

# SESSION WEEKLY



**SESSION CHANGES, CHALLENGES  
UNFINISHED BUSINESS  
OUTSIDE THE CHAMBER DOORS  
MEET THE NEW MEMBERS**

A NONPARTISAN PUBLICATION

MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES

VOLUME 28, NUMBER 1 • JANUARY 7, 2011



# Flashback to 2001 and 1991



File photo 2001 by Andrew VonBank

**2001** - The first black woman to serve in the Minnesota Legislature, DFLer Neva Walker made history when she was sworn in to office in January 2001 to represent District 61B in Minneapolis. After serving four terms, she chose not to run in the 2008 election.

— Session Weekly Jan. 5, 2001

**1991** - State lawmakers made the honeymoon official, granting Gov. Arne Carlson an extra three weeks to prepare a state budget package designed to balance an expected \$1.2 billion revenue shortfall. He was given 23 days beyond the constitutional deadline for submitting his budget recommendation to the Legislature. Majority Leader Dee Long (DFL-Mpls) said this shows that the House and Senate DFLers are willing to work with the new Independent-Republican governor and the minority leadership.

— Session Weekly Jan. 11, 1991

## Contents

- FIRST READING:** Changes mark 2011 session • 3-5
- AT ISSUE:** New leaders confront an old foe: the deficit • 6-7
- HIGHLIGHTS:** Committees talk priorities • 8-9
- PEOPLE:** Meet the 36 new members • 10-13
- FEATURE:** First day is rite of passage for more than just the members • 14-15
- FEATURE:** Outside the Chamber doors (photo spread) • 16-17
- FEATURE:** State fair poll takers weigh in on budget solutions • 18
- RESOURCES:** Roster of House and Senate members • 19-20
- RESOURCES:** Come to the Capitol • 21
- RESOURCES:** So many ways to stay informed about the Legislature • 22
- MINNESOTA INDEX:** Session 2011 • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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



## FIRST READING



PHOTO BY TOM OLMSCHIED

Carolyn Brown, desk secretary supervisor in the House Chief Clerk's Office, inserts the nameplate of Rep. Sondra Erickson into one of the two voting boards in the House Chamber on Dec. 29. The House has 36 new members this session: 33 Republicans and three DFLers.

## Ready for the challenge

2011 session underway with changes aplenty

By MIKE COOK

**T**o call the 2011 session challenging could be an understatement.

Legislators will have their plates full resolving the state budget deficit without hurting things like K-12 school funding, people with disabilities and the elderly, while at the same time creating jobs in hopes of rebounding the state's economy. Helping a professional football team fund a home may also be discussed.

Many of the decisions will be gut-wrenching and painful. Most of the easier changes have taken place in the last few years, and both Republicans and DFLers say that

more one-time shifts are not the answer. Will revenues need to be raised? What state services must be cut or eliminated? Can people learn to live with less?

Legislative leaders are optimistic.

"We've got folks ready to jump in and ready to go," said House Majority Leader Matt Dean (R-Dellwood).

"We will get it resolved one way or the other," said House Minority Leader Paul Thissen (DFL-Mpls).

### Lots of new faces

A promise of change at the federal level helped give the state DFL a boost in the 2008 election, resulting in a veto-proof majority in the Senate and a 40-seat advantage in the House, three seats shy of the veto-proof majority. But Republican Gov. Tim Pawlenty still resided in the governor's office.

Two years later, voters again sought change.

DFLer Mark Dayton won the governor's race, but Republicans picked up 25 House seats for a 72-62 advantage. Republicans gained 16 Senate seats, and now hold a

**First Reading continued on page 4**



## First Reading continued from page 3

37-30 majority, the first time since 1972 that Republicans control that body.

Of the three-dozen new House members, 34 are first-timers, including 31 Republicans. Rep. Sondra Erickson (R-Princeton) and Rep. Linda Runbeck (R-Circle Pines) return after some time away.

"They will make their voices heard early and often," Dean said. "These are CEOs, they're economists, they're small-business owners, they're teachers. It's just the greatest freshmen group that's ever come into the Capitol, I'm sure."

Some freshmen beat long-time and powerful incumbents. Rep. Carolyn McElpatrick (R-Deer River) beat Loren Solberg, who had been in St. Paul for 28 years and recently chaired the powerful House Ways and Means Committee; Rep. Debra Kiel (R-Crookston) beat 26-year veteran Bernie Lieder, who chaired the transportation committee; and Rep. Bruce Vogel (R-Willmar) beat Al Juhnke, a leading voice for agriculture during his 14 year-career.

"That says something about the quality of our candidates," said House Speaker Kurt Zellers (R-Maple Grove).

Rep. Kerry Gauthier (DFL-Duluth), Rep. Marion Greene (DFL-Mpls) and Rep. Rena Moran (DFL-St. Paul) kept their district's seat on the DFL side.

## Committee structure changes

In changing the committee structure, House and Senate leaders say they want to make the legislative process more user-friendly, while remaining fair and transparent.

House leaders have reduced the number of committees, divisions and subdivisions from last year's 36 to 24, a change they claim will save about \$500,000. Senate committees have decreased from 25 to 16.

"We have reformed government starting with ourselves," Zellers said.

"We think we can be a little more efficient and effective in the way we run government."

No regular meetings are scheduled beyond

4:15 p.m. Tuesday and Wednesday; and House floor sessions are scheduled for 3 p.m. Monday and Thursday with no committee work after. Nothing is planned on Fridays. Last year, meetings were scheduled until 6 p.m. Monday through Thursday and five meetings were scheduled for Friday morning.

"Just the pure paper shuffle, moving bills between committees, everything is going to be a lot more efficient," said Rep. Mary Liz Holberg (R-Lakeville), chairwoman of the House Ways and Means Committee. Plus the House and Senate have lined up committee scopes so that conference committees will compare bills that address the same issues.

Among the changes are the combination of some policy and finance committees, including judiciary, public safety and transportation; the combining of early childhood with K-12 education; and incorporating energy issues into the environment and natural resources committee.

Thissen expressed concern that some issues will become less important.

"The Republican leadership's committee structure, which cut critical committees, illustrates their party's priorities. Their new structure says that issues related to housing, early childhood and energy are somehow less important now than they have been in the past."

## Issues to be addressed

Throughout the campaign, Republicans stressed their vision of job creation to help get the economy turned around and have government live within its means.

That still holds true today.

"Tackle spending first, tackle jobs second," Dean said. "That's No.1 and No.2."

But how can that get done with a projected \$6.2 billion budget shortfall for the next biennium?

Holberg is "completely convinced" the deficit can be resolved without raising taxes.

"No stone should go unturned," Holberg said. "I was here during the

Ventura administration, and one of the terms he would use is 'necessary vs. nice.' I think we have to go back to that model of what's a necessary role of state government and maybe some of the niceties don't survive."



***"We have reformed government starting with ourselves. We think we can be a little more efficient and effective in the way we run government."***

— Rep. Kurt Zellers  
Speaker of the House

## 2011-2012 Member Profile

### Membership

|       | 2011 | 2009 | 2007 | 2005 | 2003 |
|-------|------|------|------|------|------|
| DFL   | 62   | 87   | 85   | 66   | 53   |
| R     | 72   | 47   | 49   | 68   | 81   |
| Men   | 91   | 91   | 91   | 97   | 102  |
| Women | 43   | 43   | 43   | 37   | 32   |

### Age

| Age range   | 2011 | 2009 | 2007* | 2005** | 2003** |
|-------------|------|------|-------|--------|--------|
| 21-30       | 7    | 6    | 6     | 6      | 8      |
| 31-40       | 17   | 22   | 25    | 27     | 27     |
| 41-50       | 34   | 35   | 33    | 40     | 35     |
| 51-60       | 46   | 42   | 38    | 38     | 43     |
| 61-70       | 25   | 25   | 29    | 18     | 12     |
| 71 or over  | 5    | 4    | 2     | 3      | 3      |
| Average age | 51.9 | 50.9 | 50.2  | 48.6   | 47.4   |

\* Age not available for 1 member

\*\*Ages not available for 2 members

### Education

| Education level            | 2011 | 2009 | 2007 | 2005 | 2003 |
|----------------------------|------|------|------|------|------|
| High School                | 3    | 3    | 3    | 3    | 3    |
| Technical College          | 8    | 6    | 7    | 7    | 6    |
| Some College               | 13   | 8    | 9    | 13   | 14   |
| 4-yr. Undergraduate Degree | 44   | 40   | 34   | 40   | 47   |
| Some Graduate Work         | 12   | 18   | 21   | 20   | 15   |
| Graduate Degree            | 52   | 58   | 60   | 51   | 48   |
| Other                      | 2    | 1    | —    | —    | —    |

### Occupation

| Occupation      | 2011 | 2009 | 2007 | 2005 | 2003 |
|-----------------|------|------|------|------|------|
| Educator        | 20   | 27   | 28   | 21   | 22   |
| Attorney        | 13   | 17   | 16   | 19   | 16   |
| Business        | 28   | 14   | 13   | 18   | 22   |
| Legislator      | 9    | 10   | 12   | 10   | 10   |
| Retired         | 8    | 7    | 10   | 8    | 5    |
| Consultant      | 3    | 5    | 6    | 7    | 7    |
| Government      | 6    | 6    | 4    | 5    | 7    |
| Real Estate     | —    | 1    | 2    | 5    | 7    |
| Communications  | 3    | 3    | 3    | 4    | 4    |
| Trades          | 3    | 3    | 4    | 4    | 4    |
| Farming         | 6    | 5    | 3    | 3    | 5    |
| Homemaker       | 3    | 2    | 3    | 3    | 3    |
| Health Care     | 3    | 3    | 2    | —    | —    |
| Social Services | 1    | 1    | 1    | —    | —    |
| Law Enforcement | 1    | 1    | 1    | —    | —    |
| Other           | 24   | 29   | 26   | 26   | 21   |

Three members in 2011 did not list an occupation.





PHOTO BY TOM OLMSCHIED

**Jim Johnson puts the finishing touches on the members' desks and chairs in the House Chamber Dec. 9. Johnson, who did the touch up for 31 years as a painter for the Department of Administration's Plant Management Division before he retired, received a two-week contract to again do the work. Johnson said he "considers it an honor" to do the finishing work.**

So, how will the DFL work with a new Republican majority?

"We're going to have to point out factually the consequences of some of the decisions that the Republicans are making. They ran on a platform of raising no taxes," Thissen said. "There's going to be real pain in Minnesota if that's the final result of this budget. ... I hope we can engage in a productive discussion about what kind of cuts should we make, but also how can we fill in on the revenue side in a fair and balanced way."



***"I hope we can engage in a productive discussion about what kind of cuts should we make, but also how can we fill in on the revenue side in a fair and balanced way."***

— Rep. Paul Thissen  
House Minority Leader

Dayton echoed those comments at his inauguration.

"To those who sincerely believe the state budget can be balanced with no tax increase — including no forced property tax increase — I say, if you can do so without destroying our schools, hospitals and public safety, please

send me your bill, so I can sign it immediately. Otherwise, let's begin tomorrow, and in May conclude this challenging, complicated and essential process by working together. And let's always remember that working together requires responsible cooperation

and reasonable compromise, as well as sharing the best ideas we all have."

With Republicans in charge of both chambers, there has been buzz that divisive social issues, such as same-sex marriage and requiring a photo identification to vote, could be put to a vote of the state's residents. By law, only House and Senate approval is needed to put a proposed constitutional amendment on the ballot, like the DFL did in 2008 with a tax increase to support the arts and environment. No governor action is required.


Republican leaders say not so fast.

Jobs are first and foremost our focus, Zellers said. "I think that's what the voters responded to."

And, the Minnesota Vikings want state dollars to help build a new stadium.

With the team's lease at the Metrodome expiring after the 2011 season, supporters say something has to happen this legislative session or the team may no longer call the Land of 10,000 Lakes home. Dayton said he would like a stadium vote this session.

Zellers said it's tough to discuss the issue until a proposal is known, including local partners, but he won't rule out a bill. "At the end of session, if there is a proposal that comes forward, and if there is something that's worked on a bipartisan basis. We've never said no to it, but right now we've got a budget to balance, and we've got an economy to turn around."

Legislators must constitutionally adjourn by May 23 — 139 days from when the first gavel was pounded. 



# Two views to 'unfinished business'

New leaders confront an old foe: the deficit

By Nick Busse

**T**he seemingly perpetual budget crisis that dogged the last crop of state leaders is back to test the new crowd.

The state faces a projected \$6.2 billion deficit in the upcoming two-year budget cycle that begins July 1, 2011. Making matters worse, any easy options for bridging the budget gap have already been exhausted, leaving lawmakers with some potentially stark choices this year.

Gov. Mark Dayton and legislative leaders have pledged bipartisan cooperation to address what will undoubtedly be the top issue of the 2011 session. But even with a new group of captains at the helm, some well known partisan differences plot an uncertain course for the ship of state.

"The shoe is going to be on the other foot, from the legislative standpoint, with a Republican Legislature and a Democrat governor," House Majority Leader Matt Dean (R-Dellwood) said at a press conference Dec. 29.

Last November, voters turned the balance of power at the Capitol on its head, sweeping Republicans into the majority in the House and Senate while electing the state's first DFL governor in 20 years. The changeover offers a clean start for budget negotiations, but doesn't change the basic differences between how the two parties approach taxation and spending.

At a press conference following the release of the state's November Economic Forecast Dec. 2, Republican leaders repeated what has become a familiar mantra: that Minnesota has a spending problem, not a revenue problem.

"We're going to do as Minnesota families, as Minnesota businesses are: we're going to live within our means. We're not going to

go back to the taxpayers and ask for more money," said House Speaker Kurt Zellers (R-Maple Grove).

In the Republican view, the very notion that Minnesota has a deficit is misleading. The forecast predicted a 5 percent increase (\$1.5 billion) in tax revenues in the next

fiscal biennium. The deficit is caused by a projected 27.5 percent (\$8.3 billion) increase in spending. Republicans say that represents out-of-control government growth.

"There's no way we can do that. There's no money to do that. We can't take that money from other people to grow government, even if we wanted to," Dean said.

DFLers see it differently. They say the budget deficit is very real, and the kind of cuts that would be needed to fix it without adding new revenues could be devastating.

"If you take education, health and human services and higher education, that's over 80 percent of the budget," said House Minority Leader Paul Thissen (DFL-Mpls). "If we're going to close a 16 or 17 percent hole in our budget with an all-cuts approach, you're going to hit all those things."

Dayton and DFL lawmakers have called for increased taxes on the state's wealthiest residents, arguing it would help bridge



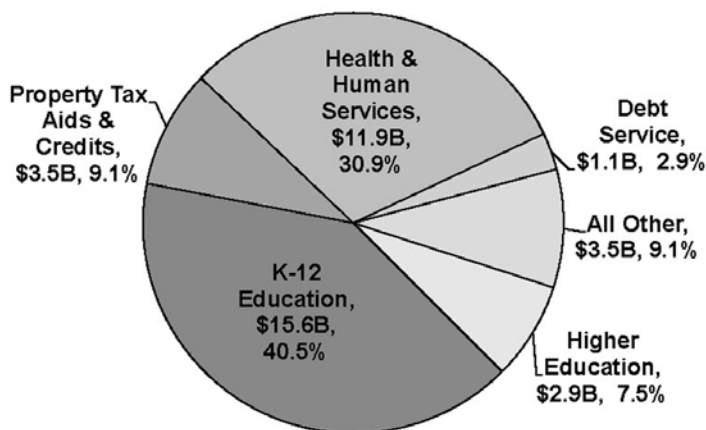
PHOTO BY TOM OLMSCHEID

**Minnesota Management and Budget Commissioner Jim Schowalter, left, answers a question from the press Dec. 2 during the release of the state's latest budget forecast. Assistant Commissioner Kristin Dybdal, center, and State Economist Tom Stinson also presented news about the projected \$6.2 billion budget deficit.**



## \$6.2 Billion Shortfall is 16% of FY 2012-13 Projected General Fund Spending

Total Spending \$38.6 Billion



Source: Minnesota Management and Budget

future budget gaps as well as the current one. Moreover, they argue that without new tax revenues, Minnesotans will only end up paying for the state's budget crunch in other ways.

"We know that an all-cuts budget like the one the Republicans are going to propose is going to squeeze middle-class Minnesotans with higher property taxes, with higher tuition, with more expensive fees," Thissen said.

### 'Unfinished business'

At the Dec. 2 press conference, Minnesota Management and Budget officials pinned much of the blame for the deficit on previous budget fixes.

In the last biennium, lawmakers and former Gov. Tim Pawlenty sidestepped much of the budget crisis by using temporary, one-time solutions. These included delaying payments to schools, making one-time cuts and borrowing from special dedicated funds to help shore up the state's bottom line.

Voices on both sides of the aisle warned that these short-term actions would only delay the problem and make it worse in the next budget cycle. But with Pawlenty, a Republican, and the DFL-controlled Legislature at loggerheads over a permanent budget fix, they chose the only compromise they could find.

As it turns out, the warnings proved to be correct.

"I think it's very fair to say that there's a significant amount of unfinished business in Minnesota," said Steve Sviggum, interim commissioner of MMB at the release of the forecast.

The problem now for lawmakers and Dayton is that there are no more one-time solutions left. Another federal stimulus bill is unlikely. The state is slated to start paying back the K-12 school payment shifts over the next two years, and few dedicated funds have any spare cash to spread around.

There will be no easy way out this time, according to new MMB Commissioner James Schowalter.

"The bottom line is that the structural problem that we're looking at for this upcoming budget is not one that we're going to grow out of. It is one that is going to remain and will have to be dealt with," Schowalter said.

In addition to the deficit projected in Fiscal Years 2012-2013, additional shortfalls are predicted into the foreseeable future. If lawmakers take a more long-term approach to fixing the budget this year, it could help resolve the state's structural budget imbalance.

***"The bottom line is that the structural problem that we're looking at for this upcoming budget is not one that we're going to grow out of."***

— James Schowalter  
Minnesota Management and Budget  
Commissioner

### Breaking down the deficit

Buried in the state's November Economic Forecast was a perplexing set of numbers. The report stated that even though state revenue is projected to increase by 5 percent, the state would still face a \$6.2 billion deficit because its spending is expected to grow by 27.5 percent. How can state spending grow by more than one-quarter from one two-year budget cycle to the next?

Actually, the figures are a little misleading. The 27.5 percent increase represents a dollar amount of a little more than \$8.3 billion. Of that, only about \$2 billion represents actual forecasted growth in government spending. The rest, \$6.3 billion, results from one-time budget fixes that were used in the last two-year budget cycle.

For example, in 2009, the federal government enacted a stimulus package that included "fiscal stabilization funds" to help states balance their budgets. The money helped state leaders avoid potentially painful budget cuts; however, the funds will dry up beginning in July 2011. As a result, the state will have to make up the \$2.3 billion difference on its own.

The remaining \$4 billion gap comes from the one-time budget solutions used by legislative leaders and former Gov. Tim Pawlenty during the last budget cycle. These included shifting \$1.9 billion in school payments into the next fiscal biennium. Part of the agreement called for \$1.4 billion of that money to be paid back over the next two years, adding that much more to the deficit. Another \$660 million in one-time reductions were made in the last budget cycle that fall back in the state's lap in the next one.

— N. BUSSE

"There's a significant amount of money — permanently, structurally — that this Legislature and this governor are going to have to address," Sviggum said.

Whether that involves cutting spending, raising taxes or some combination of the two remains to be seen, but Republicans have

already made clear they have no interest in tax increases of any kind.

Zellers said the spending plan Republicans eventually propose will strive to protect funding for programs that protect vulnerable Minnesotans — children, the elderly

and the disabled. But Thissen is skeptical. "Our job as the DFL minority is going to be to hold them accountable for the way that they're going to govern," he said. 🐼

# HIGHLIGHTS

JANUARY 4 - 6, 2011

**Editor's note:** The following Highlights are coverage of select House committees and other House activities held Jan. 4-6. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Education

### 'Kids first. No excuses. No exceptions.'

A light-hearted tone prevailed Jan. 5 at the first meeting of the House Education Finance Committee. But Chairman Rep. Pat Garofalo (R-Farmington) took time to lay out serious goals for its work this year. The committee's motto is all business: "Kids first. No excuses. No exceptions," he said.

Members introduced themselves and stated their priorities. School funding inequities, mandate relief and greater local control are common themes.

Rep. Kurt Bills (R-Rosemount), a high school economics teacher, said "teacher pay and portability" are priorities, as is "giving individual districts and principals more sovereignty."

Rep. Denise Dittrich (DFL-Champlin) hopes to address "issues of equity and fairness" in funding that "property poor" districts like hers face, bound by caps on property tax levies and ineligibility for "compensatory" funding intended to provide additional services where needed.

"Our school districts are really in a state of crisis, I would say, and they are really looking for some state leadership," she said.

"I am amazed at the complexity of education funding and financing," said Rep. Paul Anderson (R-Starbuck), adding that most schools in his district face declining enrollment — which means declining funding. The message he's heard from school districts he represents is that if cuts to education must be made, they would like them to occur "sooner rather than later" for planning purposes.

Rep. Dan Fabian (R-Roseau), a high school physical education and health teacher and coach for 34 years, also singled out funding

inequities across his nearly 4,000-square mile district in northwest Minnesota.

Garofalo vowed to prioritize correcting the achievement gap, calling that goal "crucial for the future of job creation." He said there is no reason students in poverty cannot achieve academic success, adding that he hopes the committee will visit some schools in the Twin Cities metropolitan area where students in poverty and those of color are defying the likelihood they will fail to thrive academically.

Rep. Linda Slocum (DFL-Richfield), an eighth-grade history teacher, said "equity as it relates to poor kids" is her priority. "I believe in compensating for concentrations of poverty. It makes a difference if the services are there. It makes a difference for poor kids."

— K. BERGGREN

### Spotlight on teachers

Teacher training, licensure and evaluation are among the priorities House Education Reform Committee members, who include seven former or retired teachers, enumerated Jan. 6.

This should come as no surprise to those who followed last session's contentious

debate about alternative teacher licensure.

Members' priorities also include strengthening early childhood education, helping school boards function and providing equal educational opportunities for children throughout the state.

"It's not only a moral imperative, but if we want a strong business climate, we need all our children to succeed," said Rep. Jim Davnie (DFL-Mpls).

"I do believe that education is the key to future financial independence," said Rep. Andrea Kieffer (R-Woodbury).

Chairwoman Rep. Sondra Erickson (R-Princeton) offered the model of a three-legged stool to describe her approach to the committee's work. "Absolutely, students are first," she said. Supporting teachers and empowering parents are the other two legs.

Some of the questions members should put to themselves when offering ideas, suggested Erickson, include: "Will it improve teaching? Will it raise the standard or the caliber of teacher in our classroom? When it comes to our children, will it increase learning? Will it prepare them to be responsible citizens? Will it empower parents? Does it promote local control?"

## NEWSMAKER



PHOTO BY ANDREW VONBANK

**House Majority Leader Matt Dean takes questions from the media after the first day of the 2011 legislative session.**



## OATH OF OFFICE



PHOTO BY TOM OLMSCHIED

**Rep. Jim Davnie, Rep. Marion Greene and Rep. Steve Simon, from left, take the oath of office Jan. 4 during the opening day of the 87th session in the House Chamber.**

Lawmakers also seek to draw the best and brightest prospective teachers into the profession.

“My focus is how to make the job of teaching more attractive,” said Rep. John Benson (DFL-Minnetonka).

— K. BERGGREN

## Env. & Natural Resources

### Clean water study presented

How does the “Land of Sky Blue Waters,” which, by federal standards, has 40 percent of its ground and surface waters polluted, evolve into the “land of no impaired waters?”

Just ask Deborah Swackhamer, co-director of the University of Minnesota Water Resource Center, who presented the Minnesota Water Sustainability Framework to the House Environment, Energy and Natural Resources Policy and Finance Committee Jan. 5. The study is a 25-year strategy to bring Minnesota’s ground and surface water into compliance with the state’s Clean Water Act.

The 200-page document spells out a comprehensive plan for mapping, monitoring and cleaning polluted waters and ensuring that there is enough clean drinking water for future residents.

More than 200 stakeholders and technical experts created the \$750,000 study that was authorized by the Legislature last year and

funded through the Clean Water Legacy Fund.

Acknowledging that achieving clean water won’t be cheap, Swackhamer said steps can be taken now that are not costly but are critical to the long-term goal.

For example, one recommendation is that legislators revise the water permit process. Rather than issuing permits and suspending them if problems occur, permit applications could be screened prior to being granted.

Another key recommendation is to produce models of where the balance of water is, where it comes from and how much is available today and into the future. Mapping and hydrologic monitoring would reveal how much water is in the state’s “account” but could take up to 10 years to complete. Although monitoring is underway, the researchers recommend accelerating the work two-fold.

Rep. Rick Hansen (DFL-South St. Paul) pointed out that such planning could reduce the frequently flooded areas and avoid the high cost of replacing damaged property and infrastructure. Cross contamination of waters is also a negative result of flooding, he added.

Rep. Paul Torkelson (R-Nelson Township) said the study’s findings show that Twin Cities area residents use more groundwater than the area produces and pay less per gallon than it costs to provide to each household.

In addition, the study recommends planning for future water contaminants through water treatment design standards and

proper disposal of unwanted pharmaceuticals. Swackhamer also emphasized the need to integrate water policies with energy, land and transportation policies.

The full report is available at <http://wrc.umn.edu/watersustainabilityframework/index.htm>.

— S. HEGARTY

## Health & Human Services

### Medicaid enrollment concerns

The House Health and Human Services Finance and Reform committees met jointly Jan. 5 for a general overview of state health care programs, such as MinnesotaCare and Medical Assistance.

Rep. Jim Abeler (R-Anoka), chairman of the finance committee, said legislators have a “tremendous task” this session of reforming costly state programs. With potentially large budget cuts looming, Abeler asked people managing nonprofits and others to come forward with ideas.

A considerable point of discussion was Gov. Mark Dayton’s signing of an executive order earlier in the day that enrolls the state in an expanded Medicaid program to help certain adults without children. The program is currently funded with state and federal money.

Supporters claim it will provide more care to low-income Minnesotans, but opponents are concerned about future costs to the state.

“What if the federal dollars do not come to cover the cost of this program, and then who’s on the hook for those expenditures?” asked Rep. Mary Kiffmeyer (R-Big Lake).

Department of Human Services Chief Financial Officer Charles Johnson said, “We as a state would have to reassess in what form we could provide coverage to this population.” He added that he’s never experienced a situation where “the federal government pulled out on a dime,” and it has always given warning.

Rep. Erin Murphy (DFL-St. Paul) said Medicaid is a 45-year partnership that has been paying the states for years. “I don’t think we’re taking a big gamble.”

— P. OSTBERG

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

## New members



**Anderson, Diane (R)** **38A**  
 525 State Office Building ..... 651-296-3533  
**E-mail:** rep.diane.anderson@house.mn  
**Home:** Eagan  
 \*4295 Eagle Crest Drive 55122 ..... 651-688-9461  
**Born:** 7/28/60. **Family:** Married, spouse Gale, 2 children.  
**Occupation:** Small-business owner. **Education:** B.S.,  
 housing, University of Minnesota. **Elected:** 2010. **Term:** 1st.  
**Committees:** Commerce and Regulatory Reform; Health  
 and Human Services Finance; Judiciary Policy and Finance.



**Bills, Kurt (R)** **37B**  
 533 State Office Building ..... 651-296-4306  
**E-mail:** rep.kurt.bills@house.mn  
**Home:** Rosemount  
 \*15365 Danville Ave. W. 55068 ..... 651-208-9542  
**Born:** 1/8/70. **Family:** Married, spouse Cindy, 4 children.  
**Occupation:** High school teacher/small-business owner.  
**Education:** B.S., B.A., secondary social studies education/U.S.  
 history, Winona State University; M.A. education, Winona State  
 University. **Elected:** 2010. **Term:** 1st. **Committees:** Capital  
 Investment; Education Finance; Taxes.



**Banaian, King (R)** **15B**  
 \*411 State Office Building ..... 651-296-6612  
**E-mail:** rep.king.banaian@house.mn  
**Home:** St. Cloud  
**Business:** St. Cloud  
 St. Cloud State University, Stewart Hall 329 56301 .....  
 320-308-4797  
**Occupation:** Economist. **Education:** M.A., economics,  
 Claremont Graduate School; Ph. D, economics, Claremont  
 Graduate School. **Elected:** 2010. **Term:** 1st. **Committees:** Capital  
 Investment; Higher Education Policy and Finance; Rules and  
 Legislative Administration; State Government Finance.



**Crawford, Roger (R)** **8B**  
 421 State Office Building ..... 651-296-0518  
**E-mail:** rep.roger.crawford@house.mn  
**Home:** Mora  
 \*436 Union St. S. 55051 ..... 320-679-3953  
**Family:** Married, spouse Barbara, 4 children. **Occupation:**  
 Small-business owner. **Education:** B.A., mass communications,  
 B.S., elementary education, St. Cloud State University. **Elected:**  
 2010. **Term:** 1st. **Committees:** Property and Local Tax Division,  
 vice chair; Commerce and Regulatory Reform; Education  
 Reform; Taxes.



**Barrett, Bob (R)** **17B**  
 413 State Office Building ..... 651-296-5377  
**E-mail:** rep.bob.barrett@house.mn  
**Home:** Shafer  
 \*27535 Redwing Ave. 55074 ..... 651-213-1090  
**Business:** Center City  
 P.O. Box 176 55012 ..... 651-213-4058  
**Family:** Married, spouse Judi, 2 children. **Occupation:**  
 Business. **Education:** B.S., accounting, Minnesota State  
 University, Mankato. **Elected:** 2010. **Term:** 1st. **Committees:**  
 Education Reform; Health and Human Services Reform;  
 Property and Local Tax Division.



**Daudt, Kurt (R)** **17A**  
 Assistant Majority Leader  
 \*487 State Office Building ..... 651-296-5364  
**E-mail:** rep.kurt.daudt@house.mn  
**Home:** Crown ..... 763-634-2616  
**Family:** Single. **Occupation:** Business manager. **Elected:** 2010.  
**Term:** 1st. **Committees:** Rules and Legislative Administration,  
 vice chair; Commerce and Regulatory Reform; Higher  
 Education Policy and Finance; Property and Local Tax  
 Division; Redistricting.



**Benson, Mike (R)** **30B**  
 515 State Office Building ..... 651-296-4378  
**E-mail:** rep.mike.benson@house.mn  
**Home:** Rochester  
 \*3635 Ironwood Court S.W. 55902 ..... 507-993-1250  
**Business:** Rochester  
 920 Mayowood Road S.W. 55902 ..... 507-535-3338  
**Born:** 11/9/55. **Family:** Married, spouse Susan, 4 children.  
**Occupation:** Assistant college professor and director of human  
 resources. **Education:** B.A., organizational management,  
 Eastern University; M.B.A., business, Eastern University.  
**Elected:** 2010. **Term:** 1st. **Committees:** State Government  
 Finance, vice chair; Health and Human Services Reform;  
 Higher Education Policy and Finance; Transportation Policy  
 and Finance.



**Erickson, Sondra (R)** **16A**  
 \*509 State Office Building ..... 651-296-6746  
**E-mail:** rep.sondra.erickson@house.mn  
**Home:** Princeton  
 1947 Ridge Road 55371 ..... 763-389-4498  
**Born:** 3/3/42. **Family:** Widowed, 1 child. **Occupation:** Retired  
 English teacher. **Education:** B.A., English, Concordia College.  
**Elected:** 1998. **Term:** 7th (non-consecutive). **Committees:**  
 Education Reform, chair; Education Finance; Ethics; Taxes.





**Fabian, Dan (R)** **1A**  
 431 State Office Building ..... 651-296-9635  
**E-mail:** rep.dan.fabian@house.mn  
**Home:** Roseau  
 \*705 Main Ave. S. 56751 ..... 218-463-1208  
**Born:** 6/28/54. **Family:** Married, spouse Roxanne, 3 children.  
**Occupation:** Teacher, self-employed crop hail insurance  
 adjuster. **Education:** B.A., biology, health and physical  
 education, Concordia College; M.A., education/physical  
 education, North Dakota State University. **Elected:** 2010.  
**Term:** 1st. **Committees:** Redistricting, vice chair; Capital  
 Investment; Education Finance; Environment, Energy and  
 Natural Resources Policy and Finance.



**Hancock, David (R)** **2B**  
 529 State Office Building ..... 651-296-4265  
**E-mail:** rep.david.hancock@house.mn  
**Home:** Bemidji  
 \*P.O. Box 1003 56619  
**Occupation:** Former small-business owner. **Education:**  
 B.A., history, Anderson University. **Elected:** 2010. **Term:** 1st.  
**Committees:** Environment, Energy and Natural Resources  
 Policy and Finance; Government Operations and Elections;  
 Higher Education Policy and Finance.



**Franson, Mary (R)** **11B**  
 \*429 State Office Building ..... 651-296-3201  
**E-mail:** rep.mary.franson@house.mn  
**Home:** Alexandria  
 2740 Le Homme Dieu Hts. N.E. 56308 ..... 320-762-8572  
**Born:** 3/1/77. **Family:** 3 children. **Occupation:** Licensed  
 childcare provider. **Education:** B.A., psychology, University  
 of Minnesota Duluth. **Elected:** 2010. **Term:** 1st. **Committees:**  
 Agriculture and Rural Development Policy and Finance;  
 Health and Human Services Finance; Health and Human  
 Services Reform.



**Kieffer, Andrea (R)** **56B**  
 531 State Office Building ..... 651-296-1147  
**E-mail:** rep.andrea.kieffer@house.mn  
**Home:** Woodbury  
 \*3793 Village Court 55125 ..... 651-208-8312  
**Family:** Married, spouse John, 2 children. **Occupation:** Non-  
 profit volunteer. **Education:** B.S.B., management, University of  
 Minnesota. **Elected:** 2010. **Term:** 1st. **Committees:** Commerce  
 and Regulatory Reform; Education Reform; Jobs and Economic  
 Development Finance; Public Safety and Crime Prevention  
 Policy and Finance.



**Gauthier, Kerry (DFL)** **7B**  
 225 State Office Building ..... 651-296-4246  
**E-mail:** rep.kerry.gauthier@house.mn  
**Home:** Duluth  
 \*2127 W. Second St. 55806 ..... 218-393-4037  
**Born:** 11/6/55. **Occupation:** Social services. **Education:** B.A.,  
 College of St. Scholastica; M.S., counseling, University of  
 Wisconsin- Superior. **Elected:** 2010. **Term:** 1st. **Committees:**  
 Public Safety and Crime Prevention Policy and Finance; State  
 Government Finance; Transportation Policy and Finance.



**Kiel, Debra (R)** **1B**  
 423 State Office Building ..... 651-296-5091  
**E-mail:** rep.deb.kiel@house.mn  
**Home:** Crookston  
 \*36044 - 275th Ave. S.W. 56716  
**Family:** Married, spouse Lonn, 4 children. **Occupation:**  
 Farmer/homemaker. **Elected:** 2010. **Term:** 1st. **Committees:**  
 Legacy Funding Division, vice chair; Agriculture and Rural  
 Development Policy and Finance; Education Reform;  
 Transportation Policy and Finance.



**Greene, Marion (DFL)** **60A**  
 \*331 State Office Building ..... 651-296-0171  
**E-mail:** rep.marion.greene@house.mn  
**Home:** Minneapolis  
 2407 Girard Ave. S., Apt. 5 55405 ..... 612-374-8728  
**Born:** 7/16/70. **Family:** Married, spouse Bart Cannon, 2  
 stepdaughters. **Occupation:** Business. **Education:** B.A.,  
 Swarthmore College; M.B.A., University of Texas at Austin.  
**Elected:** 2010. **Term:** 1st. **Committees:** Government  
 Operations and Elections; Legacy Funding Division; State  
 Government Finance.



**Kriesel, John (R)** **57A**  
 451 State Office Building ..... 651-296-4342  
**E-mail:** rep.john.kriesel@house.mn  
**Home:** Cottage Grove  
 \*6928 Homeward Court S. 55016  
**Born:** 10/7/81. **Family:** Married, spouse Katie, 2 children.  
**Occupation:** Marketing and advertising. **Elected:** 2010. **Term:**  
 1st. **Committees:** Veterans Services Division, vice chair; Capital  
 Investment; Judiciary Policy and Finance; Public Safety and  
 Crime Prevention Policy and Finance.



**Gruenhagen, Glenn (R)** **25A**  
 575 State Office Building ..... 651-296-4229  
**E-mail:** rep.glenn.gruenhagen@house.mn  
**Home:** Glencoe  
 \*16367 - 441st Ave. 55336 ..... 320-864-3911  
**Business:** Glencoe  
 624 E. 13th St. 55336 ..... 320-864-5903  
**Born:** 2/1/52. **Family:** Married, spouse Emily, 3 children.  
**Occupation:** Small-business owner. **Education:** ChFC, finance,  
 American College; CLU, insurance, American College. **Elected:**  
 2010. **Term:** 1st. **Committees:** Civil Law; Health and Human  
 Services Reform; Judiciary Policy and Finance; Public Safety  
 and Crime Prevention Policy and Finance.



**Leidiger, Ernie (R)** **34A**  
 415 State Office Building ..... 651-296-4282  
**E-mail:** rep.ernie.leidiger@house.mn  
**Home:** Mayer  
 \*7775 Tacoma Ave. 55360 ..... 612-963-1710  
**Born:** 8/7/53. **Family:** Married, spouse Jan, 3 children.  
**Occupation:** Business general manager. **Education:** B.S.,  
 general engineering, U.S. Naval Academy; M.S., management,  
 Salve Regina College; M.A. national security and strategic  
 planning, U.S. Naval War College. **Elected:** 2010. **Term:** 1st.  
**Committees:** Jobs and Economic Development Finance;  
 Public Safety and Crime Prevention Policy and Finance; State  
 Government Finance; Transportation Policy and Finance.



**LeMieur, Mike (R)** **12B**  
 \*567 State Office Building ..... 651-296-4247  
**E-mail:** rep.mike.lemieur@house.mn  
**Home:** Little Falls  
 14384 Oak Lane 56345..... 320-632-3922  
**Business:** Little Falls  
 1801 Haven Road 56345..... 320-632-9692  
**Born:** 8/6/68. **Family:** Married, spouse Julie, 3 children.  
**Occupation:** Small-business owner. **Elected:** 2010. **Term:** 1st.  
**Committees:** Agriculture and Rural Development Policy and Finance; Jobs and Economic Development Finance; Property and Local Tax Division; Veterans Services Division.



**Moran, Rena (DFL)** **65A**  
 \*227 State Office Building ..... 651-296-5158  
**E-mail:** rep.rena.moran@house.mn  
**Home:** St. Paul  
 671 Aurora Ave. W. 55104..... 651-757-0087  
**Business:** St. Paul  
 1821 University Ave. W. 55104  
**Born:** 4/13/60. **Family:** Married, spouse John Stewart, 7 children. **Occupation:** Parent leader coordinator. **Education:** B.A., early childhood education, Southern Illinois University.  
**Elected:** 2010. **Term:** 1st. **Committees:** Education Reform; Health and Human Services Reform; Public Safety and Crime Prevention Policy and Finance.



**Lohmer, Kathy (R)** **56A**  
 521 State Office Building ..... 651-296-4244  
**E-mail:** rep.kathy.lohmer@house.mn  
**Home:** Lake Elmo  
 \*8199 Hill Trail N. 55042..... 651-777-7565  
**Born:** 1/15/54. **Family:** Married, spouse Greg, 4 children.  
**Occupation:** Homemaker. **Elected:** 2010. **Term:** 1st.  
**Committees:** Health and Human Services Finance; Health and Human Services Reform; State Government Finance; Veterans Services Division.



**Murray, Rich (R)** **27A**  
 439 State Office Building ..... 651-296-8216  
**E-mail:** rep.rich.murray@house.mn  
**Home:** Albert Lea  
 \*124 Ridge Road 56007..... 507-373-1740  
**Business:** Albert Lea  
 143 East Main 56007 ..... 507-373-8216  
**Born:** 7/21/57. **Family:** Married, spouse Sandy, 4 children.  
**Occupation:** Small-business owner, investment advisor.  
**Education:** B.S., business, Mankato State University; M.B.A., business, University of St. Thomas. **Elected:** 2010. **Term:** 1st. **Committees:** Government Operations and Elections, vice chair; Jobs and Economic Development Finance; State Government Finance; Transportation Policy and Finance.



**Mazorol, Pat (R)** **41B**  
 581 State Office Building ..... 651-296-7803  
**E-mail:** rep.pat.mazorol@house.mn  
**Home:** Bloomington  
 \*9501 Virginia Ave. S. 55438..... 952-941-4917  
**Born:** 3/20/49. **Family:** Married, spouse Barbara, 2 children.  
**Occupation:** Business. **Education:** B.A., physics, University of Minnesota; J.D., William Mitchell College of Law. **Elected:** 2010. **Term:** 1st. **Committees:** Civil Law; Commerce and Regulatory Reform; Higher Education Policy and Finance; Judiciary Policy and Finance.



**Myhra, Pam (R)** **40A**  
 517 State Office Building ..... 651-296-4212  
**E-mail:** rep.pam.myhra@house.mn  
**Home:** Burnsville  
 \*13220 Elm Lane 55337 ..... 952-894-0544  
**Family:** Married, spouse Chuck, 3 children. **Occupation:** CPA, inactive; educator, retired. **Education:** B.A., business administration, University of St. Thomas. **Elected:** 2010. **Term:** 1st. **Committees:** Capital Investment; Education Finance; Education Reform; Taxes.



**McDonald, Joe (R)** **19B**  
 523 State Office Building ..... 651-296-4336  
**E-mail:** rep.joe.mcdonald@house.mn  
**Home:** Delano  
 653 Meadow Rose Court 55328..... 612-910-0310  
**Business:** Delano  
 141 Bridge Ave. 55328  
**Family:** Married, spouse Rachel, 3 children. **Occupation:** Master photographer/owner. **Education:** A.A. Hennepin Technical College. **Elected:** 2010. **Term:** 1st. **Committees:** Health and Human Services Finance; Health and Human Services Reform; Property and Local Tax Division; Public Safety and Crime Prevention Policy and Finance.



**O'Driscoll, Tim (R)** **14A**  
 369 State Office Building ..... 651-296-7808  
**E-mail:** rep.tim.odriscoll@house.mn  
**Home:** Sartell  
 \*P.O. Box 225 56377 ..... 320-251-4306  
**Born:** 4/22/64. **Family:** Single. **Occupation:** Corporate trainer.  
**Education:** B.S., real estate and business education, St. Cloud State University. **Elected:** 2010. **Term:** 1st. **Committees:** Commerce and Regulatory Reform; Education Reform; Government Operations and Elections; Veterans Services Division.



**McElfatrick, Carolyn (R)** **3B**  
 545 State Office Building ..... 651-296-2365  
**E-mail:** rep.carolyn.mcelfatrick@house.mn  
**Home:** Deer River  
 \*35162 Red Pine Road 56636  
**Family:** Married, spouse Robert, 2 children. **Occupation:** Retired. **Education:** registered nurse, Methodist-Kahler School of Nursing. **Elected:** 2010. **Term:** 1st. **Committees:** Agriculture and Rural Development Policy and Finance; Health and Human Services Finance; Health and Human Services Reform; State Government Finance.



**Petersen, Branden (R)** **49B**  
 \*577 State Office Building ..... 651-296-5369  
**E-mail:** rep.branden.petersen@house.mn  
**Home:** Andover  
 13440 Uplander St. 55304  
**Born:** 2/4/86. **Family:** Married, spouse Jessica. **Occupation:** Sales manager. **Elected:** 2010. **Term:** 1st. **Committees:** Education Finance; Education Reform; Property and Local Tax Division.





**Quam, Duane (R)** **29A**  
 569 State Office Building ..... 651-296-9236  
**E-mail:** rep.duane.quam@house.mn  
**Home:** Byron  
 \*415 Fourth Ave N.E. 55920 ..... 507-775-6043  
**Family:** Married, spouse Pat, 2 children. **Occupation:** Engineer.  
**Education:** B.S., physics. University of Texas at Dallas; M.S., physics, University of Texas at Dallas. **Elected:** 2010. **Term:** 1st. **Committees:** Education Finance; Environment, Energy and Natural Resources Policy and Finance; Government Operations and Elections; Health and Human Services Reform.



**Swedzinski, Chris (R)** **21A**  
 527 State Office Building ..... 651-296-5374  
**E-mail:** rep.chris.swedzinski@house.mn  
**Home:** Ghent  
 \*1673 County Road 8 56239 ..... 507-829-7754  
**Business:** Marshall  
 P.O. Box 826 56258 ..... 612-803-9090  
**Born:** 5/10/78. **Family:** Married, spouse Jessica, 2 children. **Occupation:** Farmer. **Education:** B.S., history, Minnesota State University, Mankato; B.S., political science, Minnesota State University, Mankato. **Elected:** 2010. **Term:** 1st. **Committees:** Agriculture and Rural Development Policy and Finance; Capital Investment; Jobs and Economic Development Finance.



**Runbeck, Linda (R)** **53A**  
 583 State Office Building ..... 651-296-2907  
**E-mail:** rep.linda.runbeck@house.mn  
**Home:** Circle Pines  
 \*48 E. Golden Lake Road 55014 ..... 763-784-8822  
**Family:** Married, spouse Richard, 1 child. **Occupation:** Small-business owner. **Education:** B.A., sociology/social work, Bethel University. **Elected:** 1989. **Term:** 3rd (non-consecutive). **Committees:** Property and Local Tax Division, chair; Civil Law; Taxes.



**Vogel, Bruce (R)** **13B**  
 507 State Office Building ..... 651-296-6206  
**E-mail:** rep.bruce.vogel@house.mn  
**Home:** Willmar  
 \*430 - 45th St. S.W. 56201 ..... 320-212-2851  
**Born:** 12/24/58. **Family:** Married, spouse Jeanne, 4 children. **Occupation:** Business. **Elected:** 2010. **Term:** 1st. **Committees:** Agriculture and Rural Development Policy and Finance; Higher Education Policy and Finance; Judiciary Policy and Finance; Transportation Policy and Finance.



**Schomacker, Joe (R)** **22A**  
 433 State Office Building ..... 651-296-5505  
**E-mail:** rep.joe.schomacker@house.mn  
**Home:** Luverne  
 \*602 N.E. Park 56156 ..... 507-935-0308  
**Family:** Single. **Occupation:** Independent public relations consultant. **Education:** B.A., public administration, speech communication and political science, Southwest Minnesota State University, M.P.S., professional studies, George Washington University. **Elected:** 2010. **Term:** 1st. **Committees:** Agriculture and Rural Development Policy and Finance; Health and Human Services Finance; Judiciary Policy and Finance.



**Wardlow, Doug (R)** **38B**  
 \*551 State Office Building ..... 651-296-4128  
**E-mail:** rep.doug.wardlow@house.mn  
**Home:** Eagan ..... 612-840-8073  
**Family:** Married, spouse Jenny, 1 child. **Occupation:** Attorney. **Education:** B.A., political theory and Mandarin Chinese, Georgetown University; J.D., Georgetown University Law Center. **Elected:** 2010. **Term:** 1st. **Committees:** Civil Law; Judiciary Policy and Finance; Property and Local Tax Division; Taxes.



**Stensrud, Kirk (R)** **42A**  
 553 State Office Building ..... 651-296-3964  
**E-mail:** rep.kirk.stensrud@house.mn  
**Home:** Eden Prairie  
 \*6791 Tartan Curve 55346 ..... 952-934-8972  
**Business:** Same  
**Family:** Married, spouse Wendy, 3 children. **Occupation:** Small-business owner. **Education:** B.A., business, Bethel University. **Elected:** 2010. **Term:** 1st. **Committees:** Commerce and Regulatory Reform; Jobs and Economic Development Finance; State Government Finance.



**Woodard, Kelby (R)** **25B**  
 539 State Office Building ..... 651-296-7065  
**E-mail:** rep.kelby.woodard@house.mn  
**Home:** Belle Plaine  
 \*147 S. Chestnut St. 56011 ..... 952-873-2560  
**Family:** Married, spouse Donna, 4 children. **Occupation:** Small-business owner. **Education:** B.S., criminal justice, University of North Texas; M.B.A., international business, University of Dallas. **Elected:** 2010. **Term:** 1st. **Committees:** Public Safety and Crime Prevention Policy and Finance, vice chair; Education Finance; Education Reform.

## Governor's Office

### Governor

**Mark Dayton (DFL)**

Room 130 State Capitol  
 75 Rev. Dr. Martin Luther King Jr. Blvd.  
 St. Paul, MN 55155  
 651-201-3400  
 800-657-3598  
 Fax: 651-797-1850  
 Website: [www.governor.state.mn.us](http://www.governor.state.mn.us)  
 E-mail: [mark.dayton@state.mn.us](mailto:mark.dayton@state.mn.us)

### Lieutenant Governor

**Yvonne Prettner Solon (DFL)**

Room 130 State Capitol  
 75 Rev. Dr. Martin Luther King Jr. Blvd.  
 St. Paul, MN 55115  
 651-201-3400  
 Fax: 651-797-1850  
 E-mail: [ltgovprettnersolon@state.mn.us](mailto:ltgovprettnersolon@state.mn.us)

# Let the people's work begin

Activists, lobbyists, members' families mark day one of 2011 session

BY KRIS BERGGREN AND SUE HEGARTY

**T**he first day of the session is a rite of passage. Hundreds of newcomers braved frigid temperatures to witness a family member or favorite lawmaker sworn into office while lobbyists and activists showed up at the people's house Jan. 4 to stand up for their priorities. As the 2011 session begins, here are some concerns heard in the hallways of the State Capitol and a sprinkling of advice for members.

## Advice to the body: balance the budget

Christine Flug of Eagan watched from the House Gallery as her sister, Rep. Diane Anderson (R-Eagan), took the oath of office. Flug considers herself a nonpartisan voter, even with a sister in office. "Oh yes, she and

I have prolonged discussions."

Flug advises legislators to first figure out how to balance the budget.

"I cannot not balance my budget. I truly would appreciate if they would balance theirs," she said. "Just because it's a good

thing doesn't mean you can afford it."

The projected \$6.2 billion state budget deficit was also on Chuck Carlson's mind. He drove from St. Peter with his daughters, Alyce, 15, and Cori, 11, whose letter to the editor decrying negative campaign tactics was published by the St. Peter Herald.

"Learn how to compromise and start thinking about how to get some revenue," advised Carlson, a security counselor at the Minnesota Security Hospital. The long-time state employee admits there is room for greater government efficiency, but said that's not enough to fix the budget crisis. He supports higher tax rates for upper bracket incomes.

Growing jobs in the nearby Frogtown neighborhood was on the agenda of activist Johnny Howard. His advice to legislators on how to achieve that goal?

"I'm as clueless as they are," Howard said. "We will probably have to raise some taxes to help pay for some of this."

No matter how the deficit is rectified, Flug and others want finality. "No more excuses," she said. "Honestly, fix it or get out."

Republican leaders are riding a wave of hope that they'll be able to fix the budget deficit, trim government costs and make government more efficient, while promoting job growth in the private sector. While those themes resonate with many, Chuck Carlson, for one, issues a caveat:

"People that don't like government don't understand government," he said. "What they look at, walk on, drive on is funded by government. Government equates to quality of life. What a citizenry is willing to pay for dictates what their quality of life is."

## Predictions and priorities

Few onlookers would predict the session's outcome, and those who did were realistic about the slim prospect of new funding for their priorities.

Fifteen members from The League of



PHOTO BY TOM OLMSCHIED

The family of Rep. David Hancock, from left, wife Pat; grandson Jackson; granddaughter Ella, daughter-in-law Cassandra; and granddaughter Alex, prepare to enter the House Chamber Jan. 4 for the swearing-in of members.





PHOTO BY TOM OLMSCHIED

**The hallways outside the House and Senate chambers were filled with lobbyists and well-wishers when the 87th legislative session began Jan. 4.**

Women Voters Minnesota were present to connect with their district lawmakers.

Sherri Knuth, the group's public policy coordinator, said voters' rights are forefront in their minds. "We don't want to separate citizens from the ballot box."

Like many, she hopes this session will begin a new era of bipartisanship. "That is not a prediction, though," she added.

"I don't think we can predict anything," echoed Patty Lammers of St. Paul, a lending programs manager with the Greater Frogtown Community Development Corporation.

"We recognize we aren't going to get additional funding for most of our priorities," such as affordable housing, said Lammers, who had campaigned for newly elected Rep. Rena Moran (DFL-St. Paul).

Virginia Weldon, an unemployed St. Paul resident, demonstrated on the Capitol steps urging lawmakers to end the 60-month lifetime limit on Minnesota Family Investment Program eligibility, "cause there's no jobs out there." She also hopes last year's changes to General Assistance Medical Care that eliminated dental and eye care coverage will be reversed.

Weldon and about 20 other people organized by the Welfare Rights Committee and the Minnesota Coalition for a People's

Bailout stood on the Capitol steps on the first day of session for the 18th consecutive year, many carrying placards bearing statements such as "Tax the Rich."

"We don't care if it's a blizzard; we will be out here," she said.

From a bench outside the House Chamber, Kirk Schneidawind, associate governmental relations director for the Minnesota School Boards Association, expressed hope for school district mandate relief, such as lifting the Jan. 15 deadline for resolving teacher union contracts and ending maintenance of effort requirements for school staffing levels.

"I'm hopeful they will allow us greater flexibility at the local level to do more things," Schneidawind said. "Let the marketplace work."

Because K-12 education comprises about 38 percent of the state budget, it might seem a prime target for spending cuts Republican lawmakers are likely to propose as a way to balance the state budget.

Districts have already cut costs and are preparing to slice more and do more borrowing, Schneidawind said. He hopes that budget-cutting measures will not include making last year's nearly \$1.9 billion aid payment and property tax recognition shifts permanent. "It's important (legislators)

understand their duty to provide a thorough and efficient public school system. All they need to do is talk to their local school boards to understand the impact that would have."

Or go home in the case of House Speaker Kurt Zellers (R-Maple Grove).

His wife, Kim, is an elementary school teacher. "I want what's good for kids in education and hopefully we can get a balanced budget," she said, tending to the couple's young children in the Retiring Room.

The Minnesota Chamber of Commerce hopes to build upon last year's advances toward a more business-friendly regulatory environment, according to Tony Kwilas, the chamber's environmental policy director. Shorter timelines for approving or denying agricultural permits were passed in 2010, and Kwilas is optimistic that similar legislation will occur for environmental permitting.

Robert Halfhill found a prominent position in front of the House Chamber, where he held a sign advocating gay marriage legislation, but he's realistic that it won't happen this session.

"The DFL wouldn't give us a real hearing. ... Republicans may introduce a bill declaring that marriage is between a man and a woman. So we need a third party," Halfhill said. 🗽

# Outside the Chamber doors

**C**ommunity activists, professional lobbyists and lawmakers' proud family members and supporters assembled near the House Chamber as the 2011-2012 Legislature convened. Some found solitary benches; others clustered around televisions or herded small children; some chanted slogans and carried signs on the Capitol steps. Of various political stripes, they share at least one thing: they came because they care about Minnesota.

**PHOTOS BY  
TOM OLMSCHIED**



**James Nord, an intern for MinnPost, sits on a bench in the Rotunda Jan. 4 while working on a story about people who accompany their newly elected members to the Capitol for the convening of the Legislature.**

**Charles Anderson, a frequent viewer of House floor sessions, peers into the House Chamber Jan. 4 as the chief clerk's staff prepares for the session's opening day.**





**Madeline Swedzinski holds her 7-month-old granddaughter, Hildy, as Rep. Chris Swedzinski is sworn in for his first term in the House of Representatives Jan. 4.**



**Sitting on a bench in the Capitol Rotunda, Teresa Lynch, legislative affairs director at Dorsey & Whitney, catches up on the news while lobbyists, staff and newly elected legislators begin to arrive for the first day of the 87th Legislative Session.**



# Gambling, cuts and taxes

Poll takers seek combination of solutions to solve budget woes

Of the 9,926 people participating in the 2010 House of Representatives' State Fair Poll, 50.1 percent believe some combination of spending reductions and revenue increases is the best way to resolve the projected \$6.2 billion budget shortfall; 32.2 percent prefer only spending reductions and 14.4 percent believe increased revenue alone is the answer.

If expanded gambling opportunities become part of the solution, it would have a slim margin of public support.

During the 12-day run of the Minnesota State Fair, those who stopped by the House booth had the chance to weigh in on 13 issues. This annual poll, developed by the nonpartisan House Public Information Services office, provides the public a chance to consider issues raised in prior legislative sessions and those that may come up during this year's session.

Here's a look at the questions and results. All percentages are rounded to the nearest one-tenth. Totals are for those who actually voted on the question.

**1. When someone wants to purchase a firearm at a gun show, should a background check on the buyer be required prior to the sale?**

Yes .....85.2%..... (8,421)  
No ..... 11.1%..... (1,101)  
Undecided/No Opinion..... 3.7%..... (362)

**2. Should voters be required to show a picture ID before casting their ballot?**

Yes ..... 69.1%..... (6,831)  
No ..... 24.7%..... (2,440)  
Undecided/No Opinion..... 6.2%..... (614)

**3. Should the state's 16-year-old moratorium on nuclear power plant construction be lifted?**

Yes ..... 60.5%..... (5,769)  
No ..... 39.5%..... (3,759)

**4. If a juvenile commits a low-level nonviolent crime, such as drug possession, should they be able to get their record cleared if they complete a diversion program and remain law-abiding for a year?**

Yes ..... 71.1%..... (7,002)  
No ..... 18.5%..... (1,825)  
Undecided/No Opinion..... 10.4%..... (1,028)



PHOTO BY TOM OLMSCHIED

Nearly 10,000 people participated in the 2010 House of Representatives' State Fair Poll.

**5. The Minnesota Vikings' lease at the Metrodome expires after the 2011 season. Should public dollars be used to help pay for a new facility?**

Yes .....24.5%..... (2,418)  
No ..... 66.4%..... (6,561)  
Undecided/No Opinion..... 9.1%..... (900)

**6. Should school boards be given the authority to extend operating levies without voter approval?**

Yes .....18.7%..... (1,838)  
No ..... 72.4%..... (7,126)  
Undecided/No Opinion..... 8.9%..... (880)

**7. Should smoking be prohibited in a motor vehicle when a minor is present?**

Yes .....51.2%..... (5,047)  
No ..... 37.8%..... (3,733)  
Undecided/No Opinion..... 11.0%..... (1,087)

**8. The state is expected to face a multi-billion dollar deficit in the upcoming biennium. In general, what is your preferred way to balance the budget?**

Increase revenue.....14.4%..... (1,425)  
Decrease spending ..... 32.2%..... (3,177)  
A combination of the two..... 50.1%..... (4,949)  
Undecided/No Opinion..... 3.2%..... (319)

**9. Should the state allow for an expansion of gambling to provide additional revenue for the state?**

Yes ..... 52.2%..... (5,155)  
No ..... 38.7%..... (3,821)  
Undecided/No Opinion..... 9.0%..... (890)

**10. Do you believe liquor stores and automobile dealers should be permitted to open on Sundays?**

Yes ..... 68.2%..... (6,742)  
No ..... 25.1%..... (2,480)  
Undecided/No Opinion..... 6.8%..... (668)

**11. Should an alternative teacher licensure pathway be created so that candidates could receive a limited teaching license if they have at least a bachelor's degree, pass basic skills tests and complete at least 200 hours of instruction, including student teaching?**

Yes ..... 62.2%..... (6,131)  
No ..... 26.5%..... (2,606)  
Undecided/No Opinion..... 11.3%..... (1,115)

**12. Do you support tax breaks or other funding assistance to encourage small-business growth?**

Yes ..... 80.3%..... (7,921)  
No ..... 10.7%..... (1,052)  
Undecided/No Opinion..... 9.1%..... (893)

**13. Should the Legislature take steps to limit tuition and fee increases at public colleges and universities?**

Yes .....73.4%..... (7,239)  
No ..... 17.8%..... (1,758)  
Undecided/No Opinion..... 8.8%..... (870)

# 2011-2012 Minnesota House of Representatives Members

| District | Member/Party              | Room* | Phone<br>651-296- | District | Member/Party                  | Room* | Phone<br>651-296- |
|----------|---------------------------|-------|-------------------|----------|-------------------------------|-------|-------------------|
| 48B      | Abeler, Jim (R)           | 479   | 1729              | 57A      | Kriesel, John (R)             | 451   | 4342              |
| 19A      | Anderson, Bruce (R)       | 365   | 5063              | 50A      | Laine, Carolyn (DFL)          | 287   | 4331              |
| 38A      | Anderson, Diane (R)       | 525   | 3533              | 9A       | Lanning, Morrie (R)           | 379   | 5515              |
| 13A      | Anderson, Paul (R)        | 445   | 4317              | 34A      | Leidiger, Ernie (R)           | 415   | 4282              |
| 43A      | Anderson, Sarah (R)       | 549   | 5511              | 12B      | LeMieur, Mike (R)             | 567   | 4247              |
| 3A       | Anzelc, Tom (DFL)         | 307   | 4936              | 40B      | Lenczewski, Ann (DFL)         | 317   | 4218              |
| 39B      | Atkins, Joe (DFL)         | 209   | 4192              | 66A      | Lesch, John (DFL)             | 315   | 4224              |
| 15B      | Banaian, King (R)         | 411   | 6612              | 30A      | Liebling, Tina (DFL)          | 357   | 0573              |
| 17B      | Barrett, Bob (R)          | 413   | 5377              | 55A      | Lillie, Leon (DFL)            | 281   | 1188              |
| 35A      | Beard, Michael (R)        | 417   | 8872              | 59A      | Loeffler, Diane (DFL)         | 335   | 4219              |
| 43B      | Benson, John (DFL)        | 289   | 9934              | 56A      | Lohmer, Kathy (R)             | 521   | 4244              |
| 30B      | Benson, Mike (R)          | 515   | 4378              | 42B      | Loon, Jenifer (R)             | 403   | 7449              |
| 37B      | Bills, Kurt (R)           | 533   | 4306              | 37A      | Mack, Tara (R)                | 557   | 5506              |
| 23B      | Brynaert, Kathy (DFL)     | 327   | 3248              | 67A      | Mahoney, Tim (DFL)            | 237   | 4277              |
| 35B      | Buesgens, Mark (R)        | 381   | 5185              | 65B      | Mariani, Carlos (DFL)         | 203   | 9714              |
| 45B      | Carlson Sr., Lyndon (DFL) | 283   | 4255              | 9B       | Marquart, Paul (DFL)          | 313   | 6829              |
| 58B      | Champion, Bobby Joe (DFL) | 329   | 8659              | 41B      | Mazorol, Pat (R)              | 581   | 7803              |
| 61A      | Clark, Karen (DFL)        | 277   | 0294              | 19B      | McDonald, Joe (R)             | 523   | 4336              |
| 24B      | Cornish, Tony (R)         | 437   | 4240              | 3B       | McElfrick, Carolyn (R)        | 545   | 2365              |
| 8B       | Crawford, Roger (R)       | 421   | 0518              | 53B      | McFarlane, Carol (R)          | 597   | 5363              |
| 17A      | Daudt, Kurt (R)           | 487   | 5364              | 57B      | McNamara, Denny (R)           | 375   | 3135              |
| 31B      | Davids, Greg (R)          | 585   | 9278              | 65A      | Moran, Rena (DFL)             | 227   | 5158              |
| 62A      | Davnie, Jim (DFL)         | 215   | 0173              | 23A      | Morrow, Terry (DFL)           | 211   | 8634              |
| 52B      | Dean, Matt (R)            | 459   | 3018              | 58A      | Mullery, Joe (DFL)            | 387   | 4262              |
| 52A      | Dettmer, Bob (R)          | 473   | 4124              | 10B      | Murdock, Mark (R)             | 593   | 4293              |
| 6A       | Dill, David (DFL)         | 273   | 2190              | 64A      | Murphy, Erin (DFL)            | 345   | 8799              |
| 47A      | Dittrich, Denise (DFL)    | 311   | 5513              | 6B       | Murphy, Mary (DFL)            | 343   | 2676              |
| 33B      | Doepke, Connie (R)        | 579   | 4315              | 27A      | Murray, Rich (R)              | 439   | 8216              |
| 41A      | Downey, Keith (R)         | 407   | 4363              | 40A      | Myhra, Pam (R)                | 517   | 4212              |
| 28B      | Drazkowski, Steve (R)     | 401   | 2273              | 46A      | Nelson, Michael V. (DFL)      | 229   | 3751              |
| 2A       | Eken, Kent (DFL)          | 243   | 9918              | 10A      | Nornes, Bud (R)               | 471   | 4946              |
| 16A      | Erickson, Sondra (R)      | 509   | 6746              | 29B      | Norton, Kim (DFL)             | 233   | 9249              |
| 1A       | Fabian, Dan (R)           | 431   | 9635              | 14A      | O'Driscoll, Tim (R)           | 369   | 7808              |
| 20A      | Falk, Andrew (DFL)        | 239   | 4228              | 64B      | Paymar, Michael (DFL)         | 301   | 4199              |
| 11B      | Franson, Mary (R)         | 429   | 3201              | 31A      | Pelowski Jr., Gene (DFL)      | 295   | 8637              |
| 26B      | Fritz, Patti (DFL)        | 253   | 8237              | 32A      | Peppin, Joyce (R)             | 503   | 7806              |
| 36B      | Garofalo, Pat (R)         | 537   | 1069              | 4A       | Persell, John (DFL)           | 223   | 5516              |
| 7B       | Gauthier, Kerry (DFL)     | 225   | 4246              | 49B      | Petersen, Branden (R)         | 577   | 5369              |
| 15A      | Gottwalt, Steve (R)       | 485   | 6316              | 45A      | Peterson, Sandra (DFL)        | 337   | 4176              |
| 60A      | Greene, Marion (DFL)      | 331   | 0171              | 27B      | Poppe, Jeanne (DFL)           | 291   | 4193              |
| 54A      | Greiling, Mindy (DFL)     | 393   | 5387              | 29A      | Quam, Duane (R)               | 569   | 9236              |
| 25A      | Gruenhagen, Glenn (R)     | 575   | 4229              | 5A       | Rukavina, Tom (DFL)           | 303   | 0170              |
| 24A      | Gunther, Bob (R)          | 591   | 3240              | 53A      | Runbeck, Linda (R)            | 583   | 2907              |
| 48A      | Hackbarth, Tom (R)        | 409   | 2439              | 51A      | Sanders, Tim (R)              | 449   | 4226              |
| 22B      | Hamilton, Rod (R)         | 559   | 5373              | 54B      | Scalze, Bev (DFL)             | 259   | 7153              |
| 2B       | Hancock, David (R)        | 529   | 4265              | 22A      | Schomacker, Joe (R)           | 433   | 5505              |
| 39A      | Hansen, Rick (DFL)        | 247   | 6828              | 49A      | Scott, Peggy (R)              | 477   | 4231              |
| 66B      | Hausman, Alice (DFL)      | 255   | 3824              | 5B       | Sertich, Anthony "Tony" (DFL) | 309   | 0172              |
| 61B      | Hayden, Jeff (DFL)        | 389   | 7152              | 18A      | Shimanski, Ron (R)            | 367   | 1534              |
| 46B      | Hilstrom, Debra (DFL)     | 261   | 3709              | 44A      | Simon, Steve (DFL)            | 279   | 9889              |
| 8A       | Hilty, Bill (DFL)         | 207   | 4308              | 55B      | Slawik, Nora (DFL)            | 245   | 7807              |
| 36A      | Holberg, Mary Liz (R)     | 453   | 6926              | 63B      | Slocum, Linda (DFL)           | 359   | 7158              |
| 34B      | Hoppe, Joe (R)            | 563   | 5066              | 33A      | Smith, Steve (R)              | 543   | 9188              |
| 60B      | Hornstein, Frank (DFL)    | 213   | 9281              | 42A      | Stensrud, Kirk (R)            | 553   | 3964              |
| 47B      | Hortman, Melissa (DFL)    | 377   | 4280              | 21A      | Swedzinski, Chris (R)         | 527   | 5374              |
| 14B      | Hosch, Larry (DFL)        | 349   | 4373              | 63A      | Thissen, Paul (DFL)           | 267   | 5375              |
| 4B       | Howes, Larry (R)          | 491   | 2451              | 51B      | Tillberry, Tom (DFL)          | 231   | 5510              |
| 7A       | Huntley, Thomas (DFL)     | 351   | 2228              | 21B      | Torkelson, Paul (R)           | 371   | 9303              |
| 67B      | Johnson, Sheldon (DFL)    | 217   | 4201              | 18B      | Urdahl, Dean (R)              | 571   | 4344              |
| 59B      | Kahn, Phyllis (DFL)       | 353   | 4257              | 13B      | Vogel, Bruce (R)              | 507   | 6206              |
| 26A      | Kath, Kory (DFL)          | 201   | 5368              | 62B      | Wagenius, Jean (DFL)          | 251   | 4200              |
| 28A      | Kelly, Tim (R)            | 565   | 8635              | 12A      | Ward, John (DFL)              | 221   | 4333              |
| 56B      | Kieffer, Andrea (R)       | 531   | 1147              | 38B      | Wardlow, Doug (R)             | 551   | 4128              |
| 1B       | Kiel, Debra (R)           | 423   | 5091              | 11A      | Westrom, Torrey (R)           | 443   | 4929              |
| 16B      | Kiffmeyer, Mary (R)       | 501   | 4237              | 44B      | Winkler, Ryan (DFL)           | 321   | 7026              |
| 50B      | Knuth, Kate (DFL)         | 323   | 0141              | 25B      | Woodard, Kelby (R)            | 539   | 7065              |
| 20B      | Koenen, Lyle (DFL)        | 241   | 4346              | 32B      | Zellers, Kurt (R)             | 463   | 5502              |

# 2011-2012 Minnesota Senate Members

| District/Member/Party                |               |        | Phone   | District/Member/Party                 |               |        | Phone   |
|--------------------------------------|---------------|--------|---------|---------------------------------------|---------------|--------|---------|
|                                      |               |        | 651-29- |                                       |               |        | 651-29- |
| District/Member/Party                | Room*         |        |         | District/Member/Party                 | Room*         |        |         |
| 66 Anderson, Ellen R. (DFL).....     | 141 SOB.....  | 6-5537 |         | 8 Lourey, Tony (DFL).....             | 125 SOB.....  | 6-0293 |         |
| 6 Bakk, Thomas M. (DFL).....         | 147 SOB.....  | 6-8881 |         | 22 Magnus, Doug (R).....              | 205 Cap.....  | 6-5650 |         |
| 49 Benson, Michelle R. (R).....      | G-24 Cap..... | 6-3219 |         | 54 Marty, John (DFL).....             | 119 SOB.....  | 6-5645 |         |
| 61 Berglin, Linda (DFL).....         | 113 SOB.....  | 6-4261 |         | 39 Metzen, James P. (DFL).....        | 25 SOB.....   | 6-4370 |         |
| 43 Bonoff, Terri E. (DFL).....       | 133 SOB.....  | 6-4314 |         | 41 Michel, Geoff (R).....             | 208 Cap.....  | 6-6238 |         |
| 16 Brown, David M. (R).....          | 205 Cap.....  | 6-8075 |         | 31 Miller, Jeremy R. (R).....         | 320 Cap.....  | 6-5649 |         |
| 4 Carlson, John J. (R).....          | 320 Cap.....  | 6-4913 |         | 30 Nelson, Carla J. (R).....          | 111 Cap.....  | 6-4848 |         |
| 53 Chamberlain, Roger C. (R).....    | 306 Cap.....  | 6-1253 |         | 18 Newman, Scott J. (R).....          | 301 Cap.....  | 6-4131 |         |
| 64 Cohen, Richard J. (DFL).....      | 109 SOB.....  | 6-5931 |         | 17 Nienow, Sean R. (R).....           | 120 Cap.....  | 6-5419 |         |
| 21 Dahms, Gary H. (R).....           | 111 Cap.....  | 6-8138 |         | 33 Olson, Gen (R).....                | 235 Cap.....  | 6-1282 |         |
| 38 Daley, Theodore J. "Ted" (R)..... | G-24 Cap..... | 7-8073 |         | 34 Ortman, Julianne E. (R).....       | 120 Cap.....  | 6-4837 |         |
| 25 DeKruif, Al (R).....              | G-24 Cap..... | 6-1279 |         | 65 Pappas, Sandra L. (DFL).....       | 143 SOB.....  | 6-1802 |         |
| 60 Dibble, D. Scott (DFL).....       | 115 SOB.....  | 6-4191 |         | 26 Parry, Mike (R).....               | 309 Cap.....  | 6-9457 |         |
| 14 Fischbach, Michelle L. (R).....   | 226 Cap.....  | 6-2084 |         | 15 Pederson, John C. (R).....         | G-24 Cap..... | 6-6455 |         |
| 12 Gazelka, Paul E. (R).....         | 325 Cap.....  | 6-4875 |         | 59 Pogemiller, Lawrence J. (DFL)..... | 15 SOB.....   | 6-7809 |         |
| 37 Gerlach, Chris (R).....           | 120 Cap.....  | 6-4120 |         | 7 Reinert, Roger J. (DFL).....        | 149 SOB.....  | 6-4188 |         |
| 13 Gimse, Joe (R).....               | 303 Cap.....  | 6-3826 |         | 45 Rest, Ann H. (DFL).....            | 105 SOB.....  | 6-2889 |         |
| 50 Goodwin, Barb J. (DFL).....       | 123 SOB.....  | 6-4334 |         | 35 Robling, Claire A. (R).....        | 226 Cap.....  | 6-4123 |         |
| 40 Hall, Dan D. (R).....             | 325 Cap.....  | 6-5975 |         | 24 Rosen, Julie A. (R).....           | 322 Cap.....  | 6-5713 |         |
| 42 Hann, David W. (R).....           | 328 Cap.....  | 6-1749 |         | 3 Saxhaug, Tom (DFL).....             | 135 SOB.....  | 6-4136 |         |
| 67 Harrington, John M. (DFL).....    | 17 SOB.....   | 6-5285 |         | 46 Scheid, Linda (DFL).....           | 23 SOB.....   | 6-8869 |         |
| 58 Higgins, Linda (DFL).....         | 27 SOB.....   | 6-9246 |         | 29 Senjem, David H. (R).....          | 121 Cap.....  | 6-3903 |         |
| 10 Hoffman, Gretchen M. (R).....     | 124 Cap.....  | 6-5655 |         | 23 Sheran, Kathy (DFL).....           | 127 SOB.....  | 6-6153 |         |
| 28 Howe, John Sterling (R).....      | 323 Cap.....  | 6-4264 |         | 57 Sieben, Katie (DFL).....           | 151 SOB.....  | 7-8060 |         |
| 11 Ingebrigtsen, Bill G. (R).....    | 303 Cap.....  | 7-8063 |         | 2 Skoe, Rod (DFL).....                | 107 SOB.....  | 6-4196 |         |
| 48 Jungbauer, Michael J. (R).....    | 235 Cap.....  | 6-3733 |         | 27 Sparks, Dan (DFL).....             | 19 SOB.....   | 6-9248 |         |
| 63 Kelash, Kenneth S. (DFL).....     | 129 SOB.....  | 7-8061 |         | 1 Stumpf, LeRoy A. (DFL).....         | 145 SOB.....  | 6-8660 |         |
| 19 Koch, Amy T. (R).....             | 208 Cap.....  | 6-5981 |         | 36 Thompson, Dave A. (R).....         | 323 Cap.....  | 6-5252 |         |
| 47 Kruse, Benjamin A. (R).....       | 124 Cap.....  | 6-4154 |         | 5 Tomassoni, David J. (DFL).....      | 21 SOB.....   | 6-8017 |         |
| 20 Kubly, Gary W. (DFL).....         | 103 SOB.....  | 6-5094 |         | 62 Torres Ray, Patricia (DFL).....    | 131 SOB.....  | 6-4274 |         |
| 9 Langseth, Keith (DFL).....         | 139 SOB.....  | 6-3205 |         | 52 Vandever, Ray (R).....             | 328 Cap.....  | 6-4351 |         |
| 44 Latz, Ron (DFL).....              | 121 SOB.....  | 7-8065 |         | 55 Wiger, Charles W. (DFL).....       | 117 SOB.....  | 6-6820 |         |
| 56 Lillie, Ted H. (R).....           | 124 Cap.....  | 6-4166 |         | 51 Wolf, Pam (R).....                 | 306 Cap.....  | 6-2556 |         |
| 32 Limmer, Warren (R).....           | 122 Cap.....  | 6-2159 |         |                                       |               |        |         |

