-342-5354		800-657-3774
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MINNESOTA INDEX

On the wild side

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— L. SCHUTZ

Sources: Department of Natural Resources, Minnesota Zoo, Minnesota Board of Animal Health, North American Bear Center.

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