\*Capitol or State Office Building, St. Paul, MN 55155

# Minnesota House and Senate Members

|   |   |  |  |  |
|---|---|--|--|--|
| <b>1</b> A Rep. Dan Fabian-(R)<br>B Rep. Deb Kiel-(R)<br>Sen. LeRoy A. Stumpf-(DFL)                     | <b>15</b> A Rep. Steve Gottwalt-(R)<br>B Rep. King Banaian-(R)<br>Sen. John Pederson-(R)      | <b>29</b> A Rep. Duane Quam-(R)<br>B Rep. Kim Norton-(DFL)<br>Sen. David Senjem-(R)          | <b>43</b> A Rep. Sarah Anderson-(R)<br>B Rep. John Benson-(DFL)<br>Sen. Terri Bonoff-(DFL)         | <b>57</b> A Rep. John Kriesel-(R)<br>B Rep. Denny McNamara-(R)<br>Sen. Katie Sieben-(DFL)            |
| <b>2</b> A Rep. Kent Eken-(DFL)<br>B Rep. David Hancock-(R)<br>Sen. Rod Skoe-(DFL)                      | <b>16</b> A Rep. Sondra Erickson-(R)<br>B Rep. Mary Kiffmeyer-(R)<br>Sen. David Brown-(R)     | <b>30</b> A Rep. Tina Liebling-(DFL)<br>B Rep. Mike Benson-(R)<br>Sen. Carla Nelson-(R)      | <b>44</b> A Rep. Steve Simon-(DFL)<br>B Rep. Ryan Winkler-(DFL)<br>Sen. Ron Latz-(DFL)             | <b>58</b> A Rep. Joe Mullery-(DFL)<br>B Rep. Bobby Joe Champion-(DFL)<br>Sen. Linda Higgins-(DFL)    |
| <b>3</b> A Rep. Tom Anzelc-(DFL)<br>B Rep. Carolyn McElfratrick-(R)<br>Sen. Tom Saxhaug-(DFL)           | <b>17</b> A Rep. Kurt Daudt-(R)<br>B Rep. Bob Barrett-(R)<br>Sen. Sean Nienow-(R)             | <b>31</b> A Rep. Gene Pelowski Jr.-(DFL)<br>B Rep. Greg Davids-(R)<br>Sen. Jeremy Miller-(R) | <b>45</b> A Rep. Sandra Peterson-(DFL)<br>B Rep. Lyndon Carlson-(DFL)<br>Sen. Ann Rest-(DFL)       | <b>59</b> A Rep. Diane Loeffler-(DFL)<br>B Rep. Phyllis Kahn-(DFL)<br>Sen. Lawrence Pogemiller-(DFL) |
| <b>4</b> A Rep. John Persell-(DFL)<br>B Rep. Larry Howes-(R)<br>Sen. John Carlson-(R)                   | <b>18</b> A Rep. Ron Shimanski-(R)<br>B Rep. Dean Urdahl-(R)<br>Sen. Scott Newman-(R)         | <b>32</b> A Rep. Joyce Peppin-(R)<br>B Rep. Kurt Zellers-(R)<br>Sen. Warren Limmer-(R)       | <b>46</b> A Rep. Michael V. Nelson-(DFL)<br>B Rep. Debra Hilstrom-(DFL)<br>Sen. Linda Scheid-(DFL) | <b>60</b> A Rep. Marion Greene-(DFL)<br>B Rep. Frank Hornstein-(DFL)<br>Sen. D. Scott Dibble-(DFL)   |
| <b>5</b> A Rep. Tom Rukavina-(DFL)<br>B Rep. Anthony "Tony" Sertich-(DFL)<br>Sen. David Tomassoni-(DFL) | <b>19</b> A Rep. Bruce Anderson-(R)<br>B Rep. Joe McDonald-(R)<br>Sen. Amy Koch-(R)           | <b>33</b> A Rep. Steve Smith-(R)<br>B Rep. Connie Doepeke-(R)<br>Sen. Gen Olson-(R)          | <b>47</b> A Rep. Denise Dittrich-(DFL)<br>B Rep. Melissa Hortman-(DFL)<br>Sen. Benjamin Kruse-(R)  | <b>61</b> A Rep. Karen Clark-(DFL)<br>B Rep. Jeff Hayden-(DFL)<br>Sen. Linda Berglin-(DFL)           |
| <b>6</b> A Rep. David Dill-(DFL)<br>B Rep. Mary Murphy-(DFL)<br>Sen. Thomas Bakk-(DFL)                  | <b>20</b> A Rep. Andrew Falk-(DFL)<br>B Rep. Lyle Koenen-(DFL)<br>Sen. Gary Kubly-(DFL)       | <b>34</b> A Rep. Ernie Leidiger-(R)<br>B Rep. Joe Hoppe-(R)<br>Sen. Julianne Ortman-(R)      | <b>48</b> A Rep. Tom Hackbarth-(R)<br>B Rep. Jim Abeler-(R)<br>Sen. Michael J. Jungbauer-(R)       | <b>62</b> A Rep. Jim Davnie-(DFL)<br>B Rep. Jean Wagenius-(DFL)<br>Sen. Patricia Torres Ray-(DFL)    |
| <b>7</b> A Rep. Thomas Huntley-(DFL)<br>B Rep. Kerry Gauthier-(DFL)<br>Sen. Roger Reinert-(DFL)         | <b>21</b> A Rep. Chris Swedzinski-(R)<br>B Rep. Paul Torkelson-(R)<br>Sen. Gary Dahms-(R)     | <b>35</b> A Rep. Michael Beard-(R)<br>B Rep. Mark Buesgens-(R)<br>Sen. Claire Robling-(R)    | <b>49</b> A Rep. Peggy Scott-(R)<br>B Rep. Branden Petersen-(R)<br>Sen. Michelle Benson-(R)        | <b>63</b> A Rep. Paul Thissen-(DFL)<br>B Rep. Linda Slocum-(DFL)<br>Sen. Ken Kelash-(DFL)            |
| <b>8</b> A Rep. Bill Hilty-(DFL)<br>B Rep. Roger Crawford-(R)<br>Sen. Tony Lourey-(DFL)                 | <b>22</b> A Rep. Joe Schomaker-(R)<br>B Rep. Rod Hamilton-(R)<br>Sen. Doug Magnus-(R)         | <b>36</b> A Rep. Mary Liz Holberg-(R)<br>B Rep. Pat Garofalo-(R)<br>Sen. Dave Thompson-(R)   | <b>50</b> A Rep. Carolyn Laine-(DFL)<br>B Rep. Kate Knuth-(DFL)<br>Sen. Barbara Goodwin-(DFL)      | <b>64</b> A Rep. Erin Murphy-(DFL)<br>B Rep. Michael Paymar-(DFL)<br>Sen. Richard Cohen-(DFL)        |
| <b>9</b> A Rep. Morrie Lanning-(R)<br>B Rep. Paul Marquart-(DFL)<br>Sen. Keith Langseth-(DFL)           | <b>23</b> A Rep. Terry Morrow-(DFL)<br>B Rep. Kathy Brynaert-(DFL)<br>Sen. Kathy Sheran-(DFL) | <b>37</b> A Rep. Tara Mack-(R)<br>B Rep. Kurt Bills-(R)<br>Sen. Chris Gerlach-(R)            | <b>51</b> A Rep. Tim Sanders-(R)<br>B Rep. Tom Tillberry-(DFL)<br>Sen. Pam Wolf-(R)                | <b>65</b> A Rep. Rena Moran-(DFL)<br>B Rep. Carlos Mariani-(DFL)<br>Sen. Sandra Pappas-(DFL)         |
| <b>10</b> A Rep. Bud Nornes-(R)<br>B Rep. Mark Murdoch-(R)<br>Sen. Gretchen Hoffman-(R)                 | <b>24</b> A Rep. Bob Gunther-(R)<br>B Rep. Tony Cornish-(R)<br>Sen. Julie Rosen-(R)           | <b>38</b> A Rep. Diane Anderson-(R)<br>B Rep. Doug Wardlow-(R)<br>Sen. Ted Daley-(R)         | <b>52</b> A Rep. Bob Dettmer-(R)<br>B Rep. Matt Dean-(R)<br>Sen. Ray Vandever-(R)                  | <b>66</b> A Rep. John Lesch-(DFL)<br>B Rep. Alice Hausman-(DFL)<br>Sen. Ellen Anderson-(DFL)         |
| <b>11</b> A Rep. Torrey Westrom-(R)<br>B Rep. Mary Franson-(R)<br>Sen. Bill Ingebrigtsen-(R)            | <b>25</b> A Rep. Glenn Gruenhagen-(R)<br>B Rep. Kelby Woodard-(R)<br>Sen. Al DeKruif-(R)      | <b>39</b> A Rep. Rick Hansen-(DFL)<br>B Rep. Joe Atkins-(DFL)<br>Sen. James Metzen-(DFL)     | <b>53</b> A Rep. Linda Runbeck-(R)<br>B Rep. Carol McFarlane-(R)<br>Sen. Roger Chamberlain-(R)     | <b>67</b> A Rep. Tim Mahoney-(DFL)<br>B Rep. Sheldon Johnson-(DFL)<br>Sen. John Harrington-(DFL)     |
| <b>12</b> A Rep. John Ward-(DFL)<br>B Rep. Mike LeMieur-(R)<br>Sen. Paul Gazelka-(R)                    | <b>26</b> A Rep. Kory Kath-(DFL)<br>B Rep. Patti Fritz-(DFL)<br>Sen. Mike Parry-(R)           | <b>40</b> A Rep. Pam Myhra-(R)<br>B Rep. Ann Lenczewski-(DFL)<br>Sen. Dan Hall-(R)           | <b>54</b> A Rep. Mindy Greiling-(DFL)<br>B Rep. Bev Scalze-(DFL)<br>Sen. John Marty-(DFL)          |  |
| <b>13</b> A Rep. Paul Anderson-(R)<br>B Rep. Bruce Vogel-(R)<br>Sen. Joe Gimse-(R)                      | <b>27</b> A Rep. Rich Murray-(R)<br>B Rep. Jeanne Poppe-(DFL)<br>Sen. Dan Sparks-(DFL)        | <b>41</b> A Rep. Keith Downey-(R)<br>B Rep. Pat Mazorlo-(DFL)<br>Sen. Geoff Michel-(R)       | <b>55</b> A Rep. Leon Lillie-(DFL)<br>B Rep. Nora Slawik-(DFL)<br>Sen. Charles Wiger-(DFL)         |  |
| <b>14</b> A Rep. Tim O'Driscoll-(R)<br>B Rep. Larry Hosch-(DFL)<br>Sen. Michelle Fischbach-(R)          | <b>28</b> A Rep. Tim Kelly-(R)<br>B Rep. Steve Drazkowski-(R)<br>Sen. John Howe-(R)           | <b>42</b> A Rep. Kirk Stensrud-(R)<br>B Rep. Jenifer Loon-(R)<br>Sen. David Hann-(R)         | <b>56</b> A Rep. Kathy Lohmer-(R)<br>B Rep. Andrea Kieffer-(R)<br>Sen. Ted Lillie-(R)              |  |

This document can be made available in alternative formats for people with disabilities by calling 651-296-2146 or 800-657-3550 toll-free (voice); or the Minnesota Relay service at 711 or 800-627-3529 (TTY).

List as of Dec. 28, 2010



# Come to the Capitol

*Directions, Parking, Visiting the Legislature, Tours, Dining*

## Directions

The State Capitol Complex is north of Interstate 94, just minutes from downtown St. Paul. It is accessible from the east and west on I-94, and from the north and south on Interstate 35E.

- I-94 eastbound: Exit at Marion Street. Turn left. Go to Aurora Avenue and turn right.
- I-94 westbound: Exit at Marion Street. Turn right. Go to Aurora Avenue and turn right.
- I-35E northbound: Exit at Kellogg Boulevard. Turn left. Go to John Ireland Boulevard and turn right.
- I-35E southbound: Exit at University Avenue. Turn right. Go to Rice Street and turn left.

## Parking

Public metered parking is available in Lot Q, north of the Capitol at Cedar Street and Sherburne Avenue; Lot AA, across Rice Street from the State Office Building on Aurora Avenue; Lot F, directly behind the Transportation Building; Lot H, west of the Veterans Service Building; Lot K, across from the Armory on Cedar Street (enter from 12th Street); Lot L, east of the Judicial Center; in the 14th Street Lot at the corner of North Robert Street and 14th Street; and on the orange level of the Centennial Office Building Ramp at Cedar Street and Rev. Dr. Martin Luther King Jr. Boulevard. During the interim there are a few metered parking spots in front of the Capitol along Aurora Avenue.

Capitol Security personnel will issue tickets for expired meters.

All-day parking permits are available from Plant Management on the ground floor of the Administration Building at 50 Sherburne Ave., north of the Capitol, across University Avenue. Cash or checks are accepted. For more information, call 651-201-2300.

Outdoor disability parking is available in most public lots within the State Capitol Complex. However, most spots can be found in Lot N and Lot F. Disability parking is also available on the orange level of the Centennial Office Parking Ramp and in the 14th Street Lot.

The main disability entrance to the Capitol is on the northwest side of the building just off Lot N. There also are drop-off entrances on the south side under the front steps on the south side and on the northeast side of the building.

## Visiting the Legislature

During session, all House and Senate floor sessions are open to the public. No pass is required for spectators to sit in the galleries of either chamber. The House usually meets at 3 p.m. Monday and Thursday, and the Senate generally meets at 11 a.m. Monday and Thursday during the first few weeks of session. As the session nears the end, however,

both bodies may meet several times a week, often into the night.

Visitors interested in observing these sessions may call House Public Information Services at 651-296-2146 or Senate Information at 651-296-0504 with questions.

Committee meetings are open to the public, as well. Visitors wanting to attend a committee meeting can access committee information through the Legislature's website at [www.leg.mn](http://www.leg.mn). House meeting schedules are available by calling 651-296-9283.

If group members want to meet with their individual legislators or testify before a committee, arrangements should be made at least a week in advance.

For information on reserving a room for group conferences, call the State Office Building room scheduler at 651-296-0306 or the Capitol room scheduler at 651-296-0866.

## Tours

Tours of the Capitol are offered through the Capitol Historic Site Program of the Minnesota Historical Society.

Tour guides lead the 45-minute tours on the

hour Monday through Friday between 10 a.m. and 2 p.m.; Saturday between 10 a.m. and 3 p.m. (last tour leaves at 2 p.m.); and Sunday between 1 p.m. and 4 p.m. (last tour leaves at 3 p.m.). The tours begin at the Capitol information desk. Brochures in about 20 foreign languages also are available there.

Tour rates vary. Generally, 45-minute tours for drop-in visitors to the Capitol are free of charge.

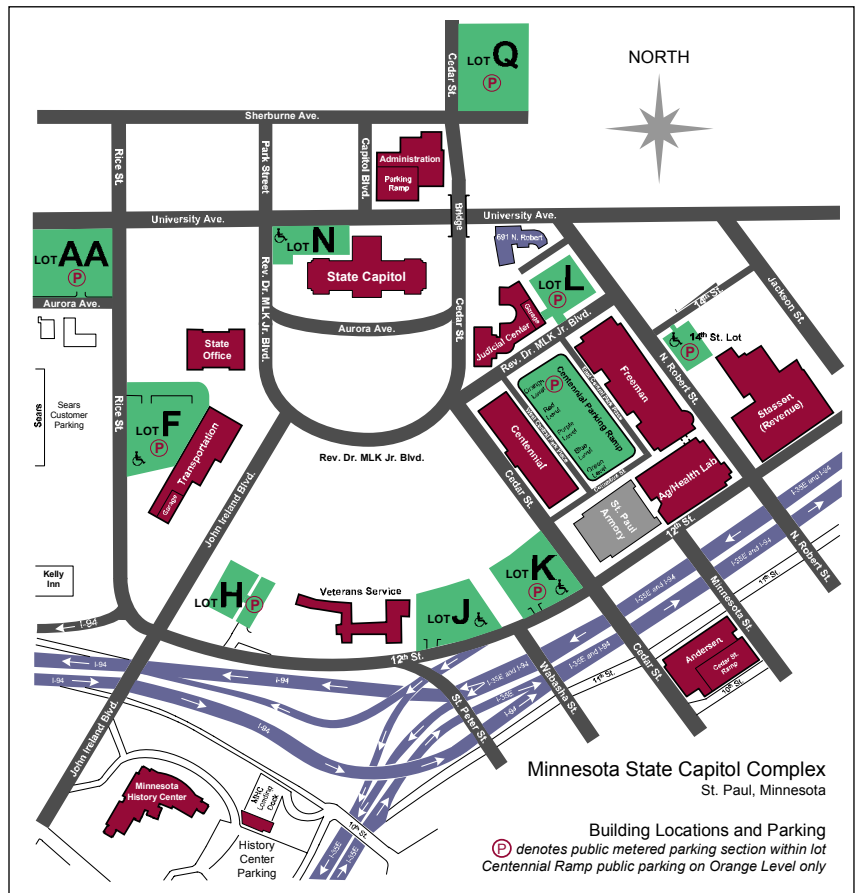
The society offers a number of specialized tours for educational groups ranging from pre-school students to high school seniors. Also, special tour events are scheduled throughout the year. A special events guide is available upon request.

For more information about the tours and fees or to make a reservation, call the Capitol Historic Site Program at 651-296-2881.

## Dining

Year-round cafeterias can be found on the ground floor of the Transportation, Centennial and Stassen buildings, as well as the Judicial Center.

The Rathskeller in the State Capitol is open only when the Legislature is in session.



Edited map courtesy Minnesota Department of Administration, Plant Management Division

# Welcome to the 2011 session

## Dear Reader,

Each week, Session Weekly staff will bring you a nonpartisan look at the issues before the House, and the people who shape the legislation.

Now in its 28th year, the newsmagazine remains our cornerstone publication. It is available online or by mail.

We are also providing more online opportunities to access nonpartisan news from the House.

Session Daily provides stories about action taken during committee meetings and floor sessions. The stories include links to bill and

member information, pertinent reports and video coverage, when available. This year we plan to add video clips to many of our Session Daily stories to enhance content. These clips, along with other nonpartisan House information, can be found on our new YouTube channel. This information can be gotten to by subscribing to our Facebook account or our Twitter feed.

We also provide unedited gavel-to-gavel television coverage and web streaming of House floor and select committee hearings. Although we are working with new technology to bring you nonpartisan House

news in new ways, our goal remains constant — getting it right and being thorough in our coverage. There's never been a place for hype in Session Weekly — just a clear, nonpartisan look at what's happening at the House.

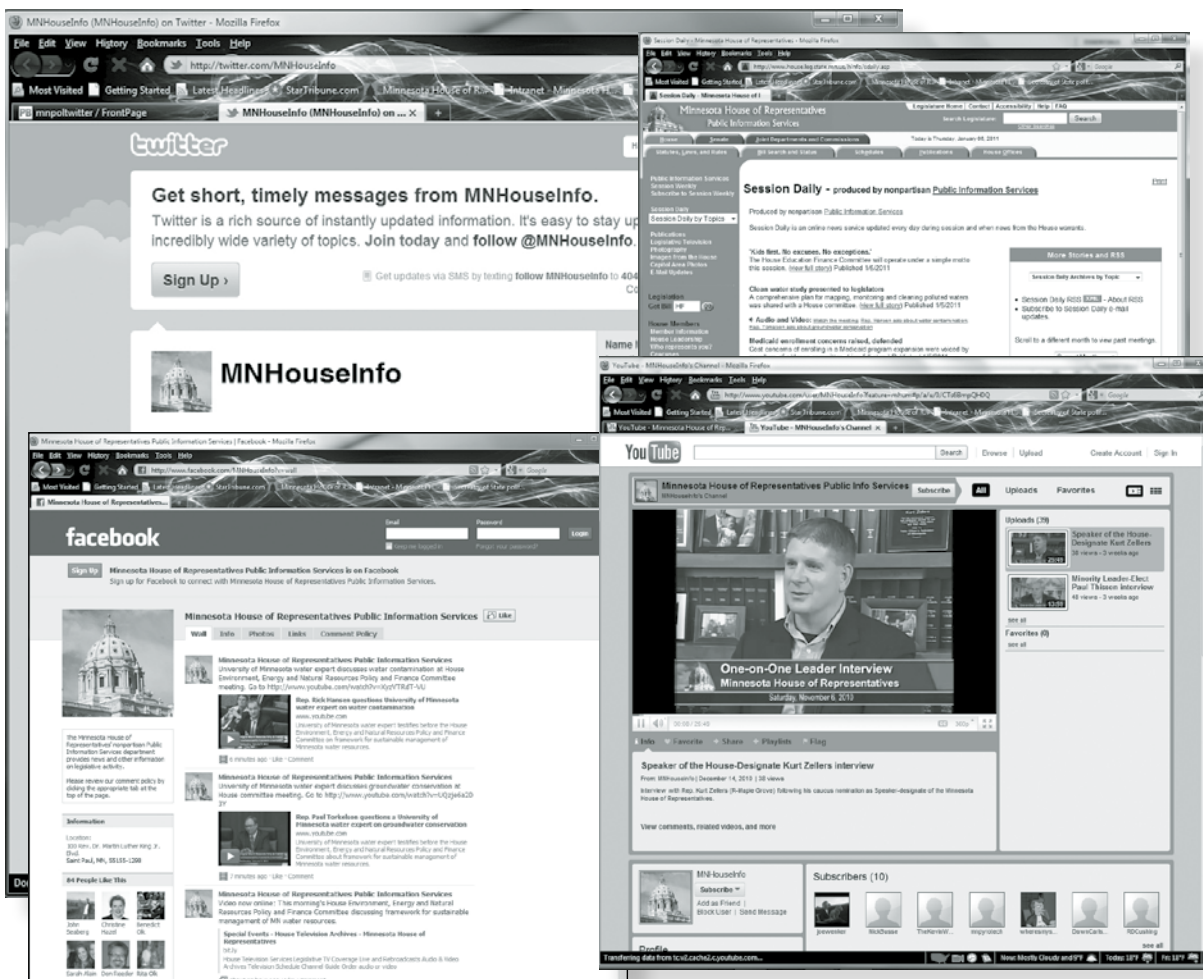
All of us at House Public Information Services are proud to continue the 28-year tradition of providing nonpartisan news from the House.

If you have comments or story ideas please call House Public Information Services at 651-296-2146, 800-657-3550 or Minnesota Relay Service at 711 or 800-627-3529 (TTY).

— SESSION WEEKLY STAFF

## Stay Informed

- Subscribe to Session Weekly or Session Daily: [www.house.mn/hinfo/subscribesw.asp#bymail](http://www.house.mn/hinfo/subscribesw.asp#bymail)
- Follow us on Twitter: [twitter.com/MNHouseInfo](http://twitter.com/MNHouseInfo)
- Like us on Facebook: [facebook.com/MNHouseInfo/](http://facebook.com/MNHouseInfo/)
- View our videos on YouTube: [www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo)
- For information on any of these services: 651-296-2146, 800-657-3550 or Minnesota Relay Service at 711 or 800-627-3529 (TTY)



# SESSION WEEKLY SUPPORT A GREAT TRADITION

For 28 years, Session Weekly has provided easy-to-understand summaries of the House of Representatives' committee and floor action, as well as stories about the people and legislative process.

We ask our loyal subscribers to consider giving a voluntary donation of \$20 to help defray the mailing and production costs of bringing Session Weekly to your mailbox during this biennium. If you prefer to receive the magazine via the Internet, sign up for an e-mailed alert at [www.house.mn/hinfo/subscribesw.asp#bymail](http://www.house.mn/hinfo/subscribesw.asp#bymail).

Plain and simple, this request is for a VOLUNTARY donation.

If you choose not to make a contribution and you are a subscriber, you will STILL receive this award-winning publication.

If you choose to give, please make your check payable to the Minnesota House of Representatives and mail it to:

House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

If you are not already a subscriber, but would like to receive Session Weekly, call 651-296-2146 or 800-657-3550 or go to [www.house.mn](http://www.house.mn).

**YOUR DONATION IS APPRECIATED, BUT REMEMBER — IT IS STRICTLY VOLUNTARY.**





MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Patty Ostberg

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## Minnesota House 2011

|  |                    |
|--|--------------------|
| Republican members at the start of the 2011 session.....                                   | 72                 |
| DFL members .....  | 62                 |
| DFL seat majority at start of 2009 session.....  | 40                 |
| DFL seat majority at start of 2007 session .....   | 36                 |
| Members needed for a veto-proof majority.....  | 90                 |
| Republican seat majority at the start of 2005 session.....                                 | 2                  |
| In 2003 .....  | 29                 |
| Number of men, women in the House .....  | 91, 43             |
| Number of women at the start of 2003-04, 2005-06, 2007-08,<br>2009-10 biennia .....        | 31, 37, 43, 43     |
| Term for longest serving House members (Lyndon Carlson, Sr. and Phyllis Kahn).....         | 20                 |
| Number of newly elected House members .....  | 36                 |
| Republican, DFL .....  | 33, 3              |
| Freshmen House members at the start of 2003-04, 2005-06, 2007-08,<br>2009-10 biennia ..... | 43, 26, 35, 23     |
| Number of incumbents who were re-elected in November 2010 .....                            | 98                 |
| Number who were not.....   | 21                 |
| Open seats.....  | 15                 |
| Number of new state senators.....  | 24                 |
| Number of incumbent senators who lost on Election Day .....                                | 15                 |
| Vote difference in closest House race (King Banaian – 15B).....                            | 10                 |
| Votes cast in this race.....   | 10,994             |
| Write-in votes in this race.....   | 27                 |
| Vote difference in second-closest House race (Kelby Woodard – 25B).....                    | 37                 |
| Votes cast in this race.....   | 17,787             |
| Vote difference in third-closest House race (Rich Murray – 27A).....                       | 57                 |
| Votes cast in this race.....   | 14,965             |
| With 201 total legislators, state rank for largest legislatures.....                       | 5                  |
| Legislators in New Hampshire, Pennsylvania, Georgia and New York,<br>respectively .....    | 424, 253, 236, 212 |
| State rank in terms of largest House.....  | 9                  |
| State rank in terms of largest Senate .....  | 1                  |
| Base annual compensation for legislators .....   | \$31,140           |
| Daily House, Senate member per diem.....   | \$77, \$96         |
| Days between Jan. 4 start and May 23, day by which the Legislature must adjourn.....       | 139                |

— M. Cook

Sources: House Public Information Services; House Chief Clerk's Office and Office of the Secretary of State; National Conference of State Legislatures.



# SESSION WEEKLY

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 2 • JANUARY 14, 2011

HF1 - HF92





# Flashback to 2001



**2001** - Millie Webb, national president of Mothers Against Drunk Driving, shows House Crime Prevention Committee members a picture of her daughter, Lori, who was killed along with her 19-month-old nephew, Mitch Pewitt, by a drunk driver in 1971. Webb urged members to lower the blood alcohol level to .08 percent during her testimony Jan. 9.

— Session Weekly Jan. 12, 2001

## The taxman giveth; then takes it away

**2001** - During the summer of 2000, more than 33,000 Minnesotans inadvertently received sales tax rebate checks from the state totaling more than \$2.9 million due to a programming error, Department of Revenue Commissioner Matt Smith told the House Taxes Committee.

Among those receiving checks in error were 11,000 minors, including children whose parents had died or were disabled. In an effort to recoup the money, the department sent letters to those who had received rebates in error. Smith said that more than \$1 million was left to be collected.

Committee Chairman Ron Abrams (R-Minnetonka) said through no fault of their own, these young people may find when they get a job or apply for a future rebate or refund that they owe the state money.

—Session Weekly Jan. 12, 2001

## Contents

**FIRST READING:** Preparing for future energy demands • 3-5

**HIGHLIGHTS:** Members receive more overviews of committee priorities • 5-9

**AT ISSUE:** First bills of the session introduced • 10-11

**PEOPLE:** Meet Crawford, Erickson, Fabian, McElfatrick, Moran, Swedzinski, Vogel, Wardlow • 12-15

**RESOURCES:** Committee names, membership and meeting times • 16-20

**BILL INTRODUCTIONS:** HF1-HF92 • 21-23

**MINNESOTA INDEX:** Employment • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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





PHOTO ILLUSTRATION BY ANDREW VONBANK

Experts predict that Minnesotans' demand for electricity will exceed the state's ability to produce it by the year 2030 and say legislators must decide policies using a mix of baseload and renewable energy sources, such as wind and nuclear power.

## Preparing for future energy demand

Legislators debate merits of expanding nuclear power

BY SUE HEGARTY

**R**epealing a 17-year ban on constructing nuclear power plants blew through its first House committee faster than wind blows across a prairie dotted with turbines.

Largely along party lines, the House Environment, Energy and Natural Resources Policy and Finance Committee approved lifting the moratorium Jan. 11 on a 10-6 roll call vote. Rep. David Dill (DFL-Crane Lake) was the lone DFLer to vote in favor of the repeal.

Sponsored by Rep. Joyce Peppin (R-Rogers) and Senate Majority Leader Amy Koch (R-Buffalo), HF9/SF4 would allow the Public Utilities Commission to issue a certificate of need for the construction or expansion of a nuclear power reactor if an applicant comes forward.

For many, that's a big "if."

"If we fail to plan and provide the infrastructure we need in the future, we risk not being able to provide the energy needs we've become accustomed to, like lights and warm homes," Peppin said. "Renewables alone will not get us where we need to be."

The debate is more than a philosophical difference between baseload power and renewable energy sources.

"This is not symbolic. This is trying to do what's right for Minnesota. We want to have that discussion," said Committee Chairman Denny McNamara (R-Hastings) during the 90 minutes of testimony.

No one claims to be waiting in the wings with an application in hand. Rather, advocates say lifting the moratorium would allow utilities to explore all their options to meet energy demands that are projected to outgrow production capabilities by the year 2030.

"The only way you really have those conversations is if a company is interested in building a reactor in Minnesota," said Marshall Cohen, senior director of state and local government affairs for the Nuclear Energy Institute. "No company will waste its

time or effort to discuss a new reactor when there is a law prohibiting construction."

### The cost factor

That's OK with opponents, who say lifting the ban could lead to ratepayers being charged for the multi-billion dollar cost of planning and constructing a facility — if it's built at all.

"Lifting the moratorium on nuclear power in Minnesota would saddle ratepayers with unnecessary risk for one of the most expensive sources of energy," said Rep. Kate Knuth (DFL-New Brighton).

If the PUC were allowed to issue a certificate of need, the regulatory process could begin and would likely take years to complete. There would be a cost analysis and hearings; and if a case were contested it would be heard by an administrative law judge, according to Brad Eknes, a PUC state planner.

From there, a certificate of need could be approved, modified or denied. If approved or modified, the next step would be to acquire a site permit which would involve an environmental impact analysis.

Since there haven't been any nuclear plants built for decades in the United States,

**First Reading continued on page 4**

legislators are looking at the projected cost of two reactors under construction in Georgia. The federal government granted an \$8.3 billion loan guarantee to help build the twin reactors, and the overall cost is projected to be \$14 billion.

Rep. Jean Wagenius (DFL-Mpls) said the cost of nuclear power produced by Constellation Energy Nuclear Group on the east coast was so expensive that no one would buy the electricity.

## Nuclear waste

The price tag is not the only argument used by nuclear power opponents. Fear of a plant incident resulting in the release of radioactive materials and the on-site storage of nuclear waste concern those living closest to existing nuclear power plants in Monticello and at Prairie Island near Red Wing.

“Make no mistake, Minnesota’s nuclear

moratorium is unquestionably about nuclear waste and the understandable fear (that) Minnesota’s host communities have toward nuclear waste storage in their backyards,” said Victoria Winfrey, Prairie Island Indian Community president.

If the Prairie Island facility receives re-licensure, Winfrey said nearly 100 dry storage casks may be stored 600 yards from residents’ homes.

When the plant was built in the 1970’s, storage of nuclear waste was meant to be temporary until a deep geological repository for spent nuclear fuel opened under Yucca Mountain in Nevada. “It has become painfully clear that Yucca Mountain will never open,” Winfrey said.

Red Wing City Councilman Dan Bender said the lack of a federal repository is precisely why nuclear power construction has stalled in the U.S. and he blames

the federal government for abandoning the Yucca Mountain site. Speaking on behalf of the city council, Bender said the Legislature should direct the state attorney general to sue the federal government to open the Nevada repository. He said the council supports the proposed legislation because the Prairie Island plant has provided high-paying jobs in Red Wing.

## Job Creation

Contractors and trade unions are hopeful that lifting the moratorium will



***“If we fail to plan and provide the infrastructure we need in the future, we risk not being able to provide the energy needs we’ve become accustomed to, like lights and warm homes.”***

— Rep. Joyce Peppin  
R-Rogers

result in more of those high-paying jobs.

More than 50,000 workers from the Minnesota Building and Construction Trades Council are out of work, said Harry Melander, council president. Although nuclear construction jobs may not materialize for 10 to 15 years, it’s “still a ray of hope for those individuals where there’s no hope at all,” Melander said.

Nuclear power provides 20 percent of the country’s electricity.

There are 104 power plants operating at 90 percent capacity, according to Cohen. “They are tremendous baseload electricity.”

Nuclear power is viewed as a constant source of electricity; whereas energy derived from wind is not. Still, those philosophical differences exist.

“We have, over the past several years now,



PHOTO BY ANDREW VONBANK

**Marshall Cohen from the Nuclear Energy Institute in Washington D.C., testifies before the House Environment, Energy and Natural Resources Policy and Finance Committee Jan. 11 in support of a bill that would abolish the nuclear power plant certificate of need prohibition. The bill’s sponsor, Rep. Joyce Peppin, listens to the testimony.**

worked very hard to develop a reputation in Minnesota as the place where renewable energy is promoted and embraced,” said Rep. Bill Hilty (DFL-Finlayson). Renewable energy also creates jobs, he said. He views nuclear energy as a detriment to attracting new businesses to the state.

The bill’s next stop is in the House Commerce and Regulatory Reform Committee, which has not yet scheduled a hearing. Should it make it to the House and Senate floors, a Republican majority would be expected to pass the bill. The question then becomes whether the legislation would be signed by Gov. Mark Dayton, who, during the gubernatorial campaign, said he opposes lifting the moratorium.

McNamara said the bill is not meant to be a “shot across the bow.”

“We need to work together with the administration and move this thing forward and move jobs forward,” he said.



***“Lifting the moratorium on nuclear power in Minnesota would saddle ratepayers with unnecessary risk for one of the most expensive sources of energy.”***

— Rep. Kate Knuth  
DFL-New Brighton

# HIGHLIGHTS

JANUARY 10 - 13, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held Jan. 6-13. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Civil Law

### Child support loses some federal aid

Counties take on the lion's share of establishing and enforcing child support orders and collecting the \$1.6 billion in owed money. As of the end of September, they have been operating without \$24 million in federal funds.

In a Jan. 10 overview of child support programs to the House Civil Law Committee, Wayland Campbell, director

of the Department of Human Services Child Support Enforcement Division, said the programs receive 66 percent of their funding from the federal government. The \$24 million came from incentives funneled annually to help counties offset costs and was above the regular funding.

Administered by the state, it's the counties that deliver the services. "They're the ones that are suffering," Campbell said. "We haven't been able to make up that difference for the counties because we are suffering a severe budget issue ourselves."

Child support laws and regulations fall under the jurisdiction of the committee. Rep. Steve Drazkowski (R-Mazeppa) asked if there are efforts to mitigate that financial loss by redesigning the program, or if it's just another unfunded mandate for counties.

"We are working with a committee of interested parties to see if we can reach agreement on the state providing more governance of the program, but allow it

to operate under the current state-county relationship," Campbell said.

Drazkowski questioned the federal caveat making the publicly funded child support allocation and collection services available to all income brackets. "If indeed a state did institute some eligibility guidelines ... would this help us reduce the cost of the program?"

Campbell said he has a "strong disagreement" with members who think the state can institute guidelines. "I think this is directly prohibited by federal law."

No action was taken.

— L. SCHUTZ

## Education

### Alternative licensure path sought

The House Education Reform Committee picked up the conversation about alternative routes to teacher licensure

## MOMENT OF SILENCE



PHOTO BY TOM OLMSCHIED

Gov. Mark Dayton, second from right, Lt. Gov. Yvonne Prettner Solon, right, and their staff take part in a national moment of silence at 10 a.m. Jan. 10 to honor the victims and survivors of a shooting two days earlier in Tucson, Ariz., that killed six people and wounded more than a dozen others, including U.S. Rep. Gabrielle Giffords.



where lawmakers left off last year.

Rep. Carlos Mariani (DFL-St. Paul) sponsors HF3, which would establish such an alternative by allowing qualified candidates, such as Teach for America members, in programs approved by the Board of Teaching, a two-year provisional license as a path to acquiring a standard teaching license. About 90 Teach for America members currently work in Minnesota schools under a renewable one-year licensure waiver.

No action was taken at the committee's Jan. 13 meeting. The bill has no Senate companion.

Candidates would be the teacher of record in a classroom, would have to meet other criteria: such as having a bachelor's degree and a 3.0 grade point average; passing a basic skills tests; and participating in at least 200 hours of instruction.

A school district or charter school would sponsor the program in agreement with its board and the local teachers' representative, or in the case of a charter, its licensed staff, under one of three conditions:

- the inability to recruit and hire a qualified candidate for a teaching position;
- a determination that teaching staff should more adequately reflect students' ethnic or cultural diversity; or
- a need to reduce the achievement gap.

Daniel Sellers, executive director of Teach for America Twin Cities, said that recent studies in North Carolina and Tennessee offer strong evidence that Teach for America members are more effective than other new teachers and even experienced teachers in closing the achievement gap in classrooms where they work.

Mariani said he sponsors the bill not as a criticism of teachers in general, but because it's a way to meet teacher shortage needs in some subjects and districts.

"And frankly our local school districts are in the best position to evaluate that. We either trust our local districts or we don't trust them," Mariani said.

— K. BERGGREN

### Education revenue by the numbers

Working from the same numbers, it's possible to conclude that school funding has tripled since 1984, or that it's remained flat, the House Education Finance Committee learned Jan. 11 during a presentation on how Minnesota funds schools.

There are various ways — all accurate — to gauge the amount of change in per student revenue over time, said Tim Strom, an analyst

with the nonpartisan House Research Department. Depending if one looks at the numbers alone, or the numbers adjusted for inflation, the outcome looks different. Different methods to calculate inflation can also produce different results.

K-12 education comprises about 40 percent of the state's General Fund spending.

Nominally, explained Strom, per pupil revenue rose from slightly less than \$4,000 per student in 1984 to slightly more than \$12,000 in 2009. However, the chart he used as a visual aid also showed that if one deducts building debt and special education expenses, the change shifts from somewhat over \$3,000 to just under \$10,000. If the Consumer Price Index is applied as a measure of the effect of inflation, that number grows considerably less: from just below \$4,000 to about \$6,000. Doing both takes the revenue growth line from just over \$3,000 to a little more than \$4,000.

Factoring out building debt and special education costs is more accurate, said Rep. Mindy Greiling (DFL-Roseville), because those are fixed costs dictated by outside factors.

"Classroom funding or any other kind of funding for schools minus those two categories hasn't increased since 1984," Greiling said.

Committee Chairman Pat Garofalo (R-Farmington) said the purpose of the presentation was to affirm that members may legitimately interpret numbers from differing perspectives.

"The more complex the picture is the more you have the ability to provide differing description of what the data reports," he said.

Greiling favors using a different inflation factor, the GDP implicit price deflator, as recommended by some economists and experts, which would show even less change.

— K. BERGGREN

### Teacher training to get upgrade

A redesign in the works of how Minnesota evaluates teacher preparation programs could shed light on the links between teacher preparation and student outcomes.

On Jan. 11, Board of Teaching Executive Director Karen Balmer took the House Education Reform Committee through a fast-paced, but thorough, overview of current standards, practices and new initiatives related to teacher licensure, certification and license renewal.

Committee Chairwoman Sondra Erickson (R-Princeton) and members have said that

improving teacher effectiveness is a priority this session.

Eleven members appointed by the governor sit on the Board of Teaching — by statute, a majority are teachers. Balmer said the board's ongoing challenge is to meld high standards for teacher accountability with flexibility to meet districts' needs, particularly in shortage areas.

John Melick, director of educator licensing for the Department of Education, said teacher shortage areas include math; some sciences, such as physics and chemistry; bilingual elementary education; world languages; dance; theater; and several special education categories.

Balmer said the new initiative, Program Effectiveness Reports for Continuing Approval (PERCA), will soon be field-tested and should launch in about a year. It will use more data collection and performance measurement to assess the performance of first-year teachers who graduated from certain four-year education programs. Teachers' results would be compared with their teacher training program to measure the program's effectiveness.

"We are starting to see research that does show predictive value," Balmer said. "A teacher that does perform well on this performs well in the classroom."

One PERCA component is evaluation of teachers' work in multiple ways. An independent reviewer will assess a teacher's lesson planning, instruction and student work, and see a videotape of the teacher in the classroom.

Of the state's 56,000 licensed teachers, Melick said 99.74 percent are in compliance with licensing requirements, with 96.71 percent fully certified; 3.03 percent holding one of several types of limited or temporary license; and 0.24 percent with an expired license or no license or permission to teach.

— K. BERGGREN

## Local Government

### Granting zoning variances

Property owners feeling boxed in by strict zoning ordinances may get some relief from the Legislature.

As soon as next week, members of the House Government Operations and Elections Committee could vote on HF52. Sponsored by Committee Chairwoman Joyce Peppin (R-Rogers), the bill is intended to address

a Minnesota Supreme Court decision last year that made it nearly impossible for local authorities to grant variances, or exceptions, from zoning codes.

The committee took testimony on the bill Jan. 11. No action was taken.

In *Krummenacher v. City of Minnetonka*, the court ruled that the city could not grant a variance to a property owner because the property in question could be put to a reasonable use without one. Peppin said the decision stunned many local planning officials.

"The decision, really, in my mind and I think a lot of people's minds, overturned a longstanding precedent," Peppin said.

The court stated that the Legislature would need to clarify the language of the law if it wanted to provide local officials more latitude to grant variances. Tom Grundhoefer, general counsel for the League of Minnesota Cities, urged lawmakers to do just that.

Grundhoefer explained that the court did not say it disagreed with the policy of allowing local governments to grant variances; only that its interpretation of the statute did not allow for a flexible variance policy.

He read from the court's decision, "Unless and until the Legislature takes action to provide a more flexible standard for municipalities, we are constrained by the language of the statute." So what we're really trying to do is fix the statute."

Peppin said there are concerns about the bill's language however, and she wanted to wait to put it to a vote until they had been addressed.

Alyssa Schlander, director of government affairs for the Minnesota Automobile Dealers Association, said the members want time to examine the bill in detail.

"I happen to represent an industry with very unique land use needs," Schlander said.

One concern is that the bill's language might impose new environmental requirements on property owners, though she could not cite a specific example in the bill.

Sen. Gen Olson (R-Minnetrissa) sponsors the companion, SF13, which awaits action by the Senate Local Government and Elections Committee.

— N. BUSSE

## Military & Vet. Affairs

### Preparing for Guard members' return

Helping returning Minnesota National Guard and Reserve members adjust to their lives back home will be at the forefront of the House Veterans Services Division this session.

The 13 division members, many of whom are veterans, oversee proposed funding and legislation that would affect the 13,665 soldiers who serve in either the Air National Guard or the Army National Guard.

Brig. Gen. Joe Kelly, assistant adjutant general of the Minnesota National Guard and deputy commissioner for the Department of Military Affairs, said Jan. 10 that personnel used to be called "weekend warriors," but that distinction is no longer valid. More than 2,800 members are preparing to help with the proposed final withdrawal of armed forces in places such as Kuwait and Iraq, Kelly said. For some of these soldiers, it will be their fourth or fifth deployment.

When soldiers return, they need an "off ramp" such as the Beyond the Yellow Ribbon program, which began as a Minnesota pilot program and expanded to the U.S. Department of Defense, Kelly said. But paying for increased services or continuing to exempt veterans from taxes and fees could prove difficult with the state facing a

projected \$6.2 billion budget deficit.

"It's going to be tough," said Division Chairman Bruce Anderson (R-Buffalo Township), who retired from the Guard last March.

In addition to \$400 million in federal funds, the Guard receives \$20 million from the state, which is used to pay personnel; operate 63 training centers, two air bases, two army training sites and 11 family readiness centers; and to help in domestic crises, such as natural disasters and helping find lost people.

No action was taken.

— S. HEGARTY

## State Government

### Bipartisanship given priority

At its inaugural meeting Jan. 11, Chairman Morrie Lanning (R-Moorhead) set one main goal for the House State Government Finance Committee: to live up to its reputation for bipartisanship.

During the round of introductions, Rep. Ryan Winkler (DFL-Golden Valley) briefly spoke about the committee's cooperative history to its nine freshmen members.

"It's actually been one of the committees that I've served on that's been the least partisan, and I think the most cooperative and able to find the most common ground,"



PHOTO BY TOM OLMSCHEID

**Brig. Gen. Joe Kelly, assistant adjutant general of the Minnesota National Guard, left, tells the House Veterans Services Division that all soldiers take two oaths when sworn into the Minnesota National Guard: one to uphold the U.S. Constitution and the other to uphold the state constitution.**



Winkler said. "I hope that that continues; I don't see that it won't."

"My goal is to maintain that tradition in this committee," Lanning replied.

Despite what its name might indicate, the committee does not fund all of state government. The agencies over which it has jurisdiction account for only about 2.4 percent of the state's total General Fund spending.

Major agencies under the committee's jurisdiction include the Revenue Department, Minnesota Management and Budget, the Veterans Affairs and Military Affairs departments, the Minnesota Historical Society and the Administration Department. It also funds the Legislature and the constitutional offices (i.e. governor, lieutenant governor, secretary of state and attorney general).

The committee also has jurisdiction over the state's pension funds. Lanning indicated that pension issues and labor agreements will be among the committee's top priorities in the first weeks of session.

"What I want us to do in this first phase of our committee work ... is focus on some of the really big-picture issues that affect the financial health of the State of Minnesota," Lanning said.

Lanning said the Legislature enacted some positive pension reforms last year, increasing employer and employee contributions and limiting benefit increases; however, he said many more reforms would be needed to keep the pension funds healthy.

Other issues Lanning said might come up in the near future include changes to the state's accounting system and other technology-related issues.

— N. BUSSE

### Budget system upgrade problems

Some major technology upgrades relating to the state's financial tracking systems aren't going quite as planned, members of a House committee learned Jan. 13.

Minnesota Management and Budget is in the process of replacing two aging systems: the state's Budget Information System (BIS) and its accounting and procurement system (known by its acronym, MAPS). But MMB officials told members of the House State Government Finance Committee that there have been some unanticipated problems.

A prototype program intended to replace the BIS is turning out to be costlier and less useful than originally envisioned, said State Budget Director Kristin Dybdal. Officials had originally hoped a new version of the

## A HIGHER CALLING



PHOTO BY ANDREW VONBANK

**The Rev. Grady St. Dennis is sworn in as the new House Chaplain after being elected to the position Jan. 11.**

system could serve as a robust, real-time budget tool for all state agencies.

"Both MMB and our consulting partners probably underestimated the complexity and the scope of what we were trying to accomplish," she said.

Officials are unsure of what the cost might be to fix the problems and complete the project. Dybdal said roughly \$2.5 million has been spent on the project so far. Rep. Ryan Winkler (DFL-Golden Valley) questioned whether the overall vision for the project should be scaled back. He also said lawmakers should have a say in the decision.

The other project, a \$65 million replacement of the state's outdated accounting and procurement software, is going more according to plan, officials said. But asked whether the upgrade would yield any cost savings for the state, they said it would be difficult to measure.

Some members, including Committee Chairman Morrie Lanning (R-Moorhead), found that answer lacking.

"We've made a major commitment here in investment, and I think it's important that we track that return on investment as we go forward," Lanning said.

The committee took no action. Lanning said the issues would likely be revisited in future hearings.

— N. BUSSE

## Taxes

### Overview highlights first meeting

The 29 members of the House Taxes Committee, most being new to the committee, got what the chairman called a "20,000-foot overview on the subject of taxes," during their first meeting Jan. 11.

Analysts from the nonpartisan House Research Department explained the different sources of tax revenue collected by the state: nearly 42 percent comes from individual income taxes, 30.4 percent from sales taxes; and nearly 28 percent from other tax revenue, such as corporate and motor fuels.

Researchers noted that \$5.3 billion from sales taxes is projected to be collected in fiscal year 2011. Other than the 2008 voter-approved three-eighths of 1 percent increase to fund the arts and environment, Minnesota's sales tax rate has not increased since 1991.

Researcher Pat Dalton said there are only six states with a higher sales tax rate than Minnesota; however, many states have a higher local option sales tax rate.

Before the presentation, Rep. Greg Davids (R-Preston), the committee chairman, said his practice in the previous committees that he has chaired, is to have a DFL bill first be taken up by the committee. This year, he expects that to be one related to biosciences and taxes sponsored by Rep. Tim Mahoney (DFL-St. Paul). "They are bills that we want to get heard and acted on and to the governor's desk," Davids said, adding it could come forward in the next week or so.

— L. SCHUTZ

## Transportation

### Refinancing saves much money

One recent action taken by the Department of Transportation is expected to save significant money in these tough economic times.

The House Transportation Policy and Finance Committee learned Jan. 10 that some of the state's transportation accounts are seeing monetary reductions but one saw a large gain.

Refinancing debt service at a lower interest rate early in fiscal year 2011 is expected to save about \$115 million through fiscal year 2013, based on a November forecast prepared by the department.



"This is one of the positive, bright spots," said Warren Skallman, MnDOT budget director.

"The total authorization from the Legislature is approximately \$2.5 billion for all debt over all years," Skallman said. "From these authorizations, currently in our budget document we have \$938 million as the amount that has been issued." He said almost the entire larger amount has been assigned to projects, but for cash flow purposes the bonds have not been sold.

"Prudent move," said Committee Chairman Mike Beard (R-Shakopee).

On the positive side of the ledger, gas tax revenue is forecast to bring in an additional \$13 million (0.8 percent) in fiscal years 2012 and 2013, based on projected higher consumption rates. The state's gas tax is scheduled to increase by half a cent on July 1, 2011, and again one year later to 28.5 cents per gallon. The increases are for debt service related to the 2008 transportation law that allowed for \$1.8 billion in trunk highway bonds for fiscal years 2009 to 2018.

Skallman noted that motor vehicle sales taxes are down \$54.3 million (7.4 percent)

and vehicle registration taxes are down \$23.5 million (2 percent) from a February 2010 forecast.

Beard tried to paint an optimistic outlook about transportation funding, when compared to other areas of the state budget that could get chopped as lawmakers try to resolve a projected \$6.2 billion budget shortfall. Most of the transportation budget comes from constitutionally dedicated funds that are paid by users. Just 1 percent comes from the state's General Fund.

— M. Cook

## FINAL READING



PHOTO BY ANDREW VONBANK

Rep. Tony Sertich (DFL-Chisholm) gives his farewell speech Jan. 13 on the House floor. First elected in 2000, Sertich resigned his House seat after being appointed commissioner of the Iron Range Resources and Rehabilitation Board.

"I love, love, love this building, and I love representing the people who elected me," he said. "This is closing a chapter of my life, which is so sad, but I am so excited for the future."

The IRRRB, located in Eveleth, is an economic development agency with the mission to advance growth on the Iron Range by "stabilizing and enhancing the economy of northeastern Minnesota."

At least three times during his speech, Sertich referenced himself as a product of where he grew up, and expressed his excitement at returning to the Iron Range. "I'm going home, but I'm still going to be around."

A special election has been called for Feb. 15 to fill the seat. If a primary is needed, it will be held Feb. 1.



PHOTO BY TOM OLMSCHIED

Rep. Dan Fabian, sponsor of HF1, answers a question at a Jan. 10 press conference to announce the introduction of the first two House files. Rep. King Banaian, sponsor of HF2, from left, House Majority Leader Matt Dean and House Speaker Kurt Zellers also spoke about the proposed legislation.

# The bills have landed

First two House files focus on economy, budget

By NICK BUSSE

**T**he first bill of the 2011 session, as is customary, has symbolic importance. It addresses the new majority party's top priority for the state. What it is not, according to House Speaker Kurt Zellers (R-Maple Grove), is "sexy."

"We're looking at the priorities we've talked about time and time again: making Minnesota more competitive, making it a better place to do business," Zellers said, before adding, "maybe not the sexiest issue in the world — permitting and the regulatory process."

House Republicans held a press conference Jan. 10 to announce HF1 and HF2. They

address Republicans' top priorities — jobs and the budget — in largely incremental steps. The first bill would streamline and speed up the state's environmental permitting process, while the second would institute a new approach to budgeting that would force state agencies to justify not only their funding levels but also their continued existence.

Zellers said the bills would make the state a

more attractive location for businesses — and ultimately grow jobs in the state.

"These are the things we promised to make Minnesota more competitive," he said.

In another symbolic gesture, the majority party chose two members of their freshman class — Rep. Dan Fabian (R-Roseau) and Rep. King Banaian (R-St. Cloud) — to sponsor the bills. Zellers said the two were chosen because of their unique academic and practical experience.

"These are two of our best members, and we've got a great freshman class," he said.

DFLers reacted coolly to the proposals, praising some of the reforms, but casting doubt on their overall impact on the economy and the budget.

"They may be fine proposals in the long term, but Minnesotans have real problems that they need solutions to right now," said House Minority Leader Paul Thissen (DFL-Mpls).

### Seeking compromise?

The first bills seem to signal a willingness among House Republicans to seek bipartisan support. In contrast, Senate Republicans made their first bill, SF1, sponsored by



PHOTO BY TOM OLMSCHIED

**House Minority Leader Paul Thissen, center, reacts to the introduction of the first two House files. Rep. Tim Mahoney, left, and Rep. Tom Rukavina also spoke at a Jan. 10 press conference.**

Sen. Geoff Michel (R-Edina), a package of mostly corporate tax cuts that DFLers have criticized in the past. It was the Senate bill that earned the strongest criticism from DFLers.

“Just to give across-the-board tax cuts to corporations that can afford to pay income tax ... is absolutely a ridiculous way to start to solve our problems,” said Rep. Tom Rukavina (DFL-Virginia).

Fabian said he thinks the environmental

permitting bill will find some support among DFLers, who enacted similar reforms in last year’s omnibus agriculture law. He was scheduled to travel with Gov. Mark Dayton to an event in Hallock on Jan. 11, and said he hoped to discuss the bill with him there.

“This is a bill that I think can be bipartisan,” Fabian said. “It’s a bill that’s filled with common sense, in my opinion.”

Likewise, Republicans hope DFLers will warm to the idea of using priority-based budgeting — a process where agencies must justify their funding requests against measurable objectives. This method, sometimes called “zero-based budgeting,” is the essence of HF2. DFLers actually explored the process shortly after they took over the House in 2007, but never adopted it.

Thissen said the concept “has some merit,” but argued the process would cost money and could end up being a waste of time. In particular, he criticized a part of the bill that requires a review every 10 years of all state agencies to determine whether their continued existence is needed. Giving the example of K-12 education, he said the state isn’t likely to cut off funding for some programs, so why spend time and money studying it?

“At the end of the day, I think the schools can rest assured they are actually going to be getting money coming from the state to pay for kids’ education,” he said. “That kind of gives the lie to zero-based budgeting.”

HF1 has been referred to the House Environment, Energy and Natural Resources Policy and Finance Committee. HF2 awaits action by the House Government Operations and Elections Committee. Neither bill has a Senate companion.

## First Bills of Session

### HF1

Sponsor: Rep. Dan Fabian (R-Roseau)

Key points:

- would ask Natural Resources Department and Minnesota Pollution Control Agency to respond to environmental permit requests within 150 days
- would eliminate district courts from the appeals process for environmental review decisions
- would allow project proposers to bypass local governments to contract directly with companies who draft their environmental impact statements

Senate companion: none

### HF2

Sponsor: Rep. King Banaian (R-St. Cloud)

Key points:

- would enact a priority-based budgeting process for the state beginning in the next biennium
- would require a review every 10 years of all state agencies and other executive-branch entities to determine whether they should be continued, abolished or reformed

Senate companion: none

## Minnesota State Agencies

|                                 |              |
|---------------------------------|--------------|
| Administration .....            | 651-201-2555 |
| Agriculture .....               | 651-201-6000 |
|                                 | 800-967-2474 |
| Commerce .....                  | 651-296-4026 |
| Corrections .....               | 651-361-7200 |
| Education .....                 | 651-582-8200 |
| Employment and                  |              |
| Economic Development .....      | 651-259-7114 |
|                                 | 800-657-3858 |
| Enterprise Technology .....     | 651-296-8888 |
| Explore Minnesota Tourism ..... | 651-757-1845 |
|                                 | 800-657-3535 |
| Travel Info .....               | 888-868-7476 |
| Health .....                    | 651-201-5000 |
|                                 | 888-345-0823 |
| Higher Education Services ..... | 651-642-0567 |
|                                 | 800-657-3866 |

|                                |              |
|--------------------------------|--------------|
| Housing Finance Agency .....   | 651-296-7608 |
|                                | 800-657-3769 |
| Human Rights .....             | 651-296-5663 |
|                                | 800-657-3704 |
| Human Services .....           | 651-431-2000 |
| Iron Range Resources .....     | 218-735-3000 |
|                                | 800-765-5043 |
| Labor and Industry .....       | 651-284-5005 |
|                                | 800-342-5354 |
| Management and Budget .....    | 651-201-8000 |
| Mediation Services .....       | 651-649-5421 |
| Metropolitan Council .....     | 651-602-1000 |
| Military Affairs .....         | 651-268-8919 |
| Natural Resources .....        | 651-296-6157 |
|                                | 888-646-6367 |
| Pollution Control Agency ..... | 651-296-6300 |
|                                | 800-657-3864 |

|   |              |
|---|--------------|
| Public Safety General Information ..... | 651-201-7000 |
| State Patrol .....                      | 651-201-7100 |
| Revenue                                 |              |
| General Information .....               | 651-296-3403 |
| Collections .....                       | 651-556-3003 |
|   | 800-657-3909 |
| Sales and Use Tax Line .....            | 651-296-6181 |
|   | 800-657-3777 |
| Taxpayer Helpline .....                 | 651-296-3781 |
|   | 800-652-9094 |
| Taxpayer self-service .....             | 651-296-4444 |
|   | 800-657-3676 |
| Withholding .....                       | 651-282-9999 |
|   | 800-657-3594 |
| Transportation .....                    | 651-296-3000 |
|   | 800-657-3774 |
| Veterans Affairs .....                  | 651-296-2562 |



# Putting his theories to the test

Crawford brings big ideas, practical experience to St. Paul

By Nick Busse

For Rep. Roger Crawford (R-Mora), making Minnesota a more business-friendly state is a very personal matter. His district



Rep. Roger Crawford

has an unemployment rate that is among the highest in the state, and he hopes a better business climate will lead to more jobs for his constituents.

“For our area, it’s going to be important that the state and the Legislature do what they can do to make the state as attractive as possible to businesses,” he said.

Crawford ran for state representative, in large part, to help make that goal a reality. It’s a tall order, but he said his philosophy has always been that an individual can make

a difference in the world. He cites a former president as an example.

“I’m not saying everyone needs to be Ronald Reagan or anything like that, but each individual can make a difference. And that’s kind of my philosophy,” he said.

Crawford showed an interest in politics from a young age. Though he said his first vote was for George McGovern in his 1972 presidential bid, Crawford’s political leanings changed following a stint in the U.S. Navy. He started reading conservative authors like William F. Buckley, Jr., and became fascinated by economics, particularly the theories of Milton Friedman and Austrian-school economists.

He built a career for himself as a real estate appraiser, but his passion has been public service. He spent five years as a city councilman in Mora, four years as the mayor, and two years on the Kanabec County Board

## DISTRICT 8B

Population (2009 est.): 40,262

Largest City: Mora

Counties: Pine, Isanti, Kanabec

Top Concerns: Fixing the deficit, easing tax burdens on businesses

before coming to the Legislature.

Years of legislative inaction where changes needed to be made — changes like balancing the budget, lowering taxes, helping businesses succeed — also played a large part in his decision to run, he said.

“I watched the Legislature for many years and I thought they were not addressing some of the fundamental problems that the state has,” he said. “I think it’s imperative that we change that.”

# Steeped in Tea Party values

Back for her seventh term, Erickson aims to improve schools

By Kris Berggren

If the fifth-floor office of Rep. Sondra Erickson (R-Princeton) doesn’t quite look like that of a new House member, it’s because she’s not precisely “new.”



Rep. Sondra Erickson

Just a day after the Legislature convened, Erickson’s well-appointed office already featured a wall full of neatly arranged photos and artwork, and a guest book to be signed, in contrast to many newcomers’ bare walls and spare desktop accessories.

Erickson served 11 years before losing in 2008 to DFL Rep. Gail Kulick Jackson by 89 votes. Erickson ran again in 2010 at the urging of Republicans in her district, including Tea Party activists.

“Their principles were my principles,” Erickson said. “Smaller government, lower taxes, individual responsibility.”

She beat Kulick-Jackson by 11 percent. The pair has met in each of the past four elections, with Erickson winning three times.

Erickson’s head start in office décor is matched by the experience she brings to her new role as chairwoman of the House Education Reform Committee. That includes decades of public school teaching experience in traditional and alternative settings, service on House education committees in previous sessions and nearly five years as a member of the Board of Teaching.

Key session priorities include reforming teacher preparation, evaluation and tenure.

“I do not, as a professional teacher, believe in perpetual tenure,” Erickson said. Instead, she believes teachers would benefit from periodic reviews, support for learning to

## DISTRICT 16A

Population (2009 est.): 44,271

Largest City: Princeton

Counties: Benton, Mille Lacs, Morrison, Sherburne

Top Concerns: Schools, teacher preparation, tenure reform

become more effective and for moving out of the teaching profession if they fail to do so.

“If you improve teaching, you improve learning,” Erickson said.

She admires former Washington, D.C. schools chancellor Michelle Rhee, whose reforms, including a new teacher evaluation system and layoffs of teachers considered ineffective, ushered in rising student test scores and enrollment.

Erickson does not favor mandates such as No Child Left Behind that she says hamper local control of education decisions, but said that if there is a mandate, it should be fully funded.

# Fabian hits the ground running

Track coach and high school teacher wants to keep jobs in Minnesota

By KRIS BERGGREN

Rep. Dan Fabian (R-Roseau), a high school physical education teacher and track and cross-country coach, has hit the ground running in St. Paul.



Rep. Dan Fabian

The election was his first run at elected office, Fabian said. He hadn't been active in politics except for attending some precinct caucuses.

"It started with Paul Kohls," Fabian said. He'd exchanged ideas with the former representative during the latter's brief gubernatorial run. Kohls and other Republican officials invited Fabian to consider a run for the House seat. Before he officially entered the race, Fabian drove the 3,887-square-mile district, setting up meetings with prospective voters to hear their concerns and hopes.

"They thought I should run," Fabian said, because he cared about the same issues. "The

600-pound gorilla is the budget," he said, plus government accountability, reducing mandates, creating equity in school funding and growing jobs.

Now, Fabian is sponsoring the first bill of the session, which traditionally reflects a top legislative priority. HF1 would lighten environmental review regulations, a measure lawmakers hope could promote business development and job growth.

Although northwestern Minnesota has less unemployment than the rest of the state, Fabian wants to make sure area employers such as Polaris, Arctic Cat, Marvin Windows, HEATMOR, Mattracks and Central Boiler not only keep jobs but can grow jobs locally.

"When it's time for those businesses to expand, do they expand where they are?" Fabian asked, or grow outside the state, as some have done. He'd like more cooperation from the Department of Natural Resources on issues such as land acquisition, flood mitigation and regulatory issues.

"I would like to see one of our governors

## DISTRICT 1A

Population (2009 est.): 35,160

Largest City: Thief River Falls

Counties: Kittson, Marshall, Pennington, Roseau

Top Concerns: Business and job growth; school financing; mandate reduction

on the cover of a magazine again," Fabian said, referring to a 1973 Time magazine cover featuring former Gov. Wendell Anderson. "We were the economic engine of the Upper Midwest and I'd like to see that come back."

Fabian picks up a photo of his 16-month-old granddaughter, Alexis. Her image illustrates his deepest motivation.

"What Grandpa Dan is doing in the next two years, will that put us on a path to greater sustained economic development?" he asks rhetorically. "So when she is of age and looking for a job, she will be able to find it in Minnesota."

# Focused and determined

McElfatrick hopes to strengthen Iron Range economy

By SUE HEGARTY

Rep. Carolyn McElfatrick (R-Deer River) had a formidable job in front of her to get to St. Paul.



Rep. Carolyn McElfatrick

She upset 28-year House DFL veteran Rep. Loren Solberg, two years after first attempting to win the seat. To emerge victorious, McElfatrick said she "focused on the job at hand" and campaigned hard. "He

is very well-liked up there by many, many people."

But it was her Republican views that resonated with the majority of voters, she said.

"I heard hundreds of times, 'I have to live

within my budget. If I don't have the money for something, I have to cut back. ... I have to take the wants out and focus on the needs.' I think that's what the people of the district were saying," she said.

As she unpacks in St. Paul, McElfatrick wants to focus on creating and maintaining jobs to strengthen the economy. She hopes there can be bipartisan support for streamlining the permitting process in state agencies, especially in the mining industry, which provides good-paying jobs in her district.

"We have the capability of protecting our environment and creating jobs. We can do both," she said.

McElfatrick grew up on a farm in Mower County near Austin, so she's eager to serve on the House Agriculture and Rural Development Policy and Finance

## DISTRICT 3B

Population (2009 est.): 36,641

Largest City: Grand Rapids

Counties: Aitkin, Itasca

Top Concerns: Economic vitality of mining, logging and tourism industries

Committee. "We need to protect (farmers) and make sure we provide a healthy climate for them to do what they do best," she said.

Health care is another passion of hers. A retired nurse who is married to a retired doctor, McElfatrick serves on both the House Health and Human Services Finance and Reform committees. She opposes the recent federal overhaul of health care signed into law. "I don't see how this will not result in rationing. I think the people who will feel the Obama health care the most will be the disabled and the elderly and I get very protective of people like that." In addition, "We can't afford it."

# Going from homeless to the House

Moran used hard work to improve self, wants to help others

By **PATTY OSTBERG**

Ten years ago Rep. Rena Moran (DFL-St. Paul) arrived at Sharing and Caring Hands homeless shelter after moving from Chicago with six of her seven children. Now, she's a legislator.



**Rep. Rena Moran**

"Anything is possible if you work at it," she said.

Moran moved to Minnesota because she had heard it was a "family-friendly state" with the best school systems and was supportive of women, children and families. "I thought it would be a good place to raise my kids," she said. When she arrived at the shelter with a bachelor's degree in early childhood education she immediately wanted to find employment but had little resources to help.

Without a job and depending on public assistance, she found it was her "quest to be independent and self sufficient" that

connected her with support groups. The relationships she established over the next several months paved her way to success. "Everything is about relationships, building good relationships is critical," she said.

Once employed in her community, Moran soon found herself advocating for the paving of the street in front of her home she purchased in 2006. Before that she was in a community action partnership class discussing policies that affect families depending on public assistance.

"It's really important to me to get to know who my community is. ... I want to be a community of people where we're all concerned and connected with each other," she said.

The issues most important to her district include job creation.

"I have knocked on thousands of homes and regardless of color, circumstance, age, people wanted to work," she said. "We need jobs, not just minimum wage jobs, but livable wage jobs," she added.

## DISTRICT 65A

Population (2009 est.): 36,674

Largest City: St. Paul

County: Ramsey

Top Concern: Jobs. "We must get our community back to work."

Creating jobs helps provide for a safe community and environment for children and families, and also leads to good education, she said.

When she looks at the \$6.2 billion projected deficit facing Minnesota, she doesn't see statistics. "I see people. I see children. I see an obligation to the state for us to realize that it is about getting people to a place where people can be self sufficient." Once people are up on their feet, she said, they can contribute to the economy so the burden is not on the Legislature to cut programs.

# Welding the economy back together

Swedzinski brings rural development experience to the House

By **SUE HEGARTY**

When former House Minority Leader Marty Seifert announced he would not seek re-election, Chris Swedzinski recalls thinking, "I



**Rep. Chris Swedzinski**

hope they find someone good" to fill his shoes at the Capitol.

With no heir apparent coming forward, Swedzinski (R-Ghent) awoke one morning and told his wife, Jessica, that he felt called to run for the seat.

Swedzinski (the "d" is silent) is no stranger to politics or government. After taking welding classes at Ridgewater College in Willmar, he earned degrees in history and political science from Minnesota State University, Mankato. During his senior year, he campaigned for former U.S. Rep. Mark Kennedy. He then worked as a

rural development specialist for the U.S. Department of Agriculture, where his focus included renewable energy. After the federal return to Democratic power, he moved back to the family farm and started his own company, Swede Steel Works.

He honed his interest in politics as he watched his father, Tom, design and build his own farm implements. The two would listen to talk radio in the welding shed and talk about issues during long trips to buy or sell livestock.

As part of the majority party, he wants to contribute to rebuilding the economy, but said that since the decline didn't happen overnight, people shouldn't expect immediate change.

"We've gotten so far out of a free-market system that it's just going to take some time to get people back to work, and get people hiring," he said.

States have come to rely too heavily on

## DISTRICT 21A

Population (2009 est.): 35,665

Largest City: Marshall

Counties: Lyon, Redwood

Top Concern: Balancing the budget

federal dollars that are tied to mandates that may not be in Minnesota's best interest or may hinder innovative reform, he said. He'd like to see states set their own destinies and develop models that can be emulated on a national scale.

As a rural legislator from an agricultural district, he's eager to serve on the House Agriculture and Rural Development Policy and Finance Committee. He also serves on the House Jobs and Economic Development Finance Committee and the House Capital Investment Committee.



# A reformer in the House

Vogel brings focus on agriculture; hopes to streamline state government

By Nick Busse

Rep. Bruce Vogel (R-Willmar) has high hopes for the 2011 session. He came to St. Paul on a mission to reform government, and he's eager to get to work.



Rep. Bruce Vogel

As a member of the House's new Republican majority, he said, "I'm looking forward to seeing what we can do. I'm hoping we'll be able to streamline the government, the spending, and get things back under control. We've lost control of some of that," he said.

A conservative through and through, Vogel says he draws inspiration from Ronald Reagan and from his Christian faith. The businessman and former youth pastor says

he had long considered running for office, and when the opportunity presented itself last year, he was ready.

Vogel and his wife of 28 years, Jeanne, have four adult children and six grandchildren. He grew up on a farm near Currie in southwestern Minnesota, where his parents still live. He says that lifestyle informed a lot of his present-day values.

"I grew up on a farm, so I have a farm background — common sense, hard work, a good work ethic," he said.

Beyond agriculture, Vogel has a business background. He has worked in construction and most recently in real estate. He served as president and board member of a local real estate association, and has also been active in the local Republican Party.

His early experience with agriculture also turned out to be a good primer for the issues in his district, which is heavily agricultural.

## DISTRICT 13B

Population (2009 est.): 36,988

Largest City: Willmar

County: Kandiyohi

Top Concerns: Agricultural issues, reducing spending, streamlining regulations

As a lawmaker, he hopes to pass legislation that will streamline regulations for farmers and agricultural businesses. Beyond that, his priority is to make Minnesota more business-friendly and reduce state spending.

"If we can bring our spending back under control and not have our budget looking to grow by 20 or 28 percent every biennium, I think that we can consider it a success," he said.

# Looking to give the state a fresh start

Wardlow seeks fiscal stability, better jobs climate in Minnesota

By Mike Cook

For the second time in three years, a person with the surname Wardlow represents a southern suburb.



Rep. Doug Wardlow

Rep. Doug Wardlow (R-Eagan) now occupies the seat that his father, Lynn, held from 2003-2008.

"The most important thing I learned from him is the importance of being humble and, in particular, with regards to the Legislature, remembering who you serve," said Wardlow, who was raised in the city.

Having the seat revert back to a familiar name is not the only difference the new representative would like to see.

"What got me interested in running was a sense that things really need to change for the better in our nation and in our state in

terms of restoring fiscal responsibility, in terms of unleashing the power of Americans and ingenuity in our state, returning to the firm belief and founding principle that free enterprise creates productivity and drives job growth and is at the heart of the promise of America and Minnesota. We've strayed from those principles."

Wardlow emphasized that entrepreneurship and free enterprise are the overriding things needed to foster and promote private sector job creation to help the state's economic rebound.

But can things be done when the state faces a projected \$6.2 billion budget deficit?

"We need to balance the budget without raising any taxes. We need to return fiscal responsibility to this state. That's one piece of it," he said. "We need to make it easier for people to move businesses to Minnesota, for businesses to expand in Minnesota, for job creators to grow here, to originate here. We need to encourage and remove hindrances

## DISTRICT 38B

Population (2009 est.): 38,014

Largest City: Eagan

County: Dakota

Top Concern: Returning fiscal responsibility to the state

and burdens and obstacles for people with great ideas that can come up with new kinds of work."

A litigation attorney by trade, Wardlow serves on the House Civil Law Committee, House Judiciary Policy and Finance Committee, House Taxes Committee and the House Property and Local Tax Division.

"I'm very pleased with that," he said. "They're good committees where I'll be able to do some good work for the people of Eagan District 38B and the state."

# Committee Information

## 2011-2012 Minnesota House of Representatives

### Member Assignments as of 1/12/11

#### Agriculture and Rural Development Policy and Finance

559 State Office Building .....296-5373  
Meets: Tuesdays, Wednesdays and Thursdays  
at 10:15 a.m. in the Basement Hearing Room\*

**Members:** 22

**Chair:** Hamilton-R

**Vice Chair:** Anderson, P.-R

**DFL Lead:** Eken-DFL

|                |              |
|----------------|--------------|
| Anderson, B.-R | Morrow-DFL   |
| Falk-DFL       | Persell-DFL  |
| Franson-R      | Poppe-DFL    |
| Fritz-DFL      | Schomacker-R |
| Hansen-DFL     | Shimanski-R  |
| Hosch-DFL      | Swedzinski-R |
| Kath-DFL       | Torkelson-R  |
| Kiel-R         | Vogel-R      |
| LeMieur-R      | Ward-DFL     |
| McElpatrick-R  |              |

#### Staff

Committee Administrator  
Joan Harmon.....296-3641  
Committee Legislative Assistant  
Linda Westrom .....296-7167

#### Capital Investment

491 State Office Building .....296-2451  
Meets: Tuesdays and Wednesdays at 2:30 p.m.  
in Room 10\*

**Members:** 21

**Chair:** Howes-R

**Vice Chair:** Scott-R

**DFL Lead:** Hausman-DFL

|              |              |
|--------------|--------------|
| Banaian-R    | Kriesel-R    |
| Bills-R      | Lanning-R    |
| Carlson-DFL  | Myhra-R      |
| Clark-DFL    | Nornes-R     |
| Drazkowski-R | Rukavina-DFL |
| Fabian-R     | Scalze-DFL   |
| Hackbarth-R  | Sertich-DFL  |
| Hansen-DFL   | Swedzinski-R |
| Hayden-DFL   | Ward-DFL     |

#### Staff

Committee Administrator  
Ryan Blodgett.....296-4110  
Committee Legislative Assistant  
Cyndee Fields.....296-5408

#### Civil Law

443 State Office Building .....296-4929  
Meets: Mondays and Wednesdays at 12:30  
p.m. in Room 10\*

**Members:** 17

**Chair:** Westrom-R

**Vice Chair:** Drazkowski-R

**DFL Lead:** Lesch-DFL

|              |                  |
|--------------|------------------|
| Gruenhagen-R | Mazorol-R        |
| Hilstrom-DFL | Peppin-R         |
| Hilty-DFL    | Peterson, S.-DFL |
| Holberg-R    | Runbeck-R        |
| Hoppe-R      | Scott-R          |
| Hortman-DFL  | Simon-DFL        |
| Mahoney-DFL  | Wardlow-R        |

#### Staff

Committee Administrator  
John Reynolds.....296-5485  
Committee Legislative Assistant  
Sarah Novinskie .....296-8879

#### Commerce and Regulatory Reform

563 State Office Building .....296-5066  
Meets: Tuesdays and Wednesdays at 2:30 p.m.  
in the Basement Hearing Room\*

**Members:** 22

**Chair:** Hoppe-R

**Vice Chair:** Sanders-R

**DFL Lead:** Atkins-DFL

|                |              |
|----------------|--------------|
| Anderson, D.-R | Davids-R     |
| Anderson, S.-R | Dittrich-DFL |
| Anzelc-DFL     | Johnson-DFL  |
| Crawford-R     | Kieffer-R    |
| Daudt-R        | Lillie-DFL   |

|             |               |
|-------------|---------------|
| Loon-R      | O'Driscoll-R  |
| Mazorol-R   | Slocum-DFL    |
| Mullery-DFL | Stensrud-R    |
| Murdock-R   | Tillberry-DFL |
| Nelson-DFL  |               |

#### Staff

Committee Administrator  
Dan Dwight.....296-5385  
Committee Legislative Assistant  
Bethany Aronhalt .....296-5322

#### Education Finance

537 State Office Building .....296-1069  
Meets: Tuesdays, Wednesdays and Thursdays  
at 12:30 p.m. in Room 5\*

**Members:** 20

**Chair:** Garofalo-R

**Vice Chair:** Kelly-R

**DFL Lead:** Greiling-DFL

|                |                |
|----------------|----------------|
| Anderson, P.-R | Loon-R         |
| Anzelc-DFL     | Mariani-DFL    |
| Bills-R        | Myhra-R        |
| Brynaert-DFL   | Petersen, B.-R |
| Davnie-DFL     | Quam-R         |
| Dittrich-DFL   | Slocum-DFL     |
| Downey-R       | Ward-DFL       |
| Erickson-R     | Woodard-R      |
| Fabian-R       |                |

#### Staff

Committee Administrator  
Aaron Solem.....296-5524  
Committee Legislative Assistant  
Rebecca Peichel.....296-5526

## Education Reform

509 State Office Building .....296-6746  
Meets: Tuesdays and Thursdays at 8:15 a.m.  
in the Basement Hearing Room\*

**Members:** 21

**Chair:** Erickson-R

**Vice Chair:** Doepke-R

**DFL Lead:** Mariani-DFL

|                |                  |
|----------------|------------------|
| Barrett-R      | McFarlane-R      |
| Benson, J.-DFL | Moran-DFL        |
| Carlson-DFL    | Murdock-R        |
| Crawford-R     | Myhra-R          |
| Davnie-DFL     | Norton-DFL       |
| Greiling-DFL   | O'Driscoll-R     |
| Kath-DFL       | Petersen, B.-R   |
| Kieffer-R      | Peterson, S.-DFL |
| Kiel-R         | Woodard-R        |

### Staff

Committee Administrator  
Carmen Carter .....296-7191  
Committee Legislative Assistant  
Melissa Hackenmueller .....296-9471

## Environment, Energy and Natural Resources Policy and Finance

375 State Office Building .....296-3135  
Meets: Tuesdays, Wednesdays and Thursdays  
at 8:15 a.m. in Room 5\*

**Members:** 17

**Chair:** McNamara-R

**Vice Chair:** Torkelson-R

**DFL Lead Environment:** Wagenius-DFL

**DFL Lead Energy:** Hilty-DFL

|                |             |
|----------------|-------------|
| Anderson, P.-R | Hancock-R   |
| Beard-R        | Hansen-DFL  |
| Dill-DFL       | Knuth-DFL   |
| Drazkowski-R   | Persell-DFL |
| Fabian-R       | Quam-R      |
| Falk-DFL       | Scott-R     |
| Hackbarth-R    |             |

### Staff

Committee Administrator  
Amy Rudolph .....296-1774  
Committee Legislative Assistant  
Mike Harris .....296-5813

## Legacy Funding Division

571 State Office Building .....296-4344  
Meets: Tuesdays and Wednesdays at 2:30  
p.m. in Room 5\*

**Members:** 12

**Chair:** Urdahl-R

**Vice Chair:** Kiel-R

**DFL Lead:** Dill-DFL

|                |              |
|----------------|--------------|
| Cornish-R      | Peppin-R     |
| Greene-DFL     | Torkelson-R  |
| McFarlane-R    | Wagenius-DFL |
| McNamara-R     | Winkler-DFL  |
| Murphy, M.-DFL |              |

### Staff

Committee Administrator  
Kirstin Beach .....296-5528  
Committee Legislative Assistant  
Mike Knutsen .....296-4483

## Ethics

543 State Office Building .....296-9188  
Meets: At the call of the chair in (No Room  
Assigned)\*

**Members:** 6

**Chair:** Smith-R

**DFL Lead:** Paymar-DFL

|            |              |
|------------|--------------|
| Atkins-DFL | Kelly-R (A)  |
| Erickson-R | Loeffler-DFL |

### Staff

Committee Administrator  
Craig Stone .....296-5367

## Government Operations and Elections

503 State Office Building .....296-7806  
Meets: Tuesdays, Wednesdays and Thursdays  
at 10:15 a.m. in Room 5\*

**Members:** 15

**Chair:** Peppin-R

**Vice Chair:** Murray-R

**DFL Lead:** Nelson-DFL

|               |             |
|---------------|-------------|
| Beard-R       | Quam-R      |
| Greene-DFL    | Sanders-R   |
| Hancock-R     | Scalze-DFL  |
| Hornstein-DFL | Simon-DFL   |
| McFarlane-R   | Urdahl-R    |
| O'Driscoll-R  | Winkler-DFL |

### Staff

Committee Administrator  
Rory Koch .....296-5394  
Committee Legislative Assistant  
Ryan Hamilton .....296-9115

## Health and Human Services Finance

479 State Office Building .....296-1729  
Meets: Tuesdays, Wednesdays and Thursdays  
at 12:30 p.m. in Room 200\*

**Members:** 20

**Chair:** Abeler-R

**Vice Chair:** Kiffmeyer-R

**DFL Lead:** Huntley-DFL

**DFL Lead Early Childhood:** Slawik-DFL

|                |                |
|----------------|----------------|
| Anderson, D.-R | Lanning-R      |
| Franson-R      | Liebling-DFL   |
| Fritz-DFL      | Lohmer-R       |
| Gottwalt-R     | Mack-R         |
| Hamilton-R     | McDonald-R     |
| Hayden-DFL     | McElpatrick-R  |
| Hosch-DFL      | Murphy, E.-DFL |
| Laine-DFL      | Schomacker-R   |

### Staff

Committee Administrator  
Christine Kiel .....296-5413  
Committee Legislative Assistant  
Andy Leer .....296-5999

## Health and Human Services Reform

485 State Office Building .....296-6316  
Meets: Tuesdays and Wednesdays at 2:30 p.m.  
in Room 200\*

**Members:** 21

**Chair:** Gottwalt-R

**Vice Chair:** Mack-R

**DFL Lead:** Liebling-DFL

|              |                  |
|--------------|------------------|
| Abeler-R     | Loeffler-DFL     |
| Barrett-R    | Lohmer-R         |
| Benson, M.-R | McDonald-R       |
| Franson-R    | McElpatrick-R    |
| Fritz-DFL    | Moran-DFL        |
| Gruenhagen-R | Murphy, E.-DFL   |
| Hosch-DFL    | Norton-DFL       |
| Huntley-DFL  | Peterson, S.-DFL |
| Kiffmeyer-R  | Quam-R           |

### Staff

Committee Administrator  
Holly Iverson .....296-4305  
Committee Legislative Assistant  
Shirley Koderick .....296-4999



## Higher Education Policy and Finance

471 State Office Building ..... 296-4946  
Meets: Tuesdays and Thursdays at 12:30 p.m.  
in the Basement Hearing Room\*

**Members:** 15

**Chair:** Nornes-R

**Vice Chair:** Dettmer-R

**DFL Lead:** Rukavina-DFL

|              |              |
|--------------|--------------|
| Atkins-DFL   | Mazorol-R    |
| Banaian-R    | Morrow-DFL   |
| Benson, M.-R | Norton-DFL   |
| Daudt-R      | Pelowski-DFL |
| Doepke-R     | Poppe-DFL    |
| Hancock-R    | Vogel-R      |

### Staff

Committee Administrator  
Mike Valleau..... 296-4091  
Committee Legislative Assistant  
Chelsea Thompson..... 296-1544

## Jobs and Economic Development Finance

591 State Office Building ..... 296-3240  
Meets: Tuesdays and Thursdays at 12:30 p.m.  
in Room 10\*

**Members:** 17

**Chair:** Gunther-R

**Vice Chair:** McFarlane-R

**DFL Lead Jobs:** Mahoney-DFL

**DFL Lead Housing:** Clark-DFL

|             |              |
|-------------|--------------|
| Dill-DFL    | Paymar-DFL   |
| Howes-R     | Sanders-R    |
| Kieffer-R   | Scalze-DFL   |
| Leidiger-R  | Sertich-DFL  |
| LeMieur-R   | Stensrud-R   |
| Mullery-DFL | Swedzinski-R |
| Murray-R    |              |

### Staff

Committee Administrator  
Dan Dwight..... 296-5385  
Committee Legislative Assistant  
Rebecca Lowden..... 296-8871

## Judiciary Policy and Finance

543 State Office Building ..... 296-9188  
Meets: Tuesdays and Thursdays at 8:15 a.m.  
in Room 10\*

**Members:** 17

**Chair:** Smith-R

**Vice Chair:** Shimanski-R

**DFL Lead:** Johnson-DFL

|                |               |
|----------------|---------------|
| Anderson, D.-R | Lesch-DFL     |
| Champion-DFL   | Liebling-DFL  |
| Cornish-R      | Mazorol-R     |
| Gruenhagen-R   | Schomacker-R  |
| Hilstrom-DFL   | Tillberry-DFL |
| Kriesel-R      | Vogel-R       |
| Laine-DFL      | Wardlow-R     |

### Staff

Committee Administrator  
Jody Withers..... 296-4141  
Committee Legislative Assistant  
Joyce Vogt..... 297-8407

## Public Safety and Crime Prevention Policy and Finance

437 State Office Building ..... 296-4240  
Meets: Tuesdays, Wednesdays and Thursdays  
at 10:15 a.m. in Room 10\*

**Members:** 17

**Chair:** Cornish-R

**Vice Chair:** Woodard-R

**DFL Lead:** Mullery-DFL

|              |             |
|--------------|-------------|
| Gauthier-DFL | Leidiger-R  |
| Gruenhagen-R | Mariani-DFL |
| Hilty-DFL    | McDonald-R  |
| Johnson-DFL  | Moran-DFL   |
| Kelly-R      | Nornes-R    |
| Kieffer-R    | Slocum-DFL  |
| Kriesel-R    | Smith-R     |

### Staff

Committee Administrator  
John Hultquist..... 296-4283  
Committee Legislative Assistant  
Laura Larson ..... 296-9266

## Redistricting

549 State Office Building ..... 296-5511  
Meets: At the call of the chair in (No Room  
Assigned)\*

**Members:** 12

**Chair:** Anderson, S.-R

**Vice Chair:** Fabian-R

**DFL Lead:** Murphy, M.-DFL

|             |              |
|-------------|--------------|
| Clark-DFL   | Loon-R       |
| Daudt-R     | Marquart-DFL |
| Garofalo-R  | Poppe-DFL    |
| Hoppe-R     | Scott-R      |
| Hortman-DFL |              |

### Staff

Committee Administrator  
Tom Freeman..... 296-8826  
Committee Legislative Assistant  
Kate Hensing..... 296-5399

## Rules and Legislative Administration

459 State Office Building ..... 296-3018  
Meets: At the call of the chair in (No Room  
Assigned)\*

**Members:** 25

**Chair:** Dean-R

**Vice Chair:** Daudt-R

**DFL Lead:** Pelowski-DFL

|                |                |
|----------------|----------------|
| Anderson, S.-R | Lillie-DFL     |
| Banaian-R      | Mack-R         |
| Benson, J.-DFL | McNamara-R     |
| Brynaert-DFL   | Murphy, E.-DFL |
| Hamilton-R     | Nornes-R       |
| Hilstrom-DFL   | Norton-DFL     |
| Hoppe-R        | Paymar-DFL     |
| Howes-R        | Peppin-R       |
| Kelly-R        | Scott-R        |
| Knuth-DFL      | Thissen-DFL    |
| Laine-DFL      | Westrom-R      |

### Staff

Committee Administrator  
Anna Bellin ..... 296-5508  
Committee Legislative Assistant  
Diana Stepanek ..... 296-9194

## State Government Finance

379 State Office Building ..... 296-5515  
Meets: Tuesdays, Wednesdays and Thursdays  
at 8:15 a.m. in Room 200\*

**Members:** 21

**Chair:** Lanning-R

**Vice Chair:** Benson, M.-R

**DFL Lead:** Kahn-DFL

|                |                |
|----------------|----------------|
| Anderson, B.-R | Lohmer-R       |
| Banaian-R      | McElpatrick-R  |
| Downey-R       | Murphy, M.-DFL |
| Gauthier-DFL   | Murray-R       |
| Greene-DFL     | Simon-DFL      |
| Gunther-R      | Slawik-DFL     |
| Hayden-DFL     | Stensrud-R     |
| Leidiger-R     | Urdahl-R       |
| Lillie-DFL     | Winkler-DFL    |

**Staff**

Committee Administrator  
 Joe Marble.....296-7185  
 Committee Legislative Assistant  
 Johnna O'Neill .....296-4230

**Veterans Services Division**

365 State Office Building .....296-5063  
 Meets: Mondays at 12:30 p.m. in the Basement  
 Hearing Room\*

**Members:** 13**Chair:** Anderson, B.-R**Vice Chair:** Kriesel-R**DFL Lead:** Koenen-DFL

|            |              |
|------------|--------------|
| Anzelc-DFL | Kath-DFL     |
| Davids-R   | LeMieur-R    |
| Dettmer-R  | Lohmer-R     |
| Falk-DFL   | O'Driscoll-R |
| Kahn-DFL   | Persell-DFL  |

**Staff**

Committee Administrator  
 Joe Marble.....296-7185  
 Committee Legislative Assistant  
 Brian Theis.....296-5494

**Taxes**

585 State Office Building .....296-9278  
 Meets: Tuesdays, Wednesdays and Thursdays  
 at 10:15 a.m. in Room 200\*

**Members:** 29**Chair:** Davids-R**Vice Chair:** Loon-R**DFL Lead:** Lenczewski-DFL

|                |               |
|----------------|---------------|
| Anderson, S.-R | Knuth-DFL     |
| Bills-R        | Koenen-DFL    |
| Buesgens-R     | Lesch-DFL     |
| Crawford-R     | Loeffler-DFL  |
| Davnie-DFL     | Mack-R        |
| Doepke-R       | Marquart-DFL  |
| Downey-R       | Myhra-R       |
| Drazkowski-R   | Paymar-DFL    |
| Erickson-R     | Rukavina-DFL  |
| Garofalo-R     | Runbeck-R     |
| Gottwalt-R     | Sertich-DFL   |
| Hortman-DFL    | Tillberry-DFL |
| Kiffmeyer-R    | Wardlow-R     |

**Property and Local Tax Division**

583 State Office Building .....296-2907  
 Meets: Wednesdays at 8:15 a.m. in Room 10\*

**Members:** 16**Chair:** Runbeck-R**Vice Chair:** Crawford-R**DFL Lead:** Marquart-DFL

|                |                |
|----------------|----------------|
| Barrett-R      | Lenczewski-DFL |
| Benson, J.-DFL | Loeffler-DFL   |
| Daudt-R        | Mahoney-DFL    |
| Dettmer-R      | McDonald-R     |
| Dittrich-DFL   | Petersen, B.-R |
| Koenen-DFL     | Wardlow-R      |
| LeMieur-R      |                |

**Staff**

Committee Administrator  
 Bobby Patrick.....296-4119  
 Committee Legislative Assistant  
 Anna Fournier .....296-7881

**Transportation Policy and Finance**

417 State Office Building .....296-8872  
 Meets: Mondays and Wednesdays at 12:30  
 p.m. in Room 5\*

**Members:** 17**Chair:** Beard-R**Vice Chair:** Murdock-R**DFL Lead:** Hornstein-DFL

|              |             |
|--------------|-------------|
| Benson, M.-R | Leidiger-R  |
| Buesgens-R   | Morrow-DFL  |
| Champion-DFL | Murray-R    |
| Eken-DFL     | Nelson-DFL  |
| Gauthier-DFL | Sanders-R   |
| Hausman-DFL  | Shimanski-R |
| Kiel-R       | Vogel-R     |

**Staff**

Committee Administrator  
 Mark Nisley .....296-1540  
 Committee Legislative Assistant  
 Ana Bahr.....296-4375

**Ways and Means**

453 State Office Building .....296-6926  
 Meets: Mondays at 10:15 a.m. or call of the  
 chair in Room 200\*

**Members:** 34**Chair:** Holberg-R**Vice Chair:** Downey-R**DFL Lead:** Carlson-DFL

|                |                |
|----------------|----------------|
| Abeler-R       | Howes-R        |
| Anderson, B.-R | Huntley-DFL    |
| Anderson, S.-R | Kahn-DFL       |
| Beard-R        | Kiffmeyer-R    |
| Brynaert-DFL   | Lanning-R      |
| Buesgens-R     | Lenczewski-DFL |
| Champion-DFL   | McNamara-R     |
| Cornish-R      | Nornes-R       |
| Davids-R       | Pelowski-DFL   |
| Eken-DFL       | Rukavina-DFL   |
| Garofalo-R     | Sertich-DFL    |
| Greiling-DFL   | Slawik-DFL     |
| Gunther-R      | Smith-R        |
| Hackbarth-R    | Wagenius-DFL   |
| Hamilton-R     | Westrom-R      |
| Hornstein-DFL  |                |

**Staff**

Committee Administrator  
 Harry Kennedy .....296-5065  
 Committee Legislative Assistant  
 Alex Smith .....296-3889

# Minnesota House Committee Schedule 2011-2012

As of 12/29/10

|                        | Monday  | Tuesday  | Wednesday  | Thursday   | Friday                                       |
|------------------------|---|--|--|--|--|
| <b>8:15-10 a.m.</b>    |   | Environment, Energy and Natural Resources Policy and Finance (5)<br>Education Reform (B)<br>State Government Finance (200)<br>Judiciary Policy and Finance (10)                  | Environment, Energy and Natural Resources Policy and Finance (5)<br>State Government Finance (200)<br>Property and Local Tax Division (10)                                       | Environment, Energy and Natural Resources Policy and Finance (5)<br>Education Reform (B)<br>State Government Finance (200)<br>Judiciary Policy and Finance (10)                  |  |
| <b>10:15-Noon</b>      | Ways and Means (200)  | Taxes (200)<br>Government Operations and Elections (5)<br>Public Safety and Crime Prevention Policy and Finance (10)<br>Agriculture and Rural Development Policy and Finance (B) | Taxes (200)<br>Government Operations and Elections (5)<br>Public Safety and Crime Prevention Policy and Finance (10)<br>Agriculture and Rural Development Policy and Finance (B) | Taxes (200)<br>Government Operations and Elections (5)<br>Public Safety and Crime Prevention Policy and Finance (10)<br>Agriculture and Rural Development Policy and Finance (B) | No regular meetings are scheduled on Fridays |
| <b>12:30-2:15 p.m.</b> | Civil Law (10)<br>Transportation Policy and Finance (5)<br>Veterans Services Division (B) | Jobs and Economic Development Finance (10)<br>Health and Human Services Finance (200)<br>Higher Education Policy and Finance (B)<br>Education Finance (5)                        | Civil Law (10)<br>Health and Human Services Finance (200)<br>Transportation Policy and Finance (B)<br>Education Finance (5)  | Jobs and Economic Development Finance (10)<br>Health and Human Services Finance (200)<br>Higher Education Policy and Finance (B)<br>Education Finance (5)                        |  |
| <b>2:30-4:15 p.m.</b>  | <b>HOUSE IN SESSION<br/>3 p.m.</b>  | Commerce and Regulatory Reform (B)<br>Capital Investment (10)<br>Health and Human Services Reform (200)<br>Legacy Funding Division (5)   | Commerce and Regulatory Reform (B)<br>Capital Investment (10)<br>Health and Human Services Reform (200)<br>Legacy Funding Division (5)   | <b>HOUSE IN SESSION<br/>3 p.m.</b>   |  |

Ways and Means, Rules, Ethics and Redistricting meet at the call of the Chair  
All rooms are in the State Office Building



# BILL INTRODUCTIONS

JANUARY 10 - 13, 2011

HOUSE FILES 1 - 92

## Monday, January 10

### HF1-Fabian (R)

#### Environment, Energy & Natural Resources Policy & Finance

Environmental permitting efficiency provided and environmental review requirements modified.

### HF2-Banaian (R)

#### Government Operations & Elections

State budget priority-based process created, sunset process established for state agencies.

### HF3-Mariani (DFL)

#### Education Reform

Alternative teacher preparation program and limited term teacher license established.

### HF4-Downey (R)

#### Government Operations & Elections

State workforce reduction required and early retirement program created.

### HF5-McNamara (R)

#### Government Operations & Elections

State employee salary and wage freeze instituted.

### HF6-Cornish (R)

#### Public Safety & Crime Prevention Policy & Finance

Criminal sexual conduct in the first degree penalty increased.

### HF7-Drazkowski (R)

#### Government Operations & Elections

Local government mandates abolished.

### HF8-Gottwalt (R)

#### Health & Human Services Reform

Healthy Minnesota contribution program established.

### HF9-Peppin (R)

#### Environment, Energy & Natural Resources Policy & Finance

Nuclear power plant certificate of need prohibition abolished.

### HF10-Loon (R)

#### Taxes

Taxable income subtraction allowed, corporate franchise tax rates reduced and sales tax exemption allowed for capital equipment at time of purchase.

### HF11-Bills (R)

#### Taxes

Research tax credit increased for corporations.

### HF12-LeMieur (R)

#### Agriculture & Rural Development Policy & Finance

Green acres and agricultural classifications restored to pre-2008 status.

### HF13-Kriesel (R)

#### Redistricting

Legislative districts and congressional districts coordinated so that the number of senators is evenly divisible by the number of representatives.

### HF14-Howes (R)

#### Higher Education Policy & Finance

University of Minnesota and Minnesota State Colleges and Universities asset preservation funding provided.

### HF15-Koenen (DFL)

#### Veterans Services Division

Military pension income tax subtraction created.

### HF16-Hackbarth (R)

#### Environment, Energy & Natural Resources Policy & Finance

Two angling lines permitted.

### HF17-Koenen (DFL)

#### State Government Finance

Montevideo; veterans home funding provided.

### HF18-Koenen (DFL)

#### Taxes

Sales and use tax exemption provided for grain bins, fencing materials and cattle ear tags.

### HF19-Urdahl (R)

#### Health & Human Services Finance

Nursing facility operating rates changed.

### HF20-Urdahl (R)

#### Environment, Energy & Natural Resources Policy & Finance

Environmental impact statement process modified.

### HF21-Davids (R)

#### Taxes

Individual income tax reciprocity agreement reinstated with Wisconsin and its termination permitted only by law.

### HF22-Davids (R)

#### Taxes

Property tax 4c classification requirements modified.

### HF23-Davids (R)

#### Taxes

Property tax 4c classification requirements modified.

### HF24-Davids (R)

#### Environment, Energy & Natural Resources Policy & Finance

State trail bicycling pass required.

### HF25-Davids (R)

#### Veterans Services Division

Veterans receiving licenses without a fee disability level modified.

### HF26-Davids (R)

#### State Government Finance

Preston; historic grain elevator restoration funding provided.

### HF27-Davids (R)

#### Jobs & Economic Development Finance

Chatfield; Potter Center for the Arts funding provided.

### HF28-Davids (R)

#### Environment, Energy & Natural Resources Policy & Finance

Preston; National Trout Learning Center funding provided.

### HF29-Gottwalt (R)

#### Redistricting

Legislature member number reduced, and division of a Senate district prevented in the formation of a congressional district.

### HF30-Dill (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Land exchange provisions modified, compensation provided and public and private sales of certain tax-forfeited land authorized.

### HF31-Dill (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Deer killed by motor vehicle permitted to be kept by the driver.

### HF32-Dill (DFL)

#### Civil Law

State and local government tort liability limits restored to pre-2008 levels, and state and local government contracts prohibited that require contractors to provide liability insurance or other security in excess of those limits.

### HF33-Dill (DFL)

#### Higher Education Policy & Finance

Cook County; higher education funding provided.

### HF34-Dill (DFL)

#### Education Finance

Sparsity revenue guarantee extended to all qualifying school districts.

### HF35-Dill (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Tax-forfeited land private sales authorized.

### HF36-Garofalo (R)

#### Taxes

Pet sales exempted from sales taxes.

### HF37-Norton (DFL)

#### Education Reform

Mental health education model curriculum created.

### HF38-Norton (DFL)

#### Commerce & Regulatory Reform

Fair Claims Practices Act amended as it applies to certain automobile insurance claims, and certain third-party claimant rights provided in insurance settlement of claims.

### HF39-Norton (DFL)

#### Transportation Policy & Finance

Highway 14 designated as Black and Yellow Trail.

**HF40-Norton (DFL)****Higher Education Policy & Finance**

Lifelong learning account established, tax credits allowed to employers and employees for contributions to lifelong learning accounts.

**HF41-Norton (DFL)****Education Finance**

Safe schools levy maintenance of effort requirements amended.

**HF42-Davids (R)****Taxes**

Corporate franchise tax phased out.

**HF43-Fritz (DFL)****Health & Human Services Reform**

Home care tax credit established, long-term consultation team amended, and caregiver burden scale established.

**HF44-Mariani (DFL)****Education Reform**

High school assessments established to determine college and career readiness; reports required.

**HF45-Mariani (DFL)****Government Operations & Elections**

Legislative Commission for Policy Innovation and Research established.

**HF46-Mariani (DFL)****Education Reform**

Compulsory attendance age increased for the requirements of high school graduation.

**HF47-Mariani (DFL)****Education Reform**

Standard diploma for at-risk and off-track students alternative routes pursued.

**HF48-Mariani (DFL)****Education Reform**

Academic math standards revised to incorporate the common core state standards for mathematics.

**HF49-Nornes (R)****Taxes**

Fergus Falls; sales and use tax authorized.

**HF50-Anderson, B. (R)****Veterans Services Division**

Female-veteran designation authorized for special veteran's license plates or Gold Star license plates.

**HF51-Hayden (DFL)****Health & Human Services Reform**

All necessary health care guaranteed available and affordable for every Minnesotan; Minnesota Health Plan, Minnesota Health Board, Minnesota Health Fund, Office of Health Quality and Planning, ombudsman for patient advocacy and inspector general for the Minnesota Health Plan established; rulemaking authorized.

**HF52-Peppin (R)****Government Operations & Elections**

City, county, and town zoning control and ordinance variances provided.

**HF53-Buesgens (R)****Government Operations & Elections**

Outside contracting agency restrictions removed.

**HF54-Davids (R)****Agriculture & Rural Development Policy & Finance**

Green acres and agricultural classifications restored to pre-2008 status.

**HF55-Hackbarth (R)****Environment, Energy & Natural Resources Policy & Finance**

Stream easement acquisition provisions modified; state park, state forest and land exchange provisions modified; state parks and state forests added to and deleted from; and public and private sales, conveyances and exchanges of state land authorized.

**HF56-Dill (DFL)****Veterans Services Division**

Veteran waiver of immunity provided to sue the State of Minnesota as an employer in federal or other courts for violation of the Uniformed Services Employment and Reemployment Rights Act.

**HF57-Kriesel (R)****Public Safety & Crime Prevention Policy & Finance**

Synthetic cannabinoid sale or possession crime established and penalty provided.

**HF58-Fabian (R)****Education Finance**

Independent School District No. 356, Lancaster, transition revenue adjusted.

**HF59-Erickson (R)****Education Reform**

School district January 15 deadline repealed by which school districts must reach a collective bargaining agreement or face a state aid penalty.

**HF60-Ward (DFL)****Public Safety & Crime Prevention Policy & Finance**

Crow Wing County; alcohol and controlled substance pilot project established to monitor for certain persons with revoked driver's licenses.

**HF61-Ward (DFL)****Health & Human Services Finance**

Minnesota Faith in Action permanent funding allocated.

**HF62-Ward (DFL)****Government Operations & Elections**

Workers Memorial Garden on the State Capitol grounds updated to include a reference to the Milford Mine Disaster in Crosby that occurred on Feb. 5, 1924.

**HF63-Garofalo (R)****Education Reform**

Teacher licensure provisions amended, alternative teacher preparation program and limited-term teacher license established; report required.

**HF64-Drazkowski (R)****Transportation Policy & Finance**

English designated as the official language of Minnesota.

**HF65-Drazkowski (R)****Commerce & Regulatory Reform**

Freedom of employment constitutional amendment proposed.

**HF66-Drazkowski (R)****Taxes**

Political contribution refund repealed.

**Thursday, January 13****HF67-Downey (R)****Taxes**

General Fund expenditures limited in the 2012-13 biennium to forecasted revenues, and use specified for any forecasted increases in revenues above the level of revenues forecasted for the 2010-11 biennium.

**HF68-Garofalo (R)****Public Safety & Crime Prevention Policy & Finance**

Careless driving resulting in death provided to be a gross misdemeanor.

**HF69-Drazkowski (R)****Civil Law**

Physical custody rebuttable presumption established.

**HF70-Kiffmeyer (R)****Education Finance**

Independent School District No. 726, Becker, fund transfer authorized.

**HF71-Simon (DFL)****Education Finance**

School districts authorized to use its operating capital for certain costs associated with closing a school.

**HF72-Beard (R)****Environment, Energy & Natural Resources Policy & Finance**

Carbon dioxide emissions by utilities ban removed.

**HF73-Anzelc (DFL)****Agriculture & Rural Development Policy & Finance**

Lake of the Woods County; plasma-biomass plant grant funding provided.

**HF74-Hansen (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Metropolitan area cities grant funding provided to address inflow and infiltration in the sewer system.

**HF75-Hackbarth (R)****Environment, Energy & Natural Resources Policy & Finance**

Public utility, energy conservation and renewable energy provisions modified.

**HF76-Banaian (R)****Government Operations & Elections**

Zero-based budgeting system required, and state agency sunsets and reviews provided.

**HF77-Lanning (R)****Health & Human Services Finance**

Healthy community and circle of support initiative grant program funding provided.

**HF78-Peterson (DFL)****Commerce & Regulatory Reform**

Homeowner's insurance surcharge disclosure required.

**HF79-Davids (R)****Taxes**

Dependent health care coverage to adult children through age 26 for tax year 2010 federal extension conformed.

**HF80-Nornes (R)****Transportation Policy & Finance**

Waterfront structure transportation on trunk highways authorized with annual special permits.

**HF81-Rukavina (DFL)****Government Operations & Elections**

Public Employees Retirement Association; purchase of service and salary credit authorized for certain former employees of Babbitt and Buhl for eligible unreported employment.

**HF82-Dettmer (R)****Veterans Services Division**

Military retirement pay phased-in subtraction provided.

**HF83-Paymar (DFL)****Agriculture & Rural Development Policy & Finance**

Ethanol producer payment program repealed.

**HF84-Morrow (DFL)****Transportation Policy & Finance**

Highway 14 license plates authorized.

**HF85-Morrow (DFL)****Public Safety & Crime Prevention Policy & Finance**

Careless driving resulting in death penalty provided, and violator's driver's license revocation provided.

**HF86-Mariani (DFL)****Education Reform**

Compulsory attendance age increased for high school graduation.

**HF87-Mariani (DFL)****Education Reform**

Teacher candidate pre-service performance assessment established, and alternative teacher preparation program and limited-term teaching license established.

**HF88-Doepke (R)****Education Finance**

Student health personnel set-aside removed.

**HF89-Benson, M. (R)****Government Operations & Elections**

Voter picture identification required before receiving a ballot, voter identification card provided at no charge and provisional balloting procedure established.

**HF90-Hausman (DFL)****Capital Investment**


Capital improvement funding provided, fiber optic infrastructure grant program established for schools, and prior bond authorizations reduced.

**HF91-Howes (R)****Transportation Policy & Finance**

Choose Life license plates authorized, adoption support account established.

**HF92-Downey (R)****Education Reform**

Teacher contract deadline aid penalty repealed.

| Statement of Ownership, Management and Circulation  |   |  |  |
|---|---|--|--|
| Publication Title<br>Session Weekly   |   | Publication Number<br>1049-8176  | Date of Filing<br>8/17/2010                                    |
| Issue Frequency<br>Weekly during legislative session  |   | No. of Issues Published<br>Annually 22 odd yr.;<br>12 even                                       | Annual<br>Subscription/Price<br>No Charge                      |
| Complete Mailing Address of Known Office of Publication<br>100 Rev. Dr. Martin Luther King Jr. Blvd., Room 175<br>St. Paul, Ramsey Co., MN, 55155-1298  |   | Contact person<br>Nick Buase   |  |
| Complete Mailing Address of the Headquarters or General Business Offices of the Publisher<br>Same as above  |   | Telephone<br>651-296-7592  |  |
| Full Names and Complete Mailing Address of Publisher, Editor, and Managing Editor   |   |  |  |
| Publisher Barry LaGrave, 100 Rev. Dr. Martin Luther King Jr. Blvd., Rm. 175, St. Paul, MN, 55155-1298   |   |  |  |
| Editor Lee Ann Schutz, 100 Rev. Dr. Martin Luther King Jr. Blvd., Rm. 175, St. Paul, MN, 55155-1298   |   |  |  |
| Managing Editor Mike Cook, 100 Rev. Dr. Martin Luther King Jr. Blvd., Rm. 175, St. Paul, MN, 55155-1298   |   |  |  |
| (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.) |   |  |  |
| Full Name   |   | Complete mailing Address   |  |
| Minnesota House of Representatives<br>Public Information Services   |   | 175 State Office Building<br>100 Rev. Dr. Martin Luther King Jr. Blvd<br>St. Paul, MN 55155-1298 |  |
| Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities. If none, check box.<br><input checked="" type="checkbox"/> None  |   |  |  |
| For completion by nonprofit organizations authorized to mail at special rates. The purpose, function and nonprofit status of this organization and the exempt status for federal income tax purposes: (Check one)<br><input checked="" type="checkbox"/> Has Not Changed During Preceding 12 Months<br><input type="checkbox"/> Has Changed During Preceding 12 Months<br>(If changed, publisher must submit explanation of change with this statement)   |   |  |  |
| Publication Title<br>Session Weekly   |   | Issue Date for Circulation Data<br>6/4/2010  |  |
| 15. Extent and Nature of Circulation  |   | Average No. Copies Each Issue<br>During Preceding 12 Months                                      | No. Copies of Single Issue<br>Published nearest to Filing date |
| a. Total No. Copies (Net press run)   |   | 6,952  | 7,800  |
| b. Legitimate<br>Paid and/or<br>Requested<br>Distribution<br>(By mail and<br>Outside the<br>Mail)   | 1 Outside-County Paid/Requested Mail<br>Subscriptions stated on PS Form 3541.                                       | 5,536  | 5,952  |
|   | 2 In-County Paid/Requested Mail<br>Subscriptions Stated on PS Form 3541.  |  |  |
|   | 3 Sales Through Dealers and Carriers,<br>Street Vendors, Counter Sales, and<br>Other Paid Distribution Outside USPS |  |  |
|   | 4 Requested Copies Distributed by Other<br>Classes of Mail Through the USPS (e.g.<br>First Class Mail)              |  |  |
| c. Total paid Distribution (Sum of 15b (1), (2), (3), and (4))  |   | 5,536  | 5,952  |
| d. Nonre-<br>quested<br>Distribution<br>(By mail and<br>Outside the<br>Mail)  | 1 Outside-County Paid/Nonrequested Mail<br>Subscriptions stated on PS Form 3541.                                    |  |  |
|   | 2 In-County Paid/Nonrequested Mail<br>Subscriptions stated on PS Form 3541.   |  |  |
|   | 3 Nonrequested Copies Mailed at First<br>Classes Through the USPS (e.g. First<br>Class Mail)                        | 1,416  | 1,848  |
|   | 4 Nonrequested Copies Distributed Outside<br>the Mail.  |  |  |
| e. Total Nonrequested Distribution  |   | 1,416  | 1,848  |
| f. Total Distribution (Sum of 15c and 15e)  |   | 6,952  | 7,800  |
| g. Copies Not Distributed   |   | 0  | 0  |
| h. Total (Sum of 15f and g)   |   | 6,952  | 7,800  |
| i. Percent paid and/or Requested Circulation.   |   | 80%  | 76%  |
| <input checked="" type="checkbox"/> Publication required. Will be printed in the January 14, 2011 issue of this publication   |   |  |  |
| Signature and Title of Editor, Publisher, Business Manager, or Owner<br>  |   | Date<br>August 16, 2010  |  |
| I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including multiple damages and civil penalties).   |   |  |  |

## Minnesota's U.S. Representatives in Washington, D.C.

**First District****Tim Walz (DFL)**

1722 Longworth House Office Building  
Washington, D.C. 20515  
202-225-2472  
Fax: 202-225-3433

**Second District****John Kline (R)**

2439 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2271  
Fax: 202-225-2595

**Third District****Erik Paulsen (R)**

127 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2871  
Fax: 202-225-6351

**Fourth District****Betty McCollum (DFL)**

1714 Longworth House Office Building  
Washington, D.C. 20515  
202-225-6631  
Fax: 202-225-1968

**Fifth District****Keith Ellison (DFL)**

1027 Longworth House Office Building  
Washington, D.C. 20515  
202-225-4755  
Fax: 202-225-4886

**Sixth District****Michele Bachmann (R)**

103 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2331  
Fax: 202-225-6475

**Seventh District****Collin Peterson (DFL)**

2211 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2165  
Fax: 202-225-1593

**Eighth District****Chip Cravaack (R)**

508 Cannon House Office Building  
Washington, D.C. 20515  
202-225-6211  
Fax: 202-225-0699



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Patty Ostberg

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## State Employment

|  |           |
|--|-----------|
| Minnesota's labor force in the second quarter of 2010.....   | 2,578,487 |
| One year earlier .....   | 2,595,138 |
| Two years earlier .....  | 2,704,567 |
| Wages, in billions, earned by Minnesotans in the second quarter of 2010 .....                                | \$29.1    |
| One year earlier, in billions.....   | \$28.4    |
| Two years earlier, in billions.....  | \$29.8    |
| Minnesota unemployment rate (seasonally adjusted) in November 2010, as percent .....                         | 7.1       |
| Percent in November 2009 .....   | 7.6       |
| Percent in November 2008 .....   | 6.2       |
| National unemployment rate in November 2010, as percent .....  | 9.8       |
| Percents in November 2009, 2008.....   | 10, 6.7   |
| Initial Minnesota claims for unemployment in December 2010.....  | 39,850    |
| Percent decrease from one year earlier.....  | 26.5      |
| Minnesotans, as approximate, who received state unemployment benefits in 2009.....                           | 350,000   |
| Billions in unemployment benefits (including extended benefits) paid to Minnesotans in 2009.....             | \$2.8     |
| Maximum weekly state unemployment benefit a recipient can receive .....                                      | \$578     |
| Millions of phone calls answered by state unemployment claim insurance representatives in 2009 .....         | 1.25      |
| Number of Workforce Centers in Minnesota.....  | 49        |
| Number of job vacancies in state in second quarter of 2010.....  | 41,397    |
| Percent increase from one year earlier .....   | 32        |
| Job vacancy increase from second quarter 2009 to second quarter 2010, as percent, in Greater Minnesota ..... | 37.1      |
| Percent in Twin Cities metropolitan area.....  | 25.6      |
| Percent of the second quarter 2010 job vacancies that are part-time .....                                    | 42        |
| Median hourly wage for all the second quarter 2010 job vacancies.....  | \$10.19   |
| Unemployed workers for each job vacancy statewide in second quarter of 2010 .....                            | 4.8       |
| One year earlier .....   | 7.9       |

— M. COOK

**Sources: Department of Employment and Economic Development, including Minnesota Unemployment Insurance Information Handbook and Job Vacancy Survey.**



# SESSION WEEKLY



REDISTRICTING: THE SLICE AND DICE

MEET MORE NEW MEMBERS

TAKING A NEW PATH TO TEACHING

HF93 - HF174

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 3 • JANUARY 21, 2011

# Flashback to 1991 and 2001

## Rules committee urges restraint in Iraq

**1991** - The United States and its allies went to war with Iraq on Jan. 16. Following more than three hours of emotional debate Jan. 15, the House Rules and Legislative Administration Committee approved a resolution calling on the president to further negotiate with Iraq in an effort to avert the war.

"This is a sober, somber, serious moment, but we ought not try to supplant the feelings of Congress," said Rep. Sally Olsen (IR-St. Louis Park).

"What we're doing here is urging the president, despite the power he's been granted by Congress, to pursue all possible non-war situations," said Rep. Lee Greenfield (DFL-Mpls.).

Because of the events in Iraq and Kuwait, Gov. Arne Carlson canceled his scheduled State of the State address on Jan. 16.

— Session Weekly Jan. 18, 1991

## Drawing new lines

**2001** - Even though it comes along just once every 10 years, the process is one of the most emotionally charged issues the Legislature has to deal with — agreeing to a redistricting plan. This year, the House is attempting an approach that's never been tried before — creating a bipartisan committee to develop a plan.

Rep. Erik Paulsen (R-Eden Prairie), the House Redistricting Committee chairman, pledged to work together with all members to create a fair and open process, "even though it seems inevitable that the courts eventually get involved."

— Session Weekly Jan. 19, 2001

## Contents

**FIRST READING:** Alternative licensure: one teacher's story • 3-4

**HIGHLIGHTS:** Reduced funding proposals get hearings • 5-11

**AT ISSUE:** State redistricting is a balancing act that's not often easy • 12-13

**PEOPLE:** Meet Banaian, Barrett, Greene, Gruenhagen, LeMieur, Mazorol, McDonald, Myhra, O'Driscoll and Petersen • 14-18

**RESOURCES:** House roster of members • 19

**RESOURCES:** How a Bill Becomes Law • 20-21

**BILL INTRODUCTIONS:** HF93-HF174 • 22-23

**MINNESOTA INDEX:** Higher Education • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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





PHOTO BY TOM OLMSCHIED

Parasa Chanramy teaches at the BEST Academy through the Teach for America program. Legislation is proposed to make it easier for people like her to become licensed.

## Alternative teacher mindset

Tackling the achievement gap one classroom at a time

BY KRIS BERGGREN

**T**he kindergarteners at the BEST Academy, a North Minneapolis charter school, are mostly Somali-American and eligible for free or reduced-price lunch. Their teacher, Parasa Chanramy, is a recent college graduate from Oregon who didn't major in education.

Chanramy isn't just any starry-eyed do-gooder who likes kids. She's one of the 12 percent of 46,000 applicants selected last year by Teach for America to tackle the achievement gap, one class at a time.

An international affairs major at Lewis & Clark College, Chanramy volunteered at a Portland public school and studied education policy at Princeton University on a summer

fellowship. She completed 30 hours of "pre-work" required by TFA, including classroom observation, reading and instructional videos, then spent six weeks student teaching and learning pedagogy and practice at a school on Chicago's south side.

She relies on feedback from her academy colleagues and her TFA program advisor to continually improve her teaching. Chanramy

is pleased with her students' progress after half a year. She administers weekly quizzes and seven cumulative exams a year. Somali-speaking staff interpret during parent teacher conferences and translate her newsletter and progress reports. She sees about 60 percent of parents more than once a month.

"Are they learning what they need to learn to be a strong kindergarten scholar?" she wants to know. They are mastering basic alphabet sounds, how to blend those in words. "Some are even starting to read now. Seeing that is really fulfilling and rewarding as a teacher."

Two bills that would make it easier for teachers like Chanramy to become licensed await action by the House Education Finance Committee after the House Education Reform Committee approved them Jan 18.

Rep. Carlos Mariani (DFL-St. Paul) sponsors HF3, while House Education

**First Reading continued on page 4**

Finance Committee Chairman Pat Garofalo (R-Farmington) sponsors HF63. Both would require 200 hours of training and ongoing professional development and supervision. Candidates would be granted a two-year limited-term license as a step toward full licensure, and would be the teacher of record in the classroom.

Last year, contentious debate over alternative licensure pathways drove the education bill into the ground. Garofalo predicts a much brighter future now.

"All the data shows the reforms we are proposing are the right thing for Minnesota," he said. "I'm very confident, very optimistic that one of the big shining successes of the session will be education reform bills signed by Gov. Dayton."

A companion to Garofalo's bill, SF4, sponsored by Sen. Gen Olson (R-Minnetrista), awaits action by the Senate Education Committee. Mariani's bill has no Senate companion.

### Stabilizing programs

HF3 would require all teacher preparation programs, including alternative pathways, to include a rigorous assessment of first-year teachers featuring student performance measures, self-reflection and supervisor input. The measure would meet the growing demand for data-driven evaluations, said Mariani, and would take the teeth out of the argument made frequently by Education Minnesota, the state's largest teachers' union, that nontraditional programs can't ensure quality teaching.

"The proof is in the pudding," he said.

Only 3.3 percent of the state's 56,000 teachers don't have a standard license, but have some variation of a provisional one. Of those, 90 are Teach for America members, placed in 27 districts: Minneapolis and Brooklyn Center public schools, plus 25 charter schools in Minneapolis and St. Paul.

"That demand has grown significantly since we started, mostly by word of mouth," said Daniel Sellers, executive director of Teach for America Twin Cities.

Other "experimental approval" programs could benefit, said Board of Teaching Executive Director Karen Balmer, such as a Mandarin Chinese program based at St. Cloud State University and a residency model akin to a medical residency that's being developed. She said the existing waiver process is cumbersome for such programs.



PHOTO BY TOM OLMSCHIED

**Rep. Carlos Mariani, left, sponsor of an alternative pathway to teacher licensure proposal, and Kelly Wolfe, right, who represents Teach for America, listen as Shannon Blankenship answers a question by a member of the House Education Reform Committee during a hearing Jan. 18. Blankenship is the founder of Hiawatha Leadership Academy, a Minneapolis charter school.**

### Tackling the achievement gap...

Neither Garofalo or Mariani claim that alternative licensure paths are the panacea for what ails public schools, but agree they're one tool to tackle the achievement gap.

According to the Department of Education, while the overall high school graduation rate is 75 percent, it's 82 percent for white students, 68 percent for Asians, 45 percent for Hispanics, 44 percent for blacks and 41 percent for American Indian students.

"Decreased wages, fewer jobs and a lower quality of life are the consequences of not solving the achievement gap," Garofalo said. "In the long term we have an economic motivation to create jobs. It is also a moral imperative that every child deserves a quality teacher."

Some recent studies in other states indicate TFA teachers as equally or more effective than their traditionally trained counterparts, but Mariani said that shouldn't be blown out of proportion. He does not intend to vilify teachers, but hopes to jumpstart a new mindset within an old system.

"How is it that we've got a great school system that really produces bad outcomes with certain kids at a rate that is statistically significant?" Mariani said. "What you want to do is attract adults that have a fire, a focus, a passion and a fundamental, deep, unshakable belief in the capacity of these young students, who primarily are going to be low-income kids of color."

Shannon Blankenship, a former TFA teacher and founder of Hiawatha Leadership

Academy said they only hire people who have that kind of attitude, those who believe poor students can learn as well as other students and who are willing to invest in longer hours and new strategies. His staff of 30 includes 19 current or former TFA members.

"I have also attracted traditionally trained teachers who have heard about TFA practices and say, 'Hey, I want to be around that mindset,'" he said.

The non-union school uses the Minneapolis district salary scale as a benchmark, plus a performance pay incentive between 10 percent and 20 percent of base salaries, based on teacher evaluations including student test scores and "overall professionalism."

Hiawatha's 400 K-4 students are 95 percent free- or reduced-price lunch eligible, 98 percent students of color and 75 percent have limited English proficiency. The most recent Minnesota Comprehensive Assessment results indicate that 70 percent of Hiawatha students are proficient or advanced in math, as are 68 percent in reading, compared with an range between 10 percent and 30 percent in neighborhood schools with the same percentage of students in poverty.

Those results come from a combination of good hiring, parent involvement and longer hours of 7:30 a.m. to 4:15 p.m.

Hiawatha staff also meets in families' homes to discuss the school's "commitment to excellence."

"It's a promise we will do whatever it takes to get your child to college," Blankenship said. 🙏

# HIGHLIGHTS

JANUARY 13 - 20, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held Jan. 13-20. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Budget

### Budget cuts proposed

Republican leaders proposed a package of spending reductions that they say will take an early bite out of the state's projected \$6.2 billion deficit.

House and Senate Republicans introduced a bill Jan. 18 that would reduce more than \$1 billion in state spending in the next biennium. They described it as a first step toward eliminating the deficit. They plan to propose additional reductions after Gov. Mark Dayton releases his budget proposals Feb. 15.

"This is phase one of a process we're going to go through here in the next couple of months," said House Speaker Kurt Zellers (R-Maple Grove).

HF130, sponsored by Rep. Mary Liz Holberg (R-Lakeville), would make more than \$840 million in one-time spending reductions permanent. From previous budget projections, these include \$584 million in cuts to tax aids and credits (primarily to local governments); \$185 million to higher education; and \$72 million to various health and human services programs.

The reductions were made in the current biennium as part of a budget deal between DFL lawmakers and former Gov. Tim Pawlenty. Holberg said the bill would merely extend them into the next biennium and beyond.

In addition, the bill would ask Minnesota Management & Budget to identify \$200 million in savings that could be achieved by capturing unspent dollars in agencies' budgets. Holberg said agencies often rush to spend excess money before the end of the biennium in order to justify their funding levels. In a press release, the House Republican Caucus referred to this as the "Christmas in June" effect.

House and Senate DFLers criticized the

proposal as being piecemeal in nature, and said it would cause higher tuition and property taxes for Minnesotans. House Minority Leader Paul Thissen (DFL-Mpls) said the bill broke a promise by Republican leaders.

"If you look at what they said earlier, they were going to focus on protecting kids, people with disabilities and the elderly. They've already broken that promise with this proposal," he said.

Gov. Mark Dayton released a statement indicating he is unlikely to agree to the measure.

"I will not agree to piecemeal cuts and partial solutions," Dayton said. "I will propose a reasonable, balanced and complete budget solution on February 15th, and I ask the legislature to do the same thereafter."

The bill has been referred to the House Ways and Means Committee. A companion, SF60, sponsored by Sen. Claire Robling (R-Jordan), has been referred to the Senate Finance Committee.

— N. BUSSE

### Smaller state government

The state's government would get a lot smaller if a bill approved by a House committee becomes law.

Sponsored by Rep. Keith Downey (R-Edina), HF4 would require a 15 percent reduction in the size and associated costs of the state's executive branch workforce by 2015.

Members of the House Government Operations and Elections Committee voted to approve the bill Jan. 19 on a split voice vote and referred it to the House State Government Finance Committee.

The bill would establish an early retirement incentive program, and would further authorize layoffs, a hiring freeze and other measures necessary to achieve the reduction. Downey said the bill is less a budget solution than it is an attempt to redesign government services.

"I think most people will look at this as some kind of budget-balancing technique, and frankly the real intent of this bill is to balance government," he said.

Downey presented charts showing that growth in state spending has outpaced combined growth in population and inflation over the last 20 years. He noted that public-



PHOTO BY ANDREW VONBANK

**As Rep. Keith Downey, sponsor of HF4 listens, Eliot Seide, executive director of AFSCME Council 5, testifies before the House Government Operations and Elections Committee Jan. 19 against a bill that would require a reduction in the state workforce and create an early retirement program.**

sector employment in the state grew during the recent recession, even as private-sector employment declined. He said that growth is unsustainable.

"I really think it's time for us to let go of the status quo and the jobs of the past," Downey said.

Some DFL committee members argued he was only presenting half the story.

"I think it's a little disingenuous to say that we're on this unsustainable path," said Rep. Steve Simon (DFL-St. Louis Park), who noted that the cost of government compared to personal income had not increased over that time period.

Rep. Frank Hornstein (DFL-Mpls) worried the bill could result in the loss of essential workers like law enforcement, emergency services and snowplow drivers.

"I don't think anyone would argue that we have too many snowplow drivers," he said.

Rep. Mike Nelson (DFL-Brooklyn Park) argued lawmakers should address what state



services are going to be cut before they start cutting employees.

"It seems like you've kind of got the cart before the horse," Nelson said. "We're going to have less employees doing more."

A companion, SF81, sponsored by Sen. Ted Daley (R-Eagan), awaits action by the Senate State Government Innovation and Veterans Committee.

— N. BUSSE

## Consumers

### Green chemistry report presented

Preventing and removing toxic chemicals from children's toys, food utensils and clothing is the subject of a green chemistry report presented Jan. 13 to the House Environment, Energy and Natural Resources Policy and Finance Committee.

The report was authorized by the Legislature last year as part of the Toxic Free Kids Act. Conducted jointly by the Pollution Control Agency and the Department of Health, the two agencies and stakeholders developed a set of recommendations to promote green chemistry in manufacturing practices. They also suggest how to fund implementation of these principles.

Recommendations in the report include:

- requiring manufacturers of children's products that contain a chemical on the state's priority list (to be released Feb. 1, 2011) to file a report;
- directing state agencies to develop educational materials about the risks of exposure to chemicals on the priority list;
- continuing to participate in the Interstate Chemicals Clearinghouse; and
- giving preferential purchasing of products that do not contain chemicals on the priority list.

A federal Toxic Substances Control Act, in place since 1976, has failed to provide a comprehensive framework for removing hazardous chemicals during the manufacturing of items for children, who are among the most vulnerable, said Mike Sandusky, director of the PCA Environmental Analysis and Outcomes Division.

The last recommendation is to allow the PCA and Health Department to support TSCA reform and to join with California, Maine and Washington in adopting green chemistry policies at the state level that exceed federal requirements.

— S. HEGARTY

## Employment

### State labor contracts debated

Members of a House committee debated the wisdom and practicality of making changes to state labor contracts at an informational hearing Jan. 19.

The House State Government Finance Committee held an overview of the state's negotiation process with public employee labor unions. Chairman Morrie Lanning (R-Moorhead) said labor agreements are a "big-picture issue" that lawmakers should consider in light of the state's ongoing budget crunch.

"We're not talking about tinkering at all with existing contracts," Lanning said. "What our focus needs to be going forward is what our approach would be to future contracts."

Minnesota Management & Budget Assistant Commissioner Barbara Holmes, as the state's lead labor contract negotiator, said the Legislature typically stays out of labor negotiations. She said laws could be passed that would spell out specifically how MMB should negotiate with the unions, but she said it could have negative consequences.

"The issue for the Legislature to decide is how is it going to give direction without interfering with the agreement process that we have to reach?" Holmes said.

A key issue is public employee salaries. Rep. Mike Benson (R-Rochester) asked whether any data exists on how Minnesota public employees are compensated compared to those in other states.

Holmes replied that Minnesota ranks 20th nationally in average annual public employee salary, but said she isn't aware of any data that takes into account disparities in cost of living and other variables.

Lanning said the process for labor contract negotiations is spelled out in state law, but noted also that legislators have the opportunity to change that law as they see fit. For example, he said the Legislature could pass a salary freeze for all state employees that negotiators on both sides would be bound to accept. He hoped legislators and the governor's staff would communicate with each other about labor agreement expectations during the course of the session.

"I would hate to see us get to the point where the Legislature has one expectation, the governor has another, and we have a stalemate," Lanning said.

— N. BUSSE

### Lawmakers eye pension reforms

Some lawmakers are questioning whether the state's public pension funds are expecting too much money from their investments.

Members of the House State Government Finance Committee discussed the issue with pension officials Jan. 18. No action was taken.

Committee Chairman Morrie Lanning (R-Moorhead) said the actuarial value of pension fund assets — i.e. how much money pension funds can realistically earn from their investments — is emerging as a key issue for legislators this year. Some, like Lanning and Rep. Keith Downey (R-Edina), think that the assumed rate of 8.5 percent is unreasonably high, and could result in unfunded liabilities.

"Assumptions on growth in recent years, as well as assumptions about compensation increases, have proven to be inaccurate," Lanning said.

But Howard Bicker, executive director of the State Board of Investment, disagreed. As head of the board responsible for investing the state's public pension funds, Bicker said the state's investments have historically performed higher than the assumed rate of 8.5 percent. In fact, they've seen an actuarial rate of 9.7 percent since 1980. It's only during the recent economic crisis that their values dropped sharply, and Bicker said they've already picked back up again.

"I happen to believe that if we have a long-term policy, both from an investment standpoint and from a pension standpoint, 8 or 8.5 (percent) are very doable," Bicker said.

He argued that investing the state's pensions effectively requires an aggressively managed investment portfolio, which naturally entails short-term volatility. He urged lawmakers not to change the state's investment policy because of short-term economic instability.

"I don't think it's necessary at this stage. I think the markets will recover. I think they've done a good job of recovering at this point," Bicker said.

Lanning disagreed.

"I hope you're right, but I'm not nearly as optimistic as you are," he told Bicker.

Lanning said he's concerned about the size of the current federal budget deficit. He suggested the debt the federal government is carrying could threaten the country's economic stability, potentially causing turmoil in the markets.

"I don't know if we really know what the full impact of that is going to be," Lanning said.

— N. BUSSE

## Health & Human Services

### Child and community grants cut

Child protection services and services for adults needing mental health assistance could see a funding reduction in the 2012-2013 biennium under a bill approved 11-7 by the House Health and Human Services Finance Committee Jan. 19.

Sponsored by Committee Chairman Jim Abeler (R-Anoka), HF128 would reduce children and community services grants by \$38.5 million, emergency general assistance by \$15.9 million, county child support enforcement administration costs by \$6.7 million, emergency Minnesota supplemental aid by \$2.2 million and adult mental health services for those under State Operated Services by \$1.17 million.

"We are faced with a challenge that's bigger than anybody ever had with less resources to draw on" Abeler said. "This is how we budget sometimes. ... This is a drop in the ocean for the numbers."

Mary Regan, executive director of the Minnesota Council of Child Caring Agencies, said the reductions will directly affect "children, adolescents and adults who experience dependency, abuse, neglect, poverty, disability and chronic health conditions."

The majority of the funds "are spent on child protection to intervene and investigate in allegations of abuse and neglect," she added. There are no other organizations or nonprofits that are able to investigate the 17,218 reports of maltreatment that happened in 2009, she said.

Rep. Mary Kiffmeyer (R-Big Lake) said the bill makes a needed structural change.

When the state has a surplus, increases in certain areas create an expectation. But in the lean years that follow, when money is scarce, a restructuring is required to meet needs, she said.

While the permanent cuts are similar to last special session's budget reductions, there were federal dollars to use as backfill, noted Rep. Larry Hosch (DFL-St. Joseph).

The bill now goes to the House Ways and Means Committee. There is no Senate companion.

— P. OSTBERG

### Moving to private insurance

The Healthy Minnesota Contribution Program would move certain MinnesotaCare enrollees to private health care insurance, under a bill approved by the House Health

and Human Services Reform Committee Jan. 19.

Sponsored by Chairman Steve Gottwalt (R-St. Cloud), HF8 would give a state subsidy to low-income adults without children, and if approved by a federal waiver, low-income adults with children, to purchase their own health care insurance. Those with family gross incomes between 133 percent and 275 percent of the federal poverty guidelines would meet the requirement for the subsidy.

A person would pay a monthly contribution based on age and income. For example, a person under age 21 would pay \$122.79, and those 60 years and older would pay \$357.19 monthly, although a sliding fee scale would be established by the health and human services commissioner.

"What we're really trying to do is help Minnesotans afford coverage that they otherwise can't afford," Gottwalt said.

The bill now goes to the House Commerce and Regulatory Reform Committee. Its companion, SF32, sponsored by Sen. David Hann (R-Eden Prairie), awaits action by the Senate Health and Human Services Committee.

Dr. Peter Dehnel, a primary care pediatrician representing the Minnesota Physician-Patient Alliance, said the bill would help put the decision-making into the patient's hands, rather than being denied care because a clinic won't accept

low reimbursements from state health care programs.

Sue Abderholden, executive director of the National Alliance on Mental Illness, said the bill doesn't go far enough in requiring mental health services to be included in an insurance package. "When private insurance doesn't cover mental health care, then it falls back on our public funding ... or more likely our criminal justice system," she said, noting that about 70 percent of young people in the juvenile justice system have one or more mental health diagnosis.

Rep. Diane Loeffler (DFL-Mpls) unsuccessfully offered an amendment that would have required a quality assurance and outcomes measurement system to determine the state's financial return on the change to a private market.

— P. OSTBERG

### Sex offender treatment costs

More than 650 individuals are civilly committed in the state's sex offender program at a cost of \$67.4 million in fiscal year 2011.

Although projections show a 50-person increase in each of the next five years, members of the House Health and Human Services Finance Committee asked program officials for cost-saving ideas Jan. 18.

Executive Director Dennis Benson said previous saving measures have included changing sentencing policies to keep



PHOTO BY ANDREW VONBANK

**Dr. Peter Dehnel, representing the Minnesota Physician-Patient Alliance, testifies before the House Health and Human Services Reform Committee Jan. 19 in support of a bill that would establish the Healthy Minnesota Contribution Program. Rep. Steve Gottwalt, sponsor of HF8, listens to the testimony.**





PHOTO BY ANDREW VONBANK

**Jannine Hébert, executive clinical director of the Minnesota Sex Offender Program, from left, Executive Director Dennis Benson and Deputy Director Dan Storkamp present an overview to the House Health and Human Services Finance Committee Jan. 18.**

offenders in prison longer where the costs are cheaper versus moving them to the more expensive sex offender program.

Another option includes creating consistent criteria among district courts for those who can qualify for the program, said Benson. Currently, each court has a “different spin” on who meets the criteria, he said.

Committee Chairman Jim Abeler (R-Anoka) said the sex offender program is always a “touchy hearing,” but the goal of individuals in the program is working towards rehabilitation.

Benson said therapy is offered to all of those committed but participation can be refused. Currently, about 80 to 85 percent of those committed accept treatment.

Rep. Thomas Huntley (DFL-Duluth) asked how many offenders are developmentally disabled and if there was a less costly way to treat that specific group.

Benson said about 20 to 25 percent of patients are lower functioning with an IQ of 70 or less. “Under good supervision they may be managed successfully in a community,” he said, adding further study is needed.

Although no participants have ever been released from the program, Benson predicts a first will happen in the next 12

months. Those results are not unusual with less than 10 percent released nationally, he said. Wisconsin has one the most successful programs, releasing 8-10 individuals per year, he added.

— P. OSTBERG

### **Waiver programs save state money**

The state will save about \$275 million in 2010 by using the Elderly Waiver program instead of shifting people directly to nursing homes for care.

That was the message the House Health and Human Services Finance Committee received Jan. 13 from Todd Bergstrom, director of research and payment for Care Providers of Minnesota.

The program pays for home- and community-based services for people age 65 and older, who are eligible for Medical Assistance, but require medical care at the level of a nursing home and choose to stay in their community. The state currently uses various waiver programs to care for the state’s elderly and disabled to help save on overall costs.

The committee also heard overviews of the state’s long-term care and Medical Assistance funding.

Bob Meyer, director of fiscal analysis continuing care administration for the Department of Human Services, said about 69 percent of long-term care funding is spent on waivers and home care. Meyer described several different waiver programs, including Community Alternative Care that helps those under age 65, many of whom are young adults that need intensive care, such as feeding tubes and hospitalization. Another program includes Personal Care Assistance that helps children and adults with at-home services, such as bathing and toileting.

Committee Chairman Jim Abeler (R-Anoka) said the overviews in the next few meetings are to help members become more informed. “The more we know about the way these programs function, the better,” he said.

Although the committee doesn’t have a budget target, it will be faced with “daunting numbers,” Abeler added. He said he’s still waiting for interested groups to come to the committee with “best practice ways to serve more people,” a request he announced at the committee’s first meeting.

— P. OSTBERG

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

## **Public Safety**

### **Synthetic marijuana penalties gets OK**

For about nine months, a 16-year-old boy in the district of Rep. Tara Mack (R-Apple Valley) was using synthetic marijuana unbeknownst to his parents. Because of his “dangerous and very scary behavior,” Mack said, the parents knew something was wrong.

“He had gotten it from some friends; was told it was some sort of a potpourri and was told it wasn’t real dangerous, but ended up having seizures and some severe medical effects because of this,” she said. “It was very disturbing.”

Sponsored by Rep. John Kriesel (R-Cottage Grove), HF57 would make it a gross misdemeanor to sell synthetic marijuana and a misdemeanor to possess the substance.

Approved Jan. 20 by the House Public Safety and Crime Prevention Policy and Finance Committee, it next goes to the House Judiciary Policy and Finance Committee. It has no Senate companion.

“Synthetic marijuana, also known as K2 or Spice, is a mix of common herbs sprayed with synthetic chemicals that mimics the effects of marijuana,” Kriesel said. “It is currently being sold in head shops and in stores as incense or potpourri, but is being used as an inhalant for people to get high. . . . This product is becoming increasingly popular with teenagers because there is no minimum age to purchase the product and there are hundreds of videos on YouTube demonstrating to teenagers how to get high.”

It has been banned in 17 countries and 11 other states.

Cody Wiberg, executive director of Minnesota Board of Pharmacy, said in the first 11 months of last year there were more than 2,500 calls nationwide to poison control centers because of synthetic marijuana use.

“People who sell these products and make them sometimes like to characterize them as ‘marijuana lite.’ I can assure they are not,” he said, adding there are no medical uses for this.

Lt. Haans Vitek, with the Hennepin County Sheriff’s Office Narcotics Unit, said it’s also sold under names Demon, Triple X and Mr. Nice Guy. “Because it is sold as incense and labeled as ‘Not for Human Consumption,’ it has avoided federal laws against marijuana-like products.”

Representatives from the Minnesota





PHOTO BY ANDREW VONBANK

**Lt. Haans Vitek, with the Hennepin County Sheriff's Office Narcotics Unit, testifies before the House Public Safety and Crime Prevention Policy and Finance Committee Jan. 20 in support of a bill that would criminalize the sale or possession of synthetic marijuana.**

Sheriff's Association, Minnesota Chiefs of Police Association and the Minnesota Juvenile Officers Association all spoke in support of the bill. There was no opposition.

— M. COOK

### **Predatory registration concerns**

There are more than 16,000 registered predatory offenders in the state. However, questions have been raised about the costs of keeping a registry that size and how many names should be made widely available.

The state has had predatory offender registration since 1991, with a 93 percent compliance rate, Acting Bureau of Criminal Apprehension Superintendent Dave Bjerga told the House Public Safety and Crime Prevention Policy and Finance Committee Jan. 13.

"Of the remaining 7 percent, half of those offenders are outside of the State of Minnesota and are no longer under our jurisdiction," he said.

Bjerga said 120-140 new registrants are added each month; however, Eric Knutson, a special agent in charge, said Jan. 18 that 850-900 people per year are no longer required to register or have completed their registration period.

Currently only information about Level 3 predatory offenders, deemed to be the most likely to re-offend, is available to the public.

Committee Chairman Tony Cornish (R-Good Thunder) said a bill could be coming forward to expand that to lower-level predatory offenders.

Rep. Bill Hilty (DFL-Finlayson) is concerned about costs associated with maintaining an ever-expanding list. "Can you predict what we're ultimately likely to experience in terms of the number of registrants, and what the implications are for keeping track of all of them?"

Bjerga said that is hard to predict because the number of offenses for which a person must register has increased and could further change, meaning more offenders could be required to register.

Rep. Joe Mullery (DFL-Mpls) is also concerned that a larger list will make it harder for citizens to make use of the data. "Part of this was to let the general public be aware," he said. "If there is no selectiveness to it and everybody stays on for life, is there some point at which it becomes impossible for schools and law enforcement, much less the general public, to make use of it the way the intention was."

Other areas addressed during the overview include: forensic science services; investigative services; and administrative services, including the success of the AMBER Alert program.

— M. COOK

## **State Government**

### **State salary freeze approved**

Members of a House committee voted to approve a salary freeze for all state workers Jan. 20.

On a 12-8 party-line vote, members of the House State Government Finance Committee voted to approve HF127. Sponsored by Rep. Denny McNamara (R-Hastings), the bill would freeze state employees' pay beginning July 1, 2011, and lasting indefinitely.

The bill would impact employees in all three branches of state government. It would not prohibit employees who are promoted or transferred to different jobs from accepting increased salaries. A fiscal note from Minnesota Management & Budget estimated its cost savings at \$64 million over the next fiscal biennium.

At a time when many employees in the

private sector have lost jobs or taken pay cuts, McNamara said it's fair to hold public employee wages flat. Moreover, he argued that allowing employees to accept raises at a time when the state is cutting its budget could result in layoffs.

"I would prefer to see as many state employees keep their jobs as possible," McNamara said, adding that he has family members who work in government.

Members disagreed on whether the state should take an active role in determining state workers' pay. Rep. Ryan Winkler (DFL-Golden Valley) called the idea of freezing pay "a perfectly reasonable position," but argued the issue would be better handled through the state's normal labor contract negotiation process.

"I think our job is not to weigh in and give specific guidance like this," Winkler said.

Committee Chairman Morrie Lanning (R-Moorhead) argued that while lawmakers traditionally use a hands-off approach to the collective bargaining process for state employees, it is appropriate for the Legislature to require a pay freeze in a time of deficits.

"It certainly isn't appropriate for us to be micromanaging the negotiation process, but I don't think that's what this bill does," Lanning said.

Rep. Steve Simon (DFL-St. Louis Park) tried unsuccessfully to amend the bill so that the pay freeze would expire after two years. Lanning said the pay freeze could be lifted legislatively, after the budget situation improves.

The bill now goes to the House Ways and Means Committee. There is no Senate companion.

— N. BUSSE

### **Spending reduction approved**

A House committee approved a plan to hold back \$200 million in state spending, but a state official said it might be difficult to accomplish.

Sponsored by Rep. Bob Gunther (R-Fairmont), HF125 would ask the state's executive branch to identify more than \$199 million in unspent funds that could be saved in the current fiscal biennium. Another \$764,000 in savings would be required from the Legislature and the state's constitutional offices.

The House State Government Finance Committee approved the bill Jan. 20 on a 12-8 party-line roll call vote. It now goes to the House Ways and Means Committee. There is no Senate companion.

Gunther said the bill might be the easiest

vote legislators will take this year to help balance the budget. He said cutting \$200 million now would give them a head start on dealing with the projected \$6.2 billion deficit in the upcoming biennium, which begins July 1.

"What this basically does is tell the departments of state government that there's not going to be 'Christmas in June,'" Gunther said, referring to an alleged practice of agencies rushing to spend all their unused funds before the fiscal biennium ends on June 30.

"We're not making a decision based on facts," said Rep. Ryan Winkler (DFL-Golden Valley), who went on to call the legislation "cheap theater."

State Auditor Rebecca Otto called the "Christmas in June" notion "offensive," and said her office typically returns most of its state appropriation by collecting fees from its auditing work.

Minnesota Management & Budget Commissioner James Schowalter said the \$199 million figure would account for roughly 20 percent of the money the state has left to spend. With roughly two-thirds of the total unspent money obligated to employee salaries, he said the bill could leave MMB officials with some difficult choices.

"Some of the items that are unobligated at this point include for military affairs, tuition reimbursements, and remaining flood and tornado relief disaster match funding," Schowalter said.

— N. BUSSE

## Taxes

### Grants for science and tech growth

The first bill to get a hearing in the House Taxes Committee is a continuation of a proposal that got the go-ahead last year.

Sponsored by Rep. Tim Mahoney (DFL-St. Paul), HF102 fulfilled a tradition of Committee Chairman Greg Davids (R-Preston) of hearing a bill from the minority party first. No action was taken Jan. 18. It has no Senate companion.

Last year the Legislature established the Minnesota Science and Technology Authority to help create more science and technology jobs to help the state compete against states with similar economic indicators. Mahoney's bill would create a vehicle of support to fund grants and loans for science and technology businesses and for research by Minnesota institutions of higher learning and nonprofit research organizations. Priority would be given

to proposals that promote collaboration with private businesses; attract new research entities, talent or resources; and attract researchers and resources from outside Minnesota.

The bill would establish a dedicated fund with annual revenues of up to \$25 million from growth in Minnesota state income tax withholding on employees from a specified sector of businesses. The grant program would sunset in June 2018.

Mahoney said Minnesota is falling behind when it comes to jobs in the science and technology sector.

"This isn't just state versus state. We are competing with other countries," he said. "Frankly in our peer states, we are at the lower end of the tier in terms of investing in our own economy. We all believe that we are a huge medical-based and science-based economy. Our job growth was 1.2 percent below what it was in previous years, while the average growth in our peer states was 2 percent. ... We can't sustain that for very long before we are not a player."

— L. SCHUTZ

### LGA cut clears first committee

A move to put on the fast track a bill that would make last year's reductions to local government aid permanent has minority members of the House Taxes Committee questioning why so fast.

Part of a package of reductions announced Jan. 18 by House and Senate Republican leaders that would reduce the projected state \$6.2 billion state budget deficit by \$1 billion, HF129 would:

- make permanent all pay-2010 aid and credit reductions to local government;
- reduce the renter's tax credit from 19 percent to 15 percent;
- repeal the political contribution refunds; and
- limit payments to claimants under the sustainable forests incentive program.

"My goal here is to make the numbers look better in the February forecast," said Rep. Greg Davids (R-Preston), the bill's sponsor and committee chairman.

Approved 11-7 by the committee, the bill's next stop is the House Ways and Means Committee. A companion, SF82, sponsored by Sen. Claire Robling (R-Jordan), awaits action by the Senate Taxes Committee.

The bill proposes to make permanent the \$304 million reduction to fiscal year 2011 local government aid that was part of the 2010 budget-balancing legislation. However, the same legislation, which has been certified

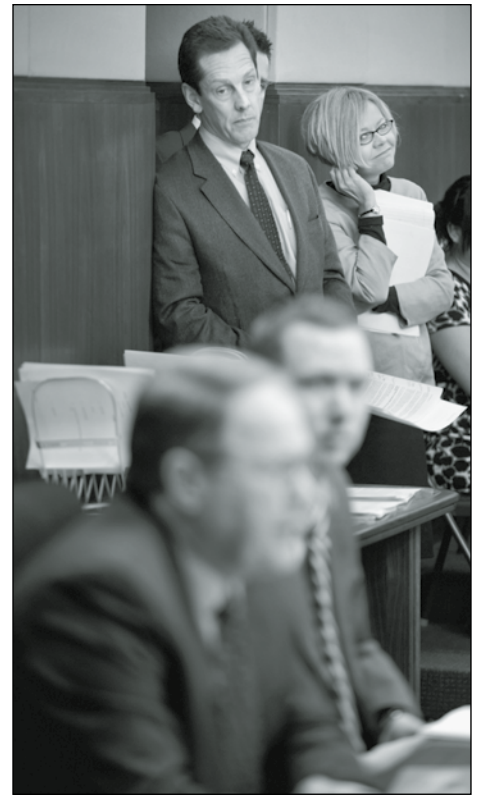


PHOTO BY TOM OLMSCHIED

**Gary Carlson, standing left, intergovernmental relations director for the League of Minnesota Cities, and Patricia Nauman, executive director of Metro Cities, wait to testify before the House Taxes Committee Jan. 19 about the "Phase I Budget Proposal" that would reduce tax aids and credits and payments to cities.**

for fiscal year 2012 would bring the aid level back up to \$928 million. The freeze at the \$690 million level, some say, will result in massive budget cuts for cities and counties and higher property taxes.

Because the session is only in its third week, Rep. Paul Marquart (DFL-Dilworth) said there is time to consider other options. He recommends looking at ways to improve efficiencies, redesign how government works, zero-based budgeting and listening to the public before proposing more tax increases. A motion to refer the bill to the House Property and Local Tax Division was defeated.

There's big difference between short-term and permanent cuts, said Rep. Jim Davnie (DFL-Mpls). He said cities set their levies for the fiscal year assuming the money this bill would cut would be restored.

"One Legislature cannot bind another Legislature to action," countered Rep. Mark Buesgens (R-Jordan). "The 86th Legislature made some really bad budget decisions. Promises were made by a Legislature that no longer exists."

— L. SCHUTZ

### Tax savings part of conformity bill

The recently enacted federal Patient Protection and Affordable Care Act allows the cost of health insurance coverage of dependents and adult children to age 26 to be excluded from federal taxable income.

While hoping to conform the state to the exclusion, Republican members of the House Taxes Committee cautioned Jan. 18 that their support of HF79 should not be viewed as an endorsement of the controversial new federal law.

The bill would, for tax year 2010 only, allow Minnesotans a similar exclusion on state taxes. The bill was amended so that employers who have prepared and distributed W-2 forms are not required to create new ones. There would be a \$200,000 cost to the state's General Fund in fiscal year 2011 to provide for the tax break.

"My motivation is simply dollars; it is something we can do quickly and make life better for a lot of folks," said Committee Chairman Greg Davids (R-Preston), the bill's sponsor. He called the measure "technical," and that quick action was needed because it would affect W-2 forms that by law must be distributed to employees by Jan. 31.

There was concern that a vote to approve the measure would be viewed as an endorsement of the new federal reform.

"We are strictly on the mechanical processes of filling out our W-2s, and not on whether to adopt any provision of the federal health care act?" asked Rep. Keith Downey (R-Edina).

Davids tried to reassure him that this was a vote to only conform to current federal law and to lower taxes. But Downey said approving this tax conformity is "actually one of the first steps to adopting more completely and fully the federal health care reform."

Although, Rep. Ann Lenczewski (DFL-Bloomington), who headed the committee the previous two biennia, called the vote a support of health care reform, she said the committee should set aside its political differences for the good of state residents. "These provisions are tax cuts for Minnesotans."

The bill awaits action by the House Ways and Means Committee. Its companion, SF47, sponsored by Sen. Julianne Ortman (R-Chanhassen), awaits action by the Senate Taxes Committee.

— L. SCHUTZ

### COLORFUL LISTENER

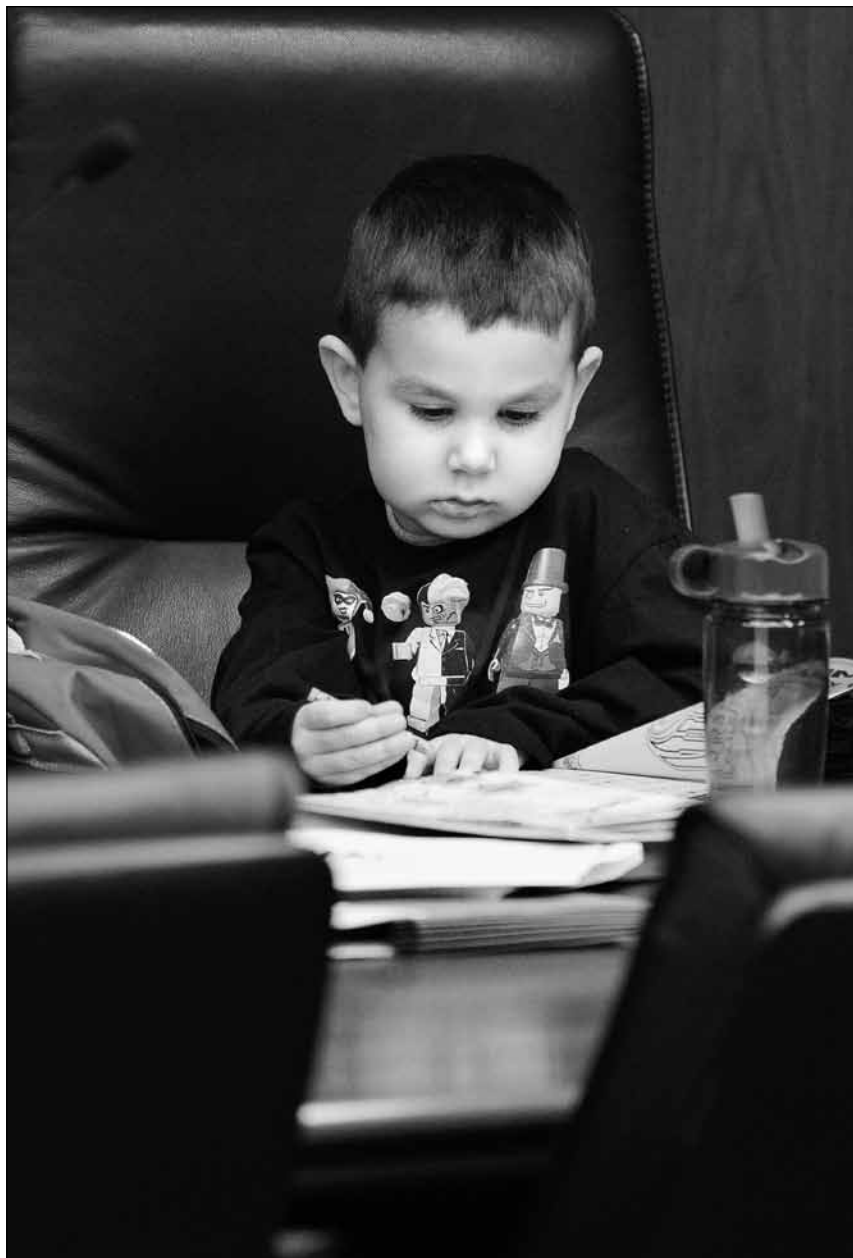


PHOTO BY ANDREW VONBANK

**Three-year-old Kahllin Franson passes the time with a coloring book during the House Health and Human Services Finance Committee Jan. 18. Kahllin is the son of Rep. Mary Franson, a committee member.**

### Stay Informed

- Subscribe to Session Weekly or Session Daily: [www.house.mn/hinfo/subscribe.asp#byemail](http://www.house.mn/hinfo/subscribe.asp#byemail)
- Follow us on Twitter: [twitter.com/MNHouseInfo](https://twitter.com/MNHouseInfo)
- Like us on Facebook: [www.facebook.com/MNHouseInfo](https://www.facebook.com/MNHouseInfo)
- View our videos on YouTube: [www.youtube.com/user/MNHouseInfo](https://www.youtube.com/user/MNHouseInfo)
- For information on any of these services: 651-296-2146 or 800-657-3550

### Frequently called numbers

Area code 651

|  |              |
|--|--------------|
| <b>House Public Information Services</b> | 296-2146     |
| <b>Toll-free</b>                         | 800-657-3550 |
| <b>Chief Clerk of the House</b>          | 296-2314     |
| <b>House Index</b>                       | 296-6646     |
| <b>Senate Information</b>                | 296-0504     |
| <b>Toll-free</b>                         | 888-234-1112 |
| <b>Secretary of the Senate</b>           | 296-2344     |
| <b>Voice mail/order bills</b>            | 296-2343     |
| <b>Senate Index</b>                      | 296-5560     |



# A push here, a bubble there

State redistricting is a balancing act that's not often easy

BY LEE ANN SCHUTZ

**S**ome members live so perilously close to the adjoining House district that, in 2012, they may find themselves running for election against another seated member.

That's the nature of redistricting — the every 10-year process of slicing and dicing the state into equal districts by population to ensure that all citizens have a voice in the lawmaking process.

Some have called it the highest stakes political game the

Legislature can play; it involves math and partisan politics. Using history as an indicator, it can be an emotionally charged process that in the recent past has only been resolved by the courts.

The state is currently divided into eight congressional districts; 67 Senate districts and 134 House districts. But after every census the movement of residents, especially from rural to urban areas, alters the state's district border lines. Ten years ago, the average House district contained about 36,000 people.

Population estimates in 2009 indicate Rep. Andrew Falk (DFL-Murdock) has just 33,093 constituents, while four representatives have more than 50,000 constituents, topped by the 57,836 residents in the district of Rep. Mike Beard (R-Shakopee).

Minnesota recently learned that although its population growth has slowed, it will retain its eight congressional seats, but where those district lines will fall is yet to be determined. It depends upon where people have migrated from and to, and where and who is deciding on the lines.

State Demographer Tom Gillaspay told the House Redistricting Committee Jan. 18 that 2010 census figures show some

Minnesota counties — mostly in the western and southwestern parts of the state — are among the nation's highest when it comes to experiencing sharp and, most likely, permanent declines.

But Minnesota also has some of the fastest growing counties in the nation — Scott, Carver, Wright, Sherburne, Chisago and Isanti counties — all within about 60 miles of Minneapolis.

Gillaspay said the redistricting process can be compared to squeezing a balloon — a push in one direction changes the configuration somewhere else.

As goes the population, there also goes the representation. This squeeze of people leaving the far corners of the state expands the population representation in the urban areas — but not equally. While some suburbs have grown, some parts of the metro area have lost population.

"Within the Twin Cities is a cluster (of districts) that are smaller, indicating that they may need to be expanded in size, but they are surrounded by districts that are larger than the equal population size," Gillaspay said.

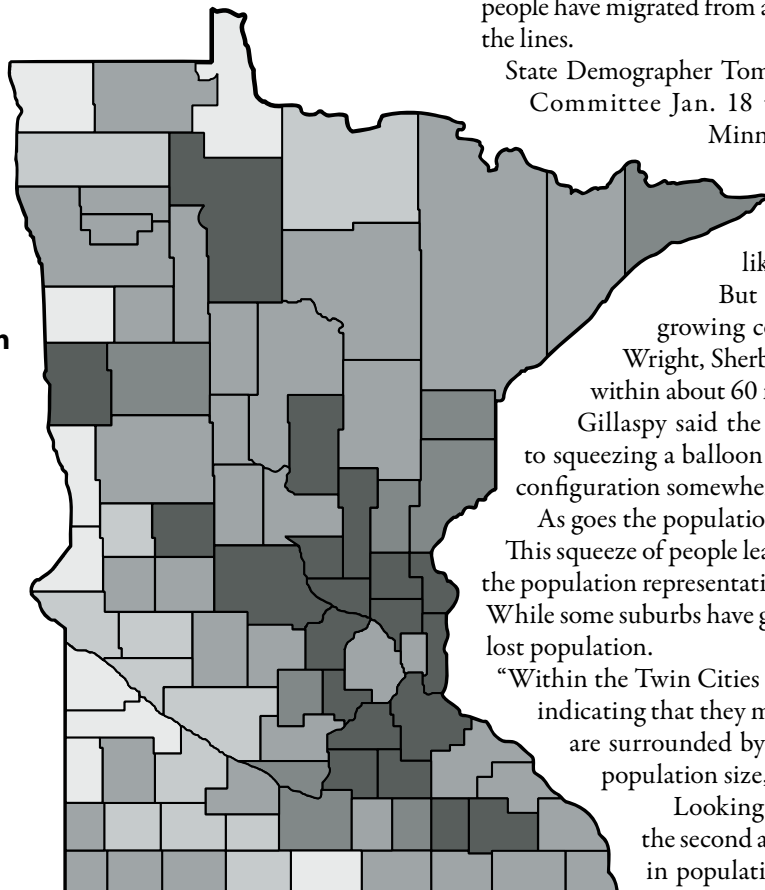
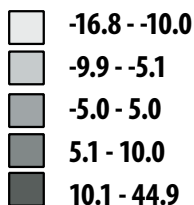
Looking to the congressional divide, Gillaspay said the second and sixth districts are substantially larger in population size, while the seventh, fifth, fourth and first have lower population numbers. So, expect changes there as well.

### Minnesota Population Changes 2000-2009

(CENSUS BUREAU ESTIMATES)

#### Data Classes

##### Percent



Source: Minnesota Department of Administration

## The process begins

Redistricting begins when the state receives the census data.

According to 2010 census figures received in December, Minnesota added 348,446 people for an increase of 7.8 percent from 2000. This brings our population total to 5,303,925.

It comes as no surprise that the Sun Belt states gained substantial population. For example, Texas added 4.3 million residents — and four Congressional seats. If the shift had been any greater away from Minnesota, we most likely would have lost a congressional seat.

The House has appointed a redistricting committee chaired by Rep. Sarah Anderson (R-Plymouth), which will ultimately be the first point of contact for a redistricting bill. One perk of being in the majority is the control that party has over the process of drawing new state and congressional lines. Republicans held the reins in 2001 and the DFL in 1991.

The 2011 redistricting process began with a December 2009 meeting of the Subcommittee on Redistricting. Consisting of two members each from the House and Senate, they are responsible for assisting the Legislature in carrying out the responsibility.

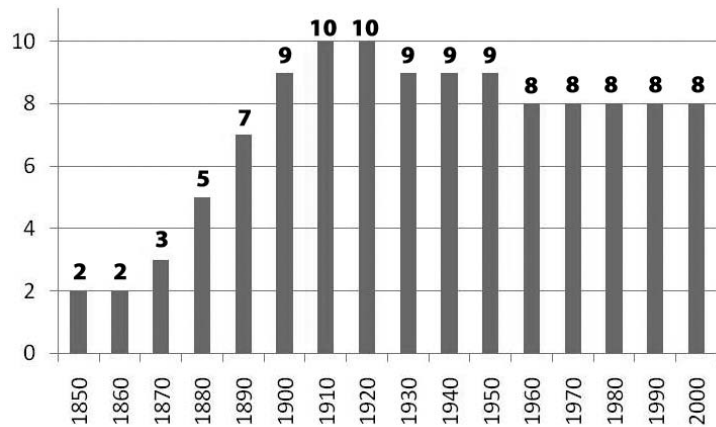
By March the state will receive a detailed count of population, and then the process of redrawing the lines begins in earnest, with Feb. 21, 2012, — 25 weeks before the primary — being the deadline for a bill to the governor.

## Messy outcomes

In 1991, 24 pairs of House members ended up in the same district — seven in Greater Minnesota and five in the metro area.

In 2001-2002, 10 different Congressional redistricting plans and 11 different legislative redistricting plans were submitted, said nonpartisan House Research Analyst Matt Gehring. The process yielded one bill that

## Minnesota Congressional Apportionment History



Source: Minnesota Department of Administration

## 2011-2012 Redistricting Time Line

- Dec. 21, 2010: Minnesota notified of total state population and Congressional apportionment
- Feb. 21, 2012: New congressional and legislative districts must be in place (25 weeks before the state primary)
- April/May 2012: Deadlines for completion of local redistricting
- Aug. 14, 2012: State Primary
- Nov. 6, 2012: State General Election

failed in conference committee, and a set of plans was then submitted by the governor's advisory commission. The Legislature adjusted boundaries affecting four House districts.

The redistricting process will culminate with an election of the full Legislature. Senate seats are usually a four-year term, except after redistricting.

The law allows for court intervention if the Legislature and the governor can't agree on a plan, or if someone chooses to challenge the results — and our history is long on court invention.

If the process gets messy, past decisions can come back to haunt new plans.

According to Gehring, the state's first

redistricting took place in 1960, and once the boundaries were drawn, Minnesotans filed a suit in federal court alleging that the boundaries of 1913, used in the process, violated the 14th amendment.

During the 2000 redistricting, plaintiffs asked that the three-judge panel's decision of the 1990 redistricting plan be reopened and that the districts declared unconstitutional. The motion was granted and in July 2001, a five-judge panel was appointed to resolve the issue. In March 2002, new legislative and congressional district boundaries were set.

For more information on redistricting, go to: [www.gis.leg.mn/html/redistricting.html](http://www.gis.leg.mn/html/redistricting.html)



## Minnesota's U.S. Representatives in Washington, D.C.

### First District Tim Walz (DFL)

1722 Longworth House Office Building  
Washington, D.C. 20515  
202-225-2472  
Fax: 202-225-3433

### Second District John Kline (R)

2439 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2271  
Fax: 202-225-2595

### Third District Erik Paulsen (R)

127 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2871  
Fax: 202-225-6351

### Fourth District Betty McCollum (DFL)

1714 Longworth House Office Building  
Washington, D.C. 20515  
202-225-6631  
Fax: 202-225-1968

### Fifth District Keith Ellison (DFL)

1027 Longworth House Office Building  
Washington, D.C. 20515  
202-225-4755  
Fax: 202-225-4886

### Sixth District Michele Bachmann (R)

103 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2331  
Fax: 202-225-6475

### Seventh District Collin Peterson (DFL)

2211 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2165  
Fax: 202-225-1593

### Eighth District Chip Cravaack (R)

508 Cannon House Office Building  
Washington, D.C. 20515  
202-225-6211  
Fax: 202-225-0699

## Professor turned legislator

Banaian goes from the classroom to the House

By **PATTY OSTBERG**

Rep. King Banaian (R-St. Cloud) won his election by just 10 votes. It was a race he wasn't sure he wanted to be a part of until the past few years.



**Rep. King Banaian**

"I was not one of those people that wanted to be involved in politics all along," he said. "I'm a tenured full professor. I have a nice quiet life. I have an office that is so peaceful. ... I ran because I thought I could help do something with budgeting. I feel that's the No. 1 issue."

That only seems natural for Banaian, an economics professor for more than 25 years.

"Economics is always about presenting alternatives. What's new for me is I was always

the person who presented the alternatives, but it was always someone else who had to choose."

In 2002, he started a blog that was initially to be about higher education and then "delted into politics." While hosting a conservative radio show for six years Banaian thought he might make a good legislator.

Banaian ran his campaign on the premise that his first bill would address the state's budget process. He sponsors HF2, which would require state agencies and the Legislature to implement zero-based budgeting. It will help agencies identify activities they shouldn't be doing, and by zeroing them out, "you can make some gains pretty quickly," Banaian said.

A basic principle used by some personal finance coaches supports his belief that the

| DISTRICT 15B                         |
|--------------------------------------|
| Population (2009 est.): 36,573       |
| Largest City: St. Cloud              |
| Counties: Benton, Stearns, Sherburne |
| Top Concern: The budget process      |

state budget can be balanced without a tax increase. "You have an envelope and put dollars into that envelope and when you are out of dollars, that's it," he said.

Other issues that are important to his district include transportation, especially roads and a local airport that lacks commercial service; bonding projects; development of a main street; and declining enrollment in the school district.

Banaian said he will maintain focus on the job at hand and make sure his "ego is buried... It's an honor to be here, nobody owes you that chair. You owe a lot to everybody else that got you to that chair."

## Numbers guy

Barrett hopes to help bring fiscal management to Capitol

By **SUE HEGARTY**

Rep. Bob Barrett (R-Shafer) has always been a numbers guy. It's just the way his mind works.



**Rep. Bob Barrett**

He's the one balancing the books at home, as treasurer at church and on the job as executive director of the Hazelden Foundation.

"I want to find truth. And that's not fun, but that's what really gets me excited," Barrett said.

"I'm cheap," he added.

His penchant for saving money led to meeting his wife, Judi. While attending Minnesota State University, Mankato, she was trying to decide what to order at a local

restaurant. She caught his eye and he said, "You should buy this beer because you get to keep the cup, and the next time you order, the beer is cheaper. It's more economical."

That kind of fiscal management is what's needed at the Legislature because the state has built an unsustainable system of entitlement, he said. "There are too many workers in the cart and too few pulling."

Reform must be part of the solution, he said. Serving on the House Health and Human Services Reform Committee and the House Education Reform Committee, he'd like to help make that happen. He also sits on the House Property and Local Tax Division.

He hopes to help strengthen out the economy in his district. "The businesses are dropping like flies because of high taxes and

| DISTRICT 17B   |
|--|
| Population (2009 est.): 45,460                                       |
| Largest City: North Branch   |
| County: Chisago  |
| Top Concerns: A strong business climate and financial responsibility |

other priorities the state is making right now," he said.

Balancing the state budget, another goal, is an additional way Barrett feels he can contribute his talents.

"We've created a system we can't afford," he said. A self-proclaimed conservative, Barrett said he shared Tea Party values even before there was a Tea Party.

When he's not crunching numbers at home, church, on the job or in committee, Barrett enjoys going for walks with his wife, two daughters and their 140-pound Newfoundland dog, Tigger.



## 'Make a difference'

Greene considers herself a person who can unite others

By **PATTY OSTBERG**

"Where are you from?" seems like a simple question to answer for most people. But, for Rep. Marion Greene (DFL-Mpls) it is an explanation, not just the naming of a city.



Rep. Marion Greene

She grew up outside the United States with parents who served in the U.S. Foreign Service. The upbringing helped formulate her ideas on the "desire to make a difference" and how to participate in government and civic life.

Since moving to her current residence a decade ago, Greene has been involved in various political issues and the DFL Party. She's been particularly interested in neighborhood issues and the development of the Uptown area in Minneapolis.

Before transplanting to the state, Greene worked in Washington, D.C. for the Clinton-Gore campaign and various nonprofits, such as the Center for Science in the Public Interest.

Through these experiences, Greene discovered she wanted to be in service-oriented work.

A good friend urged a legislative run. "I like problem solving, I like bringing people together from different points of view and finding the best way forward that serves as many people as possible."

She said a balanced approach to the state's budget problems is important to the people of her district. "We can balance the state budget, but we can also protect investment in education, health care — things that my district views as long-term investments." She said this approach would ultimately grow the tax base and economy.

### DISTRICT 60A

Population (2009 est.): 37,055  
Largest City: Minneapolis  
County: Hennepin  
Top Concern: The budget

Greene believes the state will need to trim in certain areas, but it will also need new sources of revenue to solve the budget deficit. "We can call them fees or taxes; it's still going to be coming out of the pockets of Minnesotans."

Other issues important to her constituents include marriage equality and bullying in schools, she said.

Because she serves in the minority, Greene realizes that any bills she sponsors won't likely be heard. "... I'm going to continue to push on issues." She said she'll try to find subjects that are important to her district and more conservative districts to find common solutions.

## Priorities based on data

Gruenhagen doesn't favor across-the-board cuts

By **LEE ANN SCHUTZ**

Whether in the House or in his home district, Rep. Glenn Gruenhagen (R-Glencoe) loves a good debate on the issues — especially about government spending and what he calls its intrusiveness into the private sector.



Rep. Glenn Gruenhagen

"Government tends to have a corruptive influence; wherever government money shows up, in general, the price of everything goes up," said Gruenhagen, who has his own insurance agency.

He acknowledged that human nature plays a part with companies taking advantage of the funds. "When you show up with the money ... everyone is sitting around trying to figure out how to increase their prices,

the costs go up," he said. "I don't care if it is a farmer, contractor or stadium builder."

Gruenhagen said his approach to the state's deficit is not indiscriminate cutting. He said there is a need for comparative data — "how we compare with other states" — to help with setting priorities — otherwise, it's like walking through a china shop while wildly swinging a baseball bat. "You don't know that once you start swinging what you'll wreck," and it may be something you would prefer left untouched.

"Comparative data gives you the tools to make the changes and bring the budget into compliance with the ability of the private sector and the taxpayers to support it," he said.

While passionate in his talk about state spending, Gruenhagen is even more passionate, albeit in a quieter tone, about his family and his values. Married for 32 years, with three children and four grandchildren, his mission is "to build a better future economically and culturally for our children

### DISTRICT 25A

Population (2009 est.): 40,775  
Largest City: New Prague  
Counties: Le Sueur, Scott, Sibley  
Top Concerns: Improve business climate, streamlining regulations, education

and grandchildren; have communities where they feel safe; (provide) good educational options and institutions; and a good strong religious fabric. Some of this stuff does better without government interference."

Gruenhagen is active in his church and enjoys ballroom dancing with his wife, Emily. "I'm good enough to get by on the floor," he said.

After 16 years on the Glencoe-Silver Lake School Board, Gruenhagen resigned his seat before taking his oath in the House. He now serves on the Civil Law, Health and Human Services Reform, Judiciary Policy and Finance, and the Public Safety and Crime Prevention Policy and Finance committees.

## Firsthand information

### LeMieur brings his business background to the Capitol

By Mike Cook

Rep. Mike LeMieur (R-Little Falls) has seen firsthand what a bad business climate can do to a smaller community.



Rep. Mike LeMieur

A lifelong resident of Little Falls, he's seen a pair of large boat manufacturers close up shop in his hometown. One has since reopened to a lesser degree.

"It affects all other businesses," said LeMieur, who, with his three brothers, owns a plumbing and heating company that their father began 55 years earlier.

"I see that people are hurting and that they don't have the extra money to spend on, for example, replacing their furnace when it

should be replaced. Instead, they just need it to limp along because they don't have the money they normally would have or they're worried about not having a job," LeMieur said.

How does that turn around?

"We're rated one of the worst states for being a business-friendly state, yet we have the greatest workforce," he said. "I truly believe if we can create a business-friendly state, and combine that with our workforce, we will have a recipe for success and we will grow jobs. When you grow jobs you grow revenues." He lists reducing business tax rates and streamlining the permitting process as two ways of growing business.

With the varied makeup of his Central Minnesota district, LeMieur is pleased to serve on two distinct committees — House Agriculture and Rural Development Policy

### DISTRICT 12B

Population (2009 est.): 39,452  
Largest City: Little Falls  
Counties: Crow Wing, Morrison  
Top Concern: Jobs

and Finance, and House Jobs and Economic Development Finance — along with the House Property and Local Tax and House Veterans Services divisions.

"My district has a lot of agriculture, Camp Ripley is in the center of my district. I thought my business background would help on jobs and economic development and I think property taxes are an issue," he said. "I think my property taxes are high for the home I live in."

A husband and father of three sons, LeMieur likes to hunt and fish. He also has spent 20 years on the Little Falls Fire Department.

## A brighter future

### Mazorol plans to focus on budget, business

By Nick Busse

When Rep. Pat Mazorol (R-Bloomington) won his election in November, it was a bittersweet victory. Roughly a week earlier, he learned that his father had been diagnosed with stage-four cancer. Two days after the election, he died.



Rep. Pat Mazorol

Mazorol, who had planned to visit his parents in New Orleans the weekend after the election, didn't get to

visit his father in time. But he did get to share the good news about his election with him over the phone.

"He knew about it, long distance. I was able to tell him ... so that was nice," he said.

Mazorol's arrival at the Legislature was a long time in coming. He made an unsuccessful bid for a Senate seat in 1982, and didn't run for public office again for 28 years. He led a successful career as a lawyer and a financial advisor, and last year he began a new job as senior vice president for university relations at Bethel University.

It's his position at Bethel, being around the state's "future leaders," that motivates him as a public servant, Mazorol said.

"I just think the next generation deserves to have a life as good or better than I've been able to enjoy," he said.

Mazorol worries that his daughters' generation will end up footing the bill for irresponsible fiscal policies. He's also concerned that the state's regulatory environment serves as a deterrent to

businesses, holding back job growth.

"We've got a terribly attractive state to live in, and I think people would like to live here," he said. "I think we just need to make sure we aren't doing other things to keep businesses away."

Mazorol, who spent much of his career in a "very regulated industry" (banking), said he hopes to bring his experience to bear in making the state a more appealing home to companies. He believes the future of the state depends on it.

"We can't be non-competitive and expect that we'll continue to have jobs for Minnesotans," he said.

### DISTRICT 41B

Population (2009 est.): 36,831  
Largest City: Bloomington  
County: Hennepin  
Top Concern: Fiscal discipline

# Snapshot of Delano leader

McDonald follows in his father's footsteps

By SUE HEGARTY

Six years ago, Joe McDonald found himself across the table from former Rep. Tom Emmer in Delano. Emmer agreed not to run for the Legislature if McDonald did, according to McDonald. He decided it wasn't his time yet, so he told Emmer, "In six years you better get done what you want because I'm running."



Rep. Joe McDonald

He did and he won. That was against his father's wishes.

McDonald's dad, K.J., served 14 years in the House from 1977-1990 and advised him not to run for office. "He said if you want to ruin your business and your family, run for office. So he wasn't the first

person I called, but he's proud and very supportive."

The younger McDonald has been a Republican Party activist for 13 years. He's moved through the ranks of Delano leadership from president of the chamber of commerce to mayor of the city, where he owns a photography studio with his wife, Rachel. A master photographer, McDonald has photographed many of his constituents.

"It's a great career knowing the art I produce will outlive me and give years of pleasure to the families," he said.

Time will tell whether the legislation he produces gives him that same satisfaction. McDonald serves on the House Health and Human Services Finance and Reform committees, the House Property and Local Tax Division and the House Public Safety and Crime Prevention Policy and Finance

## DISTRICT 19B

Population (2009 est.): 56,487  
Largest City: St. Michael  
Counties: Hennepin, Wright  
Top Concern: Help reduce unnecessary spending

Committee.

He's particularly sensitive to the needs of local government. Cuts in state aid and statutory limits on how much cities can levy tie the hands of local government, he said. "I just don't believe that the state has any business capping the levy for communities."

When he's not representing Wright County, McDonald said he can be found at work in the community and participating in the many groups he belongs to, when time permits. After all, he has to save time to jump on the trampoline with his three sons and to challenge them to a Wii game.

# Myhra goes from home to House

Dedicated door-knocking key to election success

By KRIS BERGGREN

"High-octane" is how Rep. Pam Myhra (R-Burnsville) describes herself. She's a certified public accountant, Republican Party activist since 1994 and a mother of three whom she home-schooled from preschool through 12th grade.



Rep. Pam Myhra

During her campaign for the House, she personally knocked on about 12,000 doors, taking three or four shifts a day. Her children offered social media advice, door-knocking company and help with household chores. Her husband also lent his full support.

"I have always been a person who has given 110 percent," Myhra said. She believes that level of dedication was a reason she was elected.

"People realized I wanted the job and

once I had it, I would work really hard for them," she said, adding that one voter told her he didn't want to know what party she represented, but that he'd vote for her because she came to his home.

Ironically, door-knocking was the one aspect of grassroots politics she'd previously avoided.

"I thought it was a little intimidating," Myhra said. "It turned out I really loved it."

She also learned from it.

"I was stunned how many homes were vacant in a whole variety of neighborhoods," Myhra said, evidence of the foreclosure crisis.

That drove home what she heard from voters who, she said, are hurting from wage freezes or job losses. Her own family experienced a downturn in income in 2009. "We had to go through our budget and reset priorities, and I feel state government should do the same," she said.

Besides education, which is her passion,

## DISTRICT 40A

Population (2009 est.): 37,729  
Largest City: Burnsville  
Counties: Dakota, Scott  
Top Concerns: Education, responsible government, protecting family income

her priorities include economic development, reducing taxes and paring government spending within its means. She said there is a difference between what's essential or important, and what's nice. Protecting nursing homes and care of vulnerable adults is an example of what's essential. A new stadium? Merely nice.

"I just love the Vikings," she said, "but building a stadium now would be like laying linoleum in the kitchen while the bedroom is on fire."



## A new way to serve

O'Driscoll continues a long record of public service

By Nick Busse

Rep. Tim O'Driscoll (R-Sartell) was born into a family of public servants. His father, the Sartell police chief when O'Driscoll



Rep. Tim O'Driscoll

was growing up, taught him and his brothers the importance of civic duty.

"He really instilled in us a sense of commitment and community involvement, and continuing to make the community successful," O'Driscoll said.

The way O'Driscoll chose to do that was to get involved in local government. He spent six years on the Sartell City Council, followed by four years as the mayor. He

has also been actively involved in veterans support programs like Beyond the Yellow Ribbon and the Central Minnesota Warrior to Citizen Initiative.

O'Driscoll's service in the House will be an extension of not only his previous public service, but of his private life as well.

As a corporate trainer, O'Driscoll helps people prepare for careers in real estate and insurance. As a lawmaker, he hopes to grow the state's business community in other ways.

"I plan on continuing to work on building a fair jobs base ... so that employers feel comfortable making an investment and getting out there with jobs," he said.

O'Driscoll's district has a mix of urban and rural areas. One of his top priorities is keeping agriculture a viable industry in the state. He'd also like to see some reforms

| DISTRICT 14A                                |
|---|
| Population (2009 est.): 46,912              |
| Largest City: Sauk Rapids                   |
| Counties: Benton, Stearns                   |
| Top Concerns: Jobs, the budget, agriculture |

relating to agriculture policy — specifically, a rollback of the Green Acres law.

O'Driscoll cites three criteria for a successful legislative session: a balanced budget without raising taxes; new policies to promote job growth in the state; and growth in the economy. He hopes that the Legislature will enact reforms this year that will make future legislative sessions easier.

"We will have built an opportunity for when we come back next session to be able to take advantage of the growth — if you will, the seeds that we've planted this session," he said.

## A fast learner

Petersen says state should practice 'kitchen table budgeting'

By Kris Berggren

Rep. Branden Petersen (R-Andover) was something of a dark horse candidate: he's young, lacks a postsecondary degree and had never run for elected office. Even after his late entry into the race, he beat a seasoned city official for the Republican endorsement, and he learned fast how to win again.



Rep. Branden Petersen

"I outworked her, called every delegate, went to every precinct caucus," said Petersen, who beat DFL incumbent Rep. Jerry Newton on Election Day.

Petersen has lived in his district since the age of 8, playing Little League and attending Coon Rapids High School. He married his

high school sweetheart, Jessica. His parents live close by, as does his wife's family.

"It's very much my community. This is my hometown," Petersen said.

Petersen said that not completing college was a financial decision. "I had to pay for my own school. That's how the cookie crumbles," he said. Instead, he worked his way up the ladder at Lowe's, the home improvement company, and became an area sales manager.

Less than a year ago, he and Jessica married, bought a home, moved in and now are expecting a baby. Meanwhile, Petersen spent months commuting to work an hour and 40 minutes each way between Andover and Mankato. He took a reduced-capacity position at a store closer to home to make time for campaign activities.

Making ends meet is also the reality for his constituents. Petersen thinks the state should take note of their "kitchen table budgeting."

| DISTRICT 49B   |
|--|
| Population (2009 est.): 37,893   |
| Largest City: Coon Rapids  |
| County: Anoka  |
| Top Concerns: Equity in education funding, mandate reduction, zero-based state budgeting |

"Lots of people pointed out that, in the last two or three years, they're making the same or less, but the state keeps giving cost-of-living increases," Petersen said. "They pointed out the hypocrisy there, especially when they're paying for state government."

Other priorities include funding equity for schools that have high needs but not the revenue to match, and "value-added" teacher evaluations measuring effectiveness by students' yearly progress, not only their proficiency. He also wants mandate reductions to cities and counties to soften the blow of state cuts to local government aid that he said seem likely.

# 2011-2012 Minnesota House of Representatives Members

| District | Member/Party              | Room* | Phone<br>651-296- | District | Member/Party                              | Room* | Phone<br>651-296- |
|----------|---------------------------|-------|-------------------|----------|---|-------|-------------------|
| 48B      | Abeler, Jim (R)           | 479   | 1729              | 57A      | Kriesel, John (R)                         | 451   | 4342              |
| 19A      | Anderson, Bruce (R)       | 365   | 5063              | 50A      | Laine, Carolyn (DFL)                      | 287   | 4331              |
| 38A      | Anderson, Diane (R)       | 525   | 3533              | 9A       | Lanning, Morrie (R)                       | 379   | 5515              |
| 13A      | Anderson, Paul (R)        | 445   | 4317              | 34A      | Leidiger, Ernie (R)                       | 415   | 4282              |
| 43A      | Anderson, Sarah (R)       | 549   | 5511              | 12B      | LeMieur, Mike (R)                         | 567   | 4247              |
| 3A       | Anzelc, Tom (DFL)         | 307   | 4936              | 40B      | Lenczewski, Ann (DFL)                     | 317   | 4218              |
| 39B      | Atkins, Joe (DFL)         | 209   | 4192              | 66A      | Lesch, John (DFL)                         | 315   | 4224              |
| 15B      | Banaian, King (R)         | 411   | 6612              | 30A      | Liebling, Tina (DFL)                      | 357   | 0573              |
| 17B      | Barrett, Bob (R)          | 413   | 5377              | 55A      | Lillie, Leon (DFL)                        | 281   | 1188              |
| 35A      | Beard, Michael (R)        | 417   | 8872              | 59A      | Loeffler, Diane (DFL)                     | 335   | 4219              |
| 43B      | Benson, John (DFL)        | 289   | 9934              | 56A      | Lohmer, Kathy (R)                         | 521   | 4244              |
| 30B      | Benson, Mike (R)          | 515   | 4378              | 42B      | Loon, Jenifer (R)                         | 403   | 7449              |
| 37B      | Bills, Kurt (R)           | 533   | 4306              | 37A      | Mack, Tara (R)                            | 557   | 5506              |
| 23B      | Brynaert, Kathy (DFL)     | 327   | 3248              | 67A      | Mahoney, Tim (DFL)                        | 237   | 4277              |
| 35B      | Buesgens, Mark (R)        | 381   | 5185              | 65B      | Mariani, Carlos (DFL)                     | 203   | 9714              |
| 45B      | Carlson Sr., Lyndon (DFL) | 283   | 4255              | 9B       | Marquart, Paul (DFL)                      | 313   | 6829              |
| 58B      | Champion, Bobby Joe (DFL) | 329   | 8659              | 41B      | Mazorol, Pat (R)                          | 581   | 7803              |
| 61A      | Clark, Karen (DFL)        | 277   | 0294              | 19B      | McDonald, Joe (R)                         | 523   | 4336              |
| 24B      | Cornish, Tony (R)         | 437   | 4240              | 3B       | McElfatrick, Carolyn (R)                  | 545   | 2365              |
| 8B       | Crawford, Roger (R)       | 421   | 0518              | 53B      | McFarlane, Carol (R)                      | 597   | 5363              |
| 17A      | Daudt, Kurt (R)           | 487   | 5364              | 57B      | McNamara, Denny (R)                       | 375   | 3135              |
| 31B      | Dauids, Greg (R)          | 585   | 9278              | 65A      | Moran, Rena (DFL)                         | 227   | 5158              |
| 62A      | Davnie, Jim (DFL)         | 215   | 0173              | 23A      | Morrow, Terry (DFL)                       | 211   | 8634              |
| 52B      | Dean, Matt (R)            | 459   | 3018              | 58A      | Mullery, Joe (DFL)                        | 387   | 4262              |
| 52A      | Dettmer, Bob (R)          | 473   | 4124              | 10B      | Murdock, Mark (R)                         | 593   | 4293              |
| 6A       | Dill, David (DFL)         | 273   | 2190              | 64A      | Murphy, Erin (DFL)                        | 345   | 8799              |
| 47A      | Dittrich, Denise (DFL)    | 311   | 5513              | 6B       | Murphy, Mary (DFL)                        | 343   | 2676              |
| 33B      | Doepke, Connie (R)        | 579   | 4315              | 27A      | Murray, Rich (R)                          | 439   | 8216              |
| 41A      | Downey, Keith (R)         | 407   | 4363              | 40A      | Myhra, Pam (R)                            | 517   | 4212              |
| 28B      | Draskowski, Steve (R)     | 401   | 2273              | 46A      | Nelson, Michael V. (DFL)                  | 229   | 3751              |
| 2A       | Eken, Kent (DFL)          | 243   | 9918              | 10A      | Nornes, Bud (R)                           | 471   | 4946              |
| 16A      | Erickson, Sondra (R)      | 509   | 6746              | 29B      | Norton, Kim (DFL)                         | 233   | 9249              |
| 1A       | Fabian, Dan (R)           | 431   | 9635              | 14A      | O'Driscoll, Tim (R)                       | 369   | 7808              |
| 20A      | Falk, Andrew (DFL)        | 239   | 4228              | 64B      | Paymar, Michael (DFL)                     | 301   | 4199              |
| 11B      | Franson, Mary (R)         | 429   | 3201              | 31A      | Pelowski Jr., Gene (DFL)                  | 295   | 8637              |
| 26B      | Fritz, Patti (DFL)        | 253   | 8237              | 32A      | Peppin, Joyce (R)                         | 503   | 7806              |
| 36B      | Garofalo, Pat (R)         | 537   | 1069              | 4A       | Persell, John (DFL)                       | 223   | 5516              |
| 7B       | Gauthier, Kerry (DFL)     | 225   | 4246              | 49B      | Petersen, Branden (R)                     | 577   | 5369              |
| 15A      | Gottwalt, Steve (R)       | 485   | 6316              | 45A      | Peterson, Sandra (DFL)                    | 337   | 4176              |
| 60A      | Greene, Marion (DFL)      | 331   | 0171              | 27B      | Poppe, Jeanne (DFL)                       | 291   | 4193              |
| 54A      | Greiling, Mindy (DFL)     | 393   | 5387              | 29A      | Quam, Duane (R)                           | 569   | 9236              |
| 25A      | Gruenhagen, Glenn (R)     | 575   | 4229              | 5A       | Rukavina, Tom (DFL)                       | 303   | 0170              |
| 24A      | Gunther, Bob (R)          | 591   | 3240              | 53A      | Runbeck, Linda (R)                        | 583   | 2907              |
| 48A      | Hackbarth, Tom (R)        | 409   | 2439              | 51A      | Sanders, Tim (R)                          | 449   | 4226              |
| 22B      | Hamilton, Rod (R)         | 559   | 5373              | 54B      | Scalze, Bev (DFL)                         | 259   | 7153              |
| 2B       | Hancock, David (R)        | 529   | 4265              | 22A      | Schomacker, Joe (R)                       | 433   | 5505              |
| 39A      | Hansen, Rick (DFL)        | 247   | 6828              | 49A      | Scott, Peggy (R)                          | 477   | 4231              |
| 66B      | Hausman, Alice (DFL)      | 255   | 3824              | 18A      | Shimanski, Ron (R)                        | 367   | 1534              |
| 61B      | Hayden, Jeff (DFL)        | 389   | 7152              | 44A      | Simon, Steve (DFL)                        | 279   | 9889              |
| 46B      | Hilstrom, Debra (DFL)     | 261   | 3709              | 55B      | Slawik, Nora (DFL)                        | 245   | 7807              |
| 8A       | Hilty, Bill (DFL)         | 207   | 4308              | 63B      | Slocum, Linda (DFL)                       | 359   | 7158              |
| 36A      | Holberg, Mary Liz (R)     | 453   | 6926              | 33A      | Smith, Steve (R)                          | 543   | 9188              |
| 34B      | Hoppe, Joe (R)            | 563   | 5066              | 42A      | Stensrud, Kirk (R)                        | 553   | 3964              |
| 60B      | Hornstein, Frank (DFL)    | 213   | 9281              | 21A      | Swedzinski, Chris (R)                     | 527   | 5374              |
| 47B      | Hortman, Melissa (DFL)    | 377   | 4280              | 63A      | Thissen, Paul (DFL)                       | 267   | 5375              |
| 14B      | Hosch, Larry (DFL)        | 349   | 4373              | 51B      | Tillberry, Tom (DFL)                      | 231   | 5510              |
| 4B       | Howes, Larry (R)          | 491   | 2451              | 21B      | Torkelson, Paul (R)                       | 371   | 9303              |
| 7A       | Huntley, Thomas (DFL)     | 351   | 2228              | 18B      | Urdahl, Dean (R)                          | 571   | 4344              |
| 67B      | Johnson, Sheldon (DFL)    | 217   | 4201              | 13B      | Vogel, Bruce (R)                          | 507   | 6206              |
| 59B      | Kahn, Phyllis (DFL)       | 353   | 4257              | 62B      | Wagenius, Jean (DFL)                      | 251   | 4200              |
| 26A      | Kath, Kory (DFL)          | 201   | 5368              | 12A      | Ward, John (DFL)                          | 221   | 4333              |
| 28A      | Kelly, Tim (R)            | 565   | 8635              | 38B      | Wardlow, Doug (R)                         | 551   | 4128              |
| 56B      | Kieffer, Andrea (R)       | 531   | 1147              | 11A      | Westrom, Torrey (R)                       | 443   | 4929              |
| 1B       | Kiel, Debra (R)           | 423   | 5091              | 44B      | Winkler, Ryan (DFL)                       | 321   | 7026              |
| 16B      | Kiffmeyer, Mary (R)       | 501   | 4237              | 25B      | Woodard, Kelby (R)                        | 539   | 7065              |
| 50B      | Knuth, Kate (DFL)         | 323   | 0141              | 32B      | Zellers, Kurt (R)                         | 463   | 5502              |
| 20B      | Koenen, Lyle (DFL)        | 241   | 4346              | 5B       | Open seat, special election Feb. 15, 2011 |       | 0172              |

# How a Bill Becomes

## Idea

**1** A bill is an idea for a new law or an idea to change an old law. Anyone can suggest an idea for a bill — an individual, consumer group, professional association, government agency or the governor. Most often, however, ideas come from legislators, the only ones who can begin to move an idea through the process. There are 134 House members and 67 senators.

## Legal form

**2** The Office of the Revisor of Statutes and staff from other legislative offices work with legislators in putting the idea for a new law into proper legal form. The revisor's office is responsible for assuring that the proposal's form complies with the rules of both bodies before the bill is introduced into the Minnesota House of Representatives and the Minnesota Senate.

## Sponsors

**3** Each bill must have a legislator to sponsor and introduce it in the Legislature. That legislator's name appears on the bill along with the bill's file number to identify it as it moves through the legislative process. There may be up to 34 co-sponsors from the House and four from the Senate. Their names also appear on the bill.

## General Register

**7** In the House, the General Register serves as a parking lot where bills await action by the full body. Bills chosen to appear on the Consent Calendar, Calendar for the Day or the Fiscal Calendar are drawn from the General Register.

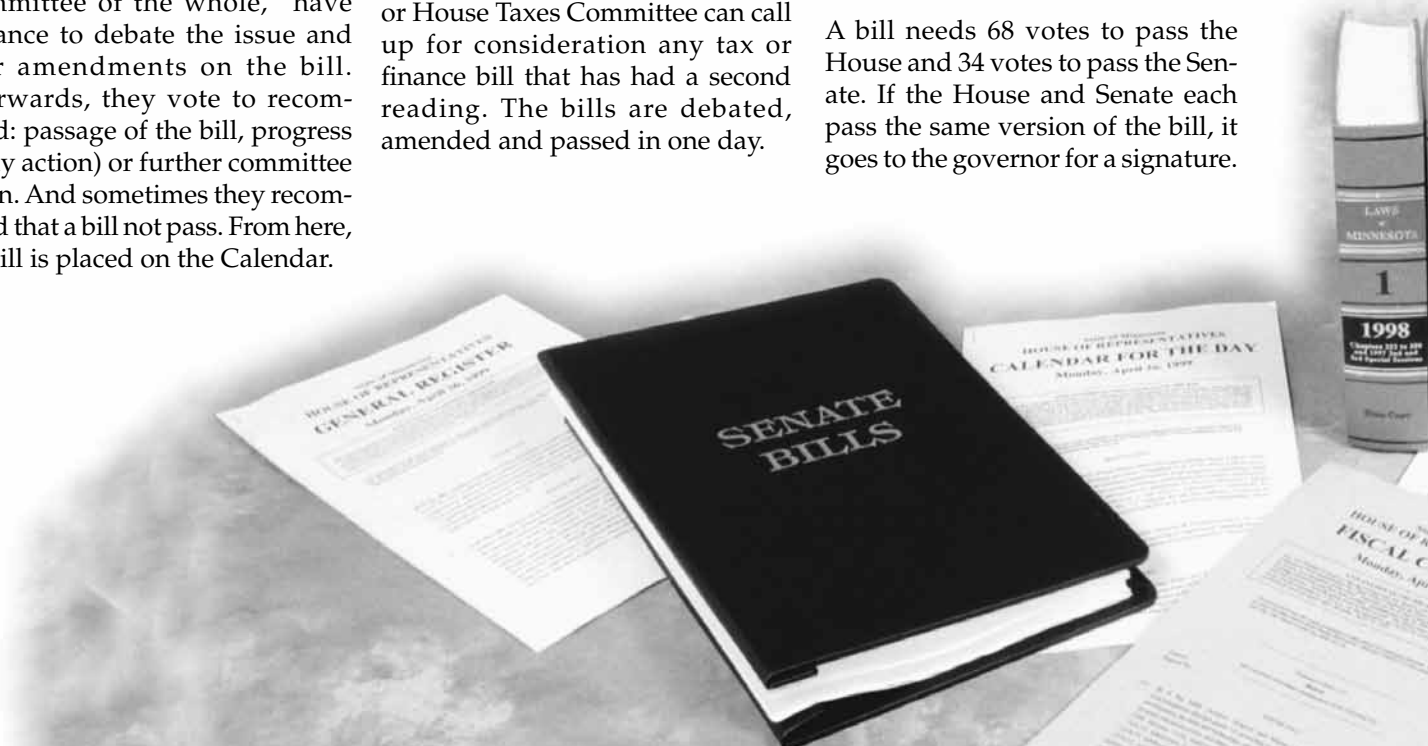
In the Senate, a different procedure is used. Bills are listed on the General Orders agenda. Senate members, acting as the "committee of the whole," have a chance to debate the issue and offer amendments on the bill. Afterwards, they vote to recommend: passage of the bill, progress (delay action) or further committee action. And sometimes they recommend that a bill not pass. From here, the bill is placed on the Calendar.

## Calendar for the Day

**8** In the House, the Calendar for the Day is a list of bills the House Rules and Legislative Administration Committee has designated for the full House to vote on. Members can vote to amend the bill, and after amendments are dispensed with, the bill is given its *third reading* before the vote of the full body is taken. The House also has a Fiscal Calendar, on which the chair of the House Ways and Means Committee or House Taxes Committee can call up for consideration any tax or finance bill that has had a second reading. The bills are debated, amended and passed in one day.

In the Senate, bills approved by the "committee of the whole" are placed on the Calendar. At this point, the bill has its *third reading*, after which time the bill cannot be amended unless the entire body agrees to it. Toward the end of the session, the Senate Rules and Administration Committee designates bills from the General Orders calendar to receive priority consideration. These Special Orders bills are debated, amended and passed in one day.

A bill needs 68 votes to pass the House and 34 votes to pass the Senate. If the House and Senate each pass the same version of the bill, it goes to the governor for a signature.





# a Law in Minnesota

## Introduction

**4** The chief House sponsor of the bill introduces it in the House; the chief Senate sponsor introduces it in the Senate. Identical bills introduced in each body are called *companion* bills. The bill introduction is called the *first reading*. The presiding officer of the House then refers it to an appropriate House committee for discussion; the same thing happens in the Senate.

## Committee

**5** The bill is discussed in one or more committees depending upon the subject matter. After discussion, committee members recommend action — approval or disapproval — to the full House and full Senate. The House committee then sends a report to the House about its action on the bill; the Senate committee does likewise in the Senate.

## Floor

**6** After the full House or Senate accepts the committee report, the bill has its *second reading* and is placed on the House agenda called the General Register or the Senate agenda called General Orders. (A committee can recommend that non-controversial bills bypass the General Register or General Orders and go onto the Consent Calendar, where bills usually pass without debate.) After this point, House and Senate procedures differ slightly.

## Conference

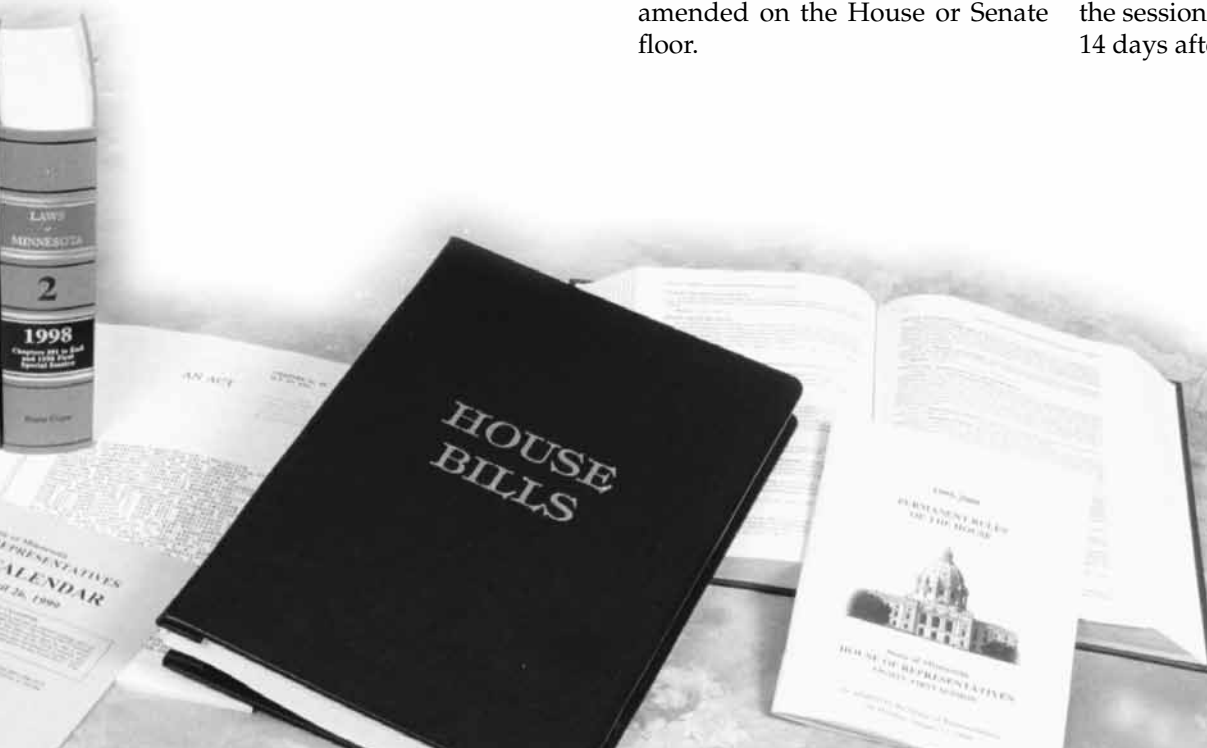
**9** If the House and Senate versions of the bill are different, they go to a conference committee. In the House, the speaker appoints three or five representatives, and in the Senate, the Subcommittee on Committees of the Rules and Administration Committee selects the same number of senators to form the committee. The committee meets to work out differences in the two bills and to reach a compromise.

## Floor

**10** The conference committee's compromise bill then goes back to the House and the Senate for another vote. If both bodies pass the bill in this form, it is sent to the governor for approval or disapproval. (If one or both bodies reject the report, it goes back to the conference committee for further consideration.) A conference committee report cannot be amended on the House or Senate floor.

## Governor

**11** Once the governor has the bill, he or she may: sign it, and the bill becomes law; veto it within three days; or allow it to become law by not signing it. During session, the House and Senate can override a governor's veto. This requires a two-thirds vote in the House (90 votes) and Senate (45 votes). The governor also may "line-item veto" parts of a money bill, or "pocket veto" a bill passed during the last three days of the session by not signing it within 14 days after final adjournment. ▼



# BILL INTRODUCTIONS

JANUARY 13 - 20, 2011

HOUSE FILES 93 - 174

## Tuesday, January 18

---

### **HF93-Liebling (DFL)**

#### **Transportation Policy & Finance**

Ariana Celeste MacNamara Memorial Bridge designated.

### **HF94-Urdahl (R)**

#### **Commerce & Regulatory Reform**

Incandescent light bulb use and manufacture authorized in Minnesota.

### **HF95-Hortman (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Mississippi River critical area eliminated.

### **HF96-Davids (R)**

#### **Taxes**

Individual income and corporate franchise taxes conformed to the federal section 179 expensing allowance for certain taxpayers.

### **HF97-Davids (R)**

#### **Taxes**

Individual income and corporate franchise taxes conformed to the federal section 179 expensing allowance for certain taxpayers.

### **HF98-Diil (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Itasca County; pilot land exchange process created for tax-forfeited lands.

### **HF99-Anzelc (DFL)**

#### **Veterans Services Division**

Tax exemption provided for property owned and operated by veterans organizations.

### **HF100-Urdahl (R)**

#### **Public Safety & Crime Prevention Policy & Finance**

Social host liability criminal penalty imposed.

### **HF101-Urdahl (R)**

#### **Agriculture & Rural Development Policy & Finance**

Livestock investment grant funding provided.

### **HF102-Mahoney (DFL)**

#### **Government Operations & Elections**

Minnesota science and technology program established.

### **HF103-Murray (R)**

#### **Jobs & Economic Development Finance**

Unemployment insurance eligibility and extension provisions modified.

### **HF104-Koenen (DFL)**

#### **Ways & Means**

Department of Corrections claim settlements provided.

### **HF105-Dettmer (R)**

#### **State Government Finance**

Washington County; Disabled Veterans Rest Camp on Big Marine Lake matching grant funding provided to be used for improvements.

### **HF106-Anderson, P. (R)**

#### **Taxes**

Water used for public safety purposes tax exemption provided.

### **HF107-Rukavina (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Northern pike spearing slot limits eliminated.

### **HF108-Nelson (DFL)**

#### **Taxes**

Income tax check-off authorized for multiple sclerosis research and assistance.

### **HF109-Hansen (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Board of Water and Soil Resources funding provided for RIM conservation reserve.

### **HF110-Kahn (DFL)**

#### **Government Operations & Elections**

Legislative Commission on Pensions and Retirement membership increased.

### **HF111-Poppe (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Cedar River state water trail designated.

### **HF112-Barrett (R)**

#### **Taxes**

Taylor's Falls; border city development zone powers established.

### **HF113-Quam (R)**

#### **Health & Human Services Finance**

Gross revenue payment exemption provided.

### **HF114-Barrett (R)**

#### **Jobs & Economic Development Finance**

Unemployment insurance eligibility requirements modified.

### **HF115-Barrett (R)**

#### **Education Reform**

School district Jan. 15 deadline repealed by which a collective bargaining agreement must be reached or face a state aid penalty.

### **HF116-Quam (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

DR-1941 area previous appropriation modified.

### **HF117-Peterson, S. (DFL)**

#### **Education Finance**

High-need public high school grant program funding provided for additional student counseling services.

### **HF118-Scalze (DFL)**

#### **Transportation Policy & Finance**

Rice Street and I-694 interchange funding provided.

### **HF119-Scalze (DFL)**

#### **Transportation Policy & Finance**

White Bear Avenue and I-694 interchange funding provided.

### **HF120-Morrow (DFL)**

#### **Public Safety & Crime Prevention Policy & Finance**

Local disaster assistance program and local disaster fund established.

### **HF121-Morrow (DFL)**

#### **Education Reform**

Teacher performance assessments established.

### **HF122-Davids (R)**

#### **Health & Human Services Reform**

Dental plan contracts and provider audits regulated.

### **HF123-Ward (DFL)**

#### **Public Safety & Crime Prevention Policy & Finance**

Unlawful passing on the right resulting in bodily injury or death penalties increased.

### **HF124-Holberg (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Firearm possession restrictions modified for taking deer by archery.

### **HF125-Gunther (R)**

#### **State Government Finance**

Executive and legislative branch agency appropriation reductions made.

### **HF126-Nornes (R)**

#### **Higher Education Policy and Finance**

Higher education appropriation reductions made.

### **HF127-Dean (R)**

#### **State Government Finance**

State employee salary and wage freeze instituted.

### **HF128-Abeler (R)**

#### **Health & Human Services Finance**

Human services appropriation reductions made.

### **HF129-Davids (R)**

#### **Taxes**

Tax aids and credits and payment reductions made.

### **HF130-Holberg (R)**

#### **Ways & Means**

Fiscal year 2011 appropriations reduced, policies changed and appropriation reductions made for fiscal years 2012 and 2013; and tax aid, credits and payment reductions made.

## Thursday, January 20

---

### **HF131-Hackbarth (R)**

#### **Public Safety & Crime Prevention Policy & Finance**

The right of citizens to keep, bear and use arms for certain purposes is provided as fundamental and shall not be infringed; constitutional amendment proposed

### **HF132-Hackbarth (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Citizen oversight of certain natural resources fund accounts provided; reports to legislative committees and divisions required.

**HF133-Fritz (DFL)****Education Reform**

Trial placements for eligible children allowed at the Minnesota state academies.

**HF134-Woodard (R)****Education Reform**

Charter school authorizer approval deadline modified.

**HF135-Hackbarth (R)****Health & Human Services Reform**

Authority to regulate wells modified.

**HF136-Morrow (DFL)****Veterans Services Division**

Eligibility extended for Gold Star motor vehicle license plates to include children and siblings of persons who have died while serving in active military service.

**HF137-Ward (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Terry McGaughey Memorial Bridge named.

**HF138-Ward (DFL)****Government Operations & Elections**

Permitted holding period for exempt property held for economic development increased for cities with a population of 20,000 or less.

**HF139-Dill (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Lake Vermilion State Park development funding provided.

**HF140-Cornish (R)****Transportation Policy & Finance**

Approved security motor vehicle and uniform markings clarified.

**HF141-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Penalties for injuring public safety dogs increased.

**HF142-O'Driscoll (R)****Agriculture & Rural Development Policy & Finance**

Green Acres and agricultural classifications restored to pre-2008 status.

**HF143-Anderson, P. (R)****Taxes**

Glenwood Township; aggregate material tax imposition allowed for Glenwood Township in Pope County's stead.

**HF144-Hilty (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Carlton County; Public and private sale of certain tax-forfeited land bordering public water authorized.

**HF145-Hilty (DFL)****Jobs & Economic Development Finance**

Unemployment insurance eligibility modified for children of business owners.

**HF146-Hilty (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Carlton County; public sale authorized for tax-forfeited land.

**HF147-Buesgens (R)****Government Operations & Elections**

The full House of Representatives and the full Senate required to approve per diem and expense reimbursements for members.

**HF148-Kiffmeyer (R)****Agriculture & Rural Development Policy & Finance**

Green Acres and agricultural classifications restored to pre-2008 status, Green Acres working group created and appointments provided.

**HF149-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Health care provided to survivors of peace officers or firefighters killed in the line of duty.

**HF150-Rukavina (DFL)****Ways & Means**

Commissioner of management and budget required to adjust for projected inflation in forecasting state expenditures.

**HF151-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Commissioner of corrections required to post information on the Internet for all predatory offenders.

**HF152-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Criminal possession or sale of identification documents crime created.

**HF153-Hortman (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Coon Rapids Dam improvement funding provided.

**HF154-Cornish (R)****Environment, Energy & Natural Resources Policy & Finance**

Congress memorialized to delist the gray wolf from the Endangered Species Act.

**HF155-Benson, J. (DFL)****Taxes**

Levy limits abolished.

**HF156-Ward (DFL)****Taxes**

School district referendum market value tax base altered.

**HF157-Ward (DFL)****Veterans Services Division**

Brainerd; new veteran nursing home funding provided.

**HF158-Anzelc (DFL)****Jobs & Economic Development Finance**

Itasca County; domestic materials required as a condition of using public funds for infrastructure.

**HF159-Davids (R)****Capital Investment**

Hokah; match requirement eliminated.

**HF160-Drazkowski (R)****Environment, Energy & Natural Resources Policy & Finance**

Lake Zumbro and Schmidt Lake restoration funding provided.

**HF161-Drazkowski (R)****Public Safety & Crime Prevention Policy & Finance**

Permit renewal to purchase firearms from federally licensed dealers time period extended.

**HF162-Drazkowski (R)****Government Operations & Elections**

Political subdivisions authorized to publish proceedings, official notices and summaries on their websites in lieu of newspaper publication.

**HF163-Drazkowski (R)****Education Finance**

School district revenue mandated reserve permanently repealed for staff development programs.

**HF164-Lillie (DFL)****Veterans Services Division**

Military retirement pay subtraction provided.

**HF165-Simon (DFL)****Government Operations & Elections**

Elections; persons who are 17 years old authorized to vote.

**HF166-Clark (DFL)****Commerce & Regulatory Reform**

Lead poisoning prevention provided.

**HF167-Clark (DFL)****Health & Human Services Reform**

Autism research and report required by the health commissioner; Department of Human Services required to train autism service providers; and autism service option notification required for Medical Assistance and MinnesotaCare recipients.

**HF168-Ward (DFL)****Transportation Policy & Finance**

Private carriers of pupils authorization requirements provided and technical changes made.

**HF169-Falk (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Portable deer stands allowed to be erected and left unattended on public lands during deer season.

**HF170-Daudt (R)****Environment, Energy & Natural Resources Policy & Finance**

Prohibition on issuing certificate of need for new nuclear power plant abolished.

**HF171-Daudt (R)****Health & Human Services Reform**

MFIP electronic benefit transfers modified and photo identification required.

**HF172-Benson, J. (DFL)****Education Reform**

Minimum school counselor to student ratio established and report required.

**HF173-Peppin (R)****Government Operations & Elections**

Sunset Commission created; sunset and review of state agencies provided.

**HF174-Peppin (R)****State Government Finance**

Department of Revenue required to issue a request for proposals for a tax analytics and business intelligence contract.



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Patty Ostberg

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribe.asp](http://www.house.mn/hinfo/subscribe.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

Senate Information

651-296-0504 or 888-234-1112

Senate Index

651-296-5560

# MINNESOTA INDEX

## Higher Education

|  |            |
|--|------------|
| Percent of job openings by 2018 that are projected to require postsecondary education.....   | 70         |
| Percent of 25-34 year olds in state with an associate degree or higher .....                 | 48         |
| State rank.....  | 3          |
| Percent of 25-34 year olds in state with a bachelor's degree or higher .....                 | 35         |
| State rank.....  | 8          |
| Students enrolled in the Minnesota State Colleges and Universities system                    |            |
| in fall 2010.....  | 155,601    |
| In fall 2006.....  | 134,220    |
| Students enrolled at the University of Minnesota in fall 2010 .....                          | 67,932     |
| In fall 2006.....  | 65,753     |
| Percent of full-time, first-time University of Minnesota students who entered school         |            |
| in 2003 and had completed a bachelor's degree at the same institution by 2009 .....          | 63         |
| Percent in 2006, 2002, who had completed a degree within six years of entrance.....          | 57, 51     |
| Percent of state universities' students in same three years .....                            | 48, 47, 44 |
| Percent of private college students.....   | 72, 68, 71 |
| Average tuition and fees at University of Minnesota in 2010-11 school year .....             | \$11,091   |
| Average at a four-year state university in 2010-11 school year .....                         | \$6,596    |
| Average at a private college or university in 2010-11 school year.....                       | \$30,816   |
| Approximate percent of state General Fund spent on higher education                          |            |
| in fiscal year 2010.....   | 8.8        |
| Approximate percent in fiscal year 1995 .....  | 12         |
| Approximate percent in fiscal year 1987 .....  | 15         |
| Billions in aid for students attending a postsecondary institution in Minnesota in 2009..... | \$1.07     |
| Percent in institutional grants and scholarships.....  | 50.6       |
| Percent in federal, need-based grants .....  | 28.1       |
| Percent in Minnesota state grants.....   | 13.4       |
| Estimated number of students per year who receive a state grant.....                         | 80,000     |
| Average annual grant.....  | \$1,800    |
| Percent of grant dollars awarded to students with family incomes below \$50,000.....         | 85         |
| Millions projected to be spent on state grants in fiscal year 2011 .....                     | \$119      |
| Projected number of recipients .....   | 82,500     |
| Millions spent on state grants in fiscal year 2010.....                                      | \$168      |
| Projected number of recipients .....   | 103,544    |
| Millions spent on state grants in fiscal year 2005.....                                      | \$124      |
| Projected number of recipients .....   | 73,410     |
| Year the SELF Loan was established by the Legislature and governor .....                     | 1983       |
| Estimated number of annual borrowers .....   | 20,000     |
| Estimated millions of dollars annually provided.....   | \$90       |

— M. Cook

Sources: Minnesota Office of Higher Education, including Jan. 18 presentation to the House Higher Education Policy and Finance Committee; University of Minnesota; Minnesota State Colleges and Universities system, including Jan. 13 presentation to the House Higher Education Policy and Finance Committee.

# SESSION WEEKLY

A black and white photograph of a person's hand petting a small dog. The hand is resting on the dog's head, and the dog is looking towards the camera. The person is wearing a suit jacket and a striped shirt. The dog is lying on a soft, textured surface.

A SLICE OF THE GOVERNMENT PIE  
PRESERVING THE STATEHOUSE  
ALL ABOUT THE DOGS

HF175 - HF260

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 4 • JANUARY 28, 2011



# Flashback to 1991 and 2001



PHOTO BY TOM OLMSCHEID

**1991** - Rep. Don Frerichs (IR-Rochester) wore a bulletproof vest on the House floor to avoid political "sniping" when a bill he sponsored came up for a vote. Facing a \$197 million deficit for the 1990-91 biennium, the House approved Gov. Arne Carlson's package of proposed cuts on a 69-61 vote, with more than a dozen DFLers joining almost a unanimous vote of the Independent-Republican caucus. The package called for \$50 million in cuts for state aids to local governments and shifting \$52 million in Motor Vehicle Excise Taxes from road and bridge projects to the General Fund. Carlson did not propose use of the state's \$550 million reserve fund, opting to save it for balancing the \$1.2 billion shortfall forecast for the 1992-93 budget period.

**Session Weekly Jan. 25, 1991**

## Big bucks on bets

The year 2000 was the most profitable yet for the Minnesota State Lottery, bringing in more than \$397 million in revenue, Director George Andersen told the House Government Operations and Veterans Affairs Policy Committee. By comparison, \$1.5 billion was bet at charitable gambling venues with \$73 million wagered on horse racing at Canterbury Park. Andersen added the state estimates there was about \$1 billion spent on illegal gambling activities in the state, primarily organized sports betting.

**Session Weekly Jan. 26, 2001**

## Contents

**FIRST READING:** Lawmakers debate downsizing the state's workforce • 3-4

**HIGHLIGHTS:** A week for the dogs • 5-12

**AT ISSUE:** First bill passed in 2011 would reduce spending by \$1 billion • 16

**FEATURE:** Capitol dome repairs hope to preserve statehouse for many years • 13-15

**AT ISSUE:** Bush Foundation commits big bucks to revamp teacher training • 17-18

**PEOPLE:** Meet Bills, Leidiger, Lohmer, Murray, Quam and Stensrud • 19-21

**BILL INTRODUCTIONS:** HF175-HF260 • 22-23

**MINNESOTA INDEX:** Philanthropy and giving • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

**On the cover:** Milo, a rescued puppy from Last Hope, Inc., rests in the hands of Rep. Pat Garofalo Jan. 25 as the representative presents to the House Taxes Committee a proposal to exempt sales tax from rescued pet sales.



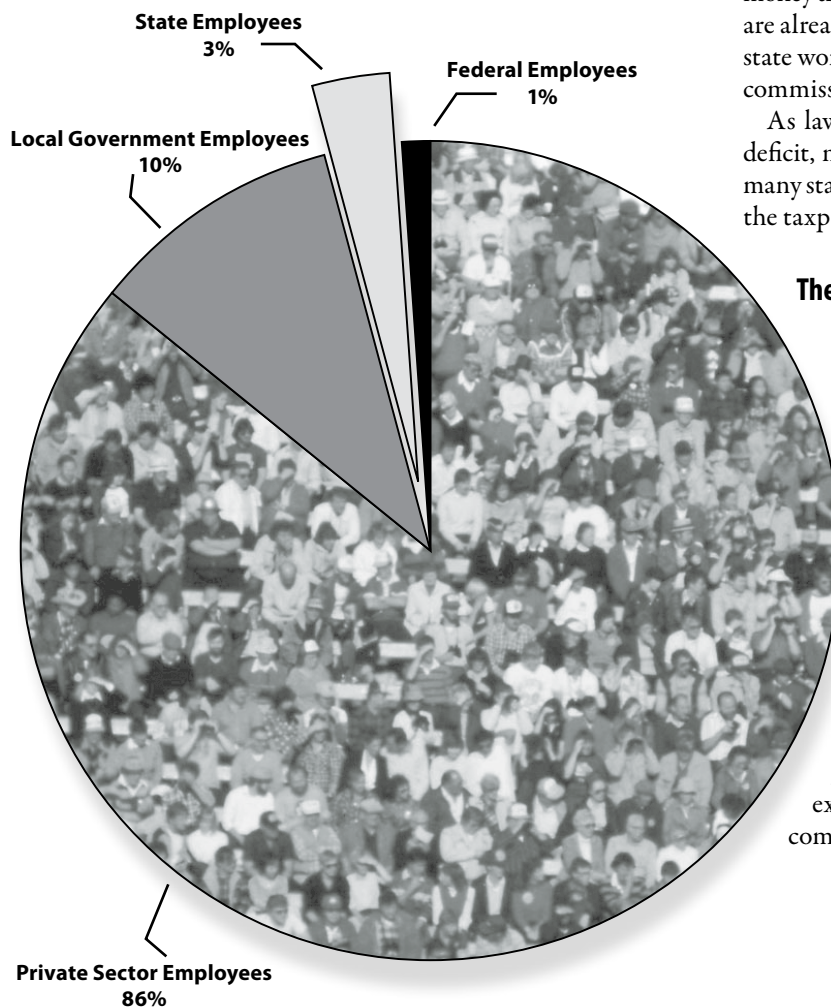
# A smaller slice of the government pie

Lawmakers debate downsizing the state's workforce

By NICK BUSSE

**W**hen Rep. King Banaian (R-St. Cloud) was campaigning last year, he thought voters would appreciate knowing that he, as a professor at a state university, had taken a two-year pay freeze. He was wrong.

## Public vs. Private-Sector Employment in Minnesota



"As it turns out, I got no sympathy for that whatsoever," Banaian said. "I learned to shut up about my wage freeze."

Banaian said he encountered many voters who had seen their wages cut, not frozen. So too did Rep. Denny McNamara (R-Hastings), who found that many of his constituents felt the public sector wasn't sharing in their private pain.

"As I was out door-knocking, talking to my neighbors last fall, they kept saying, 'Will you please live within your means? We can't give you any more,'" he said.

The Republicans who seized the majority in the House and Senate this year campaigned on a platform of smaller government. Now that they're in charge, many hope to scale back not only the amount of money the state spends, but also the number of people it employs. Bills are already working their way through the House that would freeze state worker pay, cut the number of state employees, and establish a commission to eliminate or combine state agencies.

As lawmakers prepare to solve a projected \$6.2 billion budget deficit, many say a cut to the workforce is inevitable. But just how many state employees are there, exactly? And how much do they cost the taxpayers?

## The state's payroll

The State of Minnesota, with more than 38,000 workers in its three branches of government, employs more Minnesotans than any private company. Add in employees of the University of Minnesota, the Minnesota State Colleges and Universities system and a handful of other state-level entities, and the state's payroll swells to a total of nearly 76,000 people. That's roughly 3 percent of all working people in Minnesota.

To some, 3 percent might sound like a lot; to others, a little. It should be noted that on a per-capita basis, Minnesota actually has the 10th smallest state workforce in the nation. Either way, some lawmakers question whether the state needs that many workers.

"People are asking the question, 'Why is state government still the one place where we're growing and expanding?' And obviously, the workforce is a fairly large component of that," said Rep. Keith Downey (R-Edina).

First Reading continued on page 4

## Breaking down the numbers

It's true that state spending has increased in recent years — nearly 38 percent since 2001, according to Minnesota Management & Budget. It's also true that state employees collectively received pay increases in each biennium during that time period — as high as 6.4 percent in fiscal years 2002-03, and as low as 0.6 percent in the current biennium. And in two of the last five biennia, the increases exceeded the rate of inflation, according to MMB.

But overall, state employees account for only a small fraction of the total cost of state government. In the last full two-year budget cycle (fiscal years 2008-2009), the state spent \$4.5 billion to compensate its roughly 34,000 executive-branch workers. That figure includes everything — salaries, health insurance, pensions, federal payroll tax, etc. During that same biennium, the state had a total budget of \$55.1 billion. Do the math, and you'll find employee compensation accounted for only 8 percent of the state's budget.

Where does the rest of the money go? By and large, state dollars go to fund programs like K-12 education and health and human services, where the state provides money but others — school districts, counties and nursing homes, to name a few — provide the services.

This calls into question whether downsizing the state's workforce would make much of an impact on the budget. Rep. Ryan Winkler (DFL-Golden Valley) said it wouldn't, and he said efforts to cut the number of state employees are borne out of public misconceptions about state government.



***"People are asking the question, 'Why is state government still the one place where we're growing and expanding?' And obviously, the workforce is a fairly large component of that."***

— Rep. Keith Downey  
R-Edina

talk of cutting state employees is motivated by politics.

"The Republican message is that government is bad," Winkler said. "As long as they can get the public thinking that government can't do anything right, then they have a better chance of enacting their broader business and corporate agenda."

## A changing workforce

At the forefront of the debate is HF4, which would require a 15 percent reduction (roughly 5,100 employees) in the number of executive-branch workers by 2015. Downey, who sponsors the bill, said that it is not part of a campaign to stigmatize state

essentially flat, and even dipped slightly during the middle of the last decade. With employee salaries accounting for such a small portion of the budget, and with the size of the workforce largely unchanged, Winkler suspects

Winkler suspects

workers. Rather, he argues it's an opportunity to innovate and streamline government services.

"To get better, and to deliver more for less thinking we can go forward with the same workforce is just impossible,"

Downey said.

He points out that Minnesota has an aging state workforce. As of 2010, the median age of executive-branch employees was approaching 51. With an average retirement age of 61, Downey said a wave of retirements

The State of Minnesota, with more than 38,000 workers in its three branches of government, employs more Minnesotans than any private company.

Add in employees of the University of Minnesota, the Minnesota State Colleges and Universities system and a handful of other state-level entities, and the state's payroll swells to a total of nearly 76,000 people. That's roughly 3 percent of all working people in Minnesota.

is looming. He worries that if the state hires all new workers to replace the old ones, it will cement its current employee cost structure for decades.

"If we're ever really going to have a chance to reinvent the basic model of government employment, I think we ought to take a look at it seriously now, and do things today so that we're not locking ourselves into our current model for the future," he said.

Rather than relying on layoffs, the bill would seek to downsize the executive branch through mostly attrition. It would establish an early retirement incentive program to reduce the number of workers, and then leave the details to Gov. Mark Dayton about which agencies would retain how many jobs.

But regardless of how reductions are done or who makes the decisions, Winkler said cutting workers can have unintended consequences. Among the jobs terminated when the executive branch downsized briefly in the early 2000s were MMB auditors. Winkler draws a direct line between their absence and a flurry of high-profile financial fraud and waste cases at state agencies in the latter part of the decade.

"When the agency that was supposed to be doing all this oversight and financial management had all these people disappear ... money started to disappear from big agencies," he said.

In 2009, Winkler and Downey teamed up to pass legislation that boosted financial accountability at state agencies. But Winkler said it goes to show that lawmakers should carefully consider the potential impact of cuts before they make them.

"If it's a government reform effort, then you should take the time to figure out what the effect of your reform will be," he said.





# HIGHLIGHTS

JANUARY 20 - 27, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held Jan. 20-27. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Budget

### Zero-based budgeting approved

Lawmakers would have to begin building the state's biennial budget from scratch, if a bill approved by a House committee becomes law.

Sponsored by Rep. King Banaian (R-St. Cloud), HF2 would require the state to use zero-based budgeting. In this method of budgeting, the base funding level for every state agency is assumed to be zero. Agencies present a "decision package" for lawmakers, detailing every individual activity the agency carries out and providing three funding options: the minimal level, the current level and the desired level.

The House Government Operations and Elections Committee approved the bill and referred it to the House State Government Finance Committee. Sen. Roger Chamberlain (R-Lino Lakes) sponsors the companion, SF146, which awaits action by the Senate State Government Innovation and Veterans Committee.

Banaian said one advantage of zero-based budgeting is that it engages personnel at state agencies who can provide input on where money would be best spent.

"The Legislature can't reach down into an agency and find that mid-level manager that knows how to save \$10,000 on a supply budget," he said.

The bill would instruct state budget officials not to forecast expenditures beyond the end of the current fiscal biennium. Forecasts currently include information on both projected revenues and expenditures into the next two fiscal biennia.

Some members suggested zero-based budgeting is impractical. Rep. Mike Nelson (DFL-Brooklyn Park) said some agencies, like the Department of Corrections, can't be eliminated.

## NEW START



PHOTO BY TOM OLMSCHEID

**Ex-offender Natalie Streiff gets the support of her boyfriend, Chris Flanagan, during a Second Chance rally in the Capitol Rotunda Jan. 26. The Minnesota Second Chance Coalition is a partnership of more than 50 organizations that advocate for fair and responsible laws, policies and practices to help ex-offenders become productive members of their communities.**

"We have prisoners in jail, and they have to be guarded, and there's going to be costs there. And to say, 'Well, at the end of the biennium, that's going to go away' seems a little disingenuous," Nelson said.

— N. BUSSE

## Business & Commerce

### More time to post lead certification

Residential remodelers, building contractors and other construction specialists could have more time to post their lead certification qualifications on a website as required by the Environmental Protection Agency.

The House Commerce and Regulatory Reform Committee approved HF166, sponsored by Rep. Karen Clark (DFL-Mpls) Jan. 26. The bill, which now goes to the House floor, would amend the effective date of last year's law that brought the state building code into compliance with the EPA requirements regarding lead removal certification reporting.

Lisa Frenette, government affairs director

for the Builders Association of Minnesota said they need more time to get the word out to its members that the posting is required and for them to comply.

The new effective date would be Aug. 1, 2011, instead of Feb. 1, 2011.

A companion, SF139, sponsored by Sen. Ted Lillie (R-Lake Elmo), awaits action by the Senate Jobs and Economic Growth Committee.

— K. BERGGREN

## Education

### Parent Aware

The Minnesota Early Learning Foundation recommended to the House Education Finance Committee Jan. 25 a statewide rollout of its Parent Aware child care rating system as a means to get more children ready for kindergarten learning and beyond.

The foundation, a public-private partnership due to sunset at the end of the year, has invested \$20 million of private funds to operate a pilot child care rating system, Parent Aware, since 2007 in Minneapolis,



St. Paul and Wayzata plus Blue Earth and Nicollet counties.

Parent Aware rates child care providers on their quality and funded quality improvements and training for providers, plus provides scholarships for some families who can't afford market rate care.

Laurie Davis, MELF policy director, said the pilots have empowered parents; maintained consistency of care; and prepared children for kindergarten, as measured by their pre-literacy, pre-numeracy skills and social and emotional development.

MELF recommends a "train and retain" tax credit for providers to take classes in child development and a "hero tax credit" for donors to Parent Aware scholarship or program improvement funds.

"Wouldn't it be more efficient just to fund sliding fee child care?" Rep. Mindy Greiling (DFL-Roseville) said. She supports the quality ratings, but said tax credits don't help many poor families.

Davis said Child Care Assistance Program funds, for which some families qualify, are not required to be linked to quality rated programs, nor do they reimburse providers at their market rate. She said reforming the system to link funding with quality is a long-term goal.

MELF Executive Director Duane Benson called the credit an incentive that could drive investment and be used for scholarships.

Rep. Keith Downey (R-Edina) said the pilot may be a model for how to deliver services with value, adding that the rigorous pilot study produced sound data and is "absolutely a basis for making good policy decisions."

— K. BERGGREN

### Leading in new teacher assessment

House Education Reform Committee members glimpsed a new way of measuring teacher effectiveness Jan. 25.

The Teacher Performance Assessment, created at Stanford University, is being piloted in 20 states. Minnesota is one of six on an accelerated timeline for scaling the process statewide, said Board of Teaching Executive Director Karen Balmer.

"We really are leading the nation in this work," Balmer said. "And that's very exciting, and it's also very scary because the stakes are high and we need to get it right." She said that traditionally, the board's approval of teacher preparation programs is based on "input" such as course content and syllabi rather than outcome-based data about student learning.

Balmer expects TPA to be embedded in teacher preparation programs statewide by

2012. Assessment data will not be used to isolate teachers who don't do well, she said. Instead, aggregated data will highlight where teacher preparation programs can modify their curriculum or instruction.

Misty Sato, a University of Minnesota professor of teacher development, distributed a sample assessment for secondary English language arts teacher candidates. It requires a variety of supporting materials including student work samples, video clips of instruction, supervisor surveys and a teacher candidate's own reflective writing. The criteria are based on subject content knowledge and pedagogy, as well as the candidate's "disposition" for working with various learners.

Committee Chairwoman Sondra Erickson (R-Princeton) said TPA could connect the dots between the state's academic standards and how teachers are prepared to convey that content. "This is very encouraging to me," she said.

Rep. Rena Moran (DFL-St. Paul) is concerned about collecting data on the effectiveness of current teachers, not only future ones. "I think that kind of assessment is so, so important right now, because we have a whole population of our young people who are not succeeding."

— K. BERGGREN

### Contract deadline repeal OK'd

Two bills that would repeal the biennial contract deadline for resolving collective bargaining agreements between school districts and their teachers union were approved Jan. 27 by the House Education Reform Committee.

HF115, sponsored by Rep. Bob Barrett (R-Shafer), and HF92, sponsored by Rep. Keith Downey (R-Edina), would repeal the Jan. 15 deadline and \$25 per pupil state aid penalty imposed on districts if the deadline isn't met. The bills now go to the House Education Finance Committee.

Recently the Minneapolis school district incurred an \$800,000 penalty; St. Cloud \$500,000; and Edina \$230,000.

"I think the repeal is necessary so that both parties can have the same set of rules," Barrett said, saying the deadline and penalty distorts the bargaining process.

Mike McLoughlin, Chisago Lakes school superintendent, said while the intent of the deadline holds merit because it expedites the negotiation process, it has negative consequences in terms of school finances and teacher and community morale.

The state's largest teachers' union opposes

### State of the state address

Gov. Mark Dayton is scheduled to deliver his State of the State message in the House Chamber during a joint session of the Minnesota State Legislature, Wednesday, Feb. 9, at noon. The address can be watched on the House website, [www.house.mn](http://www.house.mn), and statewide on public television's MN Channel.

the repeal. Jan Alswager, Education Minnesota chief lobbyist, said teacher strikes since 1995 only occurred during years without a deadline. She noted the trend is that contracts settled earlier in the school year generally result in higher wage increases than those settling closer to the deadline.

"Deadlines get things done," she said.

Downey said the one-sided penalty jeopardized good-faith negotiations in his district and had the unintended consequence of eroding a previously positive dynamic between teachers and the community.

Scott Croonquist, Association of Metropolitan School Districts executive director, supports a repeal or modifications to the law, such as moving the deadline up so it doesn't interfere with the school year or requiring arbitration as with other essential public employee groups.

"Our board members just fail to understand how when we have a law that penalizes students when the adults don't get the job done makes sense," he said.

A companion to Barrett's bill, SF148, sponsored by Sen. Sean Nienow (R-Cambridge), awaits action by the Senate Education Committee. Downey's bill has no Senate companion.

— K. BERGGREN

## Employment

### Unemployment extension approved

Unemployed Minnesotans would be eligible for a 13-week extension to their unemployment benefits under a bill that won committee approval Jan. 25.

Sponsored by Rep. Rich Murray (R-Albert Lea), HF103 would also remove restrictions on the amount of benefits that can be paid to adult children who work for their parents' businesses.

Members of the House Jobs and Economic Development Finance Committee referred the bill to the House Taxes Committee. Its Senate companion is SF114 sponsored by Sen. John Pederson (R-St. Cloud).

The bill would give Minnesotans access

to a federal extension of unemployment insurance benefits recently passed by Congress and signed by President Obama. Qualifying Minnesotans would be eligible for a maximum of 86 weeks of benefits, under the change.

Murray said the extension is funded completely by the federal government and would not cost the state's UI trust fund, which is currently \$600 million in deficit. He said the new federal extensions could bring \$160 million into the state's economy.

Some committee members raised concerns about the provision to allow Minnesotans to collect full unemployment benefits when they are laid off from their parents' businesses. The bill would essentially repeal a law that was enacted last year to provide no more than five weeks of benefits to these individuals.

Craig Gustafson, the state's chief UI law judge, said last year's change was intended to prevent employers from "gaming the system" by hiring their own children for seasonal work and then laying them off so they can collect unemployment. He said the practice creates a \$100 million subsidy that benefits certain small businesses, such as summer resorts, at the expense of others.

Rep. Bev Scalze (DFL-Little Canada), a small-business owner, argued the provision would "subsidize bad behavior."

— N. BUSSE

### Pension commission

The Legislative Commission on Pensions and Retirement would grow larger and more bipartisan under a bill approved by a House committee Jan. 27.

Sponsored by Rep. Phyllis Kahn (DFL-Mpls), HF110 would expand the commission's total membership from 10 to 14. It would also grow the proportion of committee membership from the minority parties of the House and Senate.

The House Government Operations and Elections Committee approved the bill and referred it to the House State Government Finance Committee. There is no Senate companion.

The commission's current membership comprises five members each from the House and Senate. Its job is to make recommendations to the Legislature on managing the state's pension funds.

Minority party representation on the commission has been traditionally limited to one member each from the House and Senate. Kahn argued that requiring at least four commission members to be from the

minority would give the commission some continuity of knowledge when majority control changes hands.

"Pensions are one of the most difficult issues that the legislature deals with," Kahn said.

Chairwoman Joyce Peppin (R-Rogers) praised the bill and called it a good idea to include more minority members on the commission.

"I think it's important that we have more people who are knowledgeable about pensions," Peppin said.

— N. BUSSE

## Energy

### Lift of coal moratorium sought

Testimony is scheduled to continue Feb. 1 on a bill to repeal a portion of the Next Generation Energy Act of 2007 regarding carbon dioxide emissions.

Sponsored by Rep. Mike Beard (R-Shakopee), HF72 would remove a ban on new coal-generating plants of 50 megawatts or more. It would also allow utilities to import electricity from coal plants outside the state, such as the Great River Energy plant in Spiritwood, N.D.

The act limits new electricity from coal in order to control carbon dioxide emissions that are believed to contribute to climate change. The law allows for exceptions to the moratorium, such as if the Public Utilities Commission deems a project essential to the long-term reliability of the state's electrical grid.

The House Environment, Energy and Natural Resources Policy and Finance Committee heard testimony Jan. 27, but took no action.

Beard called the ban of importing energy fueled by coal "ill-advised," adding, "This bill will liberate and empower (people) with a robust and reliable supply of what we call the master resource, that would be

affordable and abundant electrical energy so we can live our lives healthy, prosperous and free."

But members, environmental organizations and student groups said allowing coal-fueled energy would result in increased pollution and higher energy costs.

Rep. Jean Wagenius (DFL-Mpls) said the increased pollution could lead to more health-related problems and increased health care costs. To counteract emissions entering Minnesota from North Dakota, Minnesota businesses would have to agree to lower their emissions in order to meet federal emission standards, she added.

A representative of the Minnesota Chamber of Commerce and Bill Glahn, former director of the Office of Energy Security, spoke in favor of the bill.

Glahn said the fact that utilities are not applying for nuclear or coal power plants may be more indicative of the moratoriums rather than the counter argument that those fuel sources are not in demand.

A companion bill, SF86, sponsored

### DISABILITY DAY



PHOTO BY TOM OLMSCHEID

**Andrea Svang uses an Echo communication device to talk with her care provider during a Disability Matters Day rally in the Capitol Rotunda Jan. 25.**

by Sen. Julie Rosen (R-Fairmont), awaits action by the Senate Energy, Utilities and Telecommunications Committee.

— S. HEGARTY

## Env. & Natural Resources

### Streamlining environmental permit

Gov. Mark Dayton's executive order that will streamline the environmental permitting process within two state agencies did not deter the House Civil Law Committee from approving a bill Jan. 24 that would similarly modify timelines, plus two additional modifications.

The bipartisan goal is to make the permit application process more efficient with the Department of Natural Resources and the Minnesota Pollution Control Agency so that businesses are not inclined to move to another state.

Sponsored by Rep. Dan Fabian (R-Roseau), HF1 would require the DNR and MPCA to issue or deny environmental and resource management permits within 150 days of a submitted application. So does the executive order, which takes effect in mid-February. The bill would also allow the judicial review process to be done directly by the Court of Appeals. Now, a district court performs the work.

Thaddeus Lightfoot, an attorney with the Environmental Law Group, said the district and appeals courts perform essentially the same review and it's a duplication of effort and attorney fees. But citizen groups oppose removing the stop in district court, which is typically geographically closer to those who want to attend a court hearing.

The other wrinkle in HF1 is the provision that would allow the proposer of a project to prepare a draft environmental impact statement, rather than the state agency that requires it. Fabian said a \$12,000 ditch cleanup project in his district has escalated to \$405,000 due to government inaction. Such cases "crush our local economy," he said.

However, Rep. Mary Liz Holberg (R-Lakeville) and several DFL members said the bill, as written, may not accomplish Fabian's intent to keep the environmental review process publicly transparent. Some fear the bill would enable private companies to prepare the draft EIS and to withhold information under the Data Practices Act.

Holberg said she'll work with Fabian and other committee members to clarify the language.

Rep. Bill Hilty (DFL-Finlayson) unsuccessfully offered to table the vote until an environmental permit process review, now underway by the Office of the Legislative Auditor, is released. The vote was 10-6.

The bill now goes to the House Judiciary Policy and Finance Committee. Sen. Bill Ingebrigtsen (R-Alexandria) sponsors its companion, SF42, which awaits action by the Senate Environment and Natural Resources Committee.

— S. HEGARTY

## Game & Fish

### CWD found in wild deer

Preliminary findings confirm that Chronic Wasting Disease, a deadly brain and nervous system disorder found in deer, elk, and moose was found in a wild deer harvested near Pine Island.

Lou Cornicelli, big game program coordinator for the Department of Natural Resources told the House Environment, Energy and Natural Resources Policy and Finance Committee Jan. 25 that previous disease cases had been confined to captive deer. The discovery set a surveillance protocol in motion that may result in deer-feeding restrictions and tap into the DNR Game and Fish Fund to help pay for containment and eradication.

Fifty cents of every deer hunting license goes into a special health account to pay for such efforts, but Ed Boggess, acting director of the DNR Fish and Wildlife Division, said there are more expenditures than revenue generated for health-related issues.

"This is really tragic news for our almost half-million deer hunters," said Committee Chairman Denny McNamara (R-Hastings).

The discovery occurred during laboratory analysis of more than 500 samples taken from hunter harvested deer taken within a 20-mile radius of Pine Island in southeastern Minnesota. This is the only suspected case, and further analysis by the National Veterinary Services Laboratories in Ames, Iowa, is expected by the end of the week, Cornicelli said.

Time is of the essence, he added, because when weather conditions improve, deer will disperse, making further testing more difficult. DNR officials hope to complete an aerial survey to locate deer within a 10-mile radius of where the infected female deer was found.

Chronic Wasting Disease is spread by the

transference of prion, a bad protein, and is not caused by a virus, fungus or bacteria. Prions can transfer between deer, elk or moose from nose-to-nose contact or lay active in the ground for years, perhaps decades, Cornicelli said.

No action was taken.

One of the next steps could be to ban recreational deer feeding, such as salt licks. More detailed information can be found on the DNR website.

— S. HEGARTY

## Health & Human Services

### Children, families program overview

Children and Family Services comprise 11 percent of the Department of Human Services' budget, Assistant Commissioner Erin Sullivan Sutton told the House Health and Human Services Finance Committee Jan. 25.

Many of the programs, such as the Minnesota Family Investment Program, child care assistance grants and children's services grants are supported by both state and federal money. Of that state share "55 percent of the child welfare expenses are borne by property tax dollars," Sutton said.

Sullivan Sutton noted that MFIP, which provides cash benefits to low-income families for cash and food supports, has a five-year limit. The program works in combination with a Diversionary Work Program and a work benefit that help families to avoid long-term assistance. In conjunction there are 44,711 families receiving an average monthly payment of \$655. The average federal food portion for an MFIP family is \$378 a month.

Rep. Steve Gottwalt (R-St. Cloud) asked if there was a formal process for finding out if programs accomplish the goals they are intended to achieve.

The state does measure and report county outcomes, Sullivan Sutton said. Measuring performance is really to encourage continuous improvement in services, but nobody gets it right all the time, she added.

Rep. Joe McDonald (R-Delano) asked what the return on investment is for those participating in programs.

Sullivan Sutton said most families exit programs within two years and also obtain and maintain employment, but families sometimes need to return to the program.

— P. OSTBERG



## Public Safety

### Penalty for deadly careless driving

Most, if not all, victim crimes in state statute contain harsher penalties based on the damage done. The same goes for property crimes.

Supporters of a bill want penalty enhancements when it comes to some instances of careless driving.

Sponsored by Rep. Pat Garofalo (R-Farmington), HF68 would increase the penalty to a gross misdemeanor for careless driving if it results in the death of another person.

Approved Jan. 26 by the House Public Safety and Crime Prevention Policy and Finance Committee, the bill next goes to the House Judiciary Policy and Finance Committee. It has no Senate companion.

Current law provides that when a person is found to be carelessly driving and causes the death of another person, they can be charged with either a misdemeanor — the equivalent of running a stop sign — or a felony. Probable cause must be shown to get a felony conviction.

“This would create a third option, where only in those cases where a person is first of all negligent, and second of all, their action results in the death of another individual, it would give the option or the flexibility of charging with a gross misdemeanor,” Garofalo said.

Nancy Johnson, president of Minnesotans for Safe Driving, would like “great bodily harm” added to the bill, but said the organization supports the current proposal.

Rep. Joe Mullery (DFL-Mpls) was one of at least a couple of members to audibly vote against the bill.

“Some of the top prosecutors in the state have told me this is a very bad bill, and that it’ll take away their possibility to get felonies on really bad cases,” he said.

Garofalo said the Minnesota County Attorneys Association has expressed support for a third way to charge; however, he wouldn’t “state their support” for his exact bill.

Scott Hersey, head of the Criminal Division of the Dakota County Attorney’s Office, said the county attorney’s association approved a proposal Jan. 21 that is “substantially and substantively” the same as the Garofalo bill.

“I’ve been to a number of meetings where

we meet with the family of people killed by careless drivers. We always get the question, ‘Why is there no stronger law?’” Hersey said. “We believe this will give judges more options.”

— M. Cook

### State firearm background checks

Minnesotans currently wanting to buy a handgun or semiautomatic military-style assault weapon from a federally licensed dealer must first obtain a state permit through their local police.

Approved on a 10-7 party-line vote, the House Public Safety and Crime Prevention Policy and Finance Committee approved a bill Jan. 26 to skip the state authorization. The bill, which has no Senate companion, was sent to the House Civil Law Committee.

Rep. Steve Drazkowski (R-Mazeppa), the sponsor of HF161, said the bill, as amended, simply removes an unfunded local mandate he called “a redundancy in the law.”

He said the current law was written in 1977, long before the ability to perform almost instantaneous federal background checks.

State permits must be renewed every year.

Drazkowski said a sheriff in a county with a population of 21,000 said this bill would save 30 minutes to one hour of staff time per week. “If you extrapolate that up to some of the metro counties, you’re looking at a full position or positions that will be able to be eliminated by the cities and counties in those jurisdictions because of the elimination of this redundant mandate.”

Representatives from the police chief and officer associations spoke against the bill arguing, in part, it weakens public protection.

“We strongly feel that these local checks are not redundant,” said Dennis Flaherty, executive director of the Minnesota Police and Peace Officers Association. “I’ve never heard a chief of police complain about the resources it takes to do this. ... I’d rather us err in being complete on these checks.”

Bloomington Police Sgt. Mark Elliott said two provisions in Minnesota are more restrictive than the federal database. Someone charged with a crime of violence and placed in a pretrial diversion program before a disposition would be ineligible to get a permit under Minnesota law, but would get a federal OK. The other is for gross misdemeanor offenses, including crimes committed for the benefit of a gang, stalking and child neglect.



PHOTO BY ANDREW VONBANK

**Dennis Flaherty, executive director of the Minnesota Police and Peace Officers Association, testifies Jan. 26 before the House Public Safety and Crime Prevention Policy and Finance Committee against a bill that would repeal a state requirement that anyone wanting to buy a handgun or semiautomatic military-style assault weapon from a federally-licensed dealer must first obtain a state permit.**

Rep. Glenn Gruenhagen (R-Glencoe) noted that no database is going to be perfect.

“Over 35 states are satisfied with the federal system. ... With the availability of guns in our society, I’m not sure that a permit process is overly effective in keeping the guns out of the hands of those that want to commit crime.”

Firearm transfers between private individuals are not subject to state or federal background checks.

— M. Cook

### Penalty for harm to police dog

Major was honored in November for his work with the Roseville Police Department.

One day later he nearly died.

The German Shepherd was stabbed Nov. 12 as Roseville police assisted Maplewood officers responding to a break-in.

After finding a suspect, officers heard Major crying in pain. After a couple of minutes of frantic searching the dog was found. He had been stabbed four times. He was rushed to the University of Minnesota Veterinary Medical Center for emergency surgery. While Major survived, he did not regain use of his back legs.

The 21-year-old suspect pleaded guilty



PHOTO BY ANDREW VONBANK

**With his injured canine partner, Major, lying by his side, Roseville Police Officer John Jorgensen testifies Jan. 27 before the House Public Safety and Crime Prevention Policy and Finance Committee in support of a bill that would increase the penalties for injuring public safety dogs.**

earlier this month to the stabbing. He is scheduled to be sentenced in February.

"Even though Major's sitting here next to me today — my family and I are very glad he's still with us — he essentially killed him as a police dog," said Officer John Jorgensen, Major's partner.

Sponsored by Rep. Tony Cornish (R-Good Thunder), HF141 would increase the penalty for injuring public safety dogs and would impose mandatory restitution on offenders who harm public safety dogs.

Approved Jan. 27 by the House Public Safety and Crime Prevention Policy and Finance Committee, the bill next goes to the House Judiciary Policy and Finance Committee. Its companion, SF121, sponsored by Sen. Dan Hall (R-Burnsville), awaits action by the Senate Judiciary and Public Safety Committee.

As amended, the bill would extend the current two-year felony for killing a public safety dog to offenses of causing "great bodily harm" to such animals, including those which cause permanent disfigurement of

the animal or loss or impairment of a body organ. Mandatory restitution in such cases would be up to \$25,000 to help care for the injured animal and the purchase and training of another dog.

It would also extend the gross misdemeanor offense of harming a public safety dog to cases where the dog suffers demonstrable bodily harm. Mandatory restitution could be up to \$10,000.

Further, the bill would create a new offense whereby it is a misdemeanor to assault a public safety dog where the animal does not suffer "demonstrable bodily harm."

Mark Ficcadenti, head trainer with the St. Paul Police Canine Unit, said it costs about \$7,500 to acquire a suitable dog for this role, plus the additional training costs.

— M. COOK

## State Government

### Better government for less?

Counties could deliver better services with less money if the state would only let them experiment with new ways of doing things.

That was the message from one county official to members of the House State Government Finance Committee during a hearing on government innovation Jan. 26. No action was taken.

County Administrator Tony Murphy said Beltrami County has been able to lower its property tax levy over the last two years while providing better and more efficient services. It has done so, he said, by switching to an "outcome-based" approach to state government, where officials focus on measuring results rather than just complying with state mandates.

The problem, he said, is that the state often gets in the way.

"The barriers come from the real seat of power in state government — the agencies," Murphy said.

Murphy said most of the services counties provide are mandated by the state. He said the agencies that oversee counties' delivery of services are often more concerned with how services are delivered than the outcomes they produce. As an example, he said the county has changed its chemical dependency treatment program to focus more on ensuring the long-term health of clients.

To help foster reform, Murphy suggested letting counties experiment with new ways of delivering services by abolishing outdated state rules, or by establishing "charter

counties" that could serve as "incubators of innovation" for service delivery.

His testimony followed that of Gopal Khanna, lead co-chair of the Commission on Service Innovation, who said the state needed to reinvent its services to be more dynamic and responsive to citizens.

"We in the public sector have not done enough to foster an environment of constant innovation," Khanna said.

Committee Chairman Morrie Lanning (R-Moorhead) praised Murphy's testimony, and encouraged him to submit a list of rules that he believes serve as a barrier to innovation in state-mandated health and human services programs. Rep. Keith Downey (R-Edina) called Murphy's testimony "really, really good stuff."

— N. BUSSE

### Judicial backlogs, delays

Even with the redesign and efficiency efforts that began in 2008, courts are experiencing delays, Fifth Judicial District Judge John Rodenberg told the House Judiciary Policy and Finance Committee Jan. 25.

Budget cuts in recent years have resulted in the state's 10 judicial districts incorporating new technologies to reduce costs such as online payment for citations; and remote video and audio interpreting, Rodenberg said.

Even with these efficiencies, the system is backlogged and overburdened with the 1.6 million district court cases filed in 2010, he said.

"Recently three criminal convictions were reversed by the Court of Appeals because the system wasn't able to provide speedy trials in a fashion required by law," Rodenberg said. Thirty percent of the abused children taken out of their homes take longer than one year to be made available for permanency, returned home or placed for adoption, he added.

Hennepin County Chief Judge James Swenson said the judicial branch provides drug and alcohol problem solving courts that use evidence-based practices to stop people from cycling through the system. The benefits include reduced criminal costs, improved public safety and fewer children in need of child protection, said Swenson. Such programs would be at risk under more budget cuts, he said.

The court systems have a duty to deliver a prompt remedy without delay in legal issues, said State Court Administrator Sue Dosal. "Justice delayed is justice denied," she added.

Rep. Tony Cornish (R-Good Thunder) questioned the cost of providing court-aided interpreters. "I agree that everybody coming



before the court should have an interpreter ... the longer we keep doing that, is that incentivizing people not to learn English?"

Interpreters cost the court about \$3.4 million per year, said Dosal.

Rep. Tina Liebling (DFL-Rochester) said court language includes jargon that "oftentimes English speakers don't even understand ... even if you speak very good English you may still need an interpreter."

The committee took no action.

— P. OSTBERG

### Restriction on floor amendments

While in charge last biennium, DFLers put into the permanent House Rules the ability to limit debate on the House floor. The new Republican majority lifted the rule, and, instead, successfully placed one on the type of amendments that can be offered on the House floor.

According to the nonpartisan House Research Department, the new rule would restrict any amendment to increase spending from any fund from which appropriations are made in the bill or if the amendment would increase spending from all funds.

It was part of the rules approved 102-27 by the body Jan. 27.

In a procedural abnormality when the new rules were heard in the House Rules and Legislative Administration Committee Jan. 24, House Majority Leader Matt Dean (R-Dellwood), committee chairman, adjourned the meeting before the vote was taken for approval.

He quickly said "reconvene" and asked members to take their seats. The DFL members left the meeting. A quorum was present, and the changes were sent to the House floor for consideration.

That prompted a reminder from Rep. Gene Pelowski Jr. (DFL-Winona) when the rules were up for a vote on the House floor. "Rules should be the committee having the highest standards of the body." He cautioned that committee chairs need to ensure that members have a full understanding of the procedure to minimize irregularities.

"We understood what happened; we voted the rules out properly," Dean said.

Before the rules were passed by the full body, they were amended to add corporations and labor unions to the list that members may not solicit contributions from during a legislative session.

Another rule requires members who are not seeking re-election to vacate their offices by Dec. 1 of their last year of service, and

members who are not re-elected to vacate their office by Dec. 15.

Additionally, nonpartisan House Research Department staff is prevented from representing the House or its members as counsel of record in a judicial or administrative proceeding.

— L. SCHUTZ

### Sunset Commission bill approved

Every Minnesota state agency would have to justify its existence at least once every 12 years, under a bill approved by a House committee Jan. 26.

Sponsored by Rep. Joyce Peppin (R-Rogers), HF173 would establish a 12-member Sunset Commission whose job would be to determine whether to continue, abolish or reorganize state agencies.

Using criteria such as efficiency, purpose, jurisdiction and effectiveness, the commission would determine whether a public need exists for each state agency, and make recommendations to the Legislature on what actions, if any, should be taken.

The bill would further establish deadlines for the expiration of various agencies, boards and commissions. Lawmakers would have to take legislative action to ensure their continuation. Peppin said this would prevent lawmakers from ignoring the commission's recommendations.

Members of the House Government Operations and Elections Committee approved the bill and referred it to the House State Government Finance Committee. There is no Senate companion.

Rep. Frank Hornstein (DFL-Mpls) said it should be the job of the Legislature to determine whether agencies need to be abolished. He noted lawmakers took action several years ago to eliminate the Department of Employee Relations.

Peppin responded that legislators have not been diligent about reviewing agencies' effectiveness.

"It is a discussion of whether we want to force the issue... and in my opinion, we need to do that," she said.

Also at the meeting, most of the provisions of Peppin's bill were amended into HF2. Sponsored by Rep. King Banaian (R-St. Cloud), the bill would establish the Sunset Commission and also require the state to use zero-based budgeting. A companion to that bill, SF146, sponsored by Sen. Roger Chamberlain (R-Lino Lakes), awaits action by the Senate State Government Innovation and Veterans Committee.

— N. BUSSE

## Taxes

### Animal shelters seek tax exemption

Milo and Joey were silent testifiers in support of a bill that would exempt from state sales tax the sale of animals by nonprofit animal shelters.

The two puppies are from Last Hope, Inc., a nonprofit, volunteer-operated animal rescue in Farmington. Sandra Shirley, a rescue volunteer, told the House Taxes Committee the bill would save them nearly \$15,000 annually in sales tax payments — money that could go toward veterinary and food costs for the animals. She said voluntary animal adoption fees collected last year did not cover their expenses.

"We made up for it with private donations. With the economy, our donations are slowing down," she said.

Sponsored by Rep. Pat Garofalo (R-Farmington), HF36 would allow the exemption if the organization's main purpose is animal rescue and the price of the animal does not exceed reasonable costs incurred in its care prior to its sale. The estimated cost to the General Fund for the exemption in fiscal year 2012 would be \$306,000.



PHOTO BY TOM OLMSCHEID

Joey, a rescued puppy from Last Hope, Inc., in Farmington, shows his affection for Rep. Pat Garofalo as the representative presents a bill that would exempt rescued pet sales from sales tax during a Jan. 25 hearing of the House Taxes Committee.



The bill was laid over for possible inclusion in an omnibus tax bill. It has no Senate companion.

Rep. Jim Davnie (DFL-Mpls) questioned the ability to charge sales tax on what, in essence, could be considered a donation to the organization.

"I thought I understood that if I received something of value in exchange for the donation I could not then claim the donation as a deduction," he said.

Joel Michael, a nonpartisan House Research Department analyst, explained the difference between a personal income tax deduction for a donation and the bill's intent for a sales tax exemption to an organization.

"The question in this case is whether the individual adopting the animal is making a true donation or if they are paying for the animal. If you look at the bill, it doesn't say donations ... but sale as defined under the sales tax," he said.

— L. SCHUTZ

### Dispelling LGA's urban myth

Once termed a great equalizer of services offered by communities across the state, local government aid, or LGA as it is commonly known, has become complicated to understand.

During a recent overview by the nonpartisan House Research Department, Rep. Bob Barrett (R-Shafer) said, "You are trying to teach us college algebra and I'm looking for a solution that requires fifth-grade math."

But it's the purpose for which LGA was created in 1971 that was on the minds of several new members to the House Property and Local Tax Division Jan. 25. No action was taken.

"Being a former mayor, I've heard the urban legend, if you will, that it was for infrastructure, especially for public safety, especially fire protection," said Rep. Joe McDonald (R-Delano).

House Research Analyst Pat Dalton said that, as far as she could determine, the Legislature put no limits on how the money could be spent.

"It was to help make sure that all cities could meet their general service needs," she said, adding that the Legislature, over the years, has discussed tying the aid formula to public safety and infrastructure needs.

"I know one of the big discussions has been, 'What is the purpose of LGA?' My answer to that is the purpose of LGA is

whatever you all decide is the purpose of LGA," she said.

A major revision to LGA in 2003 was criticized for being too volatile and not meeting the needs of certain cities, such as suburbs, according to Dalton's report. Reforms in 2008 addressed some of the complaints.

Division Chairwoman Linda Runbeck (R-Circle Pines) is organizing an LGA working group to revisit the LGA formula and criteria.

Rep. Paul Marquart (DFL-Dilworth), who chaired the division the last four years, said that starting any discussion about a LGA overhaul should not begin on a false premise.

He affirmed that it was intended for property tax relief and to support basic services. "LGA was not started to deal with law enforcement as a specific thing."

Rep. Ann Lenczewski (DFL-Bloomington), former House Taxes Committee chairwoman, said the LGA formula needs revision; noting, that it may be a politically difficult decision for some, especially for members in districts where communities rely heavily on the state aid.

— L. SCHUTZ

## Transportation

### Transit governance concerns raised

A new evaluation report notes that the transit system throughout the Twin Cities metropolitan area has performed well compared to peer cities, but there is plenty of room for improvement when it comes to transit governance.

"Reform is needed, but it won't be easy to accomplish," Legislative Auditor James Nobles told the Legislative Audit Commission.

Released Jan. 21 by the Office of the Legislative Auditor, the report recommends that the Legislature should restructure the Metropolitan Council; the transit taxing district should be extended to all areas under the council's jurisdiction; and the Legislature should clarify transit priorities and goals for the region.

"This is a very important blueprint for legislative action, hopefully on a bipartisan basis," said Rep. Frank Hornstein (DFL-Mpls).

Nearly \$319 million was spent on transit operating expenses in 2009, a 24 percent increase since 2005.

The report notes that government operation of transit "is complex and fraught with distrust." It indicates coordination between the Metropolitan Council, the planning agency for the seven-county metropolitan area, and other transit organizations has been difficult when the different groups must work together.

For example, when state voters passed a constitutional amendment to allocate additional motor vehicle sales tax revenue to transit, suburban transit providers expected the money to be allocated based on a formula. Instead, according to the report, the Met Council distributes the supplemental money based on regional priorities.

"Because the process for developing transit ways in the region relies on local initiatives and funding, there are multiple transit corridors being evaluated without a common understanding of the region's transit priorities," the report states. "Each community considers its transit project to be a priority, but the project may not be a priority for the region."

State statutes do not prioritize transit goals.

"The Met Council's lack of credibility stems from the governance structure of the Council itself," the report states. Because the 17 council members are appointed by the governor, some outsiders believe the council is more focused on pushing the governor's agenda, rather than supporting the region as a whole or the district from which they were selected.

The report suggests making the council a mix of appointed and elected members, all serving staggered terms.

"This is a first step to lead to a more streamlined governance," said Judy Randall, the project evaluation manager.

— M. COOK

### Frequently called numbers

Area code 651

|   |              |
|---|--------------|
| House Public Information Services ..... | 296-2146     |
| Toll-free .....                         | 800-657-3550 |
| Chief Clerk of the House .....          | 296-2314     |
| House Index .....                       | 296-6646     |
| Senate Information .....                | 296-0504     |
| Toll-free .....                         | 888-234-1112 |
| Secretary of the Senate .....           | 296-2344     |
| Voice mail/order bills .....            | 296-2343     |
| Senate Index .....                      | 296-5560     |

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



PHOTO BY TOM OLMSCHIED

A workman in a Bosun's chair works on the exterior of the Capitol dome last fall.

# Preserving an engineering feat

Capitol dome repairs hope to preserve Minnesota's statehouse for many years

BY PATTY OSTBERG

**A** gold-accented achievement in St. Paul's skyline, the Minnesota State Capitol's dome is the second-largest self-supportive marble dome in the world.

But looks can be deceiving. There are actually three domes.

Designed after Rome's St. Peter's Basilica, architect Cass Gilbert's engineering feat has lasted more than 100 years, but it needs upkeep. It's currently undergoing \$4 million in weatherization repairs.

The initial cost to build the Capitol, which opened in 1905, was \$4.5 million.

Department of Administration Communications Director Jim Schwartz said the repairs are to correct aging issues related to water infiltration. Schwartz explains the three-dome structure includes an exterior dome that people see from the outside, an interior dome seen while looking up in the rotunda and an unseen middle dome that

functions as the water transport system.


The outer dome was designed to allow water to penetrate it, and on the interior of it there's a gutter system that collects and removes the water. Over time, the system has deteriorated along with the joints on the outside marble allowing additional water to enter and cause damage to the inside dome, particularly the plaster, Schwartz said. Other repairs include replacing the windows, louvers and installing a drain for the deck at the top of the dome.

Another major issue is humidity on the inner dome that is built of a brick structure covered by a rubber membrane. When water comes in from the outer dome it falls on the membrane and is directed to a gutter system that pipes water out of the building.

To correct the humidity issue, a hole was enlarged on the inner dome, Schwartz said.

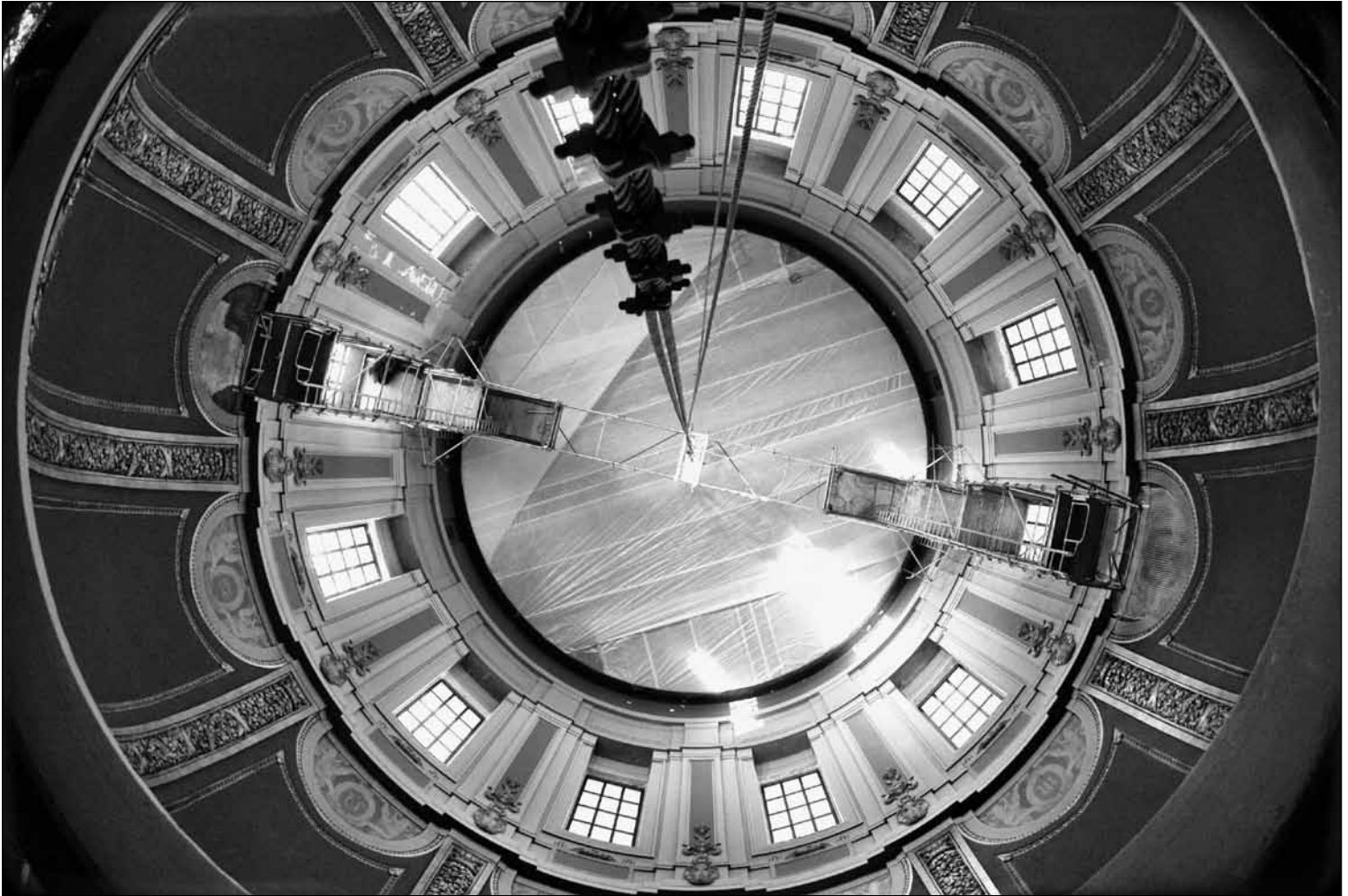
Engineers and inspectors found further deterioration on outside decorative elements, including the eagles that stand guard around the dome, as well as some of the roof projections. Veined like grains in wood, the marble is long-lasting, but the veins are deteriorating at a faster rate because of Minnesota's freeze and frost cycles causing cracks, Schwartz said. A report expected to be completed this summer should detail the additional work needed to be completed.

The majority of the initial exterior work has been completed as well as a good share of the interior work.

By early summer, Capitol visitors should be able to again view the dome from inside once the protective sheeting is removed. The 1-ton chandelier that hangs above the Rotunda is to be hoisted later this year at a ceremony when the fixture will be lit, said Minnesota Historical Society State Capitol Site Manager Brian Pease. 

# Capitol improvements

A plastic tarp covers the base of the interior dome as work proceeds above to repair water damage and install an air exchange system.



Two scaffolds are erected on either side of the catwalk and across the base of the interior dome and held up by a cable from the top of the dome. The scaffolding can be rotated around the catwalk to replace two windows at a time.



Water damage has caused one of the murals and the window sills on the interior dome to deteriorate.





A metal ring has been installed in the top of the dome to allow hot air to rise into the frost dome. The hot air will then be mixed with cool air and exhausted out of the frost dome to outside the Capitol.

PHOTOS BY TOM OLMSCHIED



Harvey Jaeger, principal project coordinator of the Department of Administration's Real Estate and Construction Services Office, explains the air exchange system that has been installed between the interior and frost dome.



Greg Mathison, front, and Greg Christian of Innovative Building Concepts in Bloomington, install copper flashing at the base of the exterior of the frost dome.

# A head start on budget cuts

First bill passed in 2011 would reduce spending by \$1 billion

By Nick Busse

**T**he first bill passed by the House this year would take a \$1 billion slice out of the state's projected \$6.2 billion budget shortfall.

Sponsored by Rep. Mary Liz Holberg (R-Lakeville), HF130 would cut \$181 million in spending in the current biennium and reduce the state's next two-year budget by \$822 million. Holberg said the bill would give lawmakers a head start on addressing the deficit.

"We've got a big problem in front of us. To start working on this now makes sense," she said.

The House passed the bill 68-63 on Jan. 27. It now goes to the Senate, where Sen. Claire Robling (R-Jordan) is the sponsor.

The bill would extend temporary budget cuts that were passed during last year's May special session. These include: \$594.5 million in reductions to property tax aids and credits; \$185 million to higher education; and \$46.5 million to health and human services programs.

Supporters said the reductions are merely a continuation of current funding levels into the next biennium, and said they should not come as a surprise to anyone. They argued this package of cuts would be the easiest that lawmakers will vote on this session.

"If anyone thinks we can balance this budget without making some reductions, you're not living in reality," said Rep. Jenifer Loon (R-Eden Prairie).

Among the largest reductions, city and

county aid would be reduced \$487.5 million. The property tax refund credit for renters would shrink from 19 percent to 15 percent of rent paid, reducing that program

***"We've got a big problem in front of us. To start working on this now makes sense,"***

— Rep. Mary Liz Holberg  
R-Lakeville

by \$105.9 million. The Minnesota State Colleges and Universities system would be reduced by \$95.8 million, while the University of Minnesota would take an \$89.2 million reduction.

DFL members argued the reductions

would lead to higher property taxes and college tuition, and would further burden already strained human services programs that protect children and vulnerable adults. Many called the bill "reckless," and said it had been rushed through the committee process

***"I think that these cuts are reckless; I think that they are misguided; and I think we need to go through a deliberative process to figure out how we can make this work."***

— Rep. Jeff Hayden  
DFL-Mpls

without input from the public.

"I think that these cuts are reckless; I think

that they are misguided; and I think we need to go through a deliberative process to figure out how we can make this work," said Rep. Jeff Hayden (DFL-Mpls).

Members also expressed concern about a part of the bill that would require state agencies to hold back \$199 million in unspent funds in the current fiscal biennium. Gov. Mark Dayton's administration would be given discretion over which areas of the budget would be cut, but some members said there's not enough money left on the bottom line.

Rep. Lyle Koenen (DFL-Clara City) said the bill could impact funding for tuition reimbursement and reintegration programs for veterans and their families. Rep. Kory Kath (DFL-Owatonna) expressed concern it could impact funding for flood relief.

Other provisions in the bill include a salary freeze for state workers and a package of federal tax conformity changes. The salary freeze would not technically save money in the next biennium, but would prevent pay increases that could grow the budget deficit.

Supporters stressed the urgency of the state's looming budget problems.

"We have been making promises we cannot keep with money we do not have," said Rep. Steve Gottwalt (R-St. Cloud). "It's time to get started solving this budget deficit."



### Stay Informed

- Subscribe to Session Weekly or Session Daily: [www.house.mn/hinfo/subscribe.asp#bymail](http://www.house.mn/hinfo/subscribe.asp#bymail)
- Follow us on Twitter: [twitter.com/MNHouseInfo](https://twitter.com/MNHouseInfo)
- Like us on Facebook: [www.facebook.com/MNHouseInfo](https://www.facebook.com/MNHouseInfo)
- View our videos on YouTube: [www.youtube.com/user/MNHouseInfo](https://www.youtube.com/user/MNHouseInfo)
- For information on any of these services: 651-296-2146 or 800-657-3550

# The goal: 25,000 new teachers

Bush Foundation commits big bucks to revamp teacher training

By KRIS BERGGREN

**W**hile the debate over education reform has swirled around alternative paths to teacher licensure and last year's stymied application for federal Race to the Top funds, a quiet movement has been brewing that could significantly change how teachers are trained.

The Bush Foundation has committed \$40 million over 10 years to the Network for Excellence in Teaching. The grant is the foundation's largest-ever investment of resources in a single focus area, Susan Heegaard, the foundation's vice president for educational achievement, told the House Education Reform Committee Jan. 20.

The funds are helping 14 colleges and universities in Minnesota, North Dakota and South Dakota redesign teacher preparation programs and recruit top talent into the profession. The goal is to produce 25,000 highly effective teachers to replace those who will retire during the next decade.

The case for prioritizing quality teaching is bolstered by wide variances in education outcomes in the state. Though Minnesota students score highest in the nation on ACT college entrance exams, many need remedial courses once they get there, according to a Minnesota State Colleges and Universities report released Jan. 18. It revealed that 40 percent of the state's 2008 high school graduates who enrolled in a two- or four-year college needed at least one remedial class.

"That represents 13,000 kids in Minnesota who are showing up to our colleges unprepared," said Minnesota Business Partnership Executive Director Charlie Weaver.

In 2009, the foundation decided to focus on improving teacher quality as a means to close the achievement gap based on strong evidence that teacher quality is the most important in-school factor in student achievement.

Bush Foundation President Peter Hutchinson called the partnership a "breakthrough" that could "change the trajectory of education, not only to make sure everybody does well, but that those who are doing the least well get caught up." He said a key is that the 14 institutions will guarantee their graduates' effectiveness in the classroom.

Exactly how they'll make good on that guarantee is still in the works, said Kathy Ofstedal, co-director of St. Cloud State University's Teacher Preparation Initiative.

"We have the data showing why we have to change," she said, and although getting groups of people together from six school districts, two university departments and the teachers union has been painstaking, it's been worth it. "Right now, in the midst of all this other stuff, reorganization, cuts to our

campus, we have been given this opportunity to do this and we are grabbing it and running with it."

### What is changing in teacher training

The 14 institutions are working with K-12 districts whose superintendents, classroom teachers, principals and union members have agreed to participate.

Ofstedal said St. Cloud State University is working with six school districts ranging from St. Cloud, with many schools and 25 percent students of color, to tiny Holdingford, which has one school. They've formed a joint powers agreement, and are working to schedule a common in-service day for training in conjunction with the university.

Another welcome byproduct is much better communication between St. Cloud State's education and arts and sciences faculty who share responsibility for budding teachers' education, but who have traditionally bickered about credits and course content.

Rep. Linda Slocum (DFL-Richfield), an eighth-grade history teacher, welcomes a better melding of content and pedagogy. She

has recommended that some student teachers she's supervised take more history coursework so they can be more effective in the classroom.

Redesign is underway at Twin Cities Teacher Collaborative member

institutions: Augsburg College; Bethel University; Concordia University, St. Paul; Hamline University; St. Catherine University; and the University of St. Thomas.

Linda Distad, a St. Catherine University professor of education, said members have agreed on "signature experiences" that each will embed in its curriculum. They include

---

***The Bush Foundation has committed \$40 million over 10 years to the Network for Excellence in Teaching. The grant is the foundation's largest-ever investment of resources in a single focus area.***

---





PHOTO BY TOM OLMSCHIED

**Misty Sato, left, Campbell Chair for Innovation in Teacher Development at the University of Minnesota, and Karen Balmer, executive director of the Board of Teaching, give the House Education Reform Committee a teacher performance assessment overview Jan. 25.**

a residency model for teacher candidates before they complete their traditional student teaching, and “co-teaching,” a mentor-trainee model of sharing planning and instruction duties that’s been successful at St. Cloud State University.

A cohort of pre-service teachers pursuing the same licensure, such as secondary chemistry or elementary special education, could work at the same K-12 site, along with mentor classroom teachers and a university professor. The residency model will benefit the teacher candidate, the classroom teacher and the higher education professor, Distad said. “Most important, we believe it has a direct impact on the children in the classroom, making a much stronger learning experience for them.”

Another key component of the programs’ redesign is a focus on value-added teacher assessments, such as the Teacher Performance Assessment, which the Board of Teaching is already piloting in Minnesota.

Licensure candidates will be evaluated on content knowledge, ability to work with various types of learners, lesson planning and classroom management. The results are not intended to isolate individuals performance — at least not yet — but will be aggregated and funneled back to the teacher preparation program which will learn where graduates are achieving desired results, and adjust their instruction accordingly.

“We are hoping to do a couple different kinds of analysis,” said Misty Sato, Campbell Chair for Innovation in Teacher Development at the University of Minnesota. “First, of changes in professional culture and learning at the higher education level, and of student learning in regard to Bush Foundation partnership.”

### **Selling teaching to potential teachers**

The foundation will launch a recruitment campaign to attract top talent to teaching, by inviting “change makers” on campus to consider teaching, strengthening admission requirements to teacher preparation programs, and possibly offering tax credits, scholarships or loan forgiveness.

“I think it’s going to fit in well with something that is going on naturally,” said Rep. Kurt Bills (R-Rosemount), who estimates he’s taught 7,000 students during his career as a high school economics teacher. “With this generation you do see some really high level students in pre-med, financial industries, engineering, doing the Teach for America route or just opting into teaching. Not for pay but for giving something back.”

The marketing plan will also try to match graduates’ certification with K-12 district’s needs. Minnesota graduates about three times more elementary education majors than are needed, but has shortages in some areas such as science and math disciplines.



### **Minnesota’s Representatives in Washinton D.C.**

#### **Senator Amy Klobuchar (DFL)**

302 Hart Senate Office Building  
Washington, D.C. 20510  
202-224-3244  
Fax: 202-228-2186

#### **Senator Al Franken (DFL)**

320 Hart Senate Office Building  
Washington, D.C. 20510  
202-224-5641  
Fax: 202-224-0044

#### **First District Tim Walz (DFL)**

1722 Longworth House Office Building  
Washington, D.C. 20515  
202-225-2472  
Fax: 202-225-3433

#### **Second District John Kline (R)**

2439 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2271  
Fax: 202-225-2595

#### **Third District Erik Paulsen (R)**

127 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2871  
Fax: 202-225-6351

#### **Fourth District Betty McCollum (DFL)**

1714 Longworth House Office Building  
Washington, D.C. 20515  
202-225-6631  
Fax: 202-225-1968

#### **Fifth District Keith Ellison (DFL)**

1027 Longworth House Office Building  
Washington, D.C. 20515  
202-225-4755  
Fax: 202-225-4886

#### **Sixth District Michele Bachmann (R)**

103 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2331  
Fax: 202-225-6475

#### **Seventh District Collin Peterson (DFL)**

2211 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2165  
Fax: 202-225-1593

#### **Eighth District Chip Cravaack (R)**

508 Cannon House Office Building  
Washington, D.C. 20515  
202-225-6211  
Fax: 202-225-0699

**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.**

# Leading by example

An economic wonk, Bills wants to use his background to create solutions

By MIKE COOK

Circling the walls inside the office of Rep. Kurt Bills (R-Rosemount) are posters made by his students that show the history of economic thought.



Rep. Kurt Bills

Those students, whom Bills still sees each school day, are a big reason why the high school economics teacher is now a House member.

"I want to show them the importance of getting involved," he said.

The affable Bills comes to his representative role with two years of experience on the Rosemount City Council, a position he sought in 2008. He won a 26-person contest for an open seat, spending just \$500 on his campaign and having no yard signs.

"Teaching is almost like a name-recognition

drive," he said. "There's door-knocking and then there's sitting in parent-teacher conferences every trimester for 14 years. It's getting to know people and treating them respectfully. There are no monikers in the classroom. I understand there are parents who are liberal, and there are parents who are conservative, and there are parents that don't care and there are parents who are wildly independent, but all of their children are going to be educated the same way in the benchmarks that are found in our educational standards."

Bills, a one-time head wrestling coach, teaches an Advanced Placement macroeconomics class at Rosemount High School beginning at 7:30 a.m. each morning before switching to his role as a legislator. He teaches an Advanced Placement microeconomics class in the fall.

Appropriately for a man who can discuss the pros and cons of many famous economists, his campaign slogan was "Let's

## DISTRICT 37B

Population (2009 est.): 45,621  
Largest City: Apple Valley  
County: Dakota  
Top Concerns: Living within our means, job creation

Bring Econ101 to the Capitol."

"It's not a political ideology. It's we have to deal with scarcity, so how are we going to move forward, and so that we don't burn it up in the long run," he said. "I'm not a big anti-debt guy."

The father of four children ages 4-13, Bills also brings the perspective of a small-business owner. He and his wife, Cindy, operate a home daycare. "I fix everything they break," he says laughing. "Someday I will invent a better door handle."

# A third call to duty

Leidiger says his obligation is 'to right-size government'

By LEE ANN SCHUTZ

An American flag propped up in a coffee cup promoting the Tea Party Patriots is prominently displayed atop the file cabinet in the office of Rep. Ernie Leidiger (R-Mayer).



Rep. Ernie Leidiger

It's a reminder, he said, that the growth in government spending is unsustainable. "I'm here to do a duty — to right-size government," he said.

He actually terms his foray into politics his "third call to duty." Retired in 1994 from the U.S. Navy after 25 years of service, his obvious "first call" was to serve his country.

While living in San Diego, his "second call" came after the Sept. 11 attacks when the plane taking aim at the Pentagon made

a direct hit on the Navy offices. "These were my classmates," he said. After some soul-searching, he founded the nonprofit Operation Homefront to help meet the needs of military dependents.

Leidiger moved with his wife to Minnesota in 2005 to be closer to extended family. With several past business ventures under his belt, he was ready for a new one with his brother — an office furniture business. But there's one business idea that would be a fulfillment of a dream — opening a brewery.

To beer buffs, the Leidiger name is familiar. For three generations, his family owned and operated Leidiger Brewing Co. in Merrill, Wis. His father was a brewmaster as was his grandfather, who also served in the Wisconsin State Senate.

Leidiger also got serious about politics after moving to Minnesota and became involved with the Republican Party. When

## DISTRICT 34A

Population (2009 est.): 48,703  
Largest City: Waconia  
Counties: Carver, Scott  
Top Concerns: Limit size of government, health and human services cost

former Rep. Paul Kohls said he would not seek re-election, Leidiger decided to "throw his hat in the ring."

His view of "out-of-control government spending" includes bonding for capital projects, which he thinks is not selective enough. "Take for example the University (of Minnesota) wants to own a dairy farm to do further research. What is the state getting involved for?"

He is a member of the House Jobs and Economic Development Finance, House Public Safety and Crime Prevention Policy and Finance, House State Government Finance and House Transportation Policy and Finance committees.

## Second run's a charm

Focused on government's role, Lohmer hopes to make 'significant change'

BY PATTY OSTBERG

Rep. Kathy Lohmer (R-Lake Elmo) has been interested in local politics for years, attending Republican precinct caucuses and serving as a delegate. But it was in 2008 while her son was serving a 15-month tour in Iraq, that she realized she was willing to sacrifice too. "I was thinking about him and his friends and young people who serve in the military and what they are willing to do. ... What am I willing to do?"

She was unsuccessful in her House bid that year; she ran again and her persistence paid off.

Lohmer believes government's role should consist of basics such as national defense,



Rep. Kathy Lohmer

roads and bridges, security and police. "In Minnesota, our constitution says education," she said. While home-schooling her four sons, Lohmer questioned what government's proper role should be.

Too often government oversteps its bounds in cases like the smoking ban and business regulations, she said. "Every time you turn around there's a new law (restricting people's freedoms). I don't like smoking; I don't smoke, but I don't think it's the government's job to tell people who should."

Lohmer's district includes 10 communities. The issues vary, but include the development of the empty State Farm building in Woodbury; building a new St. Croix River crossing between Stillwater and Wisconsin; water and landfill issues in Lake Elmo; and fly ash storage in Lakeland.

### DISTRICT 56A

Population (2009 est.): 44,380

Largest City: Woodbury

County: Washington

Top Concern: The state as a whole

Serving on the House Health and Human Services Finance and Reform committees, State Government Finance Committee and Veterans Services Division, Lohmer hopes to help make "some significant changes" for people. "We have \$32 billion to spend for approximately 5 million people; that should be enough money, we should be able to prioritize and spend wisely," she added.

## Start early and stay late

For Murray, new role offers much to learn and many challenges

BY LEE ANN SCHUTZ

When Rep. Rich Murray (R-Albert Lea) goes home and opens the garage door, what he sees are car seats, strollers and a pink Corvette — child-sized.



Rep. Rich Murray

The grandfather of 10 — all girls — says his family is the "highlight" of his life, and that he and his wife are fortunate to have their children living so close and spending time at their home. However, he doesn't regret running for office and his new role as a legislator. He doesn't take his election for granted. His district tends to lean DFL. But this Republican's 57-vote margin over DFL incumbent Robin Brown held up in a recount.

"I start early, and I stay late. There is

so much to learn, and I'm having a great time. I haven't been this excited about something in a long time — other than my granddaughters," he said.

People encouraged him for a number of years to run for office, but it never seemed like the right time. But now that he's in the Legislature, he thinks he's a good fit for the job.

He's been a financial advisor for 25 years, working with small-businesses and farmers. His concerns are the same as theirs — grow jobs and balance the budget, he said.

"Those are probably the two biggest things I hear from constituents," he said. Although the farming economy is doing well, he said the jobs in many of the local industries are low-paying and there is a lot of unemployment. With the area's population base shrinking, he believes better and more jobs would help revitalize the communities. Murray said "bringing fairness to Greater Minnesota" in the distribution of state

### DISTRICT 27A

Population (2009 est.): 34,972

Largest City: Albert Lea

Counties: Freeborn, Mower

Top Concerns: Jobs, a balanced budget, fairness for Greater Minnesota

resources is also an issue. The schools and nursing homes are not as well-funded as those in the Twin Cities metropolitan area, he said. "It's huge. We have a lot of things that we need to take care of too."

The vice chairman of the House Government Operations and Elections Committee, Murray also serves on the House Jobs and Economic Development Finance, House State Government Finance, and House Transportation Policy and Finance committees.



## Taking part in another endeavor

Quam's varied background will help him make the hard decisions

By **MIKE COOK**

Rep. Duane Quam (R-Byron) is a person who has to be involved.

For example, he's served on the Byron School Board; chaired the governing board of the Zumbro Education District that helps seven smaller school districts work together to deliver special education needs; he's chaired the Minnesota State Academics Science Standards writing committee; served on a committee of the Olmsted County United Way; was active with Cub Scouts; and he's coached youth sports.

"Right now is a dire time and people need to step up and do what they can to make a difference and improve things, fix things," he said. "I feel I have a good skill-set to try and help make things better."



Rep. Duane Quam

Quam grew up on a farm and has many relatives, including his father, who still live off the land. His professional background is in physics and engineering, and that has allowed him to better understand high-tech businesses that want to expand in our state. His wife, Pat, is a first responder and he's gotten to know many doctors over the years — getting honest feedback about some issues.

A tenet of his campaign was innovative vision.

He cites an example where he had a project that needed to get completed, but company bureaucracy and lack of capital caused a delay in acquiring the needed tools to complete the task.

"I found a place where I could rent the diagnostic test equipment," he said. "That allowed me to maintain a schedule even though a roadblock was thrown ahead."

To Quam, it's always been about finding a way to get the job done.

### DISTRICT 29A

Population (2009 est.): 42,313

Largest City: Rochester

Counties: Dodge, Olmsted

Top Concern: Getting the job done and making the hard decisions

"I have no problem coming up with creative ways within the framework and guidelines set to find a solution," he said.

His committee assignments are perfect for someone who likes to be involved. Quam serves on the House Education Finance Committee; House Environment, Energy and Natural Resources Policy and Finance; House Government Operations and Elections and House Health and Human Services Reform committees.

## A Minnesota marketer

Stensrud believes state needs to do a better job of selling itself

By **KRIS BERGGREN**

It isn't surprising a person in sales would have a lot of phone numbers stored in his cell phone. Yet, even before being elected to the House, Rep. Kirk Stensrud (R-Eden Prairie) had the governor and his state senator and representative on speed dial.



Rep. Kirk Stensrud

A former health care product sales representative,

Stensrud called them frequently to weigh in on issues such as voter photo identification and government spending and taxation, especially as they affect the business climate.

"Let's control the spending of our money and

let's get more value for our tax dollars," he said.

Since 2002, Stensrud has owned a franchise of Fish Window Cleaning, which employs about 15 people. He said the economy has been tough on his customers, such as restaurants, retailers and storefront businesses, as their customers hold back on dining out or making purchases. This creates a domino effect on their ability to pay for his company's services. He added that "zero percent" of his business last year was construction-related, compared with about 10 percent before.

He hasn't always been involved in politics. Like many other Minnesotans, he's been "minding my own business, paying my mortgage, saving for my kids' college tuition." Not quite knowing what actually went on at a political caucus, he and a neighbor attended

their first one about six years ago, where he discovered the truth to the old saying that decisions get made by those who show up.

Stensrud's House committee assignments — Commerce and Regulatory Reform, Jobs and Economic Development Finance and State Government Finance — are a good match with his personal interests. He wants the Legislature to address permitting policies and lower taxes to make Minnesota more marketable — so the state can more readily "sell" businesses on staying or growing here.

Stensrud has two sons attending college in Grand Rapids, Mich., and a daughter in 10th grade at Minnetonka High School. His wife, Wendy, is a school nurse in Minnetonka.

### DISTRICT 42A

Population (2009 est.): 39,455

Largest City: Minnetonka

County: Hennepin

Top Concern: Strong business climate

# BILL INTRODUCTIONS

JANUARY 24 - 27, 2011

HOUSE FILES 175 - 260

## Monday, January 24

### **HF175-Fabian (R)**

#### **Public Safety & Crime Prevention Policy & Finance**

U.S. Border Patrol encouraged to retain its office in Minnesota and locate its new facility in Hallock.

### **HF176-Buesgens (R)**

#### **Government Operations & Elections**

Contract expiration governing provisions changed.

### **HF177-Nelson (DFL)**

#### **Higher Education Policy & Finance**

North Hennepin Community College funding provided.

### **HF178-Downey (R)**

#### **State Government Finance**

Lead By Example Act; legislator and constitutional officer salaries reduced and legislator per diem payments reduced.

### **HF179-Banaian (R)**

#### **Higher Education Policy & Finance**

Integrated Science and Engineering Laboratory Facility at St. Cloud State University funding provided.

### **HF180-Peppin (R)**

#### **Public Safety & Crime Prevention Policy & Finance**

Offenses committed near county lines permitted to be charged in either the county of the offense or the home county of the arresting law enforcement agency.

### **HF181-Scott (R)**

#### **Taxes**

General Fund contributions check off provided for individual income and property tax refund.

### **HF182-Beard (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

State and local water management study required.

### **HF183-Kieffer (R)**

#### **Education Reform**

Teacher candidates required to pass basic skills exam.

### **HF184-Schomacker (R)**

#### **Jobs & Economic Development Finance**

Congress memorialized to appropriate money for the Lewis & Clark Regional Water System.

### **HF185-Schomacker (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Environmental violation monetary penalty deposit required to be redirected to General Fund.

### **HF186-Urdahl (R)**

#### **Veterans Services Division**

Driver's license expiration period extended while person is serving in active military service.

### **HF187-Dettmer (R)**

#### **Veterans Services Division**

Legislative temporary successors provided for members called into active military service.

### **HF188-Hackbarth (R)**

#### **Health & Human Services Reform**

Smoking prohibition exemption provided.

### **HF189-Ward (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Cuyuna Lakes State Trail funding provided.

### **HF190-Holberg (R)**

#### **Health & Human Services Reform**

Hanna's Law enacted by modifying cardiopulmonary resuscitation requirements for child care center staff.

### **HF191-Downey (R)**

#### **Government Operations & Elections**

Redundant Technology Elimination Act proposed, state agency information technology systems and services consolidated, Office of Enterprise Technology duties transferred and money appropriated.

### **HF192-Downey (R)**

#### **Government Operations & Elections**

Reinventing Government Employment Act proposed, public employee compensation freeze provided and future compensation method determined, state workforce reduction required, state employee gainsharing system established, state contract restrictions removed and right to work constitutional amendment proposed.

### **HF193-Anderson, S. (R)**

#### **Government Operations & Elections**

Balanced budget required prior to passage of other legislation.

### **HF194-Anderson, S. (R)**

#### **Capital Investment**

State agencies required to track and report on the number of jobs created or retained as a result of capital project funding.

### **HF195-Scalze (DFL)**

#### **Taxes**

Spending tax increments deadline extended.

### **HF196-Liebling (DFL)**

#### **Jobs & Economic Development Finance**

Rochester; Mayo Civic Center Complex funding provided for design and construction improvements.

### **HF197-Hackbarth (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Nonresident off-road vehicle state trail pass required.

### **HF198-Quam (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Olmsted County; conveyance of certain surplus state land authorized.

### **HF199-Gottwalt (R)**

#### **Health & Human Services Reform**

Freedom of Choice in Health Care Act; freedom of choice in health care for every resident of Minnesota declared and statement of public policy provided.

### **HF200-Gottwalt (R)**

#### **Health & Human Services Reform**

Alzheimer's disease data collection and reporting required.

### **HF201-Scott (R)**

#### **Health & Human Services Reform**

Abortion funding limited for state-sponsored health programs.

### **HF202-Runbeck (R)**

#### **Taxes**

Acceleration of single sales apportionment adopted.

### **HF203-Westrom (R)**

#### **Civil Law**

Legislative approval required for certain rules to take effect.

### **HF204-Norton (DFL)**

#### **Health & Human Services Reform**

Autism spectrum disorder coverage required.

### **HF205-Petersen, B. (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Coon Rapids Dam; invasive fish barrier renovation funding provided.

### **HF206-Dittrich (DFL)**

#### **Education Reform**

Permanent School Fund Advisory Committee membership modified.

### **HF207-Dittrich (DFL)**

#### **Education Finance**

Mineral management cost payment prohibited from permanent school trust fund land proceeds.

### **HF208-Dittrich (DFL)**

#### **Education Finance**

Public school's fiber optic infrastructure grant funding provided; grant program established.

### **HF209-Fritz (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Subsurface sewage treatment system replacement and upgrade requirements modified.

### **HF210-Kiffmeyer (R)**

#### **Government Operations & Elections**

Voter picture identification required before receiving a ballot, identification cards provided at no charge, provisional ballot procedures established, election administration procedures specified, electronic polling place required and recount procedures enacted.

### **HF211-Wardlow (R)**

#### **Civil Law**

Unlawful or deceptive trade practice actions modified, and class action court order appeals permitted.

### **HF211-Wardlow (R)**

#### **Civil Law**

Unlawful or deceptive trade practice actions modified, and class action court order appeals permitted.

### **HF212-Beard (R)**

#### **Government Operations & Elections**

Public employee definition modified.

### **HF213-Brynaert (DFL)**

#### **Taxes**

Public safety radio equipment exemption expanded.

## Wednesday, January 26

### **HF214-Howes (R)** **Taxes**

Public safety radio equipment exemption expanded.

**HF215-Rukavina (DFL)**  
**Government Operations & Elections**  
Virginia Fire Department Relief Association; relief association administrative consolidation authorized.

**HF216-Benson, J. (DFL)**  
**Education Finance**  
Referendum allowance limit eliminated.

**HF217-Benson, J. (DFL)**  
**Education Finance**  
Equity revenue formula modified.

**HF218-Benson, J. (DFL)**  
**Education Finance**  
Location equity index created, general education revenue formula modified and revenue increased for some school districts.

**HF219-Benson, J. (DFL)**  
**Education Reform**  
School district mandates reduced, additional flexibility allowed and fund transfers authorized.

**HF220-Hancock (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Renewable energy standard obligation calculation definition modified.

**HF221-Hosch (DFL)**  
**Transportation Policy & Finance**  
Paynesville Airport; bypass project funds provided.

**HF222-Gottwalt (R)**  
**Commerce & Regulatory Reform**  
Health plans guaranteed issue in the individual market required; Minnesota Comprehensive Health Association reinsurance of ceded risk on certain health plans required and additional enrollment ended.

**HF223-Scalze (DFL)**  
**Veterans Services Division**  
Public assistance reporting information system use expanded.

**HF224-Kelly (R)**  
**Transportation Policy & Finance**  
Port development assistance program funding provided.

**HF225-Hackbarth (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Northern pike experimental and special management waters limited.

**HF226-Davids (R)**  
**Veterans Services Division**  
Fillmore County specified as one location for a new veterans cemetery.

**HF227-Carlson (DFL)**  
**Government Operations & Elections**  
Balanced budget required for an additional biennium.

**HF228-Carlson (DFL)**  
**Education Reform**  
Seatbelt requirements amended for procurement of school buses.

**HF229-Downey (R)**  
**Judiciary Policy & Finance**  
Judges authorized to prohibit juvenile sex offenders from residing near their victims.

**HF230-McFarlane (R)**  
**Education Finance**  
Alternative teacher pay calculation modified for intermediate school districts.

**HF231-Rukavina (DFL)**  
**Jobs & Economic Development Finance**  
Unemployment insurance eligibility modified for children of business owners.

**HF232-Kriesel (R)**  
**Veterans Services Division**  
Gold Star license plates eligibility expanded to surviving legal guardians and siblings.

**HF233-Sanders (R)**  
**Health & Human Services Reform**  
Department of Human Services required to issue a request for proposals for a Medicaid fraud detection and business intelligence contract.

**HF234-Davids (R)**  
**Taxes**  
Rochester; local sales tax revenues allowed uses modified.

**HF235-Holberg (R)**  
**Health & Human Services Reform**  
Hannah's Law enacted by modifying cardiopulmonary resuscitation requirements for child care center staff.

**HF236-Anzelc (DFL)**  
**Health & Human Services Reform**  
Licensed well contractor exemption provided.

**HF237-Marquart (DFL)**  
**Government Operations & Elections**  
Persons 17 years old authorized to vote in a primary election.

## Thursday, January 27

**HF238-Franson (R)**  
**Health & Human Services Reform**  
Electronic benefit transfer card restrictions and requirements established, and MFIP residency requirement amended.

**HF239-Murphy, E. (DFL)**  
**Health & Human Services Finance**  
Clearwater County; ICF/MR facility daily rate increased.

**HF240-Dettmer (R)**  
**Veterans Services Division**  
Disabled veterans homestead market value exemption eligibility extended for surviving spouses, and qualified disabled veterans' approved primary family caregivers included.

**HF241-Persell (DFL)**  
**Taxes**  
Public safety radio equipment exemption expanded.

**HF242-Persell (DFL)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Cass Lake; spearing allowed.

**HF243-Anderson, S. (R)**  
**Higher Education Policy & Finance**  
Optional student fees increase vote required.

**HF244-Davids (R)**  
**Judiciary Policy & Finance**  
Costs and attorney fee payment provided in certain tax court actions.

**HF245-Davids (R)**  
**Legacy Funding Division**  
Regional arts capital fund created and funding provided.

**HF246-Hackbarth (R)**  
**State Government Finance**  
Oliver H. Kelley Farm Historical Site funding provided.

**HF247-Davids (R)**  
**Taxes**  
Income tax form voluntary state contributions provided.

**HF248-Loeffler (DFL)**  
**Health & Human Services Reform**  
Small Group Health Insurance Market Working Group recommendation enacted by repealing a requirement that small employers that do not offer group health coverage either offer, or file a form with the state stating a decision not to offer, a Section 125 plan through which employees may contribute wages to a pre-tax account from which to pay for individual health insurance.

**HF249-Rukavina (DFL)**  
**Jobs & Economic Development Finance**  
State funds used for state-funded projects required to use state- or American-made goods.

**HF250-Anderson, B. (R)**  
**Civil Law**  
Claims against the state provisions changed and updated.

**HF251-Lillie (DFL)**  
**Veterans Services Division**  
Congress of the United States memorialized to appoint an independent counsel to investigate the Prisoner of War-Missing in Action issue.

**HF252-Lillie (DFL)**  
**Health & Human Services Reform**  
A Chance to Grow, Inc. established as an outcome-based personal care assistance pilot project, requirements established, report required and money appropriated.

**HF253-Ward (DFL)**  
**Taxes**  
June accelerated tax payment repealed.

**HF254-Doepke (R)**  
**Education Finance**  
Independent School District No. 284, Wayzata, permitted to participate in the alternative facilities revenue program.

**HF255-Anderson, S. (R)**  
**Agriculture & Rural Development Policy & Finance**  
Raw milk sales permitted by farmers.

**HF256-Sanders (R)**  
**Transportation Policy & Finance**  
Motor carrier transportation contracts regulated and indemnification provisions prohibited.

**HF257-Bills (R)**  
**Education Finance**  
Early graduation achievement scholarship program created and money appropriated.

**HF258-Davids (R)**  
**Taxes**  
Licensed ambulance services authorized to submit claims directly to the state.

**HF259-Peppin (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Mississippi River management plan modified.

**HF260-Peppin (R)**  
**Commerce & Regulatory Reform**  
Gasoline sales regulated below cost.



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Patty Ostberg

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## Philanthropy and giving

|   |            |
|---|------------|
| 2008 charitable giving in Minnesota, in billions.....   | \$5.4      |
| 2008 charitable gifts by individuals, in billions.....  | \$4.02     |
| As percentage of charitable contributions made; decrease from 2007 .....                          | 74; 7.7    |
| National decrease in same time period .....   | 13.7       |
| Amount donated online by Minnesotans on Give to the Max Day (Nov. 16, 2010),<br>in millions.....  | \$10.04    |
| Number of Give to the Max donors.....   | 42,596     |
| Estimated cost to raise \$1 online.....   | \$.07      |
| Through grant writing.....  | \$.20      |
| To acquire new donors through direct mail.....  | \$1.25     |
| Number of corporate, foundation and community grant makers<br>in Minnesota in 2008 .....          | 1,467      |
| Grants/program related investments paid in 2008, in billions.....                                 | \$1.42     |
| As percentage of total charitable contributions made; increase from 2007 .....                    | 12; 3.6    |
| National increase in same time period, as percentage .....  | 12.3       |
| Minnesota foundations' assets in 2008, in billions .....  | \$17.30    |
| Billions of 2007 assets .....   | \$19.55    |
| Percent decline in assets from 2007 to 2008 .....   | 11.5       |
| Percent of grants awarded to human services programs and operations .....                         | 26         |
| Percent awarded to education programs and operations.....   | 25         |
| Number of times since 1976 education not ranked first.....  | 3          |
| McKnight Foundation 2009 rank among private foundations in grants paid.....                       | 1          |
| Millions in grants paid .....   | \$108.94   |
| Millions in grants paid in Minnesota .....  | \$73.04    |
| Billions in McKnight Foundation assets in 2009.....   | \$1.89     |
| Target Foundation & Corporation, 2009 rank among corporate foundations, grants paid .....         | 1          |
| Millions of grants paid in 2009.....  | \$133.94   |
| Millions of grants in Minnesota .....   | \$26.16    |
| Millions in Target Foundation assets in 2009 .....  | \$28.32    |
| Where the Margaret A. Cargill Foundation ranked among private foundations<br>for 2009 assets..... | 1          |
| 2008 rank .....   | not ranked |
| Foundation assets in billions.....  | \$19.08    |

— K. BERGGREN

Sources: Minnesota Council on Foundations, "Giving in Minnesota" 2010; GiveMN.org.



# SESSION WEEKLY



SNOW AND ICE BY THE NUMBERS

THE MANDATE OF 'GOOD'

LEAVING A LEGACY

HF261 - HF364

A NONPARTISAN PUBLICATION

MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES

VOLUME 28, NUMBER 5 • FEBRUARY 4, 2011



# Flashback to 1991 - 2001

## State banks not on the brink

Despite the recession, Minnesota banks are strong, Art Rolnick, director of research for the Federal Reserve Bank in Minneapolis, told the House Economic Development Committee.

In 1986, 20 percent of bank loans statewide were losing money, he said; now that figure is 7 percent. With the country at war with Iraq, Rolnick predicted a short-lived recession. "You don't see an economy go into a recession period and stay in one during wartime."

— Session Weekly Feb. 1, 1991

## Islamic food standards protected

Legislators are considering a bill that would provide legal protection for foods prepared according to Islamic religious law.

HF149, sponsored by House Majority Leader Tim Pawlenty (R-Eagan), would prohibit the sale or serving of food falsely labeled "Halaal" or prepared according to Islamic religious law, called Sharia. The provisions are modeled on existing standards for Kosher foods prepared according to Jewish religious law.

— Session Weekly Feb. 1, 2001

## Limiting imported steel

Seventy percent of steel companies could be filing Chapter 11 bankruptcy by the end of the year because of illegal dumping of steel, Rep. Tom Rukavina (DFL-Virginia) told the House Commerce, Jobs and Economic Development Committee. HF219, sponsored by Rep. Tony Sertich (DFL-Chisholm), would send an official message in the form of a resolution to President George W. Bush requesting that his administration investigate illegal dumping of steel products in the U.S.

"This country has a very strong demand for steel and we need foreign imports, but the percentage of foreign sales is too great," said Rep. Tom Bakk (DFL-Cook).

— Session Weekly Feb. 1, 2001

## Contents

**FIRST READING:** Proposal to lift safe schools mandate pits 'good against good' • 3-4

**HIGHLIGHTS:** Bonding to transportation, and stadium debate, too • 5-12

**AT ISSUE:** Green Acres raises the question: When's 'a farm is a farm is a farm?' • 13

**FEATURE:** The healthier the state's residents, less the cost to state coffers • 14

**AT ISSUE:** Oversight needed of state-funded non-emergency transportation • 15

**AT ISSUE:** Legacy fund recipients after a year of spending • 16

**PEOPLE:** Meet D. Anderson, M. Benson, Gauthier, Kieffer, Kiel, Kriesel, Schomacker and Woodard • 17-20

**BILL INTRODUCTIONS:** HF261-HF364 • 21-23

**MINNESOTA INDEX:** Snow and ice • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

**On the cover: A Capitol visitor makes his way up the snow-covered front steps Jan. 31. The Capitol area is closing in on 60 inches of snow for the season after at least a trace of snow fell on 27 of 31 days in January. Forecasters have expressed concern about the potential for serious flooding around the state with a rapid snow melt in the spring.**

— Photo by Tom Olmscheid



## 'Pitting the good against the good'

Proposed lift of safe schools mandate is a tough call

BY KRIS BERGGREN

**T**he Westbrook-Walnut Grove school district had some boom years in the last decade. Now losing students and facing a \$400,000 deficit, it could lay off a half-time school counselor, but state law prevents the change.

Due to an influx of Hmong families in 2001, enrollment in the southwestern Minnesota district grew from 450 to 525 in two years, said Superintendent Loy Woelber, eventually topping out near 600.

In 2003, he hired a second counselor, bringing the student-to-counselor ratio to 275:1. That's close to the American School Counselors Association recommendation of 250:1. The district later arranged to share one counselor with a neighboring district, before a "maintenance of effort" mandate enacted in 2007 required districts to retain certain licensed student support personnel.

But the district's enrollment has dipped to 440 and continues to fall by 20 students a year, and as the students go, so goes the state revenue.

"My feeling is we could use that money in the classroom more than the counselor," said Gene Kronback, the school board's president for 24 years. But his hands are tied by the state mandate.

### Allow for local control

A bill sponsored by Rep. Connie Doepke (R-Orono) would help Kronback put money where he feels it is most needed.

HF88 would remove a \$3 set-aside per pupil of the \$30 per pupil Safe Schools Levy, and the maintenance of effort provision. The set-aside generates a small amount of dedicated revenue that must be spent only on licensed counselors, nurses, social workers, psychologists and chemical dependency counselors. The maintenance of effort provision ensures a district's current level of those student support staff is retained

***"I, in any way, am not against nurses, counselors or anyone who works with our students. Certainly in these times everyone's important and we need to pull together."***

— Rep. Connie Doepke  
R-Orono

from year to year, measured either by total funding for those positions or by the number of positions. Unlike teachers, they are exempt from seniority rules governing who may be laid

off if districts face budget reductions.

"Maintenance of effort creates a privileged group that cannot have cuts under any circumstances," Doepke said. "I am in any way not against nurses, counselors or anyone that works with our students. Certainly in these times everyone's important and we need to pull together." She simply wants school boards to have the flexibility to decide which employees will best serve their students.

The House Education Finance Committee approved the bill Feb. 1 and sent it to the

House Taxes Committee. It has no Senate companion.

Opponents of the measure say young people face greater need for support than ever and fear cuts to student support staff if it's implemented.

### Passion on both sides of the issue

Kris Moe, a licensed counselor at Park High School in Cottage Grove and president of the Minnesota School Counselors Association, said high school counselors are typically spread thin; acting as student assessment coordinators; college guidance counselors; addressing individual students' mental health issues such as depression or family crises; and sometimes school-wide issues, such as the aftermath of tragic events.

A 2009 survey conducted by the MSCA and Minnesota 2020, a nonpartisan think tank, indicated 90 percent of counselors had helped students deal with interpersonal and family problems, depression, aggressive or disruptive behavior, anxiety and ADHD in the prior 12 months, and 76 percent said student mental health care needs had increased in the prior 24 months.

Walter Roberts Jr., a professor of Counselor Education and Professional Counseling Programs at Minnesota State University, Mankato, told members about results of his recent informal survey. Of 31 districts responding, counselors reported 157 suicide attempts and eight suicides during the past two-and-a-half school years, which might indicate a rising trend if the numbers play out across all districts.

Roberts said the maintenance of effort provision was designed to stop the "hemorrhaging" of student services personnel and that because it's only been in effect for a year, there is no evidence that it isn't working. Minnesota consistently ranks near



First Reading continued on page 4

## First Reading continued from page 3

49th in the nation, with a student-to-counselor ratio of 759:1, according to 2008-2009 U.S. Department of Education statistics.

"There are times when government has to step up to the plate and do the right thing. This is one of those times," Roberts said.

Yet even \$167 million in federal "EduJobs" money intended to help Minnesota districts retain school staff didn't prompt hiring, said Scott Croonquist, executive director of the Association of Metropolitan School Districts.

He supports the bill not because he thinks Minnesota has enough counselors, but because the law creates a "disincentive" to hire counselors.

"I am not aware of one of those positions that was hired with that money, and the reason is simple," said Croonquist. "Because when the money went away they would have

to use their dwindling resources to fill that in."

Rep. Linda Slocum (DFL-Richfield), an eighth-grade teacher, said the issue is not about numbers, but about kids.

"Tim," she said, referring to a student, "I told him his father had been murdered."

"My favorite student took four bullets to the head," she continued. "My Hmong girls

***"The counselor, the psychiatrist, psychologists, the school nurse does a whole lot of counseling. And a lot of kids spend a lot of time in the nurse's office because they've got a hangnail and they need to talk to somebody. But these are valuable resources."***

— Rep. Linda Slocum  
DFL-Richfield

were married at 14, and then came back to school — some. My Hmong boys were in gangs. The counselor, the psychiatrist, psychologists, the school nurse does a whole lot of counseling. And a lot of kids

spend a lot of time in the nurse's office because they've got a hangnail and they need to talk to somebody. But these are valuable resources."

"Please maintain the effort," she said.

### Counselors develop another model

Moe understands the requirement is a burden on some school districts.

"It's a very good argument," he said. "It's unfortunate. ... It's like you're pitting the good against the good. You've got the school board who wants the best for kids, the administration, who wants the best, and so do the teachers and counselors."

Moe and other counselors are spearheading a new model of service delivery and peer support through the School Counseling Service Center at the Adler Graduate School in Richfield. Amy Wojciechowski, the center's coordinator, said one goal is to provide more preventive services earlier in students' lives. They're creating packages of contract counseling services they plan to market to schools, including charter, elementary and alternative learning centers traditionally underserved by counselors. The grant-funded project includes a pilot at Highland Park Elementary School in St. Paul that shows great promise, Wojciechowski said.

In the meantime, counselors continue to juggle students' personal, social and academic needs.

"It's about a triage situation," said Moe. "Maybe the philosophy about this should be, we don't want a mandate, but as a bare minimum, it's just a civil safety standard."



## Constitutional Officers

### Governor

#### Mark Dayton (DFL)

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-201-3400  
800-657-3717  
Fax: 651-797-1850  
Website: [www.governor.state.mn.us](http://www.governor.state.mn.us)  
E-mail: [mark.dayton@state.mn.us](mailto:mark.dayton@state.mn.us)

### Lieutenant Governor

#### Yvonne Prettner Solon (DFL)

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55115  
651-201-3400  
Fax: 651-797-1850  
E-mail: [ltgovprettnersolon@state.mn.us](mailto:ltgovprettnersolon@state.mn.us)

### Secretary of State

#### Mark Ritchie (DFL)

Election Center  
Room 180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
651-215-1440  
877-600-8683 (VOTE)  
Business Services  
60 Empire Drive, Suite 100  
St. Paul, MN 55103  
651-296-2803  
877-551-6767  
Website: [www.sos.state.mn.us](http://www.sos.state.mn.us)  
E-mail: [secretary.state@state.mn.us](mailto:secretary.state@state.mn.us)

### Attorney General

#### Lori Swanson (DFL)

Executive Offices  
Room 102  
State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

651-296-6196  
800-657-3787  
Website: [www.ag.state.mn.us](http://www.ag.state.mn.us)  
E-mail: [attorney.general@state.mn.us](mailto:attorney.general@state.mn.us)  
Consumer Division  
1400 Bremer Tower  
445 Minnesota St.  
St. Paul, MN 55101  
651-296-3353  
800-657-3787  
(TTY) 651-297-7206  
(TTY) 800-366-4812

### State Auditor

#### Rebecca Otto (DFL)

525 Park St.  
Suite 500  
St. Paul, MN 55103  
651-296-2551  
(TTY) 800-627-3529  
Website: [www.osa.state.mn.us](http://www.osa.state.mn.us)  
E-mail: [state.auditor@state.mn.us](mailto:state.auditor@state.mn.us)

# HIGHLIGHTS

JANUARY 27 - FEBRUARY 3, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held Jan. 27- Feb. 3. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Bonding

### Dayton's project list is too big

Gov. Mark Dayton's proposal to spend \$1 billion on capital investment projects received a less than lukewarm reception from House Capital Investment Committee leadership.

Rep. Larry Howes (R-Walker), the committee chairman, said the governor's list goes beyond what the state can afford; but he would not rule out a small bonding bill this year "for emergency purposes." Instead of bringing out the state's "credit card," he would like to divert financial commitments from previously bonded projects that have been delayed to others that can get going immediately.

"I think it is time to take a look at those and ask, 'Why haven't we done anything?' We've talked a lot about shovel-ready projects, but someone hasn't bought the shovel yet," he said.

Rep. Alice Hausman (DFL-St. Paul), the committee's DFL lead and former committee chairwoman, agrees with looking at the former project list. She would like to see projects that she championed get a go-ahead, and she is unhappy with some of the priorities Dayton proposes to fund.

"There was only a very small amount for transit in the state. There is no money for public housing at a time when we have a lot of homeless on the street, and a great need for affordable housing. He has the traditional flood mitigation, but as far as I can tell no money for flood prevention," she said.

Dayton laid out \$531 million in projects that are "shovel-ready, paint and repair projects" that would provide approximately 28,000 private sector jobs. He said that, "in keeping with a hand of cooperation," he has left nearly half of the bonding dollars for the legislative allocation.

Included in his proposal is:

- \$51.33 million for a new physics and

nanotechnology building at the University of Minnesota's Minneapolis campus;

- \$30 million for asset preservation and maintenance for the Minnesota State Colleges and Universities system;
- \$28 million for Department of Natural Resources designated flood mitigation;
- \$28 million to renovate and expand the Mayo Civic Center complex in Rochester; and
- \$20 million for a new St. Paul Saints stadium in downtown St. Paul.

By bonding standards, the bill's size is more typical for the second year of the biennium; however, Dayton said there is an immediate need to get people in the construction sector back to work.

"This is a bipartisan approach to putting people back to work. ... I would anticipate this would be the major bonding bill of the biennium," he said.

However, Howes said these projects are "candy" in a budget year, and said the House will begin looking at projects after the governor releases his plan to resolve the state's projected \$6.2 billion deficit on Feb. 15.

— L. SCHUTZ



PHOTO BY TOM OLMSCHIED

At a Jan. 31 news conference, Gov. Mark Dayton, left, announces a \$1 billion bonding proposal for projects around the state. Others attending the news conference include, from left, Rochester Mayor Ardele Brede; Dr. Robert Hoerr, co-founder of Nanocopoeia, Inc.; Kristin Hanson, Minnesota Management & Budget assistant commissioner for Debt Management and Treasury; and Jim Schowalter, MMB Commissioner.



## Business & Commerce

### Bank needs exemption to expand

An independently owned bank based in Winger wants to expand, but first its vice president had to come down to St. Paul to seek an exemption from a 40-year-old state law.

Ultima Bank Minnesota Senior Vice President Bruce Meade told the House Commerce and Regulatory Reform Committee Feb. 2 that the bank would like to expand its loan production office in Northern Township into a full-service bank branch.

However, state law prevents a bank from locating a branch in a township.

Rep. John Persell (DFL-Bemidji) sponsors HF305, which would allow the exemption.

Rep. Tim O'Driscoll (R-Sartell) asked whether the township, which is just outside Bemidji city limits, had considered annexation instead of "having to incur the time and expense of legislation for this."

Meade said the bank is in an area with an annexation plan that is 10 years away from implementation. The bank holds a lease, so it lacks the ability of a property owner to request annexation.

Citing a distant family relationship with Meade, Rep. Greg Davids (R-Preston) recused himself from the vote to approve the bill. It goes next to the House Government Operations and Elections Committee.

A companion, SF125, sponsored by Sen. John Carlson (R-Bemidji), awaits action on the Senate floor.

— K. BERGGREN

## Education

### Data driving education policy

Should your preschooler's alphabet awareness be tracked by the state? How about whether you attend parent-teacher conferences or volunteer at your child's school? Should a fourth-grade teacher's student test scores be front page news?

Minnesota is very good at collecting educational data, two experts told the House Education Reform Committee Feb. 1, and the state's data collection capacity is growing all the time. No action was taken.

Data collection has great potential to drive education decisions, but it's important for policymakers to determine how information is used, by whom and for what purpose,

said Cathy Wagner, director of information technologies at the Education Department, and Aimee Rogstad Guidera, executive director of Data Quality Campaign, a national nonprofit based in Minnesota.

Wagner presented plans to use a \$12.4 million grant received July 1, 2010, from the Institute of Educational Sciences to increase the department's "interoperable" capacity to collect, analyze and report data from early childhood, P-20 Education Partnership and the departments of Labor and Industry, and Employment and Economic Development.

A 2006 grant from the institute funded the P-12 Longitudinal Data System, which stores a wealth of information about student, teacher and school performance, enrollment and demographics from preschool through secondary education.

"What is the overall goal of collecting all of this information?" said Rep. Bob Barrett (R-Shafer). Of all the factors that lead to a quality education, the two most critical are parent involvement and teacher quality, he said.

Wagner said lots of information about teacher effectiveness is being collected and new teacher assessments being designed.

Guidera said data should be used not as a "hammer," but as a "flashlight," to help policymakers and educators make best use of information, empower parents and help teachers improve their practice.

"For so long in education, we have collected so much information and it's been useless," Guidera said. She urged policymakers to "take the next step" and change the culture of how information is used to influence behavior and decisions. Otherwise, "it's just a bunch of data sitting in a data warehouse in files over there, and it doesn't make a difference."

— K. BERGGREN

## Elections

### Doing more with less

Secretary of State Mark Ritchie said his office has been doing more with less in recent years, but that making budget cuts could be tricky going forward.

"Learning how to maintain a very high level of customer service while knowing we're going to have fewer staff to do that is our focus," Ritchie said.

Ritchie told the House State Government

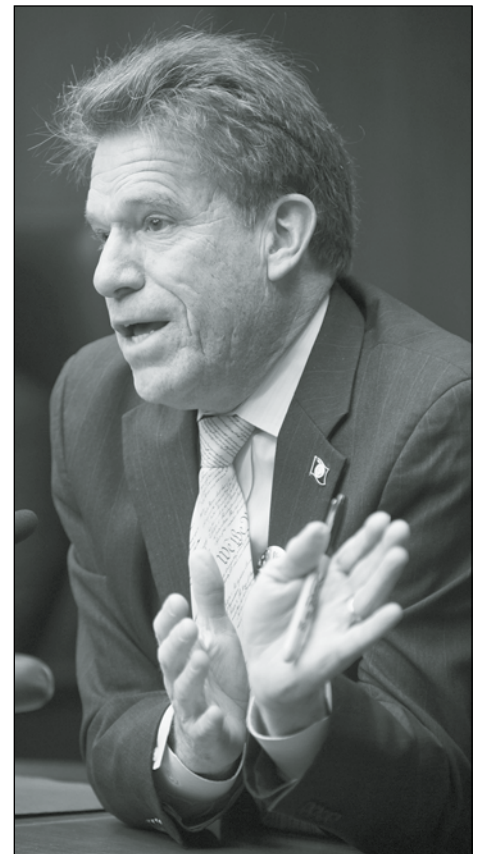


PHOTO BY TOM OLMSCHIED

**Secretary of State Mark Ritchie answers a question from a member of the House State Government Finance Committee Feb. 2 during a committee overview of the Office of the Secretary of State.**

Finance Committee Feb. 2 that his office is using technology to ensure its quality of service is not diminished by several recent budget reductions. The problem, he said, is that the cuts tend to fall largely on the office's business services section.

The Office of the Secretary of State is perhaps best known for administering Minnesota's elections; however, it also registers all the state's business organizations and provides several other services. Ritchie said the federal Help America Vote Act prohibits the state from reducing its spending on elections.

Ritchie said 60 percent of the office's budget is devoted to business services, and that demand for those services is on the rise. He said making certain kinds of business filings electronic has eased pressures on the staff, but technology can't solve every issue.

"We will be able to automate a number of things, but the necessity of someone to be there on the phone to answer a question ... will remain," he said.

Moreover, Ritchie said a number of the office's approximately 69 employees

are nearing retirement age, and Ritchie wants to keep them around long enough to transfer some of their knowledge to younger employees.

"We need to organize our cutting and reduction and all of these with an eye toward the generational shift in our agencies," Ritchie said.

Committee members took no action.

— N. BUSSE

### Testimony taken on voter ID bills

All Minnesotans would be required to show a government-issued photo ID card before voting, under a pair of bills laid over Feb. 3 by a House committee.

HF89, sponsored by Rep. Mike Benson (R-Rochester), and HF210, sponsored by Rep. Mary Kiffmeyer (R-Big Lake), would require voters to produce photo identification at their polling place before receiving a ballot. Kiffmeyer's bill also provides for electronic polling place rosters and would make various other changes to election statutes.

Members of the House Government Operations and Elections Committee took public testimony on the bills, but laid them over without acting on them. Chairwoman Joyce Peppin (R-Rogers) said a committee vote is planned for Feb. 8.

Both bills are modeled after an Indiana law requiring photo ID at the polls. They would eliminate the state's voucher system, where voters who cannot provide the appropriate

documentation can be vouched for to register to vote, and provide for a provisional balloting system for registered voters who cannot produce their photo IDs.

Supporters said the bills would improve the integrity of the state's elections, and cited polls that show broad public support for a requirement. Benson said requiring a photo ID would boost the public's confidence in election results.

"Letting people vote without a photo ID creates the ideal conditions for fraud," Benson said. "It is in fact very easy to impersonate someone if you don't have to prove who you are."

Opponents argued the bill would wrongfully discriminate against senior citizens, students, disabled voters and those who frequently change residences. They argued a provision to supply free photo ID cards to voters who can't afford another state-issued ID would not help those who have limited mobility and resources to obtain them.

"There's no question that these bills will disenfranchise thousands of senior citizens," said a 94-year-old Mary Lou Hill, a member of the League of Women Voters.

Rep. Ryan Winkler (DFL-Golden Valley) likened the bills' photo ID requirement to a "poll tax" that created obstacles to voting for specific groups of people.

Neither bill has a Senate companion.

— N. BUSSE

## Employment

### Interns exempted from unions

Under current law, public employees covered by collective bargaining agreements may be required to either join a union or pay a "fair share" fee. An exemption is made for full-time students under age 22 who are employed in temporary employment lasting 100 days or less — i.e. interns.

But more interns are older students and Rep. Mike Beard (R-Shakopee) sponsors HF212 that would remove the age limit for the exemption.

The House Government Operations and Elections Committee approved the bill Feb. 2 and sent it to the House floor.

Beard said the bill "recognizes that real-life work experience as internships are becoming an increasingly important component of all students' work history, not just the traditional students."

Rep. Mike Nelson (DFL-Brooklyn Park) expressed concern the bill could be used to replace union employees with interns who aren't covered by collective bargaining agreements. But Beard said the bill is not a ploy to get around union membership.

"It will have no significant effect on unions or collective bargaining," Beard said.

Minnesota Inter-County Association Executive Director Keith Carlson said he



PHOTO BY ANDREW VONBANK

Interest in a bill that would require voters to show a photo identification before receiving a ballot created a lot of commotion and a standing-room only crowd in the hearing room where the House Government Operations and Elections Committee heard the bill Feb. 3.



supports the bill, and noted that many workers in their 30s, 40s and 50s are seeking internships nowadays.

"It's a long overdue update ... to acknowledge the realities of the current workplace," Carlson said.

Sen. Claire Robling (R-Jordan) sponsors the companion, SF134, which awaits action by the Senate State Government Innovation and Veterans Committee.

— N. BUSSE

## Energy

### Next Gen Act changes approved

A bipartisan law passed in 2007 that seeks to reduce carbon emissions is set on the path to being repealed.

The House Commerce and Regulatory Reform Committee is the next stop for a bill that would repeal a portion of the Next Generation Energy Act and allow Minnesota utilities to produce or purchase new coal-generated electricity.

Sponsored by Rep. Mike Beard (R-Shakopee), HF72 was approved 11-6 by the House Environment, Energy and Natural Resources Policy and Finance Committee Feb. 1.

Members debated the merits of reopening the door to coal-generated electricity.

"It seems that repeal is reform. Why not mend it rather than end it," asked Rep. Rick Hansen (DFL-South St. Paul).

Rep. Andrew Falk (DFL-Murdock) said he didn't see the need to change current law because it allows the Public Utilities Commission to make exceptions. Beard said he regrettably voted for the Next Generation Energy Act because he was told there were such "off-ramps," but instead the law became nebulous as written.

"Were asking (the PUC) to make some really big calls on behalf of the state. I would submit to you that that is our job," Beard said.

Emissions of mercury from coal plants also rose to the surface.

Rep. Duane Quam (R-Byron) said new generation coal plants have reduced mercury emissions considerably. He compared regulated coal plants' mercury emissions to CFL light bulbs sold to consumers that may end up in landfills or harm the environment and people if the bulb accidentally breaks.

Sen. Julie Rosen (R-Fairmont) sponsors a companion, SF86. It awaits action by the Senate Energy, Utilities and Telecommunications Committee.

— S. HEGARTY

## BIKER DAY

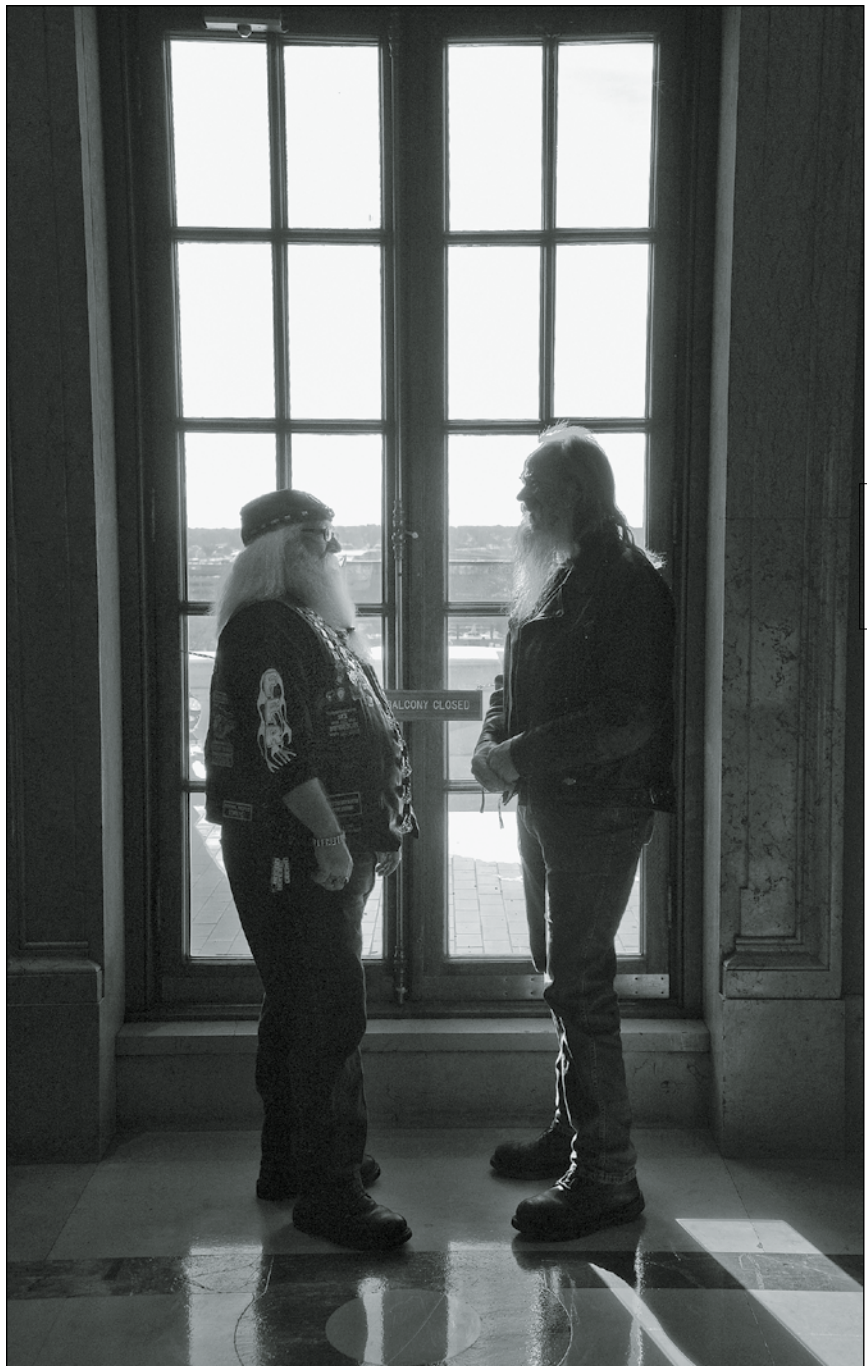


PHOTO BY TOM OLMSCHEID

**Howie "Santa" Ogaard, left, and Tom Gerard of the Freedom First Riders from Alexandria stop briefly in front of one of the French doors on the second floor of the Capitol Feb. 2 before moving on to meet with their senator. Earlier in the day, their group met with Rep. Torrey Westrom to show support for a bill that would increase the penalty for careless driving resulting in death. The bill was approved last week by the House Public Safety and Crime Prevention Policy and Finance Committee and awaits action by the House Judiciary Policy and Finance Committee.**

## Env. & Natural Resources

### Aquatic invasive species concerns

Legislation is being drafted within the Department of Natural Resources to more

effectively manage and prevent aquatic invasive species.

One recommendation being considered is to increase the \$5 surcharge that boaters pay every three years at registration. Non-residents currently pay \$2.



Luke Skinner, DNR invasive species supervisor, told the House Environment, Energy and Natural Resources Policy and Finance Committee Feb. 2 that 95 percent of aquatic invasive species are moved from place to place because of human interaction, such as not draining ballast water or failing to remove plants from boats and trailers. The committee took no action.

The number of tickets issued for transporting invasive species increased from 57 in 2009 to 159 in 2010. Skinner said 350 warnings were issued last year to 17 percent of boaters who didn't know a new law required them to pull the drain plug.

Zebra mussels are a key management priority, although Asian carp, curly-leaf pondweed and Eurasian milfoil also pose ecological threats to water bodies. Zebra mussels can attach to any hard surface, clogging intake valves and removing the base of the aquatic food chain. High-use lakes and rivers, such as Lake Minnetonka, Gull Lake, and the Mississippi and St. Croix rivers are infected, Skinner said.

Rep. Jean Wagenius (DFL-Mpls) suggested requiring people to vouch that they had read AIS prevention materials before receiving their registration. "People take things more seriously when they have to sign," she said.

Rep. Paul Torkelson (R-Nelson Township) asked Skinner about tiered pricing for licenses. Those who trailer boats from lake to lake would pay more than those who dock at the same lake all season, so the greater burden is on those most at risk of spreading an invasive species.

The sheer number of state water bodies makes solutions involving enforcement or monitoring extremely costly, Skinner said.

Rep. David Hancock (R-Bemidji) suggested a volunteer corps as a pilot project to educate others at boat ramps.

Surcharge funds currently are used for radio and television announcements, billboards, fishing and boating handbooks, and school curriculums.

— S. HEGARTY

## Health & Human Services

### A response to oncoming changes

Minnesota should begin now to protect consumers as the new federal health care law is implemented.

Stephen Parente, a professor of finance at the University of Minnesota's Carlson School of Management, told the House

Health and Human Services Reform Committee Feb. 1 the state should build its own insurance exchange that would include elements required by the Patient Protection and Affordable Care Act for sharing certain personal data. Consumers could opt out of sharing information, but could pay a much higher premium. Minnesota could be a leader for other states to follow in creating the exchange by 2013, Parente said.

"We have a tradition of leading," said Rep. Erin Murphy (DFL-St. Paul). "Much of what is in the affordable care act looks a lot like what we've already been working on in Minnesota."

Rep. Thomas Huntley (DFL-Duluth) questioned Parente's suggestion of a high-deductible health plan for people with chronic diseases.

"The research that I've done looking at folks with chronic conditions that are in the insured population that are having high deductible health plans suggests that they are not being hurt by that design," Parente responded. If there are those in need who need to be fiscally covered, they could be put in a separate pool in a needs-based plan, he said.

Parente said the new law would add to the federal deficit by \$287 billion through various measures, including expanding Medicaid to certain adults.

He noted additional costs of the enactment could be passed onto consumers through individual and small group premiums that could increase at a minimum 8 percent per year. For instance, he projects that a health care package that currently costs \$11,770 could increase to \$21,639 by 2019.

— P. OSTBERG

### A Mayo health perspective

Minnesota could create a single statewide health care exchange to help control increasing health care costs for all Minnesotans, according Dr. Douglas Wood, cardiologist and vice chairman of Mayo Clinic's health care policy and research.

Wood presented Feb. 2 to the House Health and Human Services Reform Committee the proposal for an exchange that could be publicly and privately shared, and would consist of individually owned insurance not dependent on an employer and that would handle all enrollment and eligibility for Medicaid and other public programs.

He said health care spending is growing faster than the economy can support and patients aren't getting value for what they spend on health care. "The costs of family

## Watch the State of the State address online

House Speaker Kurt Zellers (R-Maple Grove) has appointed five members to escort Gov. Mark Dayton to the House Chamber to deliver his State of the State address.

The members are: Rep. Marion Greene (DFL-Mpls), Rep. Tara Mack (R-Apple Valley), Rep. Carolyn McElfrick (R-Deer River), Rep. Rich Murray (R-Albert Lea) and Rep. Kim Norton (DFL-Rochester).

Dayton's speech is scheduled to be delivered during a joint session of the Minnesota State Legislature, Wednesday, Feb. 9, at noon.

It can be watched live on the House website, [www.house.mn](http://www.house.mn) and statewide on public television's MN Channel.

coverage have more than doubled since 2006."

Another issue is that government reimburses for certain procedures, rather than using a less costly method. Under current Medicaid reimbursement rates, Wood said, as a cardiologist, he is reimbursed a greater amount for bypass surgery rather than a regiment of prescription medication for a patient. The federal government "makes rationing decisions every day," but the key to reform is making rational health decisions instead, he said.

The advantages of an exchange could include affordable insurance for families, predictable costs for businesses and state government and plans could concentrate on developing long-range relationships and delivery systems that produce better results at a lower cost, Wood said. Additionally, provider reimbursement rates could be based on whether a physician shared medical options with a patient.

Rep. Jim Abeler (R-Anoka) said the proposal is something that he could support.

The proposal has "principles we can all agree on," said Rep. Larry Hosch (DFL-St. Joseph). He hopes the committee can come up with a proposal before the end of session.

— P. OSTBERG

## Military & Vet. Affairs

### Vets camp seeks \$500,000 grant

A camp for disabled military veterans on Big Marine Lake in Washington County gained division approval Jan. 31 for a \$500,000 state grant to make needed upgrades.

Sponsored by Rep. Bob Dettmer (R-Forest

Lake), HF105 returns to the House State Government Finance Committee after its approval by the House Veterans Services Division.

Started in 1926, the Disabled Veterans Rest Camp was designed to aid in the recovery of shell-shocked and battle-fatigued World War I and World War II soldiers. It currently helps veterans with post-traumatic stress disorder reconnect with their families in a supportive camping environment. It is not open to the general public.

The money would be used to build a storm shelter to protect campers during severe weather; to improve access for the disabled; and to upgrade the cabins built in the 1930s, according to Al Mitchell, camp president and chairman.

The camp would be required to raise a minimum of \$100,000 to qualify for the matching grant. It received some state funding four years ago, but does not currently receive state money. "The main emphasis now is on safety. There's no place for these campers to get out of the way of a storm," Dettmer said.

Rep. Phyllis Kahn (DFL-Mpls) urged members to examine whether the camp would be eligible for Clean Water, Land and Legacy funding. Rep. Greg Davids (R-Preston) agreed, saying it would be a terrible mistake to take General Fund dollars if the project were eligible for Legacy funding.

Dettmer said the camp's classification as a private camp likely prohibits its eligibility for Legacy money.

Sen. Ray Vandeveer (R-Forest Lake) sponsors the companion, SF128, which awaits action by the Senate State Government Innovation and Veterans Committee.

— S. HEGARTY

## Public Safety

### Level II offenders on web

The public could have better access to know if a predatory offender is living in their area.

Rep. Tony Cornish (R-Good Thunder) sponsors HF151, which would add Level II offenders to a Department of Corrections' website that lists Level III offenders.

Approved Jan. 27 by the House Public Safety and Crime Prevention Policy and Finance Committee, the bill was sent to the House Civil Law Committee. It has no Senate companion.

"I consider Level II sex offenders to be pretty serious offending folk, and there's a pretty good chance they'll offend again," Cornish said.

According to the Corrections Department risk level assessment, Level III offenders are considered the most likely to reoffend, while Level II offenders are considered a moderate risk.

A full fiscal note has been requested, but according to nonpartisan House Fiscal Analysis, a preliminary fiscal note indicates a \$220,000 price tag for an additional four full-time equivalent positions to monitor offenders and some software upgrades.

Bill Donnay, director for the Corrections Department Risk Assessment/Community Notification Unit, said that as of Jan. 1, 2011, there were 6,941 individuals in the state assigned a risk level: 1,066 Level III; 1,780 Level II; and 4,095 Level I. He said only about 1,100 to 1,200 Level II offenders would go on a potential website because the rest are incarcerated and a few have been civilly committed.

Teresa Nelson, legal counsel for the ACLU of Minnesota, spoke against the bill. She said the bill could violate a constitutional right of being free from after-the-fact punishment. That happened in Alaska.

"Another factor that the court noted in deciding that Internet postings were unconstitutional punishment under Alaska's constitution is that it exposes registrants through aggressive notification of their crime to profound humiliation and community-wide ostracism, and that the practical effect of Internet dissemination is that it leaves open the possibility that the registrant will be denied employment and having opportunity," she said.

— M. COOK

## Recreation & Tourism

### Stadium debate begins

On Dec. 12, a severe winter storm caused the roof of the 28-year-old Hubert H. Humphrey Metrodome to collapse.

Officials from the Metropolitan Sports Facilities Commission appeared before the House Government Operations and Elections Committee Feb. 2 to discuss the aging home to the Minnesota Vikings and a possible replacement facility. No action was taken.

Commission Chairman Ted Mondale said engineers are still trying to determine



PHOTO BY ANDREW VONBANK

**Ted Mondale, chairman of the Metropolitan Sports Facilities Commission, speaks to the House Government Operations and Elections Committee Feb. 2 about the Metrodome and the Minnesota Vikings need for a new facility.**

whether the roof will have to be repaired or replaced.

"The top issue driving what we will do ... will be making sure that facility is a safe place," he said.

The Minnesota Vikings' lease with the Metrodome expires later this year. Mondale said he hopes a deal can be reached this year on public funding to build a new stadium.

"I think probably the largest change from a year ago is that we actually have a governor who ... said he would support the building of a new stadium," Mondale said.

In addition to hosting professional football games, the Metrodome hosts more than 300 "community events" annually, ranging from high school sports tournaments to monster truck rallies. Rep. Ryan Winkler (DFL-Golden Valley) said any new stadium design should allow for a similar public benefit. He said the facility needs to include a roof that would accommodate events year-round.

"It seems to me that if this is a public benefit to the state, it needs a roof," Winkler said.

Rep. Frank Hornstein (DFL-Mpls) voiced concerns about what the public's share would be of the funding. He asked whether the Vikings could pay two-thirds or even three-



quarters of the total cost, rather than the state paying that much.

Mondale said it was unlikely that the team would agree to pay such a high percentage. He said private funding accounted for roughly one-third of the cost of building Target Field, and suggested that might be a good starting point for a new Vikings stadium, too.

— N. BUSSE

## Taxes

### Taxes and poor business climate

Not only is Minnesota's corporate tax rate among the highest in the nation, but it tops Japan, putting the state at a competitive disadvantage.

Scott Hodge, president of the Tax Foundation, gave the sobering news to the House Taxes Committee Feb. 1, and urged them to consider reducing both the state's income and corporate tax rates, and replacing them with a broader sales tax. No action was taken.

"Minnesota has adopted a Neiman Marcus corporate income tax when you need Walmart tax pricing," he said.

Not only does the current system make the state less attractive to new businesses, he said the burden of corporate taxes passes through as higher prices and lower worker wages. He encouraged lawmakers to "get to tax reform as soon as possible" and look at broadening the sales tax rate.

Rep. Ann Lenczewski (DFL-Bloomington) agreed that the state's corporate and income tax structures are out of line, particularly as other states move to make their systems more business friendly.

"A little less than half of all our revenue is from the corporate and income tax. How would a state throw out half of its revenue stream without converting to a much more regressive system? This would only leave consumption taxes," she said.

Hodge argued against raising income taxes because it would hit entrepreneurs. "You are essentially telling them to go someplace else."

From a purely economic perspective, income taxes are far more harmful for economic growth than consumption taxes, he said. "This becomes the trade-off, and at some point you have to pick and choose."

Rep. Keith Downey (R-Edina) wanted to know if businesses are more concerned about taxes than before.

## SPECIAL TOUR



PHOTO BY KRISTIN SCHUE

**Preschoolers from 4 Star Express got a special tour of the Capitol Feb. 2 with the guidance of House Speaker Kurt Zellers. The speaker's son, Will, second from right, who attends the school, is waiting with his classmates to meet Gov. Mark Dayton while wearing their State Capitol hats.**

"The answer to that is a clear yes," Hodge said. "That's because capital is more mobile than it ever has been, while people aren't." He explained that it is easier for a company to open a factory where it will have lower costs than for people to move to the job.

Founded in 1937, the mission of the foundation is to educate taxpayers about sound tax policy.

— L. SCHUTZ

### Division approves military tax relief

After 20 years of service, military personnel are eligible to retire.

A pair of bills approved by the House Veterans Services Division Jan. 31 would offer varying degrees of tax incentives aimed at attracting those military retirees, who often look for a place to start a second career, buy a home and spend their military retirement pay. The division approved both bills and referred them to the House Taxes Committee.

Minnesota is one of only six states that tax military pension incomes. Bill proponents said this deters many highly skilled, disciplined and entrepreneurial veterans from returning to the state or relocating here.

Sponsored by Rep. Lyle Koenen (DFL-Clara City), HF15 would allow veterans to subtract up to \$6,000 of their military retirement pay from their income taxes beginning with their 2011 taxes. To be eligible, the veteran must

have served honorably for 20 or more years. National Guard or reserve personnel who have earned credit for 20 or more years would become eligible for the tax relief when they retire, typically at age 60. Sen. Gary Kubby (DFL-Granite Falls) sponsors the companion, SF74, which awaits action by the Senate Taxes Committee.

Rep. Bob Dettmer (R-Forest Lake) sponsors HF82, which takes a phased-in approach for reducing the income tax for military retirement pay. Beginning with the 2011 taxable year, retired veterans would see a 20 percent reduction in their military income taxes. That amount would increase to 35 percent in 2012 and 55 percent in 2013 taxable years.

In 2014, if the number of retired veterans claiming the tax break is at least 1,000 greater than the number claimed in 2011, the phase-in rate would increase each year until 75 percent of their military retirement pay is not taxable. Ultimately, if the number of veterans receiving the tax break reaches 2,000 more than those who claim it in 2011, then 100 percent of military retirement pay would not be subject to state income taxes.

A companion, SF41, sponsored by Sen. Ted Daley (R-Eagan), awaits action by the Senate Taxes Committee.

Former Rep. Dan Severson told members that, in a state-by-state comparison,



Minnesota should have about 32,000 retired military living here, but there are only an estimated 15,000.

"We should be bringing in half a million just from pensions," Severson said. Military retirees are highly mobile and do their research. One of the first things they are told when exiting military life is which states would tax their pension, Severson said.

— S. HEGARTY

### VFW tax exemption moves forward

In many rural communities a VFW or American Legion post serves more than area veterans. Part of a community's social fabric, its building offers a place for wedding receptions, birthday parties and lawful gambling for local charities, according to Rep. Tom Anzelc (DFL-Balsam Township).

"I am really concerned about losing these facilities," said Anzelc, who sponsors HF99 that would exempt qualifying veterans' organizations from paying property taxes.

The House Veterans Services Division approved the bill Jan. 31 and referred it to the House State Government Finance Committee with a recommended referral to the House Taxes Committee. There is no Senate companion.

The economic downturn and the organizations' dwindling memberships contribute to declining receipts, and that leaves fewer charitable dollars for the community as well, Anzelc said.

Current law allows service organizations to take property tax deductions if their charitable donations are equal to their property taxes. If adopted, HF99 would supersede current law.

Rep. Tim O'Driscoll (R-Sartell) was reluctant to absolve the organizations of property taxes on larger tracts of unused land.

"I'm most concerned about the building, the post which includes the social portion of the veterans' organization. Excess property would definitely have to be addressed," Anzelc said.

— S. HEGARTY

### Tax collectors too aggressive?

State tax collectors have become more aggressive about pursuing uncollected revenue from individuals and businesses, a state official said.

Acting Commissioner Dan Salomone said the Revenue Department has seen a "dramatic shift" in recent years toward

"compliance initiatives" that seek to return more revenue through audits and enforcement actions. He said the department has done so at the direction of the Legislature and the governor's office.

"By and large, the department has shifted to a more aggressive stance on auditing and collecting," Salomone said.

He and other revenue officials gave an overview of the department's operations to members of the House State Government Finance Committee Feb. 1. No action was taken.

Beginning in the 2002-2003 fiscal biennium, the department has undertaken a series of tax compliance initiatives to capture uncollected revenues by boosting the department's audit and collection staff. For example, the department spent \$9.7 million in fiscal years 2002-2003 and was able to return \$97.2 million in revenue — a 10:1 return on investment.

Over several years, however, the ratio has decreased. In the current fiscal biennium, a \$10.4 million compliance effort is projected to return only \$41.5 million. Moreover, Salomone said some taxpayers have complained that the department is now being too heavy-handed.

"As we get relatively more aggressive in our compliance activity, we run the risk of pitting revenue goals against customer service," he said.

Rep. King Banaian (R-St. Cloud) suggested the compliance initiatives might have "gone too far" in interfering with businesses ability to be productive. But Rep. Steve Simon (DFL-St. Louis Park) defended the practice, noting that many compliance actions are initiated by individuals and businesses claiming inappropriate deductions.

— N. BUSSE

## Transportation

### A bridge to honor Arianna

On June 16, 2006, 7-year-old Arianna Macnamara was on a bike ride with her family.

The pedestrian path they were riding on along one side of Highway 14 stopped, forcing riders to continue their trek on the other side of the highway.

Drivers in three of the four lanes stopped to let the bikers cross.

"Somebody who was not paying attention went through and collided with Arianna Macnamara, who was crossing there," said Rochester City Councilman Michael Wojcik. "She unfortunately passed away shortly thereafter."

Sponsored by Rep. Tina Liebling (DFL-Rochester), HF93 would designate the new pedestrian bridge over Highway 14 the "Arianna Celeste Macnamara Memorial Bridge." The bill was held over Feb. 2 by the House Transportation Policy and Finance Committee for possible omnibus bill inclusion. However, Committee Chairman Michael Beard (R-Shakopee) said if no omnibus bill is put together, he'd seek to move the bill forward on its own.

A companion, SF188, sponsored by Sen. David Senjem (R-Rochester), awaits action by the Senate Transportation Committee.

Already open, the three-quarter-mile pedestrian bridge will eventually connect the Douglas State Trail, one the most heavily used bicycle trails in the state, to downtown Rochester. "As a city council, we discussed this and unanimously decided it would be appropriate to name this bridge in honor of this young girl," Wojcik said. He said the family was on board with the idea, and her little brother cut the ribbon on the bridge dedication.

However, Wojcik said state approval is needed to put some state-approved, privately funded signage along the highway, and it needs to be officially dedicated by both the state and the city.

— M. COOK

### Websites To Note

**House of Representatives:** [www.house.mn](http://www.house.mn)

**Senate:** [www.senate.mn](http://www.senate.mn)

**Legislative home page:** [www.leg.mn](http://www.leg.mn)

**Governor's office:** [mn.gov/governor/](http://mn.gov/governor/)

**State Government:** [www.state.mn.us](http://www.state.mn.us)

**Find out who represents you:**

[www.leg.state.mn.us/leg/Districtfinder.asp](http://www.leg.state.mn.us/leg/Districtfinder.asp)

**Legislative meeting schedule:**

[www.house.leg.state.mn.us/hinfo/hinfosched.asp](http://www.house.leg.state.mn.us/hinfo/hinfosched.asp)

### Frequently called numbers

Area code 651

**House Public Information Services** ..... 296-2146

**Toll-free** ..... 800-657-3550

**Chief Clerk of the House** ..... 296-2314

**House Index** ..... 296-6646

**Senate Information** ..... 296-0504

**Toll-free** ..... 888-234-1112

**Secretary of the Senate** ..... 296-2344

**Voice mail/order bills** ..... 296-2343

**Senate Index** ..... 296-5560

# Repeal of Green Acres

The issue: 'A farm is a farm is a farm'

By SUE HEGARTY

**F**armers in Chisago County are clear-cutting their land to avoid paying higher tax rates as a result of 2008 changes to the Green Acres tax laws.

Green Acres is financially benefitting land speculators who buy farmland, only to resell it to developers for a profit; meanwhile, the rest of the taxpayers in the district must assume the tax debt the investor avoided.

These are some of the issues prompting legislators to again retool the Green Acres law. The House Agriculture and Rural Development Policy and Finance Committee is expected to hear testimony Feb. 8

before they consider amendments and vote on HF12, sponsored by Rep. Mike LeMieur (R-Little Falls). The bill was laid over Feb. 3.

"We do not want to slam this thing through. We want to get it in the best shape that we can," said Committee Chairman Rod Hamilton (R-Mountain Lake).

Green Acres is a tax equalization program. Its original intent was to allow farmers to

continue farming and not be taxed off their land. Isanti County farmer Ron Drude remembers helping craft the initial law in the 1960s when utilities cut through Wright

County farms. The development increased land assessments, which became payable when they sold the land.

A 2008 report by the Office of the Legislative Auditor found several problems with the program. In some instances, the tax benefit was applied to wetlands and hunting and recreation land, and the program had morphed into unintended consequences. So legislators that year created a

rural preserve program whereby non-productive land, or untilled farmland, would be classified as rural vacant land. They applied a 10-year covenant and required a conservation plan. Three years of back taxes were due at the time the land was sold.

Hence, the reason farmers are cutting down tree stands and converting them to tillable soil.

Farmers voluntarily enroll

and once enrolled, the program cuts property taxes in half, or three-fold in some instances.

Now legislators want to remove the covenant restrictions and the need to do

a conservation plan. But that leaves the three-year tax payback, which may not deter land speculators from gobbling up prime farmland for development, according to Rep. Rick Hansen (DFL-South St. Paul). He'd like to see the tax penalty raised to five years for any new program enrollees. Previous participants would be grandfathered in at the three-year requirement.

"With removing the covenant one of the concerns we have is there could be unintended consequences in terms of what happens," Hansen said. "People could be getting into the land business whose intent is not to be protecting the farmland, but for banking that land."

But Rep. Paul Anderson (R-Starbuck) opposed raising it to five years.

"The average age of farmers is 58-60. He may want to retire and sell. I think five years is too long," Anderson said.

Realtors and assessors agree with Anderson, but for a different reason. They'd rather keep the law simple by having one uniform payback period for everyone, regardless of when they entered the program.

When the two-tiered classification system was created, determination of what is farmland was left to county assessors; therefore, there are discrepancies statewide. Farmers who use conservation methods on their land, such as wetlands or tree stands feel penalized by the two-tiered tax rate. Drude would like to see the program return to just one classification.

"A farm is a farm is a farm and trying to chop it up into pieces of a, b, c and d isn't necessarily helpful to the farmer," he said.

Absent from the two days of testimony were property owners whose taxes were raised as a result of their neighbors enrollment in the Green Acres program. In 2009, Green Acres shifted an estimated \$55 million to taxpayers who live near land enrolled in the program.

The Senate Taxes Committee has not taken action on the companion bill, SF37, sponsored by Sen. Paul Gazelka (R-Brainerd).



**"The average age of farmers is 58-60. He may want to retire and sell. I think five years is too long."**

— Rep. Paul Anderson  
R-Starbuck



**"People could be getting into the land business whose intent is not to be protecting the farmland, but for banking that land."**

— Rep. Rick Hansen  
DFL-South St. Paul

# A healthier Minnesota

Long-term savings the goal of statewide improvement plan

BY PATTY OSTBERG

**M**innesota House and Senate members and staff are entering into a voluntary weight-loss competition they hope will encourage all Minnesotans to adopt a healthier lifestyle. Encouraging statewide lifestyle changes falls in the footsteps of Minnesota's Statewide Health Improvement Program (SHIP) that was signed into law in 2008.

Health Commissioner Dr. Edward Ehlinger told the House Health and Human Services Reform Committee Jan. 25 the \$47 million initiative is based on the Centers for Disease Control and Prevention's Steps Program. From 2003 to 2009, 40 community programs were implemented to reduce obesity, diabetes, asthma and other health risks.

"(The CDC's program) has shown to be effective in ways of addressing chronic illnesses and changing behaviors. Minnesota is the only model in the country doing the program, and has an economic model that shows you can save money," Ehlinger said.

Assistant Health Commissioner Craig Acomb said the state was looking at "9 to 10 percent annual increases in health

care costs" before SHIP launched last year.

Grants have been awarded to 53 community health boards that cover all 87 counties and eight tribal governments. Local control and decision making has proven to be a successful part of the program, said Acomb.

Even though \$47 million sounds like a significant investment, it's only \$3.83 per person that we're investing in the health of individuals here in Minnesota, Acomb said. "An ounce of prevention is worth a pound of cure. ... We believe that this investment, based on the research and data, is going to produce significant savings and a healthier population."

Rep. Thomas Huntley (DFL-Duluth) said the initiative came from the governor's 2008 Health Care Transformation Task Force. If the Legislature had implemented all task force recommendations it "would have saved eventually 20 percent in health care costs, and half of that due to public health activities," he said.

"Big business really understands the importance of healthy behavior of their employees, and they put a lot of money into it. If they're putting money into it you can bet that they know it pays off in the long run," Huntley added.

Rep. Glenn Gruenhagen (R-Glencoe) said while the goals of the initiative are "laudable," he questioned the government's role. "Government tends to be the most expensive and inefficient way to deliver any product or service," he said, adding that sometimes results don't grow as fast as costs.

"A big part of that program is the measurement of the results," Huntley responded. "We're not just giving them money, they have to show what they are doing works."

Rep. Steve Gottwalt (R-St. Cloud) said one of the unique and strong aspects of the SHIP program is the partnering with community-based initiatives and businesses. "This is not just a state program — that was very intentional." Grassroots efforts tend to be more sustainable and have better participation rates, he added.


"We rank as one of the healthiest states, and I hope that we can continue to maintain that healthy status and improve it," Ehlinger said. "Public health is one of the best investments we could ever make." 



PHOTO BY TOM OLMSCHIED

House and Senate legislators and staff are competing in a "Biggest Loser" challenge. Some exercisers use the underground Capitol Complex tunnel system to get in their daily dose of activity.



# No access for all

Report says more oversight needed of state-funded non-emergency transportation

BY PATTY OSTBERG

**T**he Department of Human Services uses contractors to help transport about 253,000 Medicaid recipients to and from health care providers as required under federal law at the cost of \$38 million in fiscal year 2010. The majority of the recipients covered tend to have more disabilities and are harder to serve than those in managed health care plans.

“Decisions about health and human service programs are some of the most important and challenging decisions being made ... human lives, families and communities are directly affected,” Legislative Auditor James Nobles told the House Health and Human Services Finance Committee Feb. 1. These programs are costly and with many government layers it becomes necessary to examine how they operate, he said.

An evaluation report released Feb. 1 shows several areas where the department is failing, including: a duplicative and confusing administrative structure; very few formal and written policies regarding how the program should be administered and how decisions are made; poor program monitoring and oversight; and hiring an outside contractor to determine program eligibility has reduced some costs, but due to data limitations, it couldn’t be determined whether the total savings outweighed the costs of hiring a contractor.

“The department welcomes this recommendation wholeheartedly,”

said Christine Reisdorf, a benefits and policy manager at the Human Services Department. “We know that the current system is confusing and inconsistent.” She said a proposal should be presented to the 2012 Legislature to address the issues.

The two major types of non-emergency transportation the state funds include access

***The two major types of non-emergency transportation the state funds include access transportation and special transportation. Both get “people to and from medical appointments using the least expensive type of appropriate transportation,” but qualification depends on the level of need.***

transportation and special transportation. Both get “people to and from medical appointments using the least expensive type of appropriate transportation,” but people qualify for one or the other depending on their level of need, said Jo Vos, a program

evaluation manager with the legislative auditor’s office. Some recipients flip-flop between the two types because needs change within a day, for example if they can wheel themselves into a clinic for surgery but need additional assistance after the appointment.

This can be a particular problem for Greater Minnesota.

“Outstate counties often have problems finding appropriate access transportation


providers who can transport people in motorized wheelchairs,” Vos said. But the recipient isn’t eligible for special transportation because they don’t need the assistance of a driver, which would be required, and thus denied service. When Medical Assistance recipients have appealed the service denial, judges have sometimes ruled in favor of the recipient and sometimes for the department, Vos said. Additionally, if guidelines or policies change, the department didn’t notify previously denied recipients that they may now be eligible.

Rep. Patti Fritz (DFL-Faribault) said the report “certainly does tell the story that many of us in Greater Minnesota were trying to relay. I’ve heard so many times from my drivers that would travel great distances to drop a person off, but they are not compensated when a recipient isn’t in the vehicle.”

Vos said Medical Assistance rules don’t allow payment for time a recipient isn’t in the vehicle. “That doesn’t prevent the state or the county from using money from other pots to reimburse for those ‘no load’ miles.” It’s the No. 1 problem Greater Minnesota counties have in finding people willing to drive those unpaid miles, she added.

The report recommends the department develop alternative reimbursement methods to help compensate those in Greater Minnesota where the problem is great.

While contracting has reduced certain transportation costs, the total savings are unclear, Vos said. For example, 11 counties in the Twin Cities metropolitan area took over a contract in 2009 for basically the same services the department was contracting for, resulting in about \$2 million less in administrative fees.

“Every dollar is precious when we are trying to deliver these services to people who need them and I just hope we see some real changes,” said Rep. Steve Gottwalt (R-St. Cloud). 

# Leaving a legacy

Recipients report outcomes of dedicated tax appropriations

BY SUE HEGARTY

**T**he Clean Water, Land and Legacy Act collected more than \$229.9 million in sales tax receipts during 2010, its first fiscal year.

Approved by voters in 2008, the constitutional amendment allows for a three-eighths of one percent increase in the sales tax to be appropriated annually until 2034, divided into four pots: Outdoor Heritage Fund, Arts and Cultural Heritage Fund, Clean Water Fund, and the Parks and Trails Fund.

So what did Minnesotans get for their Legacy tax dollars?

### Outdoor Heritage Fund

The Lessard-Sams Outdoor Heritage Council and other fund administrators developed a 25-year framework for using the Legacy funds.

"So the concept is if you find a program that is achieving the objectives that you have as a council, invest in that over and over and over again so that you achieve those objectives after 25 years," said LSOHC Executive Director Bill Becker to the House Legacy Funding Division Jan. 25.

So far, 42 Outdoor Heritage projects received appropriations, including acquiring new land for conservation.

Among the outcomes, \$34 million was added to \$9 million in private funds to purchase a permanent conservation easement on 187,876 acres of the Blandin industrial forest land near Grand Rapids.

"That property probably would never have been acquired, but for the Legacy dollars," Conservation Minnesota government relations associate John Tuma said. "When we look at that effort, it will be akin to the Vermilion State Park or the Boundary Waters. It's that significant."

### Arts and Cultural Heritage Fund

Projects funded by the Arts and Cultural Heritage Fund will be showcased during community events in several cities during Legacy Destination Weekends. Alexandria and Glenwood will be showcased Feb 11-13, offering a Polar Plunge, minnow-eating contest, a wine and chocolate tasting, candlelight skiing, guided tours of the Ann Bickle Heritage House and live theater. Future showcases include: St. Paul, Crookston, Bemidji, Lanesboro, Winona, Rochester, Park Rapids, Fergus Falls and Cook County.

"Great things in both the outdoors and the arts are happening in every corner of the state because of the Legacy Amendment and we want Minnesotans to know how they can participate," said Sheila Smith, executive director of Minnesota Citizens for the Arts.

The Minnesota History Coalition was formed after passage of the Legacy Amendment. The coalition held town hall meetings and presented its recommendations to the Legislature for appropriating 19.75 percent of the overall Legacy funds.

The Minnesota Historical Society received \$22 million, which it divided into grants, programs, projects, exhibits, archaeological surveys and a digital library. MHS awarded 474 grants to 343 organizations and all 87 counties benefitted from the ACHF funds.

The money helped train more than 5,000 history and social studies teachers. And more than 100,000 students directly benefitted from offerings funded in part by the Legacy funds, said MHS Director Michael Fox.

Another funded project is helping to preserve the Dakota language, indigenous to Minnesota. Only eight people are believed to know the nearly extinct oral language, according to Annamarie Hill-Kleinhan, executive director of the Indian Affairs Council.

When Mark Ranum, a professional library and non-profit consultant, told members about a Legacy-funded program that paid a Minnesota book author \$45,000 to speak at an Author Expo attended by 500 people, some members expressed their dissatisfaction.

Rep. Joyce Peppin (R-Rogers) said she finds the fee paid "utterly offensive." Rep. Denny McNamara (R-Hastings) and Division Chairman Dean Urdahl (R-Grove City) asked for an accounting of the amount the seven authors were paid.

### Clean Water Fund

The Pollution Control Agency monitors water bodies, while the Board of Water and Soil Resources takes the PCA assessments and implements on-the-ground projects. More than \$18 million in Legacy funds was added to clean up Minnesota's streams, lakes, watersheds and groundwater.

Flood control is another mission. Water impoundment structures are being installed for the Zumbro River in Minneola Township and Goodhue County. Previous floods caused loss of life and damage to private and public property. Eight impoundment structures are expected to reduce flooding and to prevent soil erosion, according to BWSR.

### Parks and Trails Fund

One strategy of the 25-year Parks and Trails Fund plan is to connect more residents with nature. Some of the ways included hiring 34 naturalists, providing camping workshops, and offering free use of equipment, such as fishing poles, binoculars and GPS units for geocaching.

The DNR also restored native plants on nearly 1,400 acres of state park land at an accelerated rate of 71 percent, fulfilling another strategy to better manage natural resources at a faster rate than in the past.



## From volunteer advocate to member

Anderson now has an office in building she used to roam as activist

By **MIKE COOK**

As a family law volunteer advocate, Rep. Diane Anderson (R-Eagan) spent more than two decades in the hallways of the State Capitol and offices of elected officials.



**Rep. Diane Anderson**

Now, paid and unpaid lobbyists come to see Anderson.

"This is like a dream job," she said. "It's like I can't believe I'm really here. When you're trying to get legislation through, and now you can actually help. You get to have more contacts, more influence as a legislator. I can meet with judges more. I can meet with people more."

Anderson, who served two years on a Supreme Court child support and visitation task force, also served on a Department of Human Services' child support guidelines

task force. "I know what it's like to testify and line up testimony and try to work with the House and Senate to get a bill passed.

"Those experiences were really good for me because I'm not just a freshman. I know how the process works down here and it's really important to have those relationships with both sides. I feel I'll be a really good asset to my citizens because they want people who can work with the other side so we're not fighting down here."

Anderson beat former Rep. Sandra Masin by 5.4 percent to take over the seat that represents about one-third of Eagan and about one-fifth of Burnsville. Masin beat Anderson by 5.1 percent in 2008.

A mediator by trade, Anderson ran on the platform of "Common Sense Leadership for Common Sense Reform!"

"We want to reform the way government is providing services as much as we can. I

### DISTRICT 38A

Population (2009 est.): 37,688

Largest City: Eagan

County: Dakota

Top Concern: Helping businesses thrive in Minnesota

think we need to look more at the outcomes of programs. Are they working?" Anderson said. "We need to try and get government out of things and move things more to the private sector."

She serves on the House Commerce and Regulatory Reform, House Health and Human Services Finance and House Judiciary Policy and Finance committees.

"Our goal is to provide great, quality service but at a lower price," she said.

## Cutting through the red tape

Benson hopes to reduce bureaucracy, empower people

By **NICK BUSSE**

When Rep. Mike Benson (R-Rochester) says too many rules and regulations can get in the way of efficiency, he speaks from experience. He spent 31 years in the U.S. Postal Service, working his way up from a clerk to a district manager in Pennsylvania.



**Rep. Mike Benson**

"In the postal service, we had a manual for everything, and it tied both managers and employees down to not being creative in terms of getting the job done," he said.

Benson believes his experience gives him some unique insights into the inner workings of government. As a legislator, he hopes to apply that experience to help Minnesotans to innovate and be more productive.

"We need to empower folks, and the more government you have, the more restrictions you pile on them, the less empowered they are to get the job done," he said.

Benson, who now teaches business courses at Crossroads College in Rochester, has been a Republican since his first vote, which was for Gerald Ford in 1976. He finds inspiration in famous Republicans from Abraham Lincoln to Ronald Reagan. He ran for office because he believes the current crop of political leaders, both nationally and in the state, have been moving things in the wrong direction. He worries what life will look like for future generations.

"I have four grandchildren, and I want to pass on to them a quality of life that I think is better than mine, and I felt that was in jeopardy," he said.

Benson's district includes part of Rochester, but also many rural areas. He said many of his

### DISTRICT 30B

Population (2009 est.): 38,014

Largest City: Rochester

Counties: Olmsted, Wabasha

Top Concerns: Fixing the budget deficit, easing regulatory burdens, increasing jobs

constituents are anxious about the economy, and he hopes the Legislature will encourage business growth that will bring more jobs to the state. He also hopes getting spending under control will lead to a more vibrant private sector.

"We are a great country still, and we'll become greater as long as we allow people to be as creative and productive as they can," he said.



# Following Willard Munger's trail

Gauthier strives to give voice to working class

By KRIS BERGGREN

As one of just three new House members from the DFL party, Rep. Kerry Gauthier (DFL-Duluth) is the lone male, but he finds



Rep. Kerry Gauthier

solidarity by checking in with Rep. Rena Moran (DFL-St. Paul), whose office is next to his, and Rep. Marion Greene (DFL-Mpls) whom he sees a bit less frequently.

"It was odd during retreat time," he said, referring to new member orientation activities. "A lot of people assumed I was a Republican." It's also different from his term on the Duluth City Council, which he said was "high profile," including a clash with the mayor over public utilities commission regulation.

Gauthier said he's felt welcome by majority members and is already working with Rep.

Steve Smith (R-Mound) on a bill that would address human trafficking issues, including a proposal to arrest "Johns" as well as offenders in prostitution cases.

Gauthier calls District 7B "a working man's district" where 47 percent of his constituent households earn less than \$25,000 a year. He said it reveals traditional DFL values: protecting the role of unions; putting the brakes on local government aid cuts that could prompt property tax increases; and preserving access to higher education through financial aid and avoiding tuition hikes.

"We only expect you to stand up and tell the truth," is how he characterizes his constituents' expectations. "And that's what they'll get."

Gauthier is on leave from his job as rehabilitation director for a private chemical dependency treatment facility.

To relax, Gauthier likes to walk with his three dogs along the waterfront near his home, and pursue his hobby of photography.

## DISTRICT 7B

Population (2009 est.): 38,183

Largest City: Duluth

County: St. Louis

Top Concern: Giving voice to working people's issues

His office walls are adorned with photos of Duluth area landscapes, urban scenes and nature, many his own work.

One image is of a wooden bridge on the Western Waterfront Trail along the St. Louis River, which starts just below The Willard Munger Inn and links with the Willard Munger State Trail, a bike path named for the former representative, social activist and environmental champion who served the same West Duluth district Gauthier now represents.

"I am proud to be able to follow him," Gauthier said.

# Charting her own course

Kieffer focuses on better schools and business climate

By PATTY OSTBERG

Rep. Andrea Kieffer (R-Woodbury) can be described as her own legislative navigator.



Rep. Andrea Kieffer

She admits to being inexperienced about the political process, and when she initiated her run for office, she didn't know the role of a convention delegate.

While some legislators have held local government positions before state election, she said that being a representative doesn't mean you first have to have a resumé of government jobs. "I think it needs to be a resumé of showing that you are willing to take leadership roles, follow through, do the work and get it done," she said.

Kieffer, her husband John, and their two children have moved in and out of Minnesota over the years, including a stint working overseas in Singapore and Budapest. In Budapest, she helped charter a new educational direction on issues facing the American International School, such as academic standards and proper supervision in the school. She's always gotten involved in whatever community she is living, and said it has given her a broad view of handling different situations and problem solving.

Kieffer saw a need for someone to challenge the DFL incumbent in her district because that party seemed to be saying, "The only solution was to increase taxes or borrow more money. ... Nobody was stepping up the plate, so I said, 'I'll do it.'"

Education reform and helping small

## DISTRICT 56B

Population (2009 est.): 47,493

Largest City: Woodbury

County: Washington

Top Concerns: Education reform and commerce reform

businesses grow are issues that are most important to her district. "I think it's going to be private sector business development and growth that's going to take us out of this recession," she said.

She supports alternative teacher licensure. "I don't believe throwing more money into a bad system is the answer."

She also supports changes to teacher tenure. "There's no other job that I can think of that there's an absolute guarantee that you're gonna keep your job."

Kieffer's overarching motivation is her children's future. "When they have a good future, everyone else does too. I want to raise the level for everybody."

# The 'beet' goes on

Kiel brings agricultural, educational experience to Capitol

By SUE HEGARTY

If at first you don't succeed, try, try again. Sugar beet farmer Lonn Kiel ran three unsuccessful campaigns against longtime



Rep. Debra Kiel

Rep. Bernie Lieder. No surprise there, since Lieder was a respected leader and Lonn was forced to choose between door-knocking or getting his sugar beets out of the field. He chose the latter, his livelihood.

Then the Kiels changed their strategy. Debra Kiel, Lonn's wife, a member of the Crookston School Board, filed for state office instead. "I normally do work in the field, but this year I didn't," she said. Their son, Christian, also works in the family business.

She thinks political sentiment played a role

in her successful bid. "While (Lieder) was well-liked on both sides of the fence, I think the feeling was it was time for a change," she said. Lieder served 13 terms.

Longtime Republican Party activists, the Kiels started dating when they both worked on former U.S. Congressman Arlan Stangeland's campaign.

Debra's experience in agriculture and education landed her seats on the House Agriculture and Rural Development Policy and Finance and the House Education Reform committees.

She supports alternative pathways to licensure for teachers.

"I found it really frustrating that there were mandates, control over what we ourselves can work on as the local school board or township," she said. "We actually have an instructor in our school that we let go every May. She resigns and we hire her back

| DISTRICT 1B   |
|---|
| Population (2009 est.): 35,915  |
| Largest City: Crookston   |
| Counties: Marshall, Pennington, Polk, Red Lake                            |
| Top Concern: To have the freedoms to be productive in Northwest Minnesota |

every August because she has a licensure to fill an early childhood spot within her social work license, but not the education portion of it. We advertise for that instructor every year and she's the only one to apply."

Kiel also serves on the House Transportation Policy and Finance Committee and is vice-chairwoman of the House Legacy Funding Division.

In addition to Christian, the Kiels have three other children; their ninth grandchild is due very soon. Both she and Lonn are Crookston natives. Her great-great-grandfather, John Perry, served in the House from 1921-1922. He also was a Polk County farmer.

# A soldier on a new mission

Kriesel hopes to bring civility to the Capitol

By NICK BUSSE

For being a self-proclaimed ordinary "working class guy," Rep. John Kriesel (R-Cottage Grove) has an extraordinary story to tell. Even a mere reciting of the facts is astonishing.



Rep. John Kriesel

A decorated veteran of the Minnesota National Guard, Kriesel lost both of his legs to a 2006 roadside bomb attack that also claimed the lives of two

of his friends in Fallujah, Iraq. He died three times on an operating table, underwent 35 surgeries at four different hospitals, and spent nine months in rehabilitation at Walter Reed Army Medical Center in Washington, D.C.

Painful though the experience was, Kriesel

said it made him a better man. He learned to prioritize the things that matter to him — his wife and two sons — and ignore the little things that people let themselves get worked up about.

"It completely changes your life and changes your mindset — in a good way. I'm much happier than I've ever been in my entire life," he said.

At Walter Reed, Kriesel also met then-U.S. Sen. Norm Coleman, who gave him an internship. After his stint at the Capitol, Kriesel, who said his reverence for the political process can be traced to a high school class he took on American government, got infected with the political bug.

As a state representative, he hopes to bring a sense of civility and bipartisanship to a sometimes "toxic" political environment that he said turns off many people. He said he's

| DISTRICT 57A                                      |
|---|
| Population (2009 est.): 39,513                    |
| Largest City: Cottage Grove                       |
| Counties: Dakota, Washington                      |
| Top Concerns: Balancing the budget, creating jobs |

been encouraged by what he's seen so far at the House.

"Sometimes the view you get on TV is that they all hate each other, and they don't," he said.

Like most of his colleagues, Kriesel's focus this year will be on balancing the budget and on trying to grow jobs in the state. He hopes to show that lawmakers can work together, regardless of their differences, toward common goals.

"When I was in the military, it didn't matter what the mission was. We worked together to get the job done," Kriesel said.

# Standing up to Goliath

Schomacker's district on the frontline of keeping business

By **LEE ANN SCHUTZ**

Sioux Falls, S.D. stands like a Goliath over the southwest Minnesota district of Rep. Joe Schomacker (R-Luverne). He's up for the fight to streamline regulations and improve the business climate so more businesses will not jump over the state line.



**Rep. Joe Schomacker**

Take for instance in his hometown. The public relations consultant said there are businesses that retain the Luverne name but have moved to South Dakota because of the tax and regulatory climate.

Born and raised in Rock County, Schomacker is also well aware of the important role that agriculture plays in

that part of the state. He is concerned that regulations are putting farmers and processors at a competitive disadvantage, something he hopes to fix as member of the House Agriculture and Rural Development Policy and Finance Committee.

He cited an example of a farmer in his district who told him the Rock River is considered contaminated on the Minnesota side, and a few miles down, where it crosses into Iowa, it is not. "They rate it at such a different level. He wants to know how there can be different standards for what is considered contaminated," Schomacker said.

The state's trucking regulations are harming livestock producers and also need to be addressed, he said. "It is more cost-effective for producers to ship their livestock across the state line for processing then to keep it in the state."

But it is the issues faced by rural nursing

| DISTRICT 22A  |
|---|
| Population (2009 est.): 34,465                      |
| Largest City: Luverne                               |
| Counties: Murray, Nobles, Pipestone, Rock           |
| Top Concerns: Agriculture, water, regulatory issues |

homes that top his priority list. Once again, Sioux Falls comes into the picture.

"Our nursing homes need to be staffed adequately, and employees need to be paid a decent wage," he said. "They can get \$3 to \$4 more an hour in Sioux Falls, so are we getting second-best?"

At 24 years old, Schomacker is the youngest House member, and for him there are a lot of firsts. This was his first run for public office; he purchased his first house last week; and he just completed his masters degree program.

He also serves on the House Health and Human Services Finance, and the House Judiciary Policy and Finance committees.

# Politics with his pancakes

Woodard goes from breakfast with his buddies to the House

By **MIKE COOK**

In the corner of many cafes and coffee shops across the state is a group of local folks discussing current events.



**Rep. Kelby Woodard**

Rep. Kelby Woodard (R-Belle Plaine) is one of them. Now, his friends can talk about his performance representing them.

"There were 15 of us and most of the time we talk about high school basketball or football or St. Thomas football. Sometimes, we'd talk politics. Out of that group it became, 'You oughta run,' and I said, 'I think I will.' I went home after that breakfast and told my wife, 'Let's put up a website.' She wasn't surprised because she knew someday I might do that, but the

timing was a bit of a surprise. ... I'm glad I did it."

Woodard, who had never run for public office, brings a global perspective to his seat.

With his criminal justice degree, Woodard began his career working for U.S. Customs Services before moving to the Target Corporation. There, he started by catching shoplifters and progressed to director of global security where he handled all the overseas operations from a security standpoint. About six years ago, he and another security director began Trade Innovations, a global security consulting company. "We handle everything from executive protection overseas to issues related to supply-chain security and, really, about everything in-between," Woodard said.

That background helped him land the vice-chairman position on the House Public Safety and Crime Prevention Policy and Finance Committee.

| DISTRICT 25B  |
|---|
| Population (2009 est.): 45,545                      |
| Largest City: Northfield                            |
| Counties: Rice, Scott                               |
| Top Concern: Balancing the budget without new taxes |

A father of four school-aged children, Woodard also serves on the House Education Finance and Reform committees. He gets an earful about the issues at the dinner table.

His oldest child is a ninth-grader at St. Thomas Academy, the second-oldest attends Belle Plaine Junior High and the two youngest are in a Catholic elementary school.

Among the issues he'd like to address are alternative pathways to teacher licensure and funding inequities between districts. "Education is a big issue for me, and a large issue for our district," he said. "There's a lot of emotion and interesting innovate ideas surrounding it."



# BILL INTRODUCTIONS

JANUARY 31 - FEBRUARY 3, 2011

HOUSE FILES 261 - 364

## Monday, January 31

**HF261-Benson, J. (DFL)**

**Environment, Energy & Natural Resources  
Policy & Finance**

Narrow-leaved cattail mechanical control allowed without an aquatic plant management permit.

**HF262-Mack (R)**

**Health & Human Services Reform**

Community paramedics added to the list of community health workers.

**HF263-Bear (R)**

**Environment, Energy & Natural Resources  
Policy & Finance**

Baytown groundwater contamination Superfund site; Pollution Control Agency erroneous assessments, costs and payments refund required.

**HF264-Urdahl (R)**

**Civil Law**

Personal Responsibility in Food Consumption Act; Certain persons immune from civil liability for weight gain as a result of food or nonalcoholic beverage consumption.

**HF265-Benson, M. (R)**

**Public Safety & Crime Prevention  
Policy & Finance**

Olmsted County; Southeastern Minnesota Regional Public Safety Training Center previous appropriation modified.

**HF266-Morrow (DFL)**

**Transportation Policy & Finance**

Rail service improvement program funding provided.

**HF267-Morrow (DFL)**

**Transportation Policy & Finance**

Local road improvement program funding provided.

**HF268-Morrow (DFL)**

**Transportation Policy & Finance**

Local bridge replacement and rehabilitation funding provided.

**HF269-Downey (R)**

**Education Reform**

Teacher contract qualified economic offer provided.

**HF270-Erickson (R)**

**Government Operations & Elections**

Department of Natural Resources, Ojibwe bands and Great Lakes Indian Fish and Wildlife Commission meetings regarding 1837 treaty rights subject to open meeting law.

**HF271-Liebling (DFL)**

**Government Operations & Elections**

Tax Expenditure Advisory Commission created, and review and sunset of tax expenditures provided.

**HF272-Nornes (R)**

**Health & Human Services Finance**

Otter Tail County; two nursing facilities' operating payment rate increase provided.

**HF273-Woodard (R)**

**Education Reform**

Students at low-performing schools enrollment options established.

**HF274-Davids (R)**

**Taxes**

Qualified farm and business property tax exemption provided.

**HF275-Davids (R)**

**Taxes**

Estate taxation changes in federal exemption conformed.

**HF276-LeMieur (R)**

**Environment, Energy & Natural Resources  
Policy & Finance**

Camp Ripley/Veterans State Trail acquisition and development funding provided.

**HF277-Hansen (DFL)**

**Jobs & Economic Development Finance**

South St. Paul; floodwall pumping station replacement grant funding provided.

**HF278-Hayden (DFL)**

**Health & Human Services Reform**

Children with autism spectrum disorders medical homes created.

**HF279-Hayden (DFL)**

**Health & Human Services Reform**

Council on East African Minnesotans and ombudsperson for East African Minnesotans created, and appointment of members and funding provided.

**HF280-Hayden (DFL)**

**Government Operations & Elections**

Postretirement option eligibility provisions modified.

**HF281-Carlson (DFL)**

**Government Operations & Elections**

State primary election returns canvassing time increased.

**HF282-McFarlane (R)**

**Government Operations & Elections**

Group insurance contract requirements clarified for changing benefits for employees covered by a collective bargaining agreement.

**HF283-Fritz (DFL)**

**Education Finance**

Minnesota state academies asset preservation funding provided.

**HF284-Fritz (DFL)**

**Higher Education Policy & Finance**

Faribault; South Central College classroom renovation and addition funding provided.

**HF285-Fritz (DFL)**

**Health & Human Services Finance**

Grave marker and memorial funding provided for deceased residents of state hospitals and regional treatment centers.

**HF286-LeMieur (R)**

**Transportation Policy & Finance**

Mini-truck registration and operation as all-terrain vehicle authorized.

**HF287-Hamilton (R)**

**Government Operations & Elections**

Mitochondrial Disease Awareness Week proposed.

**HF288-Downey (R)**

**Commerce & Regulatory Reform**

Tax credit provided for investment in start-up and emerging Minnesota businesses, and money appropriated.

**HF289-Lenczewski (DFL)**

**Taxes**

Property tax exemptions eliminated, preferences eliminated, foreign royalty subtraction repealed, subsidies taxed, definitions expanded, JOBZ and related industries modified, development zones repealed, tax rates reduced, research credit repealed, foreign operating corporations repealed and apportionment formula repealed for mail order businesses.

**HF290-Lenczewski (DFL)**

**Taxes**

Individual income, corporate franchise and property tax refund conformed to provisions of federal law; corporate franchise tax rate reduced; foreign source income preferences eliminated; foreign royalty subtraction repealed; and foreign operating corporations repealed.

**HF291-McFarlane (R)**

**Health & Human Services Finance**

Maplewood; grant funding provided to design, renovate and equip Harriet Tubman Center East as a regional service center and learning institute.

**HF292-Anderson, D. (R)**

**Civil Law**

Child custody; parenting plans required by both parents.

**HF293-Urdahl (R)**

**Public Safety & Crime Prevention  
Policy & Finance**

Annandale Tactical Training Center funding provided.

**HF294-Kahn (DFL)**

**Commerce & Regulatory Reform**

State lottery director authorized to operate slot machines at the Minneapolis-St. Paul International Airport.

**HF295-Kahn (DFL)**

**Environment, Energy & Natural Resources  
Policy & Finance**

Brian Coyle Center renovation and expansion funding provided.

**HF296-Kahn (DFL)**

**Government Operations & Elections**

Lieutenant governor office abolished and constitutional amendment proposed.

**HF297-Kahn (DFL)****Government Operations & Elections**

State agency information technology system and service consolidated, and duties transferred to the Office of Enterprise Technology.

**HF298-Kahn (DFL)****Jobs & Economic Development Finance**

Department of Employment and Economic Development and Department of Labor and Industry abolished, Department of Commerce downsized, task force established, employee participation committee establishment required before agency restructuring and reports required.

**HF299-Quam (R)****Government Operations & Elections**

Executive branch agency retained savings program established.

**HF300-Erickson (R)****Education Reform**

Comprehensive eye exams recommended for early childhood development screening.

**HF301-Fabian (R)****Education Finance**

Operating capital revenue use expanded to include leasing vehicles, including school buses.

**HF302-Kiffmeyer (R)****Government Operations & Elections**

Picture identification required before voter receives a ballot, identification cards provided at no expense, provisional balloting procedure established, election administration procedures specified, electronic polling place roster use required, procedures related to recounts enacted and money appropriated.

**HF303-Peppin (R)****Government Operations & Elections**

Joint legislative office services required.

**HF304-Peppin (R)****Health & Human Services Reform**

Department of Human Services required to issue a request for proposals for a Medicaid fraud detection and business intelligence contract.

**HF305-Persell (DFL)****Commerce & Regulatory Reform**

Northern Township detached facility authorized.

**HF306-Westrom (R)****Public Safety & Crime Prevention Policy & Finance**

Emily's Law established, age lowered for adult certification and extended jurisdiction juvenile prosecution for juveniles, and violent juvenile offense defined.

**HF307-Clark (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Minneapolis; Phillips Community Center swimming pool renovation funding provided.

**HF308-Garofalo (R)****Education Finance**

Taconite distribution general education aid reduction restored.

**HF309-Anderson, S. (R)****Transportation Policy & Finance**

Interstate Highway 494 additional lane funding provided.

**Wednesday, February 2****HF310-Beard (R)****Commerce & Regulatory Reform**

Sales representative termination amended.

**HF311-Hayden (DFL)****Health & Human Services Reform**

Supplemental contracts authorized.

**HF312-Peterson, S. (DFL)****Commerce & Regulatory Reform**

Health insurers required to honor the patient's assignment of benefits.

**HF313-Peterson, S. (DFL)****Education Finance**

Alternative school year calendars encouraged and grants authorized.

**HF314-Dittrich (DFL)****Transportation Policy & Finance**

Highway 610 completion trunk highway bonds issued.

**HF315-Fritz (DFL)****Health & Human Services Finance**

Long-term care provider rate increases provided.

**HF316-Nelson (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Watercraft titling requirements modified.

**HF317-Abeler (R)****Taxes**

City of Ramsey; tax increment district special rules provided.

**HF318-Slawik (DFL)****Education Finance**

Special education percentage eligibility requirement adjusted for a charter school to receive the accelerated aid payment shift.

**HF319-Slawik (DFL)****Education Reform**

Minnesota children assigned a unique identification number at the time of birth, and parental opt-out allowed.

**HF320-Poppe (DFL)****Commerce & Regulatory Reform**

Long-term care insurance premiums increases prohibited without advance notice to policyholders and approval of the commissioner.

**HF321-Poppe (DFL)****Taxes**

Class 4c property classification requirements modified.

**HF322-Scott (R)****Civil Law**

Joint physical custody presumption established, Children's Equal and Shared Parenting Act created and parenting plans required.

**HF323-Hoppe (R)****Commerce & Regulatory Reform**

Residential real estate broker price opinion provisions regulated.

**HF324-Carlson (DFL)****Environment, Energy & Natural Resources Policy & Finance**

National U.S. Junior Olympic and Disabled American Ski Center funding provided.

**HF325-Hilty (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Carlton County; public sale authorized for tax-forfeited land that borders public water.

**HF326-Hilty (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Pine County; private sale of tax-forfeited land authorized.

**HF327-Hamilton (R)****Commerce & Regulatory Reform**

Microdistilleries authorized.

**HF328-Westrom (R)****Transportation Policy & Finance**

Elbow Lake Municipal-Pride of the Prairie Airport public seaplane base license issued.

**HF329-Holberg (R)****Education Reform**

Public school employees prohibited from using public funds and resources to advocate to pass, elect or defeat a political candidate, ballot question or pending legislation.

**HF330-Crawford (R)****Higher Education Policy & Finance**

Pine Technical College entrepreneurship and technology business incubator funding provided.

**HF331-Drazkowski (R)****Health & Human Services Reform**

MFIP drug screening eligibility required.

**HF332-Drazkowski (R)****Environment, Energy & Natural Resources Policy & Finance**

State-owned land acreage net increase prohibited.

**HF333-Moran (DFL)****Education Finance**

Extended time program funding restored.

**HF334-Westrom (R)****Legacy Funding Division**

Kensington Area Historical Society grant funding provided for development of a museum and heritage center.

**HF335-Brynaert (DFL)****Jobs & Economic Development Finance**

Mankato; expansion and remodeling funding provided for the Mankato Civic Center auditorium and Mankato Civic Center and All Seasons arenas.

**HF336-Lenczewski (DFL)****Taxes**

Cities allowed to impose local sales and use tax, and aid offset provided.

**HF337-Lenczewski (DFL)****Taxes**

County levies excluded in computing tax increment and making conforming changes.

**HF338-Lenczewski (DFL)****Taxes**

Tax increment financing districts or plans establishment and expansion prohibited.

**HF339-Kelly (R)****Education Reform**

Teacher employment contracts negotiation process identified.

**HF340-Holberg (R)****Civil Law**

Negligent conduct liability waivers prohibited.

**HF341-Greiling (DFL)****Education Finance**

Minnesota Management & Budget school district state-aid payment reduction requirement repealed.

**HF342-Murdock (R)****Civil Law**

Manufactured homes inspections provided and alternative design plans and reinstallation requirements modified.

## Thursday, February 3

**HF343-Atkins (DFL)****Commerce & Regulatory Reform**

Identity theft and fraudulent activities conducted electronically enforcement capability enhanced.

**HF344-Lanning (R)****Jobs & Economic Development Finance**

Public housing rehabilitation funding provided.

**HF345-Greiling (DFL)****Education Finance**

School finance system modified, new education funding framework created and income tax schedule changes made.

**HF346-McFarlane (R)****Education Finance**

School district account transfer authorized.

**HF347-Howes (R)****Transportation Policy & Finance**

Motor vehicle and driver's license transaction fees modified.

**HF348-Hackbarth (R)****Environment, Energy & Natural Resources Policy & Finance**

Decoy restrictions modified.

**HF349-Lillie (DFL)****Public Safety & Crime Prevention****Policy & Finance**

Maplewood; regional public safety training facility funding provided.

**HF350-Lillie (DFL)****Veterans Services Division**

Surviving spouses of disabled veterans' homestead tax exemption duration limitation removed.

**HF351-Lillie (DFL)****Veterans Services Division**

Honor and Remember Flag designated as the State of Minnesota's emblem of the service and sacrifice by those in the U.S. armed forces who have given their lives in the line of duty; Congress urged to pass a House Resolution to designate the Honor and Remember Flag for the same purpose.

**HF352-Eken (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Flood damage reduction projects implementation funding provided.

**HF353-Loon (R)****Judiciary Policy & Finance**

Commissioner of revenue official orders notice of appeal clarified.

**HF354-Slocum (DFL)****Transportation Policy & Finance**

Lindau Lane corridor funding provided.

**HF355-Kiffmeyer (R)****Education Reform**

Home school mandates reduced, and superintendents relieved of reporting requirements.

**HF356-Hilstrom (DFL)****Civil Law**

International interference cause of action established for the expectation of inheritance.

**HF357-Lenczewski (DFL)****Taxes**

Metropolitan fiscal disparities program repealed.

**HF358-Barrett (R)****Public Safety & Crime Prevention Policy & Finance**

Immigration law enforcement non-cooperation ordinances and policies prohibited, and immigration-related data use provided.

**HF359-Dill (DFL)****Taxes**

Motor vehicle paint and supplies imposition of sales tax clarified.

**HF360-Peterson, S. (DFL)****Education Reform**

School district requirement clarified that a school district is not required to provide educational services to students without disabilities from other states.

**HF361-Kriesel (R)****Public Safety & Crime Prevention Policy & Finance**

Fleeing a police officer crime modified.

**HF362-Kahn (DFL)****Civil Law**

Common interest community unit owners allowed to obtain copies of association records.

**HF363-Lenczewski (DFL)****Government Operations & Elections**

Former legislators, constitutional officers, agency heads and legislative employees prohibited from lobbying for legislative or administrative action for one year after leaving office.

**HF364-Lanning (R)****Health & Human Services Reform**

Detoxification services interstate contracts provided.

## Minnesota State Agencies

|                                 |              |
|---------------------------------|--------------|
| Administration .....            | 651-201-2555 |
| Agriculture .....               | 651-201-6000 |
|                                 | 800-967-2474 |
| Commerce .....                  | 651-296-4026 |
| Corrections .....               | 651-361-7200 |
| Education .....                 | 651-582-8200 |
| Employment and                  |              |
| Economic Development .....      | 651-259-7114 |
|                                 | 800-657-3858 |
| Enterprise Technology .....     | 651-296-8888 |
| Explore Minnesota Tourism ..... | 651-757-1845 |
|                                 | 800-657-3535 |
| Travel Info.....                | 888-868-7476 |
| Health .....                    | 651-201-5000 |
|                                 | 888-345-0823 |
| Higher Education Services.....  | 651-642-0567 |
|                                 | 800-657-3866 |

|                               |              |
|-------------------------------|--------------|
| Housing Finance Agency .....  | 651-296-7608 |
|                               | 800-657-3769 |
| Human Rights .....            | 651-296-5663 |
|                               | 800-657-3704 |
| Human Services .....          | 651-431-2000 |
| Iron Range Resources .....    | 651-602-3000 |
|                               | 800-765-5043 |
| Labor and Industry.....       | 651-284-5005 |
|                               | 800-342-5354 |
| Management and Budget .....   | 651-201-8000 |
| Mediation Services .....      | 651-649-5421 |
| Metropolitan Council.....     | 651-602-1000 |
| Military Affairs .....        | 651-268-8919 |
| Natural Resources .....       | 651-296-6157 |
|                               | 888-646-6367 |
| Pollution Control Agency..... | 651-296-6300 |
|                               | 800-657-3864 |

|   |              |
|---|--------------|
| Public Safety General Information ..... | 651-201-7000 |
| State Patrol.....                       | 651-201-7100 |
| Revenue                                 |              |
| General Information .....               | 651-296-3403 |
| Collections.....                        | 651-556-3003 |
|   | 800-657-3909 |
| Sales and Use Tax Line .....            | 651-296-6181 |
|   | 800-657-3777 |
| Taxpayer Helpline .....                 | 651-296-3781 |
|   | 800-652-9094 |
| Taxpayer self-service .....             | 651-296-4444 |
|   | 800-657-3676 |
| Withholding .....                       | 651-282-9999 |
|   | 800-657-3594 |
| Transportation .....                    | 651-296-3000 |
|   | 800-657-3774 |
| Veterans Affairs.....                   | 651-296-2562 |



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Patty Ostberg

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

Senate Information  
651-296-0504 or 888-234-1112

Senate Index  
651-296-5560

# MINNESOTA INDEX

## Driving in snow and ice

|   |                      |
|---|----------------------|
| Miles of streets and highways in Minnesota .....  | 135,000              |
| Lane miles that state Department of Transportation is responsible for                   |                      |
| in winter 2010-11, as approximate .....   | 31,000               |
| Lane miles in 2007-08 winter .....  | 30,317               |
| Lane miles in the Twin Cities metropolitan area in winter 2010-11, as approximate ..... | 5,000                |
| Lane miles in 2007-08 winter .....  | 4,925                |
| Inches of snow received in Twin Cities metropolitan area in 2009-10 .....               | 40.7                 |
| Inches in 2008-09 .....   | 56.8                 |
| Inches in 2005-06 .....   | 44.4                 |
| Inches of snow received in southwestern part of the state in 2009-10 .....              | 53.4                 |
| Inches of snow received in northwestern part of the state in 2009-10 .....              | 37.2                 |
| Inches in 2008-09 .....   | 73.2                 |
| Inches in 2005-06 .....   | 89.1                 |
| Number of Priority I snowplow drivers that MnDOT now has .....                          | 1,482                |
| Number of Priority II, or backup, drivers .....   | 300                  |
| Number of Priority I snowplow drivers that MnDOT had in winter 2007-08 .....            | 1,468                |
| Number of Priority II, or backup, drivers .....   | 172                  |
| Trucks MnDOT now has for snow removal .....   | 780                  |
| Trucks in the winter of 2007-08 .....   | 767                  |
| Reserve trucks in the two winters .....   | 46, 63               |
| Current cost of a single-axle (one set of wheels in back) truck .....                   | \$170,000            |
| Cost of a tandem axle (two sets of wheels in the back) truck .....                      | \$210,000            |
| Costs three years earlier .....   | \$153,000, \$172,000 |
| Seconds behind a snowplow that a vehicle following should maintain, at minimum .....    | 8                    |
| Times heavier a fully equipped truck weighs compared to an average car .....            | 15                   |
| Crashes statewide between Oct. 1, 2009 and April 30, 2010, involving                    |                      |
| public property or vehicles during plowing and sanding operations .....                 | 84                   |
| Number of crashes in the Twin Cities metropolitan area .....                            | 38                   |
| Crashes statewide in previous one-year period .....                                     | 103                  |
| Crashes statewide between Oct. 1, 2006 and April 30, 2007 .....                         | 54                   |
| Road and weather information system sites across the state, that include                |                      |
| weather sensors and sensors embedded in the roadway .....                               | 93                   |
| Tons of salt MnDOT used in the winter of 2009-10 .....                                  | 180,252              |
| Tons in winter of 2006-07 .....   | 182,386              |
| Tons of sand MnDOT used in the winter of 2009-10 .....                                  | 41,811               |
| Tons in winter of 2006-07 .....   | 51,716               |
| Gallons of brine MnDOT used in the winter of 2009-10, in millions .....                 | 1.8                  |
| Gallons in winter of 2006-07, in millions .....   | 2.5                  |
| Number people can call to get current information on road conditions .....              | 511                  |

— M. Cook

Sources: Department of Transportation, including Snow and Ice fact sheets for 2007-08 and 2010-11 winters.



# SESSION WEEKLY

IDENTIFICATION, PLEASE?  
THE CUSTODY 'BATTLE'  
STATE OF THE STATE

HF365 - HF474

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 6 • FEBRUARY 11, 2011



# Flashback to 1991 - 2001

## Earning tax-exempt status

Are nonprofit hospitals providing enough charity care to earn their tax-exempt status?

Rep. Howard Orenstein (DFL-St. Paul) proposes a measure that would require hospitals to publicly file community service plans with the commissioner of health. The Department of Revenue estimates that the state would have collected \$97.4 million in sales and property taxes in 1990 from hospitals, if the institutions were not classified as tax exempt.

His idea, however, met stiff opposition in the Standards and Regulations Subcommittee of the Health and Human Services Committee.

"In some areas of Greater Minnesota, the issue is not the amount of charity that they provide; the issue is 'Will they be there to provide any health care?'" said Rep. Gene Pelowski (DFL-Winona).

"Quite frankly, we can't afford to lose any more hospitals," he said.

— Session Weekly Feb. 8, 1991

## Saving the state's wetlands

Although the Environment and Natural Resources Committee is expected to pass Rep. Willard Munger's (DFL-Duluth) wetlands bill, the sweeping legislation has a long way to go before the House considers it.

HF1, which proposes the Wetland Enhancement, Preservation and Protection Act of 1991, calls for rules that would ensure "no net loss" of wetlands in Minnesota.

The bill has bipartisan support, but funding the package from a tight state budget will be the critical issue.

— Session Weekly Feb. 8, 1991

## Double-digit tuition increases

University of Minnesota President Mark Yudof said students could face double-digit tuition increases, jobs could be lost and all Minnesotans could suffer, if Gov. Jesse Ventura's budget proposal for higher education stands.

Those are just some of the consequences Yudof warned of in a Jan. 26 presentation to the House Higher Education Finance Committee.

— Session Weekly Feb. 2, 2001

## Contents

**FIRST READING:** Pros and cons of photo ID requirement for voters • 3-4

**HIGHLIGHTS:** Budget veto to Thursday night on the floor • 5-13

**AT ISSUE:** Fathers seek more face time with their kids • 14

**AT ISSUE:** Governor pledges funding for education, all-day kindergarten • 15

**FEATURE:** Photo highlights of the State of the State • 16-17

**AT ISSUE:** Growing academic remediation rate troubles lawmakers • 18

**PEOPLE:** Meet Daudt, Franson, Hancock and Runbeck • 19-20

**BILL INTRODUCTIONS:** HF365-HF474 • 21-23

**MINNESOTA INDEX:** Domestic violence and other crimes • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

On the cover: Gov. Mark Dayton gives his State of the State address to a joint session of the Legislature Feb. 9 in the House Chamber.



## Identification, please?

Lawmakers weigh photo ID requirement for voters

By Nick Busse

**M**innesotans need to have photo identification: to drive a car, order a drink, buy cigarettes or write a check.

But should we need a photo ID in order to vote?

Those who would answer “yes” are making headway in the Legislature.

Twice in one week, members of a House committee voted to require all Minnesotans to present a valid, government-issued photo ID before voting.

On Feb. 8, the House Government Operations and Elections Committee approved HF210, sponsored by Rep. Mary Kiffmeyer (R-Big Lake). The next day, it approved HF89, sponsored by Rep. Mike

Benson (R-Rochester). Both would establish a photo ID requirement and provide a way for voters with the proper documentation to obtain an ID card free of charge.

The votes marked the first time since 2006 that a photo ID measure has cleared a House or Senate committee. Republicans have long sought such a requirement, arguing it is needed to protect the integrity of Minnesota’s elections. DFLers have consistently opposed it on the grounds that it could disenfranchise certain groups like poor people and senior citizens.

The controversial nature of the issue is reflected in the committee’s vote tallies: all nine Republican committee members voted in favor of the bills and all six DFL members voted against them. Despite this, supporters say the issue is simple.

“Letting people vote without a photo ID creates the ideal conditions for fraud — undetectable fraud,” Benson said at a Feb. 3 hearing.

Registered voters in Minnesota currently don’t have to show a photo ID when they check in at their polling place. Instead, they sign their name on a printed roster. Benson and others argue that unless voters are required to show a current ID, there’s no guarantee they’re not voting illegally.

“I was stunned by this procedure that we would not verify who people are, even if they are pre-registered,” said Laura Norlander, who testified Feb. 3 in support of Benson and Kiffmeyer’s bills.

Norlander, who served as an election judge for the first time in 2010, said she was surprised by “how many opportunities there are for fraud” at the polling place. Not only do voters not have to show a photo ID before receiving their ballot; they can also register on the day of the election without any form of identification just by having someone vouch for their identity.

Proponents of voter ID argue that, in theory, someone could spend an entire Election Day going from one polling place to the next, casting illegal votes. All they would have to do is give the name of a registered voter in that precinct and sign the roster.

But does it ever happen?

“I’d be hard pressed to name the last time I became aware of somebody impersonating another voter,” said Ramsey County Elections Manager Joe Mansky.

An oft-cited authority on elections, Mansky said he knows of not a single instance of voter impersonation fraud — the kind of fraud the bills would address — occurring at a polling place. Moreover, he argues it would be difficult to pull off.

“Many of the judges know the voters by sight,” Mansky said. “You run the risk that someone is going to catch on that you’re doing something improper, at which point



PHOTO BY ANDREW VONBANK

Rep. Mary Kiffmeyer shows members of the House Government Operations and Elections Committee a demonstration of the electronic polling machine and new voter ID during Feb. 8 discussion of a bill that would require voters to show a picture identification before receiving a ballot.

First Reading continued on page 4

we report you to the county attorney.”

A voter fraud conviction, which is an automatic felony, is arguably a hefty price to pay for casting a few extra votes, which is why Secretary of State Mark Ritchie says voter fraud is so rare in the state.

“County attorneys are the ones who prosecute illegal voting in our state,” Ritchie said. “Generally, in each major election year, they report that it’s a handful of people prosecuted — almost all of whom are felons who voted before their sentence expired.”

The issue of felons voting illegal is relatively small — 38 cases were prosecuted in 2008 — and would not likely be addressed by a photo ID requirement. But supporters of photo ID say that misses the point: we would never know if someone did impersonate another voter.

“We presently don’t have a system to deter or detect when someone decides to lie about their identity and vote,” Benson said Feb. 9.

Whether there is evidence of fraud, opponents of photo ID legislation argue it would fence some legitimate voters out of the process.

Mary Lou Hill, a 94-year-old resident and member of the League of Women Voters, said many senior citizens lack the mobility and the financial means to track down and purchase birth certificates and other documents that may be required to obtain one of the free photo IDs provided for in the bills.

“There’s no question that these bills will disenfranchise thousands of senior citizens,” Hill said Feb. 3.

The vouching process, which both bills would do away with, is commonly used by people like seniors in assisted living facilities, college students,

and people who move frequently and don’t make a habit of updating their driver’s licenses or state IDs. “Putting obstacles in their path to the voting booth,” in Hill’s words, might endanger those voters’ fundamental constitutional right.

The fear among many DFLers is that a photo ID requirement would suppress voter turnout among these key demographic groups by making voting more difficult for them. But Benson said experience shows it



PHOTO BY ANDREW VONBANK

**Ramsey County Elections Manager Joe Mansky testifies before the House Government Operations and Elections Committee Feb. 8 on a bill that would require voters to show a picture identification before receiving a ballot.**

isn’t true. In Indiana, where a similar law was enacted, he said voter turnout actually increased — ironically, in counties with a higher percentage of Democratic voters relative to other counties.

“There is no consistent evidence that counties that have higher percentages of minority, poor, elderly or a less educated population suffer any reduction in voter turnout,” Benson said, quoting from a

University of Missouri study.

Many other controversies surround Benson and Kiffmeyer’s voter ID proposals. Critics have voiced concern about the provisional ballot system provided for in both bills, and Kiffmeyer’s bill proposes a much broader overhaul of the state’s election laws that several groups have expressed concern about. Both bills are also projected to cost the state in the tens of millions of dollars.

But ultimately, supporters of photo ID

***“I’d be hard pressed to name the last time I became aware of somebody impersonating another voter.”***

— Joe Mansky  
Ramsey County Elections Manager

believe it’s an idea that has broad public support and whose time has come.

“The perception of the vast majority of Minnesotans is that we have enough wrong with our current system that photo ID is needed,” Benson said.

Both bills now go to the House State Government Finance Committee. There are no Senate companions. 🗽

### Frequently called numbers

Area code 651

#### House Public Information Services

175 State Office Building ..... 296-2146  
Toll-free..... 800-657-3550

#### Chief Clerk of the House

211 Capitol ..... 296-2314

#### House Index

211 Capitol ..... 296-6646  
Meeting Call line, House ..... 296-9283

#### House Sergeant-at-Arms

190 State Office Building ..... 296-4860

#### House Research

600 State Office Building ..... 296-6753

#### Senate Information

231 Capitol ..... 296-0504  
Toll-free..... 888-234-1112

#### Secretary of the Senate

231 Capitol ..... 296-2344  
Voice mail/order bills..... 296-2343

#### Senate Index

110 Capitol ..... 296-2887

#### Senate Sergeant-at-Arms

G-1 Capitol/Chamber ..... 296-1119/296-7159

#### Senate Counsel and Research

G-17 Capitol ..... 296-4791

#### Legislative Reference Library

645 State Office Building ..... 296-8338

#### Governor’s Office

130 Capitol ..... 201-3400

#### Attorney General’s Office

102 Capitol ..... 296-6196

#### Secretary of State’s Office

Election Center

180 State Office Building ..... 215-1440

Toll-free..... 877-600-8683

#### Business Services

60 Empire Dr., Suite 100

St. Paul 55103 ..... 296-2803

Toll-free..... 877-551-6767

#### State Auditor

525 Park St., Suite 500

St. Paul 55103 ..... 296-2551



***“We presently don’t have a system to deter or detect when someone decides to lie about their identity and vote.”***

— Rep. Mike Benson  
R-Rochester



# HIGHLIGHTS

FEBRUARY 3 - 10, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held Feb. 3-10. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Agriculture

### Committee modifies Green Acres

Clearer rules and a more defined purpose for the Green Acres farm tax program will hopefully aid county assessors and help to preserve farmland for agricultural use, according to modifications approved by the House Agriculture and Rural Development Policy and Finance Committee Feb. 8.

Sponsored by Rep. Mike LeMieur (R-Little Falls), HF12 states that: "The legislature finds that it is in the interest of the state to encourage and preserve farms by mitigating the property tax impact of increasing land values due to nonagricultural economic forces."

Perhaps more plainly put, land speculators need not apply, just so they can pay fewer taxes on farmland they intend to sell in a few years for a profit to non-agricultural developers, and then reinvest those profits in purchasing more farmland for the same reason in more rural areas of the state, said Committee Chairman Rod Hamilton (R-Mountain Lake).

Farmers voluntarily enroll in Green Acres to avoid paying higher property tax rates when untilled farmland (classified as rural preserve farmland) is assessed at a higher rate due to rising land values. Once enrolled, it cuts property taxes in half, or more in some cases. A minimum of 10 acres must be productive agricultural land used to grow an agricultural product for sale. Currently, when the land is transferred or sold, three years of the tax savings must be paid back.

Under the proposed changes, past enrollees or new applicants would be grandfathered in or have until May 1, 2012, to enroll under the condition that three years of tax savings must be paid back if they sell the land. Anyone who enrolls after that date would be required to pay back five years of tax savings when they sell or transfer the land.



PHOTO BY TOM OLMSCHIED

**Alan Teich, who has a herd of 90 beef cattle near Pine City, joined other Minnesota Farmers Union members in looking at a Green Acres proposal during the Feb. 8 House Agriculture and Rural Development Policy and Finance Committee meeting. The Farmers Union was holding its annual "Day at the Capitol."**

Also, the requirement for a conservation assessment plan and a covenant agreement would go away, saving new enrollees money, but possibly costing existing participants about \$50 if they want a "release of covenant" by their assessor.

Representatives of the Minnesota Farmers Union and the county assessors support the bill, which next goes to the House Taxes Committee next.

A companion, SF37, sponsored by Sen. Paul Gazelka (R-Brainerd), awaits action by the Senate Taxes Committee.

— S. HEGARTY

## Budget

### Dayton vetoes budget bill

The first bill passed by the House and Senate this year became Gov. Mark Dayton's first veto Feb. 10.

The so-called "phase one" budget bill would have cut more than \$901 million in state spending. Republican lawmakers hoped the bill would take an early bite out of the state's projected \$6.2 billion biennial budget deficit.

The bill would have asked Dayton to cut \$100 million in unencumbered state

spending between now and June 30. It further required \$824.3 million in reductions in the next two-year budget cycle, including:

- \$594.5 million to various tax aids and credits (primarily city and county aid and the renter's credit);
- \$185.1 million to higher education; and
- \$47.5 million to health and human services programs.

The reductions would have extended cuts that were made during last year's May special session. The House passed the bill 68-61 on Feb. 9 and the Senate passed it 37-28 on Feb. 10.

In his veto message, Dayton cited a Revenue Department estimate that the bill would drive up property taxes by \$428 million in the next biennium. He also said legislators were wrong to make him allocate the \$100 million in cuts rather than doing it themselves.

"(Y)ou would abdicate your responsibility to make those difficult spending choices and your power to determine those cuts to an appointed official of the Executive Department. That is both inappropriate and unconstitutional," Dayton wrote.

In addition to the \$100 million in executive branch cuts, the bill would have made the following reductions in the current fiscal year:



- \$500,000 to the Office of the Attorney General;
- \$127,000 to the Office of the Secretary of State;
- \$96,000 to the House of Representatives;
- \$72,000 to the Senate; and
- \$41,000 to the Office of the State Auditor.

It also included a number of expenditures related to federal tax conformity. The provisions would cost the state \$24 million in fiscal year 2011 and \$2.6 million in the next fiscal biennium. Dayton requested lawmakers work with the Revenue Department to quickly draft a new bill to address the tax conformity issues.

HF130\*/SF60/CH1

— N. BUSSEE

## Civil Law

### Curbing class action lawsuits

Our litigious culture combined with zealous attorneys has put businesses at a disadvantage. That is the premise behind HF211, sponsored by Rep. Doug Wardlow (R-Eagan).

He told the House Civil Law Committee Feb. 7 that his bill is not only about tort reform and reining in class action lawsuits, but “it’s about jobs and economic development.”

Many times these cases are without merit, but he said that businesses are left in limbo when a class action suit is filed waiting to know if the courts are even going to take up the case.

“Businesses choose to settle rather than face unknown risks of a trial and perhaps crippling financial losses,” Wardlow said.

The bill, held over for further consideration, would require a consumer to show real out-of-pocket damages, and that actions were deceptive, false or misleading in violation of certain consumer fraud, deceptive trade practice or false advertising laws.

It would also make appealable a court order regarding the future of a class action lawsuit. While an appeal is pending, all previous court actions on the suit would be halted.

Ten states have enacted this type of legislation. “Minnesota should not be left behind and become a haven for lawsuits. This protects Minnesota’s business climate,” Wardlow said.

While the bill is supported by many state business groups, there may be unintended consequences for the consumer, said Prentiss Cox, a professor at the University of Minnesota Law School.

“If you do this, class actions will be severely curtailed and it will be almost impossible to bring a class action under the statutory fraud laws,” he said. As an example, he pointed to the recent mortgage fraud. Had there been an out-of-pocket damage rule, cases against these companies wouldn’t have gone forward because the kind of harm would have been difficult to quantify.

Its companion, SF149, sponsored by Sen. Julianne Ortman (R-Chanhassen), awaits action by the Senate Judiciary and Public Safety Committee.

— L. SCHUTZ

### Parenting plans voluntary to required

Parenting plans help divorcing parents define how they are going to raise children in separate households and continue the parenting relationship.

It’s voluntary now in Minnesota, but laying out the logistics of the parenting role would be required under HF292, sponsored by Rep. Diane Anderson (R-Eagan).

“The goal is to encourage the involvement of both parents in the child’s life. ... We want them to be working out the issues, rather than going through a long litigation process,” she told the House Civil Law Committee Feb. 7. As amended, the bill was approved and sent to the House Judiciary Policy and Finance Committee. It has no Senate companion.

“Folks do divorce each other, but folks don’t divorce their children,” and a well-

defined parenting plan allows for both parents to maintain that important role, said Andy Dawkins, a former House member who practices family law.

An advocate for the plan while serving in the Legislature, he said the parenting plan does not address legal or physical custody of the child. Under the bill, parents could choose to complete a parenting plan or leave it up to the court.

Rep. Debra Hilstrom (DFL-Brooklyn Center) questioned if those unable to afford a good attorney may not end up with the best plan, and is concerned that, depending upon available services, some residents may not end up with “quality.”

Melinda Hugdahl, Legal Services Advocacy Project staff attorney, said the bill’s goal is admirable, but her concern “lies with the folks who don’t agree or don’t have resources to develop a parenting plan and don’t understand the ramifications.” She is working with Anderson to address these issues before the bill receives its next hearing.

— L. SCHUTZ

## Education

### Parents may apply to state academies

Parents of students with hearing or visual disabilities have several options for services based on the recommendation of a school district’s individual education planning team. What they can’t do without IEP



PHOTO BY ANDREW VONBANK

**Attorney Michael McNabb, from left, Marilyn McKnight, director and co-founder of the Erickson Mediation Institute and attorney Andy Dawkins, testify before the House Civil Law Committee Feb. 7 in support of a bill that would require parenting plans by both parents in dealing with child custody.**

authorization is request that their child be placed at the Minnesota State Academies for the Deaf or Blind.

Rep. Patti Fritz (DFL-Faribault) sponsors HF133, which would allow parents of children with visual or hearing disabilities to apply for a 60- to 90-day trial placement at the residential academies. The House Education Reform Committee approved the bill Feb. 10, to be heard next by the House Education Finance Committee. It has no Senate companion.

Linda Mitchell, the academies' superintendent, said part of the problem is that special education guidelines are fairly rigid when it comes to placement, which is perceived as the most restrictive option. Also, IEP planning may require students to use district facilities or personnel first. For example, some large districts may have staff with expertise in the specific disabilities, or an intermediate district that would offer special education classrooms.

However, some students could benefit from academy placement even if for a few months, to learn Braille or for mobility services orientation, after which they can go back to be successful in their school districts, said Mitchell.

"We would prefer a continuum of services. You don't have to stay at the academies for 12 years," Mitchell said. "We just want parents to have a little bit more say about the programming that's provided for their kids."

The academies serve children from birth through age 21. At the young end of the spectrum, placements have increased because newborn and early childhood screening has identified more who are eligible for services. There is also an increase in students from 18 to 21 years old who may have completed high school but need help to develop independent living skills such as cooking and doing laundry.

— K. BERGGREN

### **School trust advisors could expand**

Rep. Denise Dittrich (DFL-Champlin) hopes those with the biggest responsibility for school funding have the biggest say in how one of its biggest assets is managed.

Dittrich sponsors HF206, which would add a minority party member from the House and Senate and one person with expertise on school finance to the Permanent School Fund Advisory Committee, which advises the Department of Natural Resources on the management of 3.5 million acres of school trust lands.

Approved Feb. 8 by the House Education Reform Committee, it now goes to the House

Government Operations and Elections Committee. It has no Senate companion.

School trust lands generate income intended to be deposited into the Permanent School Fund. Income has come mainly from mineral rights and mining, according to Dan Roark, an attorney with the DNR's Lands and Minerals Division. Forestry activities, leases and land sales also generate income. The \$700 million trust is managed by the State Board of Investment.

Dittrich said land management and fund distribution haven't been monitored to the best advantage of K-12 schools. For example, the Legislature has allowed the DNR to be reimbursed for many expenses from school trust revenues. Also, until last year school trust revenue generated no net gain to school districts, instead being subtracted from the General Fund, she said.

The fund generated \$26 million in fiscal year 2010. "That was the first year we sent that money to schools and it stayed in schools," Dittrich said.

There's potential for even more income, said Grace Keliher, governmental relations director for the Minnesota School Boards Association. A proposed land sale and swap of nearby federal lands with school trust lands that lay within the Boundary Waters Canoe and Wilderness Area could generate \$100 million cash and 32,000 new acres of school lands.

The advisory committee members include six citizen experts in forestry, minerals and mining, real estate development, renewable energy, natural resource conservation and finance and land management; two school superintendents; the education commissioner; and the chairs or their designees of legislative committees on education, K-12 education budget, environment and natural resources policy and budget, the Senate Finance Committee and House Ways and Means Committee.

— K. BERGGREN

## **Employment**

### **Government employment reforms**

A House committee approved a plan to bring state employee salaries in line with their counterparts in the private sector.

Sponsored by Rep. Keith Downey (R-Edina), HF192 would freeze state employee salaries and initiate a compensation study comparing government salaries to those in the private sector. Upon completion

of the study, the state would initiate a new employee pay structure based on the study's findings.

In addition, the bill would require state agencies to contract out state services to private companies if they can do it at a lower cost to the state.

Members of the House Government Operations and Elections Committee voted 9-6 to approve the measure Feb. 10. It now goes to the House State Government Finance Committee. There is no Senate companion.

"The intent of this bill is to create a new and dynamic employment model for state workers," Downey said, adding that the bill would "empower" state workers to help improve and transform government services.

The bill, which would apply only to executive and legislative-branch employees, would also establish a "gain-sharing system." Employees who invent ways to reduce the cost of government services would be awarded a one-time bonus of up to 10 percent of the documented cost-savings to the state.

Opponents said many public-sector jobs don't exist in the private sector, and doubted whether a salary comparison would be possible, let alone appropriate.

"How do you compare the salary of a state trooper to the private sector? Probably you're not going to use the Southdale mall cops as a comparison," said Rep. Ryan Winkler (DFL-Golden Valley).

Lobbyists from various public employee unions argued the bill would violate their collective bargaining rights.

"We shouldn't use the current budget crisis to undermine our public employee unions. They didn't cause the problem, and we should be working together to solve it," said Russ Stanton, director of government relations for the Inter Faculty Organization.

— N. BUSSE

## **Energy**

### **OLA report raises RDF questions**

More than \$165 million has been collected from Xcel Energy ratepayers and deposited into the utility's Renewable Energy Development account since the fund was mandated by the Legislature in 1994. Its intent was to help generate renewable sources of electricity through solar, wind, hydro and biomass methods.

At the time, the fund's creation was a condition that allowed Xcel Energy (then Northern States Power) to store spent nuclear



fuel at its Prairie Island facility near Red Wing. The Legislature designated how much was collected per storage cask and the Public Utilities Commission would decide what projects would be funded with the help of an advisory board.

But an October 2010 report by the Office of the Legislative Auditor shows just how far astray the funds have gone.

For example, \$10 million paid for preconstruction work on the proposed Excelsior Mesaba Energy Project, a state-of-the-art coal facility using Integrated Gasification Combined Cycle technology to generate electricity in northern Minnesota. The project is still in the permitting stages and there is a state moratorium on coal-generated power plants.

"The largest project funded by the RDF was something that the Legislature authorized — a coal-based power plant for clean coal energy that did not involve a form of renewable energy," said Joel Alter, a program evaluator who worked on the report.

Lawmakers are pausing to consider what the return on investment has been and if legislative changes are needed in the process and policies associated with the fund.

The report was discussed Feb. 8 by the

House Environment, Energy and Natural Resources Policy and Finance Committee. No action was taken.

In 2002, the Department of Commerce and the University of Minnesota Initiative for Renewable Energy & the Environment also began allocating part of the funds, especially to research and development projects. Legislative Auditor James Nobles said the fund migrated over the years because legislators saw a pot of money and diverted funds when other sources of funding were not available.

The report raises questions for lawmakers to consider for possible action this session, among them:

- Who should administer the funds?
- Can administrative costs be recouped through the RDF?
- Should the private fund held by Xcel Energy be brought under state coffers?
- How can administrators provide better fund accountability and transparency?

Committee Chairman Denny McNamara (R-Hastings) said the policies have "serious shortcomings in a rather large fund" and he anticipates a bill being introduced this session as a result.

— S. HEGARTY

### Nuclear power ban heads to floor

Debate over lifting the 17-year moratorium on new nuclear power plants could land on the House floor as early as next week.

HF9/SF4\*, sponsored by Rep. Joyce Peppin (R-Rogers) and Senate Majority Leader Amy Koch (R-Buffalo), was approved 16-6 Feb. 9 by the House Commerce and Regulatory Reform Committee after the House language was inserted into the Senate file. The Senate passed it 50-14 Feb. 2.

The bill would allow the Public Utilities Commission to issue a certificate of need for the construction or expansion of nuclear power facilities.

Peppin said nuclear power needs to be one of the options on the table for addressing the state's future baseload energy needs. Renewable energy alone will not meet anticipated demand in 20 years and current facilities are aging and will need to be replaced, she added.

Rep. Joe Atkins (DFL-Inver Grove Heights), who supported the repeal but said the bill doesn't go far enough, failed to amend the bill.

In 1982 the federal government promised a national repository for nuclear waste by 1998 and began collecting money for a national

nuclear waste fund. Minnesota has paid more than \$600 million into the fund. Yet, the federal government recently abandoned plans to open a repository in Nevada. His amendment would have had the state stop making the federal payments and hold the money in escrow in Minnesota instead, until such time as a national storage facility opens.

"Until they keep their end of the bargain, it's basic breach of contract law. As long as we continue to pay them, I don't think that they have any motivation to ever get anything done," Atkins said.

But Terry Pickens, director of nuclear regulatory policy for Xcel Energy, said withholding payment would put the state in breach of its contract with the federal government and could cause the government to deny nuclear waste from Minnesota if and when a national repository opens.

Rep. Denise Ditttrich (DFL-Champlin) said repealing the ban could send a message to the federal government that Minnesota supports nuclear power and make the state a target for a national repository after it abandoned Yucca Mountain in Nevada.

Sarah Mancell, policy and regulatory representative for Westinghouse Electric Company in Shoreview and Hutchinson, said the company is designing and building third-generation nuclear power plants in China, Georgia and South Carolina. She said the construction and management of plants provide high-paying jobs and that nuclear waste can be safely managed.

— S. HEGARTY

## Game & Fish

### Deer collision bill laid over

A provision to allow a motorist who kills a deer with a vehicle to have the first right to keep the carcass was held over for possible inclusion in an omnibus game and fish bill by the House Environment, Energy and Natural Resources Policy and Finance Committee Feb. 9.

Sponsored by Rep. David Dill (DFL-Crane Lake), HF31 is similar to a provision in a bill vetoed last year.

Permits to keep a deer killed in a vehicle collision are issued in about half of the 30,000 annual accidents, according to Maj. Rod Smith, an enforcement officer for the Department of Natural Resources. In some cases, local law enforcement has lists of people to call who are interested in taking possession of the carcass. Antlers can have enormous value on the open market and



PHOTO BY ANDREW VONBANK

Joel Alter, left, a program evaluator with the Office of the Legislative Auditor, and Legislative Auditor James Nobles testify before the House Environment, Energy and Natural Resources Policy and Finance Committee Feb. 8 during a discussion of an evaluation report about the state's Renewable Energy Development Fund.





PHOTO BY ANDREW VONBANK

**With Rep. David Dill listening, Maj. Rod Smith, right, an enforcement officer with the Department of Natural Resources, testifies before the House Environment, Energy and Natural Resources Policy and Finance Committee Feb. 9 about a bill to allow a motorist who kills a deer with a vehicle to have the first right to keep the carcass. Dill is the bill's sponsor.**

others simply want to process the deer meat.

Dill said language may need to be added to address motorists who might hit and kill a deer where chronic wasting disease has been found in the deer population. The disease — a deadly brain and nervous system disorder — was recently found in a wild deer in Pine Island near Rochester.

The bill has no Senate companion.

— S. HEGARTY

### Two-line fishing

For nearly a decade, bills have been introduced to allow anglers to fish with two lines. After gaining approval from both the House and Senate last year, the provision was part of a bill vetoed by former Gov. Tim Pawlenty.

Rep. Tom Hackbarth (R-Cedar) hopes the 10th time is the charm. He sponsors HF16 that would allow anglers to fish with two lines all year on all fishing lakes. The bill has no Senate companion.

Currently, people can fish with two lines through the ice in the winter but not on open water during the warmer months in Minnesota. They also can fish with two lines on public waters along bordering states.

The provision continues to draw opposition from Department of Natural Resources' officials who say allowing people to fish with two lines all the time would increase

harvesting of fish and the mortality rate from those being caught and released. It could result in the DNR reducing limits on fish or increase slot limits.

The bill was laid over for possible inclusion in an omnibus game and fish bill by the House Environment, Energy and Natural Resources Policy and Finance Committee Feb. 10.

Hackbarth said neighboring states allow two-line fishing and that it would add to Minnesota's tourism economy if adopted.

— S. HEGARTY

## Public Safety

### Expanding location of criminal arrests

Part of Hanover is in Hennepin County, and part is in Wright County.

Because it doesn't have its own police department, the city contracts with the sheriff's department of each county. However, while each department can patrol the entire city, officers cannot issue citations throughout.

A bill sponsored by Rep. Joyce Peppin (R-Rogers) seeks to change that.

Approved Feb. 9 by the House Public Safety and Crime Prevention Policy and Finance Committee, HF180 next goes to the House Judiciary Policy and Finance Committee. It has no Senate companion.

The bill would allow an officer from either

county to issue a citation in the community as if it happened in the officer's home county.

"We feel the current system is inefficient," said Hanover City Administrator Daniel Buchholtz.

Currently, law enforcement personnel from either county can issue a citation in another jurisdiction if it is within 1,500 feet of the boundary line between the two counties. This becomes problematic in towns like Hanover when an officer from Hennepin County, for example, responds to an incident further into parts of the city that are in Wright County.

"Right now if a Hennepin County deputy responds to a domestic dispute in Wright County portion of Hanover outside of that buffer they can intervene, but then they can't make the arrest," Buchholtz said. "They have to call the Wright County dispatch center and have a Wright County deputy come out and actually write the citation."

Additionally, current law requires a municipality to charge the offense in the county where the offense occurred. Charging in multiple county seats can cause extra expense and inconvenience to multi-county municipalities. The bill would permit the charging to occur in either the county of the offense or the home county of the arresting law enforcement agency.

Buchholtz said the bill could also reduce law enforcement costs in cities like Hanover, because the city could bid its law enforcement contract against the two sheriff's departments.

— M. COOK

### Penalties for possessing or selling IDs

Worthington Police Sgt. Kevin Flynn said too often he has someone try to pass off fake identification documents as authentic.

Rep. Tony Cornish (R-Good Thunder) sponsors a bill to help.

"There's absolutely no functional purpose for Tony Cornish to have a driver's license, a Social Security number and a birth certificate showing him to be Kevin Flynn," Flynn said.

"We hope to be a deterrent to document vendors."

HF152 would criminalize knowingly possessing multiple identification documents issued or purported to be issued by a local, state or federal government without permission or lawful authority, or knowingly selling or transferring multiple identification documents knowing the recipient is not entitled to obtain or possess the documents. The penalty would be a gross misdemeanor

if the crime involves two IDs; if it's three or more the crime would be a felony.

For a federal possession crime, additional circumstances must apply.

"This gives local tools to take care of things locally if the violation is state law," Cornish said.

The bill aims to address certain limitations in current law. The penalty for identity theft is currently based on the amount of loss to the victim, and current statutes may only address certain types of documents. For example, some crimes only refer to fraudulent, but not authentic, identification documents.

Approved Feb. 3 by the House Public Safety and Crime Prevention Policy and Finance Committee on a split-voice vote, the bill awaits action by the House Judiciary Policy and Finance Committee.

Flynn said some people he's encountered with fake identifications are in this country illegally.

Rep. Kerry Gauthier (DFL-Duluth) expressed concern it could appear the bill targets immigrants.

"We are kind of making it a little messy linking into enforcing immigration law, which is clearly a federal jurisdiction. I'm very uncomfortable with both of those situations," he said.

Cornish said the bill is simply about going after people using documents illegally, not to "target a certain group of people."

A companion, SF108, sponsored by Sen. Gretchen Hoffman (R-Vergas), awaits action by the Senate Judiciary and Public Safety Committee.

— M. Cook

## State Government

### Curbing expensive rules

State agencies might have to seek legislative approval before implementing administrative rules that cost businesses or individuals \$10,000 or more, under a bill approved Feb. 9 by a House committee.

Sponsored by Rep. Torrey Westrom (R-Elbow Lake), HF203 would set limits on agencies' rulemaking authority. Under its provisions, agencies would have to determine whether compliance with a proposed rule would cost an individual, business or other entity more than \$10,000.

An administrative law judge would review the determination. If a rule is determined to exceed the \$10,000 cost threshold, it would not go into effect unless enacted into statute

## EGYPT RALLY



PHOTO BY TOM OLMSCHEID

**Marwa Mohamed of Woodbury can be seen through a sheer red, white and black Egyptian flag as she and other supporters gathered on the Capitol steps Feb. 4 in solidarity with the pro-democracy demonstrators to oust Egyptian President Hosni Mubarak.**

by the Legislature; however, portions of the rule that do not exceed the threshold could be implemented.

The House Government Operations and Elections Committee approved the bill and sent it to the House floor.

As an example of rule changes that might be prohibited, Westrom cited animal feedlot rules established by the Pollution Control Agency that he said cost farmers tens of thousands of dollars to comply with.

He said a nearly identical bill was passed in 2003 with bipartisan support in both the House and Senate, but was vetoed by Gov. Tim Pawlenty, who was concerned about "giving up executive branch authority."

PCA Assistant Commissioner J. David Thornton said the bill had "broad implications" for how agencies conduct business. He suggested the bill should be changed to include different thresholds for individuals and businesses.

"While a \$10,000 threshold is a lot of money for an individual, it's not for a Fortune 500 corporation," Thornton said.

Rep. Ryan Winkler (DFL-Golden Valley) spoke in opposition to the bill, arguing lawmakers justifiably delegate rulemaking authority to agencies because they don't always have time to deal with policy issues themselves.

"With a part-time, citizen Legislature, we do by necessity delegate authority to agencies," he said.

Sen. David Senjem (R-Rochester) sponsors the companion, SF261, which awaits action by the Senate State Government Innovation and Veterans Committee.

— N. Busse

### Sizing up the workforce

There are 71 state workers for every 10,000 Minnesotans.

That was one fact members of the House State Government Finance Committee learned about the state's executive branch employees Feb. 9.

Committee members were presented with Minnesota Management & Budget's 2010 workforce report, which includes statistics on the numbers, demographics and compensation of state agency employees. No action was taken.

The size of Minnesota's executive-branch workforce ranks 39th in the nation per capita, said Judy Plante, MMB's assistant commissioner for state human resources and benefits. In July 2010, the state employed 38,339 workers. Of those, 89 percent worked in the executive branch, 10 percent in the judicial branch and 0.3 percent in the legislative branch. The remaining 0.7 percent work for the state's retirement agencies.

Other facts in the report include:

- the average age of executive branch employees is 46.17 years;
- 49.6 percent of executive branch employees are women;





PHOTO BY TOM OLMSCHIED

Rep. Dean Urdahl, center, chairman of the House Legacy Funding Division, takes a look at Jake the Red Tail Hawk perched on the gloved hand of the Minnesota Zoo's Zoomobile Naturalist Kevin Wier. Zoo Director Lee Ehmke and Chief Financial Officer Peggy Adelman spoke before the division Feb. 8 about how the zoo has used its Legacy funding.

- the largest state agency, the Human Services Department, accounts for more than 20 percent of the state's workforce (6,883 people);
- the smallest agency, the Podiatric Medicine Board, employs one person; and
- the state spent more than \$2.3 billion to compensate executive branch employees in fiscal year 2010.

Committee Chairman Morrie Lanning (R-Moorhead) said he was surprised to learn that state worker salaries have been rising and the number of employees has been flat over the last 10 years. He said the number and compensation of state employees stood in contrast to the state's recurring fiscal problems.

"The numbers are about the same, in spite of the fact that we've had budget shortfalls going back the last eight to 10 years," Lanning said. "I think most people would find this very surprising."

The full report can be found online at MMB's website: [www.mmb.state.mn.us](http://www.mmb.state.mn.us).

— N. BUSSE

## Taxes

### Checkoff for MS

It may be a good cause, but should good causes use the state's tax form as a conduit for fundraising?

Rep. Steve Gottwalt (R-St. Cloud) raised the question Feb. 8 as the House Taxes Committee discussed HF108, sponsored by Rep. Mike Nelson (DFL-Brooklyn Park).

The bill, held over for possible omnibus bill inclusion, would give taxpayers the chance to make a contribution to the Minnesota Chapter of the National Multiple Sclerosis Society through a checkoff on their state income tax form.

Karen Dobson, who brought the idea to Nelson, has MS and said the money raised would be used for research and providing service and financial assistance to those with MS. While some other states provide the checkoff, she isn't hopeful that Minnesota would join those numbers this year.

"I was told it is highly unlikely the committee would agree to this. But, I

decided, 'Why not?' We already have the checkoff for conservation," she said.

The current "chickadee checkoff" as it's known, raises money for Department of Natural Resources' wildlife preservation efforts. That precedent annually spawns requests to the Legislature from various organizations for a checkoff.

"Where does this go? Do we end up with two or three more pages on the tax form?" Gottwalt asked.

Nelson said this bill would provide for an annual appropriation to the state for administering the checkoff, which could cost around \$88,000.

According to the Revenue Department, in 2009, about 60,500 state taxpayers contributed to the nongame wildlife fund via the income tax return. If the MS checkoff were made available, it is assumed that 15,000 Minnesotans would donate an average of \$12 for a total of \$180,000 in tax year 2011.

The bill has no Senate companion.

— L. SCHUTZ



## Taxing water used to fight fires

A city pays no sales tax on the purchase of a new fire truck used to fight a fire, but the same can't be said for the water it uses to extinguish the flames.

The City of Freeport was unaware of the sales tax charge on water used for public safety purposes, and was hit in 2010 with an \$8,217 bill for three year's worth of back sales taxes on water it used for firefighting, hydrant flushing and cleaning of water towers.

Although a similar bill was not acted on last year, Rep. Paul Anderson (R-Starbuck) is trying again with HF106. Heard by the House Taxes Committee Feb. 9, the bill was laid over for possible inclusion in a committee omnibus bill. It has no Senate companion.

His bill would expand the sales tax exemption for certain goods and services to local governments to include water used for public safety purposes. It would be retroactive to June 30, 2007; however, no refunds would be made for taxes paid before Jan. 30, 2010.

"This is a fairness issue," and there needs to be clarification as to what is and isn't exempt, he said.

According to the Revenue Department, the bill carries with it a \$137,000 cost in fiscal year 2012.

— L. SCHUTZ

## Thursday's Floor Action

### Yes vote on alternative licensure

Alternative pathways to teacher licensure moved a step closer to becoming law Feb. 10, when the House passed HF63/SF40\* 72-59.

The bill's sponsor, House Education Finance Committee Chairman Pat Garofalo (R-Farmington), successfully offered an amendment to substitute the House language for the Senate version. A conference committee is expected to work out the differences between the bills.

Garofalo said he felt "proud" of the bipartisan recognition that the education system isn't working and must evolve, and "a little sorrow and sadness that alternative licensure is considered controversial. There is a nationwide, bipartisan consensus that alternative licensure works."

That controversy was reflected in various amendments offered by members of both parties sparking debate about details of how the alternative licensure would take shape;

including whether such pathways must be in partnership with a college or university or would be targeted to certain shortage areas. The bill would streamline a process for certain teachers trained out of state to become licensed in Minnesota.

Several DFL members objected to that provision, saying it doesn't do enough to assure quality of their preparation by Minnesota standards.

"I think is going to be one of the most important pieces of legislation we will have before us this year. I hope we take the time to really look at it and evaluate the product that is in the final bill," said Rep. John Ward (DFL-Brainerd).

Rep. Jenifer Loon (R-Eden Prairie) said, "I am very encouraged by the tone of these conversations. I think we are moving in a direction that is going to be very good for Minnesota's children."

The measure would make it easier for schools to employ teachers without traditional education training who meet other criteria. Candidate requirements include a bachelor's degree with a 3.0 grade point average, unless waived by the Board of Teaching; passing three tests including basic skills, pedagogy and content; participation in at least 200 hours of training; and ongoing professional development and supervision, including by a school site team.

Rep. Carlos Mariani (DFL-St. Paul) sponsored a different alternative pathway bill, but said he would vote for Garofalo's bill.

"I'm actually very encouraged because I think we are, like 90 percent there," he said.

— K. BERGGREN

### Contractors seek more time to comply

Residential remodelers, building contractors and other construction specialists could have more time to post their lead certification qualifications on a website as required by the Environmental Protection Agency.

The House passed HF166/SF139\* as amended Feb. 10 on a 119-0 vote. Sponsored by Rep. Karen Clark (DFL-Mpls) and Sen. Ted Lillie (R-Lake Elmo), it now returns to the Senate, where the original measure passed 63-0 on Feb. 7.

Rep. Steve Drazkowski (R-Mazeppa) successfully amended the bill to ensure that the state government does not develop a certification process or fee. This would not affect local governments.

The bill amends the effective date of last year's law that brought the state

## Committee deadlines set

The February Forecast is expected to be given sometime during the week of Feb. 28. That would leave legislators a little more than three weeks until the first committee deadline.

The House approved a resolution Feb. 10 designating three committee deadlines for the 2011 session:

- March 25, all finance bills must be out of their committees and sent to the House Ways and Means Committee;
- April 29, first policy; and
- May 6, second policy.

This is different than in years past, but House Republicans want the deadlines to reflect the commitment to getting the state's budget shortfall resolved before policy issues are addressed.

The House is also planning for a Spring Break from April 19-25.

Because Passover begins at sundown April 18, there will be no House business conducted after 3 p.m. that day. Official business will resume at 8:15 a.m. April 26. House offices will be closed April 22.

— M. COOK

building code into compliance with the EPA requirements regarding lead removal certification reporting. The new effective date would be Aug. 1, 2011, instead of Feb. 1, 2011.

Some licensed contractors need more time to post their lead certification on the EPA website, said Lisa Frenette, government affairs director the Builders Association of Minnesota. She said the association needs more time to get the word out to its members that the posting is required, and for them to comply.

— K. BERGGREN

### House approves streamlining bill

The bill to streamline the environmental permit process within two state agencies was approved 82-42 as amended on the House floor Feb. 10. It now moves to the Senate where Sen. Bill Ingebrigtsen (R-Alexandria) is the sponsor.

Most of the bill had bipartisan support and mirrored an executive order issued earlier by Gov. Mark Dayton to make the permit application process more efficient within the Department of Natural Resources and the Pollution Control Agency.

Sponsored by Rep. Dan Fabian (R-Roseau), HF1 would require the DNR and MPCA to issue or deny environmental and resource management permits within 150 days of a submitted application.

However, the bill also contains two

provisions that some DFL legislators objected to. One would allow the proposer of a project to prepare a draft environmental impact statement and submit it to the appropriate state agency, rather than the state agency that requires it conducting the research. DFLers said the provision poses a temptation for project proposers to hide information.

"The bad ones would take advantage of this," Rep. Joe Atkins (DFL-Inver Grove Heights) said.

An amendment successfully offered by Rep. Mary Liz Holberg (R-Lakeville) would require that an environmental impact statement prepared by a project proposer contain all data collected, created, maintained, received or disseminated for its preparation, except for data that constitutes a trade secret, is proprietary in nature, or otherwise is protected by law.

The second provision that makes the bill differ from the executive order would allow decisions regarding the need for an environmental impact statement to be reviewed in the Court of Appeals, rather than a district court. Rep. Melissa Hortman (DFL-Brooklyn Park), who sponsored similar legislation last year, said an unintended consequence revealed that local zoning issues are heard in district courts, perhaps setting up a scenario where an application must be heard in both district court and the appeals court. She successfully amended the bill so that when a permit from a local unit of government is required, the proposed action may be heard in either court and that the Court of Appeals shall, whenever possible, conduct its proceedings near where the project has been proposed.

The legislative auditor is scheduled to issue a report later this month on the permitting process. Rep. Bill Hilty (DFL-Finlayson), who serves on the Legislative Audit Commission, said the permitting process was the highest vote getter for choosing OLA studies last year.

"This is not a matter of such great urgency that we need to rush ... before we hear any of their conclusions," Hilty said. His motion to re-refer the bill to the House Commerce and Regulatory Reform Committee until the study is released later this month failed.

— S. HEGARTY

### Lands bill passed by House

The Department of Natural Resources' "lands bill" that was vetoed last year by former Gov. Tim Pawlenty was reintroduced this session and passed 90-29 on the House floor Feb. 10, minus the game and fish provisions from last year.

Sponsored by Rep. Tom Hackbarth (R-Cedar), HF 55 would allow the DNR to sell, buy and exchange surplus land in state

forests and parks. The bill now moves to the Senate where Sen. John Carlson (R-Bemidji) is its sponsor.

Each year, the DNR develops a recommended list of property that it wishes to buy, sell or exchange and the properties are packaged into the lands bill. Several tax-forfeited properties in many counties are included in the bill.

— SUE HEGARTY

### DISABILITY RALLY



PHOTO BY TOM OLMSCHIED

Amanda Wilson, left, and Ann Dodge, staff caregivers at the Phoenix Residence in St. Paul accompanied resident, Barb Deeney, to an Association of Residential Resources in Minnesota rally in the Rotunda Feb. 8. About 1,000 people with disabilities, their caregivers and family members rallied to urged legislators to make people with disabilities a priority this session and to preserve core services for Minnesota's most vulnerable citizens.

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



# The custody 'battle'

### Fathers seek more face time with their kids

BY LEE ANN SCHUTZ

**D**aniel Probst was 11 years old when his parents began the divorce process.

When it came to deciding with which parent to live, he and his two sisters said they wanted an alternate schedule — one week with mom and then next with dad. However that's not what the judge granted. At first his mother got sole custody and his father only visiting rights. After more court proceedings, time between parents was split.

"I spend Monday and Tuesday with my mother, and Wednesday and Thursday with my father, and we alternate weekends," Probst, now 17, told the House Civil Law Committee Feb. 8.

"I'm currently packing up two or three times a week to change houses." Their lives have been in turmoil, he said.

Probst and his father, Marty, testified that in divorce proceedings, fathers, for the most part, are getting the short shrift when it comes to parenting time.

Rep. Peggy Scott (R-Andover) sponsors HF322 that addresses the "battle" over child custody. "It's become a contest to determine who is the better parent, with the grand prize being the custodial parent," she said. The goal of the bill is to equalize the amount of time a child has with both parents.

But, after three hours of testimony, enough committee members agreed

with Rep. Mary Liz Holberg (R-Lakeville) that there are some major flaws in the bill that could have unintended consequences and that it needs more work. Committee Chairman Torrey Westrom (R-Elbow Lake) held it over to see if the issues could be worked through. It has no Senate companion.



PHOTO BY ANDREW VONBANK

**Daniel Probst, 17, and his father, Marty, testify Feb. 8 before the House Civil Law Committee in support of a bill that would create the Children's Equal and Shared Parenting Act and establish joint physical custody presumption.**

Bill supporters say the provisions continue the state down the path of modernizing custody and support issues.

It would change current law in divorces where a parent is entitled to receive at least 25 percent of parenting time, to a presumption of joint legal and joint physical custody with a minimum of 45.1 percent of parenting time for each parent. The provisions would be extended to parents who are not married, but where parentage has been established.

A parent who chooses to challenge the joint terms would need to meet a clear and convincing evidence standard that the custody agreement would be unworkable, and not in the best interest of the child.

Molly Olson, founder of the Center for Parental Responsibility, said problems in the legal system are creating "court-forced fatherlessness. ... We want to take away the fight and the win-lose model that exists in current law. With this bill we want to reduce litigation for families that are being financially pulverized." Plus, she said children deserve the time and influence of both parents.

Holberg likes the idea of joint custody, but said the bill's language related to standards for challenge is problematic.

Addressing the largely male audience, she said: "As I ask the questions I have, you may want to put yourself on the other side of the fence. If you had sole custody of your children, would these standards be high enough for you to go into a shared custody model?"

She said, for instance, if a parent is chemically dependent, it would be hard to prove because of the privacy law. Most likely the only way they would not have joint custody is if that parent was civilly committed. Additionally, the bill would allow for a parent absent from a child's life for many years to come forward and the court would have to honor joint custody.

"Do I want kids to have a relationship with both parents? You bet I do, but kids need to be safe, and we need to make sure these standards are workable, and have meaning," she said.

Scott said the bill's intent is not to put anyone in harm's way, and agreed to keep working on the language. 🐼



# Address is a snapshot of hard times

Governor pledges funding for education, all-day kindergarten

By KRIS BERGGREN

**I**n his inaugural State of the State address, Gov. Mark Dayton invoked icons of Minnesota's glory days and markers of its current economic slide. He implored lawmakers to help him avoid a government shutdown by pursuing bipartisan solutions to a "horrendous fiscal mess" he and the Legislature inherited.

Invoking the state's proud history of prosperity and quality of life, he welcomed his father, businessman Bruce Dayton, and former Gov. Wendell Anderson as icons of the "Minnesota Miracle," and noted Minnesota is home to more Fortune 500 companies per capita than any other state.

House Speaker Kurt Zellers (R-Maple Grove) said he appreciated Dayton's efforts to engage private sector leaders, and his interest in recruiting employers and jobs to build or expand in the state. However, he said the governor spent too much time looking at past successes and not enough outlining the state's future.

"You don't make an organization stronger by looking backwards; you look forward," Zellers said.

Dayton revealed a bit of his plan to resolve the state's projected \$6.2 billion budget shortfall, which he must submit to the Legislature by Feb. 15.

He said he'll propose increased funding for education, which he said has decreased by 14 percent in the past eight years once inflation is included. The governor said he'll propose to expand all-day kindergarten. Such a program targeted to the most at-risk children could cost between \$120 million and \$190 million a year, depending on how it's calculated, according to nonpartisan House Fiscal Analyst Greg Crowe.

"It's really exciting," said Rep. Nora Slawik

(DFL-Maplewood). "We know investment in early learning pays off," she added, noting that all-day kindergarten could prevent later costs in special education, remedial education and could help close the achievement gap.

She called the plan "brave" in the current budget climate because "it's going to have to be funded one of two ways: new revenue or shifting costs from somewhere else."

House Education Finance Committee Chairman Pat Garofalo (R-Farmington) said he is not opposed to either a phase-in of all-day kindergarten or to "modest, but strategic, investments in early childhood education."

Lawmakers know their work will begin in earnest next week after the governor releases his budget and legislators can begin to balance priorities in response.

"The governor clearly stated we have a very difficult challenge in front of us," Garofalo said.

Dayton described that challenge by listing signs of the state's economic slide. They include a 9 percent decline in real median income from 1999 to 2008; employment growth in the bottom 10 nationwide in the past decade; college tuition among the highest in the nation at public two- and four-year colleges; and a slide from eighth to 27th in national rankings of road conditions.

"Minnesota wants a better future," he said.

To help fund that future, Dayton said he will ask wealthy Minnesotans "for their forbearance during this fiscal crisis" by

paying higher taxes. In doing so, he quoted his father's favorite Bible passage: "To whomsoever much has been given, of him shall much be required."

Zellers said raising taxes during tough economic times would be detrimental.

"We agree with Governors Cuomo and Brown," he said, referring to Democratic governors of New York and California who have pledged not to raise income taxes. "Let that sink in."


Dayton invited lawmakers, business leaders and the public to invest in Minnesota, specifically in five ways he said would build future prosperity: more jobs; better education; improved transportation; the health of citizens, communities and the environment; and the transformation of government services.

"Investments require faith and trust," he said, urging bipartisan cooperation and the collaboration of business leaders and the private sector to work toward those goals.

"Take away the fancy words 'invest' and 'reinvestment' and it's tax and spend," Zellers said. He was disappointed Dayton didn't put job creation front and center in the speech. Instead of pushing bonding projects as a job creation strategy, Zellers said, what's needed is competitive tax rates to promote "long-term, sustained economic growth" that stems from the private sector.

"No legacy Minnesota business is looking at expansion here," he said.

Rep. Debra Hilstrom (DFL-Brooklyn Center) disagreed with the claim the governor hasn't done enough to create jobs.

"The governor has led on jobs, taking action to streamline and put Minnesotans back to work," she said. "It's time to be honest with the people of Minnesota and do the real work of creating jobs. In fact if there is a lesson to be learned from today it is to listen carefully, to be thoughtful and to keep our promises to Minnesotans." 

# 2011 State of the State Address



PHOTO BY TOM OLMSCHIED

After greeting Senate President Michelle Fischbach, Gov. Mark Dayton greets House Speaker Kurt Zellers upon entering the House Chamber to present his first State of the State address Feb. 9 to a joint convention of the Legislature.



PHOTO BY ANDREW VONBANK

Applause is directed at Ryan Vernosh, center, the 2010 Minnesota Teacher of the Year, who was recognized by Gov. Mark Dayton during the Feb. 9 State of the State address.



PHOTO BY ANDREW VONBANK

**Ten-year-old Alice Lesch, daughter of Rep. John Lesch, gets a warm handshake from Gov. Mark Dayton after the State of the State address Feb 9.**

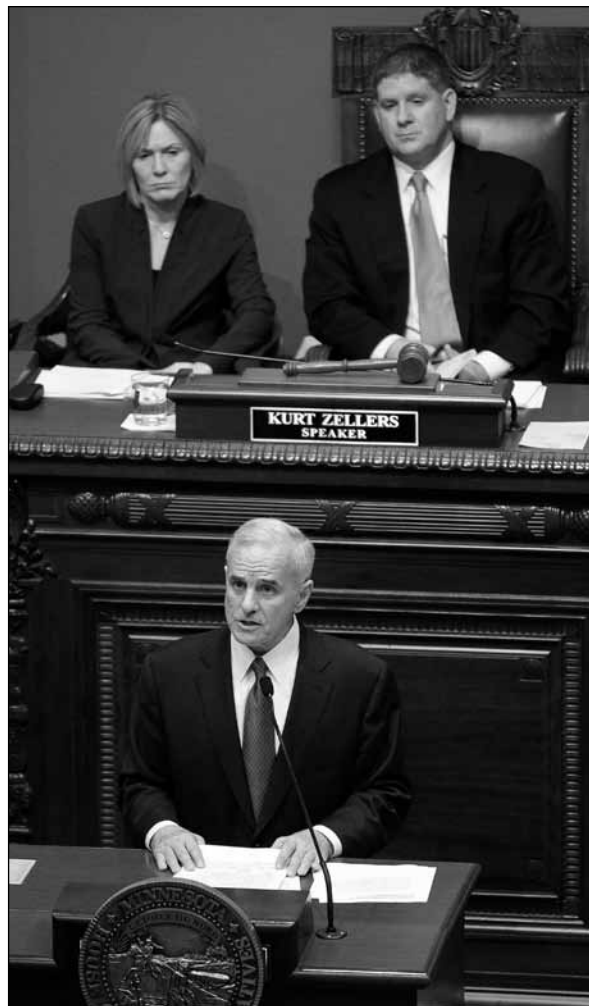


PHOTO BY ANDREW VONBANK

**House Speaker Kurt Zellers, right, and Senate President Michelle Fischbach listen in the House Chamber as Gov. Mark Dayton delivers his State of the State address Feb 9.**



PHOTO BY TOM OLMSCHIED

**1st Sgt. Gary Wenzel of Hastings, left to right standing, his wife, Cathy, and their 18-year-old son, Pfc. Todd Wenzel, were recognized by Gov. Mark Dayton during his Feb. 9 State of the State address. Inspired by Gary's service — including two deployments — Cathy founded Project Backpack, which provides backpacks for military kids. She also started the nonprofit Minnesota Veteran Family Support, a clearinghouse for providing families with available services before, during and after a military deployment. Their oldest child, Andrew, is an Army specialist heading to Afghanistan, and Todd, who finished Basic Training in October, is scheduled to deploy as an infantry soldier with the 1st Brigade Combat Team this spring. Their other children include Devin, 15, Makalia, 13, and Kelsie, 6.**



# Reading, writing, arithmetic redo

Growing academic remediation rate troubles lawmakers

By KRIS BERGGREN

**M**innesota's colleges and universities enroll a growing number of the state's high school graduates, but more of them need remedial classes once they get there, according to the 2010 "Getting Prepared" report by the University of Minnesota and Minnesota State Colleges and Universities system.

Of public high school graduates in 2008 53 percent attended two- or four-year public colleges or universities and 40 percent of those took at least one remedial class, up from 49 percent and 38 percent respectively two years ago.

Remediation rates vary by type of institution, said Scott Olson, MnSCU vice chancellor for academic and student affairs. Students at two-year technical and community colleges accounted for nearly two-thirds of those enrolled in public higher education, and they had a higher remedial rate, 54 percent, compared to 22 percent at state universities and just 2 percent of university students.

The university has become more selective in the admission process, while MnSCU continues its "access and opportunity" mission, Olson said.

At the Jan. 27 House Education Reform Committee meeting, Rep. John Benson (DFL-Minnetonka) wondered why colleges accept students who aren't prepared for college-level work.

"I am not convinced we can make the reforms we need in K-12 unless there is a more clear understanding on the part of parents and students they need to buckle down in the K-12 system and not just be given a pass," he said.

The need to redo the basics also affects students' wallets.

Students footed half the \$11.6 million

bill for remediation, in fiscal year 2009, said Craig Schoenecker, MnSCU system director for research. Remedial instruction costs are 2.3 percent of the \$627.8 million spent on all instruction system-wide.

"We need to improve accountability to the state," said Rep. Connie Doepke (R-Orono), who serves on the House Education Reform and Higher Education Policy and Finance committees. "We need to improve accountability to these students."

### Math facts

Lawmakers might boost accountability by resolving recent issues around math assessment, suggested Joe Nathan, director of the Center for School Change at Macalester College.

"We work with districts and charters all over the state, and one of the things I hear constantly from the faculty is, 'Well, the kids know they don't have to pass a math test in order to graduate,'" he said.

Math standards were upgraded in 2007, but high school curriculum alignment and testing is still catching up. A math test required for graduation was postponed until 2014.

Meanwhile, math counts for 50 percent of all remediation, writing 23 percent and 22 percent reading. At state universities, 90 percent of developmental courses are for math; at the university, it's 98 percent. At two-year colleges, it's 47 percent.

Of math remedial classes, 35 percent are for elementary algebra, 32 percent for intermediate algebra and 26 percent for arithmetic or basic math.


Yet, math competence is the best predictor of college success, according to Kent Pekel, executive director of the College Readiness Consortium at the University of Minnesota. "We know that the tipping point for finishing a four-year-degree is Algebra II or above," he told the House Higher Education Policy and Finance Committee Feb. 1.

### Bucking the trend

Some schools are bucking the trend, Nathan said, even with significant numbers of students who could be considered academically at risk because of poverty or other factors.

One example is Washburn High School in Minneapolis, where 62 percent of students are free or reduced-price lunch eligible, 19 percent have limited English proficiency and 74 percent are students of color or American Indian. Graduates' public college enrollment jumped from 67 percent in 2008 to 79 percent in 2010, while their remediation rate decreased from 58 percent to 57 percent.

Principal Carol Markham-Cousins can't directly correlate the report results and a school restructuring three years ago. But she's sought to create "intentional equity" by boosting quality and expectations. Among other reforms, she ended the tracking of students by middle school performance. Instead, all ninth graders take honors English, and eventually all juniors and seniors will take international baccalaureate classes.

"We're taking the whole concept of high expectations and not leaving that to parents or chance or how a student perceives themselves, but taking it to another level," Markham-Cousins said. 

## A farmer with wings

Green acres is Daudt's place to be

By SUE HEGARTY

Rep. Kurt Daudt (R-Crown) has more in common with Rep. Sondra Erickson (R-Princeton) than just being new members.



Rep. Kurt Daudt

Erickson was Daudt's high school English teacher.

After graduation, Daudt attended college in North Dakota to become a pilot. Now the 37-year-old legislator has a private pilot's license and dreams of owning a plane.

He lives with his brother on their grandparents' farm in Crown, where he enjoys deer hunting. He also spends time at his lake cabin and working as a business manager.

Daudt's introduction into politics began

as Stanford Township supervisor, followed by election as Isanti County commissioner. When former Rep. Rob Eastlund did not seek reelection, Daudt was persuaded to run.

Repeal of the 2008 changes to the Green Acres tax program is one thing he hopes to accomplish in St. Paul. One farmer in his district clear-cut 100 acres of wooded property to return it to tillable acreage so he would still qualify for Green Acres.

"It's pulled a lot of those properties in my area out of the Green Acres program, which in turn increased their property taxes," Daudt said. "There was no more revenue created because of the changes. All it does is shift that burden," he said.

Daudt said farmers are generally good stewards of the land.

"They use their entire property. If there's a windfall in the wooded portion of their

### DISTRICT 17A

Population: (2009 est.) 47,187

Largest city: Cambridge

Counties: Anoka, Chisago, Isanti

Top Concern: Repeal of Green Acres

property, they'll cut that up to heat their home. This is how we operate. We live off the land."

From a class of 31 first-time GOP lawmakers, he was chosen as a caucus assistant majority leader.

He serves on the House Commerce and Regulatory Reform, Higher Education Policy and Finance, Redistricting, Rules and Legislative Administration committees.

But what he's most proud of is being co-founder of Project 24, a non-profit organization with a goal to raise enough funds to build 24 orphanages in Kenya. Six orphanages have been built so far.

## From daycare mom to legislator

Franson commits to practicing kindness, likes to see others follow

By PATTY OSTBERG

Rep. Mary Franson's (R-Alexandria) office decor reflects her daycare background and passion for children. The wall behind her desk is top to bottom Transformer decals; soon Batman and Spiderman will follow the Star Wars decals on the wall exiting her office, she said.



Rep. Mary Franson

Her daycare's motto was "We Practice Kindness," which

Franson hopes legislators will practice when debating issues on the House floor. "We all need to be role models to our children, and how can we tell them not to bully and be kind to one another if you can't even discuss these issues without being kind. You may not like their idea, but at least respect their opinion."

Franson had thought about running for office as early as high school, but never had

time. Her strong opinions eventually led her to help form the Seventh District Young Republicans where she became secretary. She was also state coordinator for Mike Huckabee's 2010 presidential campaign. During these activities someone asked her if she'd be interested in running for state representative.

She ran with the message, "Our government was getting too big, and our rights were being taken away from us ... I was concerned about our children's future," she said.

A joke on the campaign trail was she could always put politicians in a time out if they misbehave. "I wish it was that easy," she said. "If you put adults in a time out, it just gives them more time to think about what they can do."

Her top concern is creating jobs. She said when families in her community growing up faced unemployment challenges, people came together to help support them with groceries or pitching in. "Now, it's so

### DISTRICT 11B

Population (2009 est.): 35,924

Largest City: Alexandria

Counties: Douglas, Todd

Top Concern: Job creation

common to know who's unemployed ... you can't help everybody out that you know," she said.

Other issues important to her district include reducing the size of government, being pro-life and defining marriage between a man and a woman. "A lot of them at the door, they didn't even care about your message they just wanted to know if you were pro-life," Franson said.

Most importantly, she said, it all comes down to her children. "I want them to have a better future than what we are looking at today."

## Rural Republican's challenge

Hancock says government's role important in supporting small communities

By **LEE ANN SCHUTZ**

Here's the dilemma for Rep. David Hancock (R-Bemidji). He's all for putting the brakes on government expansion; but he



**Rep. David Hancock**

recognizes that without these jobs, many small towns in his district would wither away.

"That's the challenge for any outstate Republican," he said. Greater Minnesota's economic health, in many ways, is based on

the services that government provides — certainly the education, health care community and the government offices, he said.

As a legislator, he wants to work toward preserving the rural way of life.

"We still have relatively vibrant small towns, cities. I am a limited government person, and we need to streamline our

delivery systems. With that said, we still need good government providing infrastructure and systems so that the private sector can thrive. It's all about balance," he said.

He and his wife, Pat, have lived in Beltrami County for more than 30 years. Now retired, he owned a tire business in Bemidji for most of that time. They have two sons and five grandchildren. He credits his young granddaughter for his decision to run for office. As an alternate delegate at the Republican state convention, he explained to her that he was there "to help make Minnesota a place to live. I decided then that I'd better mean what I say."

Hancock's style is quiet and relaxed. He attributes some of that to the harmonica that he plays.

"It's relaxing. It's almost an instrument of prayer for me," he said. He appreciates it now even more because the early hectic pace of session came somewhat unexpected.

### DISTRICT 2B

Population (2009 est.): 34,629

Largest City: Park Rapids

Counties: Beltrami, Clearwater, Hubbard, Pennington, Polk

Top Concerns: Employment, access to services

At 4,359 square miles, Hancock represents one of the largest geographic areas in the state. Although the district is home to several manufacturing companies, he said unemployment historically runs higher than the rest of the state, and that is a concern.

He serves on the House Environment, Energy and Natural Resources Policy and Finance, Government Operations and Elections, and the Higher Education Policy and Finance committees.

## Runbeck the reformer

New members' senior has her eye on property tax reform

By **LEE ANN SCHUTZ**

You really can't consider Rep. Linda Runbeck (R-Circle Pines) a new member. She's got a long history in the Legislature —



**Rep. Linda Runbeck**

serving in the House from 1989-1992 and in the Senate from 1993-2000. Because she's been away from the statehouse in recent years, doesn't mean she's been away from the issues, however.

Runbeck, whose mindset of self determination is molded from a family history of small business, served as president of the Taxpayers League of Minnesota and also development director at the Minnesota Free Market Institute in the past decade. Additionally, she was active in forming a property rights group. "I

have a passion and a real point of view that government is here to serve us, not the other way around," she said.

A no-nonsense person, Runbeck wants to get to the facts and move to quickly get the job done. Intuitively she's a reformer, she said, and she's all about protecting the taxpayers' interests. Because of her experience, she was named chairwoman of the House Property and Local Tax Division.

She and her husband own a small business, and running for office again wasn't foremost on her mind. But people in the district encouraged her to run, and she had reached a point where she "couldn't bear all the ways that government has morphed and expanded its burden on the taxpayer."

As a stalwart protector of taxpayer's interests, she felt the time was right for reform, and she could no longer sit on the sidelines.

### DISTRICT 53A

Population (2009 est.): 40,642

Largest City: Shoreview

Counties: Anoka, Ramsey

Top Concerns: Property taxes, government reform

"When I was here in the 90s, I focused on reform, but there was no appetite at that time." She sensed that now, however, times had changed. Now, she's got an eye on property tax reform.

"Minnesota has the most incomprehensible, ridiculous property tax system in the country," she said.

Runbeck also serves on the House Taxes and House Civil Law committees.



# BILL INTRODUCTIONS

FEBRUARY 7 - 10, 2011

HOUSE FILES 365 - 474

## Monday, February 7

**HF365-Peterson, S. (DFL)**

### **Education Reform**

Education of young children through age 5 provided and constitutional amendment proposed.

**HF366-Kahn (DFL)**

### **Health & Human Services Reform**

Health record privacy provisions modified.

**HF367-Banaian (R)**

### **Health & Human Services Reform**

Municipal laboratories certification exempted.

**HF368-Banaian (R)**

### **Environment, Energy & Natural Resources Policy & Finance**

Lake Pepin; coordination with Wisconsin required in phosphorous standard establishment.

**HF369-Banaian (R)**

### **Capital Investment**

Capital investment return determination information required.

**HF370-Smith (R)**

### **Public Safety & Crime Prevention Policy & Finance**

Youth intervention program grants modified.

**HF371-Hoppe (R)**

### **Government Operations & Elections**

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

**HF372-Moran (DFL)**

### **Jobs & Economic Development Finance**

Ramsey County; workforce development funding provided for adjudicated youth reentering the community and at-risk youth.

**HF373-Moran (DFL)**

### **Health & Human Services Reform**

Child care assistance program income definition modified.

**HF374-Kahn (DFL)**

### **Education Reform**

Early high school graduation with a standard diploma allowed.

**HF375-Kahn (DFL)**

### **Commerce & Regulatory Reform**

Off-sale intoxicating liquor sales modified.

**HF376-Anderson, P. (R)**

### **Education Reform**

High school freshmen and sophomores allowed to enroll in college classes.

**HF377-Shimanski (R)**

### **Taxes**

Hutchinson; sales and use tax authorized.

**HF378-Scott (R)**

### **Higher Education Policy & Finance**

Graduate education study required in for-profit sector.

**HF379-Torkelson (R)**

### **Legacy Funding Division**

County agricultural society grant funding provided from the arts and cultural heritage fund.

**HF380-Lenczewski (DFL)**

### **Government Operations & Elections**

Twenty-four-hour waiting period required before consideration of conference committee reports.

**HF381-Drazkowski (R)**

### **Education Reform**

School district budget relief provided.

**HF382-Hoppe (R)**

### **Civil Law**

Statutes amended regarding receiverships and assignments for the benefit of creditors.

**HF383-Hamilton (R)**

### **Health & Human Services Reform**

Radiation therapy facility construction moratorium extended.

**HF384-Dettmer (R)**

### **Veterans Services Division**

Campus veterans representative program sunset repealed.

**HF385-Dettmer (R)**

### **Taxes**

Market value growth limited.

**HF386-Dettmer (R)**

### **Higher Education Policy & Finance**

Athletic scholarship conditions set.

**HF387-Kelly (R)**

### **Public Safety & Crime Prevention Policy & Finance**

Counties allowed to participate in driver's license reinstatement diversion pilot program, and diversion pilot program extended.

**HF388-Benson, J. (DFL)**

### **Agriculture & Rural Development Policy & Finance**

Dog and cat breeder standards of care provided, fees established, rulemaking authorized and criminal penalties provided.

**HF389-Beard (R)**

### **Government Operations & Elections**

Interim planning ordinances provided, and municipal development contracts provided.

**HF390-Hoppe (R)**

### **Commerce & Regulatory Reform**

Building and construction contracts and indemnification agreements regulated.

**HF391-Scott (R)**

### **Health & Human Services Reform**

State-sponsored health program abortion funding limited.

**HF392-Howes (R)**

### **Transportation Policy & Finance**

School bus crossing control arms required.

**HF393-Howes (R)**

### **Taxes**

Vendor remittance schedule modified.

**HF394-Howes (R)**

### **Taxes**

Public safety radio systems exemption expanded.

**HF395-Wardlow (R)**

### **Commerce & Regulatory Reform**

Deeds clarified to correct title and certain acknowledgments, cancellation of residential purchase agreements provided, and redemption period clarified for foreclosure of certain mortgages.

**HF396-Wardlow (R)**

### **Civil Law**

Minnesota Common Interest Ownership Act; clarifying, technical, and conforming changes made.

**HF397-Lenczewski (DFL)**

### **Taxes**

Individual income and corporate franchise taxes conformed to federal law provisions, corporate franchise tax rate reduced, foreign source income preferences eliminated, subtraction for foreign royalties repealed and foreign operating corporations repealed.

**HF398-Lenczewski (DFL)**

### **Taxes**

Property tax aid and credit programs except those paid directly to the taxpayer eliminated; homeowner property tax refund program enhanced; all maintenance of effort requirements terminated; prohibition against local sales taxes eliminated; metro and Iron Range fiscal disparities programs eliminated; levy limits repealed; and green acres, rural preserves and metropolitan agricultural preserves repealed.

**HF399-Lenczewski (DFL)**

### **Taxes**

Foreign source income preferences eliminated, foreign royalties subtraction repealed, certain development subsidies taxed, domestic corporations definition expanded to include foreign corporations incorporated or doing business in tax havens, JOBZ and biotechnology and health science industry zones modified, international economic development zones repealed, corporate franchise tax rates reduced, research credit repealed, foreign operating corporations repealed, and special apportionment formula for certain mail-order businesses repealed.

**HF400-Howes (R)**

### **Environment, Energy & Natural Resources Policy & Finance**

Environment and natural resources money appropriated.

**HF401-Rukavina (DFL)**

### **Jobs & Economic Development Finance**

Giants Ridge Recreation Area lands administrative procedures modified.

**HF402-Erickson (R)****Civil Law**

U.S. Senate urged to oppose ratification of the United Nations Convention on the Rights of the Child.

**HF403-Erickson (R)****Environment, Energy & Natural Resources Policy & Finance**

White deer taking prohibited.

**HF404-Erickson (R)****Education Reform**

School districts required to pool active and retired employees separately for health coverage.

**HF405-Clark (DFL)****Jobs & Economic Development Finance**

Youthbuild work experience requirements modified and money appropriated.

**HF406-Simon (DFL)****Redistricting**

Districting principles for legislative and congressional plans established, appointment of a commission to recommend the boundaries of legislative and congressional districts provided and money appropriated.

**HF407-Kriesel (R)****Education Finance**

Reduction of state short-term borrowing through school district payment modifications repealed.

**HF408-Torkelson (R)****Environment, Energy & Natural Resources Policy & Finance**

Building materials burial provided on land used for farming, and livestock mortality disposal oversight responsibility clarified.

## Wednesday, February 9

---

**HF409-Poppe (DFL)****Government Operations & Elections**

Minnesota State Colleges and Universities employee retirement coverage specified, and employer required to provide certain notices.

**HF410-Lohmer (R)****Taxes**

Social Security benefits income tax subtraction allowed.

**HF411-Morrow (DFL)****Transportation Policy & Finance**

Minnesota Valley Regional Rail Authority funding provided, bonds issued and money appropriated.

**HF412-Gruenhagen (R)****Health & Human Services Finance**

Managed care and county-based purchasing plans provider rate increases and use of generally accepted accounting principles required.

**HF413-Gruenhagen (R)****Environment, Energy & Natural Resources Policy & Finance**

State greenhouse gas emission reduction goals repealed.

**HF414-Hoppe (R)****Commerce & Regulatory Reform**

Access stimulation charges prohibited.

**HF415-Kath (DFL)****Transportation Policy & Finance**

Trunk Highway 14 construction funds appropriated.

**HF416-Kath (DFL)****Transportation Policy & Finance**

Trunk Highway 14 construction requirements established.

**HF417-Smith (R)****Health & Human Services Reform**

Commercial breeders regulation established to protect public health and animal welfare, registration and rule-making required, fees established, penalties provided and money appropriated.

**HF418-Downey (R)****Government Operations & Elections**

Back Office Consolidation Act proposed; accounting, financial reporting, procurement, fleet services, human resources and payroll functions centralized in the Department of Administration.

**HF419-Downey (R)****Government Operations & Elections**

Executive branch departments number reduced.

**HF420-Woodard (R)****Education Finance**

Health and safety revenue program streamlined.

**HF421-Rukavina (DFL)****Transportation Policy & Finance**

Retired firefighter special plates established.

**HF422-Rukavina (DFL)****Transportation Policy & Finance**

Special license plate standards provided.

**HF423-Dill (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Lake County; all-terrain vehicle trail funding provided and money appropriated.

**HF424-Scott (R)****Civil Law**

Incapacitated and vulnerable adults; remedies provided for neglect and abuse.

**HF425-Peppin (R)****Health & Human Services Reform**

MFIP work activities modified.

**HF426-Peppin (R)****Health & Human Services Reform**

Mandated health benefit moratorium established.

**HF427-Cornish (R)****Legacy Funding Division**

Minnesota Agricultural Interpretive Center funding provided and money appropriated.

**HF428-Anderson, P. (R)****Taxes**

Marriage penalty relief federal extension conformed in the standard deduction.

**HF429-Dettmer (R)****Government Operations & Elections**

Anoka County; countywide public safety improvement finance cost authority expanded.

**HF430-McElfattrick (R)****Public Safety & Crime Prevention****Policy & Finance**

Right of individuals to keep and bear arms provided, and constitutional amendment proposed.

**HF431-Beard (R)****Environment, Energy & Natural Resources Policy & Finance**

Magnification restriction eliminated for scopes on muzzleloaders used by visually impaired hunters.

**HF432-Smith (R)****Public Safety & Crime Prevention****Policy & Finance**

Local correctional officers disciplinary interview rights established.

**HF433-Smith (R)****Public Safety & Crime Prevention****Policy & Finance**

Sheriffs required to report injuries to jailers to the Bureau of Criminal Apprehension.

**HF434-Hackbarth (R)****Commerce & Regulatory Reform**

Petroleum tank release cleanup fund eligibility modified and sunset date extended.

**HF435-Dittrich (DFL)****Education Reform**

Minnesota's permanent school trust land independent authority created for management, supervision and administration.

**HF436-Smith (R)****Judiciary Policy & Finance**

Collaborative law process available evidence limited.

**HF437-Rukavina (DFL)****Higher Education Policy & Finance**

Iron Range engineering program at Mesabi Range Community and Technical College facility funding provided, bonds issued and money appropriated.

## Thursday, February 10

---

**HF438-Smith (R)****Public Safety & Crime Prevention****Policy & Finance**

State and local jail and prison inmates required to be housed in publicly owned and operated jails and prisons, state and counties prohibited from contracting with private prisons, and Prairie Correctional Facility contract renewal prohibited.

**HF439-Smith (R)****Judiciary Policy & Finance**

Consecutive sentences for assaults committed by state prison inmates provision clarified.

**HF440-Smith (R)****Judiciary Policy & Finance**

Placement of vehicle license plates clarified, failure to provide vehicle insurance for drivers and owners modified, service of petition for election errors modified, corrections agent required to provide form regarding predatory offender duty to register, certain hearings concerning parents and children opened, fees and surcharges clarified, notary provisions modified, lien filing and records modified, service procedures and documents for domestic abuse modified, and document copies for probate records clarified.

**HF441-Loon (R)****Commerce & Regulatory Reform**

Collection of 911 fees from prepaid wireless telecommunications services provided.

**HF442-Loon (R)****Education Finance**

Professional development 2 percent set-aside repealed.

**HF443-Mack (R)****Transportation Policy & Finance**

Dakota and Hennepin counties; Cedar Avenue Bus Rapid Transitway funding provided, bonds issued and money appropriated.

**HF444-Mazorol (R)****Commerce & Regulatory Reform**

Uniform Commercial Code Article 9 amendments adopted by the National Conference of Commissioners on Uniform State Laws enacted, and conforming changes made.

**HF445-Davids (R)****Taxes**

Pooled tax increments for development of market rate housing authorized.

**HF446-Abeler (R)****Taxes**

Jobs credit for increasing employment allowed.

**HF447-Kelly (R)****Health & Human Services Reform**

Investigation, review and hearing governing provisions modified, crime of criminal abuse of a vulnerable adult made a registrable offense under the predatory offender registration law, terminology changed, criminal penalty increased for assaulting a vulnerable adult, and criminal penalties provided.

**HF448-Simon (DFL)****Commerce & Regulatory Reform**

Liquor store clothing and memorabilia sales allowed.

**HF449-Runbeck (R)****Taxes**

Contractor 2 percent withholding repealed.

**HF450-Cornish (R)****Legacy Funding Division**

Dodd Ford Bridge rehabilitation funding provided and money appropriated.

**HF451-Davids (R)****Taxes**

Federal tax treatment conformed.

**HF452-Howes (R)****Commerce & Regulatory Reform**

Display and consumer fireworks provided.

**HF453-Kath (DFL)****Education Reform**

Board of Teaching directed to incorporate professional reflection and growth in best teaching practices into its renewal requirements for a continuing teaching license.

**HF454-Kath (DFL)****Health & Human Services Reform**

Ethics training required from home health aides, and commissioner of health instructed to amend rules.

**HF455-Kath (DFL)****Public Safety & Crime Prevention****Policy & Finance**

Fourth-degree assault crime and the assaulting a police horse crime expanded to provide more protection to law enforcement assistants.

**HF456-Kath (DFL)****Health & Human Services Reform**

Nursing home bed layaway permitted in emergency circumstances, and mutual aid agreement process recommendations by commissioner of health required.

**HF457-Kath (DFL)****Education Reform**

School districts and charter schools electronic publication of public information allowed and superintendent expenditure identification requirement eliminated.

**HF458-Poppe (DFL)****Environment, Energy & Natural Resources****Policy & Finance**

Austin; Turtle Creek flood mitigation project funding provided, bonds issued and money appropriated.

**HF459-Fritz (DFL)****Transportation Policy & Finance**

Deputy John W. Liebenstein Memorial Highway designated.

**HF460-Peppin (R)****Commerce & Regulatory Reform**

Sprinkler requirements in single-family homes prohibited.

**HF461-Dittrich (DFL)****Environment, Energy & Natural Resources****Policy & Finance**

Hennepin County; Schmidt Wildlife Management Area surplus state land conveyance required.

**HF462-Norton (DFL)****Health & Human Services Reform**

Nurse Licensure Compact and appointments provided.

**HF463-Norton (DFL)****Education Reform**

Teacher collective bargaining agreement deadline and penalty changed.

**HF464-Norton (DFL)****Education Reform**

Teacher collective bargaining agreement deadline and process changed.

**HF465-Smith (R)****Civil Law**

Safe at home program provision added, and protective orders provided.

**HF466-Morrow (DFL)****State Government Finance**

Minnesota Assistance Council for Veterans grant funding provided for continued outreach to homeless veterans in Minnesota, and money appropriated.

**HF467-Gruenhagen (R)****Public Safety & Crime Prevention****Policy & Finance**

Commissioner of corrections directed to implement a gardening program at state correctional facilities.

**HF468-Gruenhagen (R)****Health & Human Services Finance**

Expenditure of state funds prohibited to comply with federal health care laws.

**HF469-Gruenhagen (R)****Public Safety & Crime Prevention****Policy & Finance**

Harassment restraining order jurisdiction for petitions provided.

**HF470-Gauthier (DFL)****Education Finance**

K-12 special education third-party billing process provided to be more cost effective.

**HF471-McNamara (R)****Environment, Energy & Natural Resources****Policy & Finance**

Outdoor heritage funding provided, outdoor heritage provisions modified and money appropriated.

**HF472-Nornes (R)****Transportation Policy & Finance**

Biennial inspection and filing fee charges established for limited use farm trucks, and technical corrections made.

**HF473-Smith (R)****Civil Law**

Child support; calculation of maintenance after child support provided.

**HF474-Smith (R)****Public Safety & Crime Prevention****Policy & Finance**

Fire safety account funds allocated.

## Stay Informed

- Subscribe to Session Weekly or Session Daily: [www.house.mn/hinfo/subscribesw.asp#byemail](http://www.house.mn/hinfo/subscribesw.asp#byemail)
- Follow us on Twitter: [twitter.com/MNHouseInfo](https://twitter.com/MNHouseInfo)
- Like us on Facebook: [www.facebook.com/MNHouseInfo](https://www.facebook.com/MNHouseInfo)
- View our videos on YouTube: [www.youtube.com/user/MNHouseInfo](https://www.youtube.com/user/MNHouseInfo)
- For information on any of these services: 651-296-2146 or 800-657-3550

## Minnesota's U.S. Senators in Washington D.C.

**Senator Amy Klobuchar (DFL)**

302 Hart Senate Office Building  
Washington, D.C. 20510  
202-224-3244  
Fax: 202-228-2186

**Senator Al Franken (DFL)**

320 Hart Senate Office Building  
Washington, D.C. 20510  
202-224-5641  
Fax: 202-224-0044



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Patty Ostberg

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to: House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## Domestic violence and other crimes

|   |              |
|---|--------------|
| Women murdered last year in Minnesota in cases where the suspected, alleged or convicted perpetrator was a current or former husband, boyfriend or intimate partner.....      | 15           |
| Number in 2008.....   | 23           |
| Number in 2006.....   | 20           |
| Number in 2001.....   | 33           |
| Minnesota men who died as a result of domestic violence last year.....  | 2            |
| Number in 2008.....   | 1            |
| Number in 2006.....   | 1            |
| Minnesota children who died as a result of domestic violence last year.....   | 7            |
| Number in 2008.....   | 7            |
| Number in 2006.....   | 20           |
| Of women murdered in domestic violence cases in state last year, percent where the killing occurred after the woman had left the relationship or was attempting to leave..... | 67           |
| Percent in 2008.....  | 62           |
| Of women murdered in domestic violence cases in state in 2010, number of times case became a murder-suicide.....  | 8            |
| Percent of women who will experience domestic violence in their lifetime.....   | 25           |
| Minnesota Domestic Violence Crisis Line phone number.....   | 866-223-1111 |
| National Domestic Violence Hotline phone number.....  | 800-799-SAFE |
| Dates of 2011 National Crime Victims' Rights Week.....  | April 10-16  |
| How often someone is sexually assaulted in the United States, in minutes.....   | 2            |
| Estimated percent of sexual assaults left unreported to authorities.....  | 60           |
| Estimated percent of sexual assaults where a male is the victim.....  | 10           |
| If an arrest is made in a rape case, percent chance of prosecution.....   | 80           |
| Percent chance of conviction if there is a prosecution.....   | 58           |
| If a felony conviction, percent chance the convict will spend time in jail.....   | 69           |
| Nationally, percent of rapists who will ever spend a day behind bars.....   | 6            |
| Minnesota children confirmed as neglected or abused in 2009.....  | 4,742        |
| Children who suffered life-threatening injuries.....  | 44           |
| Children who died from maltreatment.....  | 21           |
| Median age of the abused and neglected children.....  | 6            |
| Percent of offenders who were the victims' birth parents.....   | 76           |
| Percent of offenders who were other relatives.....  | 12           |

— M. Cook

Sources: Minnesota Coalition for Battered Women, including the 2010 Femicide Report; Rape, Abuse & Incest National Network; The National Center for Victims of Crime, including 2011 National Crime Victims' Rights Week Resource Guide; Prevent Child Abuse Minnesota; Department of Human Services, including Minnesota's Child Welfare Report 2009, July 2010.



# SESSION WEEKLY



CRIME AND 13-YEAR-OLDS  
GOVERNOR PROPOSES, LEGISLATURE DISPOSES  
FIRST NEW LAW

HF475 - HF607

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 7 • FEBRUARY 18, 2011



# Flashback to 1991 - 2001

## Trim number of counties from 87 to 10

Should the number of Minnesota counties be trimmed from 87 to 10? Rep. Phyllis Kahn (DFL-Mpls) thinks this would streamline government and eliminate duplication of services offered by the thousands of local governments in Minnesota. Her proposal was before the House Appropriations Committee's State Government Division, which she chairs.

Rep. Steve Trimble (DFL-St. Paul) said that Minnesota once had only five counties, and mandated the creation of new ones as population grew in pockets.

After it was suggested that his office study county consolidation, State Auditor Mark Dayton told the committee, "With the resources and staff to do it justice, sure, I would be glad to take that on."

**Session Weekly Feb. 15, 1991**

## 'Soy' charged over biofuel

Rep. Torrey Westrom (R-Elbow Lake) sponsored legislation that would require diesel fuel sold in Minnesota to contain a minimum of 2 percent biodiesel fuel by volume starting July 1, 2002. HF362 would increase that minimum amount to 5 percent by 2006. "I am soy charged. I want this whole committee to be soy charged by the end of the meeting," Westrom told the House Agriculture Policy Committee referring to soybean oil, which is commonly used to make biofuel.

**Session Weekly Feb. 16, 2001**

## Castrating the law

To refuse your duty as a town board chair of castrating a bull or stallion continually allowed to run free by its owner, could lead to a misdemeanor charge. A bill, HF394, sponsored by Rep. Marty Seifert (R-Marshall) would repeal the law. Seifert told the House Local Government and Metropolitan Affairs Committee the bill is part of an ongoing effort to purge obsolete laws from the books. Established in 1947, the law was brought to his attention by his father, a former township official, who had come across the law more than 20 years prior and was surprised to see it still on the books.

**Session Weekly Feb. 9, 2001**

## Contents

**FIRST READING:** How young is too young to be charged as an adult? • 3-4

**HIGHLIGHTS:** Gambling lows to nuclear power • 5-12

**AT ISSUE:** Dayton budget plan kicks off debate on taxation and spending • 13-15

**AT ISSUE:** Some school districts find four-day school week works as a budget fix • 16-17

**RESOURCES:** House committee chairs • 18

**RESOURCES:** House and Senate roster • 19-20

**BILL INTRODUCTIONS:** HF475-HF607 • 21-23

**MINNESOTA INDEX:** Black History Month • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

**On the cover:** Gary Behm, *right*, president of St. Louis Antique Lighting Company, and Sysomphone Khotsyphom replace light bulbs in the Capitol chandelier after working for three days to rewire the fixture. The chandelier is on display in the Capitol's north corridor while the dome is being repaired.



# How young is too young?

Committee debates age for youth being charged as an adult in certain cases

By MIKE COOK

**A**s she had done so many times before, Lynn Johnson dropped off her daughter at day care on June 16, 2006.

It would be the last time.

The 13-year-old son of the day care provider sexually assaulted Johnson's 2-year-old daughter, Emily, before violently throwing the toddler against a wall. Emily then laid there for two hours while her brain was deprived of oxygen, which caused irreversible brain damage. She was taken off life support one day later.

"The prosecutor in our case has stated that if she had the option, she would have strongly considered trying this person as an adult," Lynn Johnson told the House Public Safety and Crime Prevention Policy and Finance Committee Feb. 10.

Travis Johnson, Emily's father, said the perpetrator pleaded guilty to second-degree manslaughter and served two years in a detention center, lived with his aunt for one year on probation and is now living with his parents until his 19th birthday. At age 19 his juvenile record will be sealed and none of his previous incidents will show up on things like a background check for employment.

"Would you want him or her watching your child at day care, coaching their Little League game?" he said.

At the time of the incident, their daughter's killer was 19 days shy of his 14th birthday, meaning he could not be tried as an adult.



PHOTO BY ANDREW VONBANK

Travis and Lynn Johnson, whose 2-year-old daughter, Emily, was killed by a 13-year-old boy, testify Feb. 10 before the House Public Safety and Crime Prevention Policy and Finance Committee in support of a bill that would lower the age of adult certification and extended jurisdiction juvenile prosecution for juveniles.

## When kids are not kids anymore

Currently, children ages 14-17 who are alleged to have committed a felony-level offense can be certified as adults for criminal court or may be prosecuted as an extended jurisdiction juvenile to give the child one last chance to stay law-abiding. According to state statute, "If a child is prosecuted as an EJJ and is convicted, the child receives both a juvenile disposition and a stayed adult sentence. If the child violates the juvenile disposition order, the adult sentence may be executed and the child may be sent to prison."

In other cases it is hoped that a child below a certain age can be rehabilitated.

"These kids are not kids anymore when they commit the intentional act of murder and should be treated as such," Travis Johnson said. "I do not advocate them being incarcerated with adult offenders, but with juveniles of similar age. They need to be punished."

Rep. Torrey Westrom (R-Elbow Lake) wants to lower the minimum age to 10 if the child is alleged to have committed a violent juvenile offense, including first- through third-degree murder, first- and second-degree manslaughter, criminal sexual conduct and malicious punishment of a child. It would also restrict a court's ability to expunge a juvenile record if the juvenile is adjudicated delinquent for committing a violent juvenile offense. A court may now expunge a juvenile court record at any time, unless the child is transferred to the custody of the Department of Corrections.

A bill he sponsors, HF306, was held over by the committee for possible further action. It has no Senate companion.

"The goal and objective here is to improve the juvenile justice system, and not have glaring omissions of injustice,"

First Reading continued on page 4

## First Reading continued from page 3

Westrom said. "It's not a foregone conclusion that just lowering the age from 14 to 10 that those juveniles committing felony crimes, injuries to persons, would be EJJ or certified as an adult. The courts would still have that review and that discretion. ... It's time to get our arms around this, and not let another family, any other parties and citizens of the state of Minnesota feel the injustice that the Johnsons have felt."

"My intention is to move forward and not let it die again in committee," said Committee Chairman Tony Cornish (R-Good Thunder).

### What's the magical age?

A bill last biennium to lower the age to 13, HF317/SF256, was heard, but not acted upon, by the House Public Safety Policy and Oversight Committee, and laid on the table by the Senate Judiciary Committee. Its sponsors were Rep. Bud Nornes (R-Fergus Falls) and former Sen. Dan Skogen (DFL-Hewitt). Nornes co-sponsors the new bill.

According to the Office of Juvenile Justice and Delinquency Prevention, in 13 states, a juvenile can be tried as an adult at age 13 or lower for the commission of a violent crime; including 12-year-olds in Colorado and Montana, and 10-year-olds in Kansas and Vermont. The age for a transfer to adult certification is 14 in Indiana, but 10 if it is a murder case. A 13-year-old can be charged

as an adult for murder in New York.

"What makes 14 a magical age?" Lynn Johnson said. "Why is our daughter lying in the ground while her killer is allowed to continue on with his life with minimal interruption?"

The state public defender and representatives of the state county attorneys and state corrections associations spoke against the bill. The American Civil Liberties Union of Minnesota and Minneapolis Police Chief Tim Dolan sent letters in opposition.

Dolan, who called the Johnson case a "sad isolated action committed by a very sick individual," believes society can do better for youthful offenders than incarceration. "I know that our adult criminal justice system will not rehabilitate a ten to fourteen year old violent offender."

Michael Belton, deputy director for Ramsey County Juvenile Corrections, agrees. He said the bill would be "a short-term response that tends to compromise long-term public safety interests," in part, because studies show a juvenile offender is more likely to be rearrested if sentenced to adult prison because of what is learned from older inmates.

"An adult correctional facility ... is not about rehabilitation," said Rep. Kerry Gauthier (DFL-Duluth). "We cannot put children in those situations."


State Public Defender John Stuart called Emily's case a "heartbreaking, shocking crime," but he reminded everyone that the juvenile court would have more power over the offender compared to adult court.

"This juvenile was convicted of second-degree manslaughter. That's another crime where the adult sentence is 48 months. You take your 10- or 11- or 13-year-old and they do 32 months in prison then they are on supervised release for 16 months, and they're done," he said. "Meanwhile, the juvenile court has got the power, even without the EJJ provision to keep that juvenile under control until age 19. ... There's some things that juvenile court can do for public safety and there's some things that adult court can do for public safety."

Rep. Sheldon Johnson (DFL-St. Paul) has spent more than three decades working in the state corrections system. He believes that children barely out of elementary school have no business facing the same charges as an adult.

"Young children have different brain development and research has shown that their ability to reason doesn't develop until they're older," he said. "To think that we're going to judge children by the same standards as adults is terrifically bad criminal justice policy."

Lynn Johnson is OK that others don't view Westrom's bill as the right answer, as long as they see it as a start.

"We have asked to revamp a system that failed us miserably," she said. "We want to work with the Legislature. We don't expect it to be 10. ... We want to work with you guys and make the system work for our children and for us as members of society so we can feel safe." 

## Constitutional Officers

### Governor

#### Mark Dayton (DFL)

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-201-3400  
800-657-3717  
Fax: 651-797-1850  
Website: [www.governor.state.mn.us](http://www.governor.state.mn.us)  
E-mail: [mark.dayton@state.mn.us](mailto:mark.dayton@state.mn.us)

### Lieutenant Governor

#### Yvonne Prettner Solon (DFL)

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55115  
651-201-3400  
Fax: 651-797-1850  
E-mail: [ltgovprettnersolon@state.mn.us](mailto:ltgovprettnersolon@state.mn.us)

### Secretary of State

#### Mark Ritchie (DFL)

Election Center  
Room 180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
651-215-1440  
877-600-8683 (VOTE)  
Business Services  
60 Empire Drive, Suite 100  
St. Paul, MN 55103  
651-296-2803  
877-551-6767  
Website: [www.sos.state.mn.us](http://www.sos.state.mn.us)  
E-mail: [secretary.state@state.mn.us](mailto:secretary.state@state.mn.us)

### Attorney General

#### Lori Swanson (DFL)

Executive Offices  
Room 102  
State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

651-296-6196  
800-657-3787  
Website: [www.ag.state.mn.us](http://www.ag.state.mn.us)  
E-mail: [attorney.general@state.mn.us](mailto:attorney.general@state.mn.us)  
Consumer Division  
1400 Bremer Tower  
445 Minnesota St.  
St. Paul, MN 55101  
651-296-3353  
800-657-3787  
(TTY) 651-297-7206  
(TTY) 800-366-4812

### State Auditor

#### Rebecca Otto (DFL)

525 Park St.  
Suite 500  
St. Paul, MN 55103  
651-296-2551  
(TTY) 800-627-3529  
Website: [www.osa.state.mn.us](http://www.osa.state.mn.us)  
E-mail: [state.auditor@state.mn.us](mailto:state.auditor@state.mn.us)

# HIGHLIGHTS

FEBRUARY 10 - 17, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held Feb. 10-17. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Business & Commerce

### Contractors seek more time to comply

**Signed  
by  
the  
governor**

Gov. Mark Dayton signed his first new law Feb. 17.

The law, most of which is effective Aug. 1, 2011, will give residential remodelers, building contractors and other construction specialists more time to post their lead certification qualifications on a website, as required by the Environmental Protection Agency.

Sponsored by Rep. Karen Clark (DFL-Mpls) and Sen. Ted Lillie (R-Lake Elmo), the law amends the effective date of last year's law that brought the state building code into compliance with the EPA requirements regarding lead removal certification reporting.

HF166/SF139\*/CH2

— L. SCHUTZ

## Civil Law

### Legal framework for receiverships

The process where a court orders an outside party to take custodial responsibility of another's property is called receivership.

It's a common law process that goes back about 500 years or so; however, there is no guidance in state law regarding the practice, James Baillie, an attorney with Fredrikson & Byron, told the House Civil Law Committee Feb. 14.

On behalf of the Minnesota State Bar Association, Rep. Joe Hoppe (R-Chaska) sponsors HF382, which lays out a framework for receiverships, "so that it gets written down and it's not a matter of lore or custom," Baillie said.

The bill also makes limited changes to existing law by clarifying receivership requirements in an effort to provide

## BENCH WORK



PHOTO BY TOM OLMSCHIED

**Stearns County Assessor Gary Grossinger uses a bench off the Capitol Rotunda Feb. 14 to work at his computer before heading for meetings with legislators on proposed Green Acres legislation.**

transparency to the rules and requirements, Baillie said.

The committee approved the bill and sent it to the House Judiciary Policy and Finance Committee. It has no Senate companion.

Court-appointed receiverships can be used to protect real estate, liquidate fraudulently operated businesses; or seize assets being withheld in a divorce.

— L. SCHUTZ

## Consumers

### Lottery up, other gambling down

The Minnesota State Lottery had another record year in 2010, but other forms of gambling in Minnesota are on the decline, members of a House committee learned.

The House State Government Finance Committee heard Feb. 17 from state officials who regulate the state's lottery, horse racing and charitable gambling industries. No action was taken.

Lottery sales in the state soared to a record \$499 million in fiscal year 2010. Despite this, Don Feeney, research and planning director for the lottery, said legal forms of gambling as a whole, saw a decline in gross sales. He said the slump in gambling sales is likely "a

reflection of the economy."

"Most lotteries around the country actually saw sales decline; we were one of the few exceptions," Feeney said.

Charitable gaming (i.e. pull-tabs and bingo) and betting on horse-races both saw a decline in 2010, continuing a trend that's been ongoing for several years. Feeney said the economy may be driving people to play the lottery rather than going to a bar to play pull-tabs or spending a day at the racetrack. He called this the "substitution effect."

Richard Krueger, executive director of the Minnesota Racing Commission said enthusiasm for horse racing has been on the wane for nearly two decades. He said competition from other forms of legal gambling — as well as online illegal gambling — has been hurting the industry.

"The racetracks obviously are revenue-challenged right now," he said.

Responding to a question from Rep. Dean Urdahl (R-Grove City), Krueger added, "A racino would help. There's no doubt about it."

Gambling Control Board Executive Director Tom Barrett presented a report showing gross receipts by charitable gambling organizations fell nearly 32 percent in the state between fiscal years 2001 and 2010. Despite this, he said Minnesota is



ranked second in the country for charitable gambling receipts.

— N. BUSSE

## Education

### Schools' operating capital use

Three bills laid over Feb. 15 for possible inclusion in an omnibus bill by the House Education Finance Committee would modify how school districts may use part of their operating capital revenue.

Operating capital revenue is a component of general education revenue that must be reserved for 24 specific facility or equipment needs listed in statute.

HF346, sponsored by Rep. Carol McFarlane (R-White Bear Lake), would extend temporary authorization, due to expire June 30, 2011, that allows any district to transfer up to \$51 per pupil unit, or 1 percent of the basic formula allowance per pupil, from its operating capital reserve to its general fund balance. The bill would make that authority permanent and would require that the district's operating capital needs are being met.

Kim Riesgraf, Osseo Area Schools assistant superintendent, said the bill would help boards to be more strategic in their use of resources, allowing them to deploy a portion of the restricted funds instead of making program cuts.

Rep. Kathy Brynaert (DFL-Mankato) wondered why 1 percent was chosen and why it's proposed to make the authority permanent, if the intention is to get through difficult financial times.

Riesgraf said the 1 percent is approximately the amount of average cost increases for expenses that are out of the board's control, such as insurance benefits, transportation and utilities. She said the limit would ensure districts have operating capital reserves.

A companion bill, SF239, is sponsored by Sen. Benjamin Kruse (R-Brooklyn Park).

HF 71, sponsored by Rep. Steve Simon (DFL-St. Louis Park) would add a 25th category, to help pay for costs associated with closing a school, such as packing, shipping and moving. Its companion, SF166, is sponsored by Sen. Ron Latz (DFL-St. Louis Park).

Rep. Dan Fabian (R-Roseau) sponsors HF301, which would allow the revenue to be used for leasing vehicles such as school buses, not only to purchase them. Sen. LeRoy Stumpf (DFL-Plummer) sponsors its

companion, SF171.

All three companion bills await action by the Senate Education Committee.

— K. BERGGREN

## Elections

### No more political contribution refund

Calling the political contribution refund program "an illegitimate function of government," Rep. Steve Drazkowski (R-Mazeppa) said its repeal would save the state approximately \$12 million per biennium.

He sponsors HF66 that would eliminate the program, which was suspended by 2010 legislation, but is scheduled to be reinstated on July 1, 2011.

The bill was approved Feb. 15 by the House Taxes Committee and sent to the House Government Operations and Elections Committee.

Debate on the bill quickly moved from General Fund savings to campaign financing and the role the refund program plays in capping spending limits.

Under the program, contributions to a Minnesota political party or candidates qualified for a state-paid refund of up to \$50 a year for individuals or \$100 for a married couple. Only contributions to candidates who signed an agreement with the Minnesota Campaign Finance and Public Disclosure Board to observe state campaign spending limits qualified for the refund.

"A side benefit of this is that it will put the challengers on stronger footing with the incumbents, I guess it could be argued," Drazkowski said. "But it is certainly not my motivation for the bill. We need to solve the deficit. ... The question here is about priorities. Do we provide cash for politicians or nursing homes?"

Rep. Kate Knuth (DFL-New Brighton) argued that the legitimate role of government is to provide for free and open government. The political contributions allow for those without financial means to run for office. She said that without the program, there would no longer be campaign spending limits.

Gary Goldsmith, the campaign finance board's executive director, said that when the refund program was not in place during the last election there wasn't a significant drop in the public subsidy program.

He said, however, that the public subsidy, as a concept, does act as a campaign spending cap.

"There would be no spending limits

because there would be no incentive for people to sign those agreements and then any candidate would be able to spend as much as they want on their elections," he said.

The Senate companion, SF190, sponsored by Sen. David Senjem (R-Rochester), awaits action by the Senate Taxes Committee.

— L. SCHUTZ

## Env. & Natural Resources

### Bills address DNR land management

Two House members have similar goals but differing methods for managing the state's natural resources through a pair of bills heard by the House Environment, Energy and Natural Resources Policy and Finance Committee Feb. 15 and 17.

Rep. Steve Drazkowski (R-Mazeppa) sponsors HF332, which would prohibit the state from acquiring additional land unless an equal amount is sold off.

Sponsored by Rep. Tony Cornish (R-Good Thunder), HF498 goes a step further and would prohibit any net loss of hunting land within the Department of Natural Resources. Neither bill has a Senate companion.

Both bills were introduced on the heels of a December 2010 DNR report, "Long-Range Budget Analysis of Land Management Needs." Lawmakers requested the report last year after findings by the Office of the Legislative Auditor revealed that the DNR lacked adequate resources to manage and maintain its existing land holdings.

The DNR report identified funding gaps for the next 10 years in the proposed management of the state's forests, public waters, aquatic and wildlife areas. Overall, there is an estimated \$19 million annual gap between the funds available and those necessary to maintain certain state-owned lands. That amount only includes funds allocated to the DNR and does not include contributions from outside sources, such as nonprofit conservation groups. Legacy funds filtered through the DNR were included, but money for parks and trails was not.

Deputy Commissioner Dave Schad said the funding gap does not mean that state lands are not being actively managed. For example, prescribed burnings may occur less frequently than recommended, and partner organizations may provide alternative management resources.

A pilot project for precision land management in Roseau County is being closely studied by lawmakers as a model for

future acquisitions. The project produced a land asset plan in which governmental units could prioritize, consolidate or exchange land for more effective management.

— S. HEGARTY

### Outdoor projects total \$86.9 million

The House Legacy Funding Division has begun compiling which projects could receive appropriations from the Clean Water, Land & Legacy dedicated tax receipts.

Approved by constitutional amendment in 2008, the annual tax revenue is distributed through four funds: the Outdoor Heritage Fund, Clean Water Fund, Parks and Trails Fund and an Arts and Cultural Heritage Fund.

Twenty-seven projects totaling \$86.9 million are being recommended for funding by the Lessard-Sams Outdoor Heritage Council, which oversees the Outdoor Heritage Fund. The division got their first chance to weigh in on the recommended projects Feb. 16 as HF471 was explained by Bill Becker, LSOHC executive director. Rep. Denny McNamara (R-Hastings), who chairs the Environment, Energy and Natural Resources Policy and Finance Committee, sponsors the bill. Sen. Bill Ingebrigtsen (R-Alexandria), sponsors its companion SF158, which awaits action in the Senate Environment and Natural Resources Committee.

Overall, the money would contribute to protecting more than 55,000 acres of land, restoring 850 acres and enhancing more than 40,000 acres, encompassing 75 of the state's 87 counties. Priority was given to projects that included protection, restoration or enhancement of prairies (\$34.6 million); followed by forests (\$17.9 million); wildlife habitat (\$15.2 million); and wetlands (\$12.5 million). The Outdoor Heritage projects would create an estimated 36 full-time equivalent jobs and hundreds of secondary jobs as a result of the spending.

Further testimony is scheduled for Feb. 22. The division also plans to hear recommendations for the other three funds and intends to roll those projects into HF471 before sending it to the environment committee, according to Division Chairman Dean Urdahl (R-Grove City).

— S. HEGARTY

## Health & Human Services

### Bill balks at federal health law

Making a clear statement against the federal health care law, known as the Patient

## TELE-HEALTH DEMO



PHOTO BY ANDREW VONBANK

**Rep. Thomas Huntley, right, participates in a Tele-Health demonstration with Larry Diamond, vice president of sales and marketing for American TeleCare, during the Feb. 15 meeting of the House Health and Human Services Finance Committee.**

Protection and Affordable Care Act, Rep. Steve Gottwalt (R-St. Cloud) offered the "Freedom of Choice in Health Care Act."

The federal health care law, approved by Congress last year, has been a point of contention over state's rights. Gottwalt, who sponsors HF199, told the House Health and Human Services Reform Committee Feb. 16, it would declare that it is state public policy for every resident to have the freedom of choice in choosing whether or not to carry health care insurance.

The bill was approved on a party-line vote and moves to the House Government Operations and Elections Committee.

Gottwalt said the federal law violates state's rights to choose how to govern care for residents. Minnesota is known as a model state for health care delivery with one of the lowest rates of uninsured residents, and the state "must not surrender" its health care leadership to the federal changes.

Twila Brase, president of the Citizens' Council for Health Freedom, said the federal law ties the hands of patients by making them choose from government plans.

Rep. Tina Liebling (DFL-Rochester) countered that the federal law gives people the freedom to have affordable health care coverage without going bankrupt. While people will be required to purchase health insurance, the government isn't "telling you what to buy," she said. Additionally, everyone

is paying for uncompensated care for those without insurance now, she added.

Rep. Mike Benson (R-Rochester) said it still forces people to pay for something, even if they are picking from an array of choices.

The Senate companion, SF33, sponsored by Sen. David Hann (R-Eden Prairie), awaits action by the Senate Finance Committee.

— P. OSTBERG

### EMT to community paramedic

To help fill gaps in underserved communities, emergency medical technicians could be certified as community paramedics, under a bill approved by the House Health and Human Services Reform Committee Feb. 16. It now goes to the House Health and Human Services Finance Committee.

Sponsored by Rep. Tara Mack (R-Apple Valley), HF262 would define the new role as an "Emergency medical technician-community paramedic" and require a training program from an accredited college or university. Under the guidance of an ambulance medical director, the EMT-P could monitor and provide some treatment to patients with chronic disease, and perform minor medical procedures intended to prevent ambulatory or emergency room services. The human services commissioner would establish the payment rate for the services.

Mike Wilcox, a family practice doctor

testifying in support of the bill, said those in rural and remote areas of the state would have better access to health care.

Linda Hamilton, president of the Minnesota Nurses Association, said the position is “public health nursing without the nursing license.” While the role of a community paramedic could benefit patients, they would need education on how to treat chronic diseases.

Rep. Erin Murphy (DFL-St. Paul) said the bill doesn’t clarify when a paramedic’s work ends and a nurse’s work begins. As a trained nurse, she said, there is a defined scope of practice for nurses and EMTs, the EMT-P’s scope needs more definition so that patients know what types of services they should expect from each specialty.

A Senate companion, SF119, sponsored by Sen. Julie Rosen (R-Fairmont), was recommended to pass Feb. 16 by the Senate Health and Human Services Committee.

— P. OSTBERG

## Higher Education

### Recommended to be regents

A quartet is one vote away from serving on the University of Minnesota’s Board of Regents.

Steve Sviggum, David Larson, David McMillan and Laura Brod were recommended for approval at a Feb. 16 joint meeting of the House and Senate higher education committees. The House and Senate are scheduled to meet jointly Monday for the final vote.

The university’s governing body is the only governmental body in the state whose members are elected by the Legislature. It is comprised of 12 members who serve staggered six-year terms without pay. By law, one regent is selected from each of the state’s eight congressional districts and four serve at-large.

Sviggum, House speaker when the Republicans were last in the majority, is from the state’s second congressional district; Larson, a current regent, represents the third congressional district; and McMillan is from the eighth congressional district. Brod defeated current regent Steven Hunter for the at-large recommendation.

Brod, who did not seek re-election to the House after serving the previous eight years, was one of three people recommended for the second congressional district slot. However, rules state that any person “recommended by the Regent Candidate Advisory Council

is eligible to be interviewed by the joint committee and considered nominated for any position for which they are eligible.”

The choice left Rep. Tom Rukavina (DFL-Virginia) saying the vote was about politics. He said a DFL-controlled Legislature elected two “known Republicans” to the Board of Regents two years ago.

“I told you two years ago what would happen if we were ever in the minority, and it did; so bipartisanship at the Board of Regents has ended,” he said.

Although their reasons for seeking a seat differ, all candidates spoke to the joint committee about the importance of advocacy and their passion for the university.

“This gem we have can always be polished and always be improved,” Sviggum said.

Forty-six people applied for the four positions. The advisory council interviewed 16 applicants and forwarded 12 names.

“We are confident the university will be well served by whomever the Legislature selects from the list of well qualified candidates,” said Council Chairwoman Jane Belau.

— M. COOK

## Local Government

### Zoning variances bill approved

A committee approved a bill Feb. 17 that would make it easier for local officials to grant zoning variances, over the objections of opponents who say it needs more work.

Sponsored by Rep. Joyce Peppin (R-Rogers), HF52 is designed as a response to a Minnesota Supreme Court decision last year. In *Krummenacher v. City of Minnetonka*, the court interpreted state law to say that cities cannot grant variances to property owners if their properties could be put to reasonable use without a variance.

In effect, the decision made it near to impossible for cities and townships to grant variances, except in rare circumstances. Supporters say the bill would clarify the intent of the current law and provide greater latitude to local governments.

The House Government Operations and Elections Committee approved the bill and sent it to the House floor. Sen. Gen Olson (R-Minnetrista) sponsors the companion, SF13, which awaits action by the Senate Local Government and Elections Committee.

An amendment successfully offered by Rep. Mike Beard (R-Shakopee) removed

language that would have allowed cities and townships to impose “conditions and mitigating requirements” on the granting of variances in the interest of “public health, safety or the environment.”

Beard argued the amendment would ensure the bill addressed the issues raised by the court’s ruling without expanding local powers, but lobbyists representing cities and townships said the amendment could trigger another court case.

Kent Sulem, general counsel for the Minnesota Association of Townships, said the amendment would put cities and towns in a position where they do not have the same powers as counties. He described a scenario where cities could be sued by property owners if they try to impose certain conditions, but challenged by the counties if they don’t.

The amendment was adopted on a roll-call vote of 10-5.

— N. BUSSE

## Military & Vet. Affairs

### Fillmore County Cemetery plausible

The Department of Veterans Affairs appears to have narrowed the location for a new State Veterans Cemetery in the southeastern area of the state.

Last year, the department was directed to find suitable locations for three new state cemeteries: one in the northeast, another in the southwest and a third in the southeast region of the state.

Two preferred locations for the southeastern cemetery have been identified in Preston and Spring Valley, and the local government agencies have agreed to donate the land if selected for a new cemetery, according to Rep. Greg Davids (R-Preston), who sponsors HF226.

Previous bonding language limited the search for cemetery locations to just the other two locations of the state. Davids’ bill would allow the commissioner of veterans affairs to look at Fillmore County, in addition to locations in the northeast and southwest regions of the state.

Approved by the House Veterans Services Division Feb. 14, the bill next goes to the House Capital Investment Committee. Sen. Jeremy Miller (R-Winona) sponsors a companion bill, SF327 which awaits action by the Senate State Government Innovation and Veterans Committee.

— S. HEGARTY



## VETERANS DAY ON THE HILL



PHOTO BY TOM OLMSCHIED

Minnesota American Legion officers, from left, Department Adjutant Randy Tesdahl, Commander Tom Lannon and Legislative Committee Chairman Roger Ball salute as the Colors are retired by the National Guard Color Guard during the Feb. 15 "Veterans Day on the Hill" program in the Capitol Rotunda. Veterans groups heard from Gov. Mark Dayton, as well as Rep. Bruce Anderson and Sen. Mike Parry, chairmen of the House and Senate veterans committees.

### Campus vets offices may be extended

Since 2006, the Department of Veterans Affairs has had representatives on college campuses to help veterans returning to school navigate through the financial paperwork and other red tape for veteran's services. Schools provide the office space, while the department provides the staffing. But the Higher Education Veterans Assistance Program is set to expire on June 30, 2012.

HF384, sponsored by Rep. Bob Dettmer (R-Forest Lake), would repeal the sunset, allowing services to remain on campus. The House Veterans Services Division approved the bill Feb. 14 and referred it to the House State Government Finance Committee. It has no Senate companion.

Dettmer, a member of the U.S. Army Reserves who has two sons serving in the military, said the need for on-campus veterans' services is only going to grow as soldiers return from Iraq and Afghanistan.

The program has grown to more than 60 service centers on both public and private campuses, according to Donald Pfeffer, the department's director of Higher Education Veterans Programs. Today, there are more than 12,000 residents eligible for veterans' benefits and 7,000 new, first-time individuals sought help last year.

Lauri Brooke, a Becker County veterans' service officer, said higher education is the No. 1 referral requested by those who call her office for help.

Rep. Tom Anzelc (DFL-Balsam Township) said he supports extending the on-campus services. "As our involvement in these conflicts around the world winds down, the pressure on these services and on our public institutions of higher education increase, we shouldn't be allowing this to sunset."

— S. HEGARTY

## Public Safety

### Tougher penalty for fleeing officer

On Nov. 1, 2007, Mark Bedard, an officer with the Minneapolis Park Police, was in pursuit of two suspects in a pair of drive-by shootings.

After the suspects bailed from their vehicle, the chase continued on foot. Bedard was hit by a squad car in an alley. He died nine days later from the injuries he sustained, leaving behind a wife and 3-year-old son.

Because Bedard's injuries occurred during a foot chase, the suspects could not be charged with the death of a police officer. They pleaded guilty to felony drive-by

shooting and received sentences of less than four years behind bars.

"This bill modifies the crime of fleeing a peace officer when the result of doing so results in a death that does not constitute murder or manslaughter," said Rep. John Kriesel (R-Cottage Grove), who sponsors HF361. "This bill specifically targets situations where a suspect starts to flee in a motor vehicle, but abandons that vehicle and continues to flee using other means. ... This will punish those that make this choice and hold them fully accountable for the lives they affect, and hopefully deter people from fleeing peace officers."

Approved Feb. 15 by most of the House Public Safety and Crime Prevention Policy and Finance Committee — at least two audible "no" votes were heard — it next goes to the House Judiciary Policy and Finance Committee. It has no Senate companion.

"The current flee-on-foot statute does not address penalties for causing serious harm or death to others if pursuit of a felonious criminal goes from vehicle to foot," said Anne Deneen, a patrol sergeant with the Minneapolis Park Police. "This is a loophole easily remedied by this bill. ... When a pursuit ends with the occupants still in the car, they can be charged for all the harm they have caused by their actions."

David Brown, an assistant Hennepin County attorney, doesn't foresee the proposed changes being used often if this becomes law. "But when it does, I hope we can hold those folks accountable," he said.

— M. COOK

## State Government

### Agencies could keep what they save

State agencies that save some of their money rather than spend it all would be rewarded, under a bill that won committee approval.

Sponsored by Rep. Duane Quam (R-Byron), HF299 would allow 50 percent of agencies' unspent funds to be carried forward and deposited into a special account. The savings could then be put toward programs of the agencies' choosing.

The measure is designed to mitigate the so-called "Christmas in June" effect, where agencies with unspent funds are faced with the choice of either finding something to spend it on before the end of their two-year budget cycle or losing it the next time around.

## BUDGET REACTION



PHOTO BY TOM OLMSCHEID

House Majority Leader Matt Dean, at podium, and other majority leaders react to Gov. Mark Dayton's proposed budget after its Feb. 15 release.

The program would be known as the State Agency Value Initiative, or SAVI. Quam said he got the idea from a community college employee who felt that spending money just for the sake of getting the same amount the next time around is wasteful.

"It's intended to incentivize savings, to empower the employees and management of an agency to come up with creative ways, efficiencies and improvements," Quam said.

The House Government Operations and Elections Committee approved the bill Feb. 16 and sent it to the House State Government Finance Committee. There is no Senate companion.

Some members expressed concern about a provision in the bill that would establish a "peer review panel" in each participating agency. The panels would give agency employees a say in how the savings that are carried forward are spent. Some felt this could lead to agencies pinching pennies on some programs in favor of others — or worse, using the savings toward inappropriate activities.

"What's to prevent MnSCU and any other agency from scrimping on what they're supposed to be doing to put money aside and then build a project and justify

it as being part of their core mission?" said Rep. Mike Nelson (DFL-Brooklyn Park).

Quam said he is open to putting safeguards or oversight mechanisms in the bill that would prevent agencies from misusing funds.

— N. BUSSE

## Taxes

### Sales tax on paint for vehicle repairs

Changing at what point in a sale the sales tax is levied could make a positive impact on the state's General Fund.

When vehicle repair and body shops purchase paint and repair supplies at the wholesale level, they are charged sales and use tax. HF359, sponsored by Rep. David Dill (DFL-Crane Lake), would make these items taxable at the retail level and provide a method for calculating the taxable paint and repair supplies portion of a motor vehicle repair bill.

The calculation could be done, according to the bill, by subtracting the number of labor hours multiplied by an hourly rate from the bill.

Dill told the House Taxes Committee Feb.

15 that auto body shops are required to use certain software and that this would make it easier for charges to be calculated and would be more transparent to the consumer. The bill was laid over for possible inclusion in an omnibus bill. The companion, SF367, is sponsored by Sen. Roger Chamberlain (R-Lino Lakes). It awaits action in the Senate Taxes Committee.

According to the Revenue Department, the General Fund would benefit by \$2.3 million in fiscal year 2012 and \$2.7 million in fiscal year 2013.

— L. SCHUTZ

### No more early sales tax payments

To shore up the state's cash flow, legislation was passed last year whereby vendors with annual sales tax liabilities of \$120,000 or more are required to submit their remittances earlier in the month.

Rep. Larry Howes (R-Walker) sponsors HF393 that would eliminate all early sales tax payments except those due for June sales because the fiscal year ends July 1. The House Taxes Committee laid the bill over Feb. 15 for possible omnibus bill inclusion. There is no Senate companion.



Under the 2010 law, beginning with taxes payable after Sept. 1, 2010, vendors are required to remit sales tax payments earlier in the month after the month in which the sales tax was collected. The new law would return the due date to the 20th of the month following the month the sales were made. The Revenue Department estimates that approximately 4,500 businesses are affected by the current law.

— L. SCHUTZ

### Budget tax provisions get first go-over

Gov. Mark Dayton's proposed 2012-2013 biennial state budget contains more than \$3.3 billion in tax increases, tax compliance and tax conformity changes.

The House Taxes Committee got a detailed look at the proposal Feb. 16 and 17, as it relates to state taxes and local aids and credits.

Matt Massman, Department of Revenue assistant commissioner for tax policy, said the governor shaped his tax recommendations around fairness and a recent tax incident study that shows the state's highest earners are paying a smaller share of their income to support state and local services than households at lower incomes.

Dayton proposes a new fourth tier for upper income earners at a rate of 10.95 percent, which is expected to generate \$1.89 billion in additional revenue for the General Fund in the next biennium. He is also asking for a temporary surtax on income over \$500,000 and a tax on homes valued over \$1 million. Additionally, "snowbirds" who live elsewhere just long enough to avoid paying income tax would see that provision change.

The impact on these earners prompted the first round of questioning from committee members.

Rep. Linda Runbeck (R-Circle Pines) wanted to know if there is any analysis of the negative impact of a new tier, such as an outmigration of people from the state.

Massman said that Oregon and Hawaii are the only other states with a fourth tier and was not aware of any correlation with people leaving because of the rate.

Dayton's proposal would not conform the state to the federal additional standard deduction for married filers, and Rep. Jenifer Loon (R-Eden Prairie) wanted to know why. "Won't that be affecting all married taxpayers, regardless of their income?"

Massman called it a "\$110 million ticket item," and that taxpayers would be allowed

## BUDGET STUDY



PHOTO BY TOM OLMSCHIED

Rep. Paul Marquart begins to go through Gov. Mark Dayton's proposed biennial budget during a Feb. 16 hearing of the House Taxes Committee.

the deduction on their federal taxes "where they would get the most benefit."

Committee Chairman Greg Davids (R-Preston) said several meetings will be held on the budget proposal, with time for proponents and also for those with concerns to testify.

"I like Gov. Dayton, he is a good guy," Davids said. "I have no question that he feels this is best for Minnesota. I, too, want what is best for Minnesota, and that's the journey that we began yesterday. I'm all ears on how we should proceed."

He expects bills to be introduced relating to the tax proposals and then heard in committee.

— L. SCHUTZ

## Transportation

### Annual permits sought

Every time Lake Area Docks & Lifts wants to transport a larger boat lift or dock from its store to a lake place via a trunk highway, it must get a special permit from



the Department of Transportation.

Sponsored by Rep. Bud Nornes (R-Fergus Falls), HF80 would allow the authorization of annual permits for such businesses in the state. A single trip permit costs \$15, while the proposed annual permit would be \$120, the same as a current boat rate.

MnDOT officials said they could simply revamp the boat permit, instead of expending money to create a whole new permit.

"In the springtime, we make between 10 and 15 trips per store, per week. We have three stores," said Dale Graff, a general manager with the company. "If we could get an annual permit it would significantly reduce our workload."

"Part of it is just making business a little easier. It's a lot of extra work to have to apply every time," Nornes said. "Consumers of those products want delivery fast. You don't want to wait too long to get your new dock, your new lift. Summer's too short for that. I think this makes small business more efficient."

A fiscal note indicates a minimal savings to the state in each of the next four fiscal years.

The bill was held over Feb. 14 by the House Transportation Policy and Finance Committee for possible omnibus bill inclusion. A companion, SF67, sponsored by Sen. Gretchen Hoffman (R-Vergas), awaits action by the Senate Transportation Committee.

— M. COOK

### Green-lighting a diversion program

A driver's license reinstatement diversion program established in 2009 is scheduled to hit a red light June 30.

Supporters want it to be green-lighted for another two years and possibly expanded.

Approved Feb. 16 by the House Public Safety and Crime Prevention Policy and Finance Committee, HF387 was sent to the House Transportation Policy and Finance Committee. It has no Senate companion.

The program provides a different avenue of intervention into the problem of people driving without a license, said Rep. Tim Kelly (R-Red Wing), the bill's sponsor. It is directed at people who want to get valid, but for various reasons, such as limited finances, are unable to do so.

Under the program, eligible participants charged with driving after suspension or revocation, but have not yet entered a plea can participate. In exchange for a diversion driver's license, participants must maintain insurance, make regular payments toward

the outstanding fines and complete a class that teaches life and financial management skills. Offenders pay for program costs.

"The idea is to keep them valid driving, but also make sure that they can pay the citations off," said Scott Adkisson, CEO and president of Financial Crimes Services and Diversion Solutions, which manages the program at no cost.

Duluth, St. Paul, South St. Paul, West St. Paul and Inver Grove Heights took part in the pilot program and Isanti joined in July 2010. The public safety commissioner may permit other cities to establish a program. The bill would also permit counties to establish a program.

As of Dec. 31, 2010, the program had 1,781 eligible participants, of which the average participant had seven outstanding citations with an average balance of \$1,700.

"This program has had a 77 percent rate. It has returned close to \$500,000 back to these cities," Kelly said.

Rep. Ernie Leidiger (R-Mayer) asked about expanding the program statewide.

Adkisson said some bumps have been found along the way, and they'd like all issues worked out before becoming that large.

— M. COOK

## Thursday's Floor Action

### House passes lifting nuclear ban

Nuclear power discussions could come out of the closet now that the House and Senate have passed legislation to repeal a moratorium to potentially allow additional nuclear power generation in the state.

Sponsored by Rep. Joyce Peppin (R-Rogers) and Senate Majority Leader Amy Koch (R-Buffalo), HF9/SF4\* was passed 81-50 as amended by the House Feb. 17. The bill now goes back to the Senate, which passed its version 50-14 Feb. 2.

The bill would remove the ban on allowing the Public Utilities Commission to issue a certificate of need for the construction or expansion of nuclear power facilities.

"We have taken our two workhorses ... off the table," Peppin said of the moratoriums on nuclear- and coal-generated electricity.

Peppin said nuclear power needs to be one of the options for future energy needs but the ban has prevented, or discouraged, stakeholders from having those discussions.

"There is no gag on talking about nuclear energy," said House Minority Leader Paul Thissen (DFL-Mpls).

### Melin wins special election



**Rep.-elect  
Carly Melin**

Carly Melin won a special election Feb. 15 to become the newest representative from District 5B. She replaces former Rep. Tony Sertich, who resigned last month to become commissioner of the Iron Range Resources & Rehabilitation Board.

Melin, a DFLer, garnered 60.4 percent of the vote to defeat Republican Paul Jacobson and Independence Party candidate Cynthia Kafut-Hagen. The results have been certified by the State Canvassing Board, and she is expected to be sworn into office sometime next week.

Melin has been assigned Sertich's old office, 309 State Office Building, and telephone number, 651-296-0172. Her committee assignments are yet to be determined.

A Hibbing resident, Melin graduated from Bemidji State University with a political science degree and from Hamline University School of Law.

— M. COOK

Xcel Energy operates nuclear power plants in Monticello and Prairie Island.

Rep. Phyllis Kahn (DFL-Mpls) successfully amended the bill to prohibit the PUC from issuing a certificate of need if the proposer plans to reprocess spent fuel produced by the plant into weapons-grade plutonium either at the plant or elsewhere in the state.

Although federal law prohibits reprocessing of plutonium, which is a byproduct, Kahn said there are some French plants that store plutonium on site, and she feared that doing so in Minnesota would be too dangerous.

Xcel Energy has been allowed, however, to store its radioactive nuclear waste on site until a national repository for the waste opens. Construction and operation of a deep geologic repository is the responsibility of the U.S. Department of Energy, but plans to open a facility in Nevada have been derailed by the current federal administration. Several amendments aimed at dealing with the storage risks failed to be adopted.

Thissen said Kahn's amendment addressed one of Gov. Mark Dayton's concerns with the bill, but that he's also concerned about putting "hardworking families on the hook" for nuclear disasters or escalating costs associated with nuclear power facilities.

— S. HEGARTY

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

# Let the negotiations begin

### Dayton budget plan kicks off debate on taxation, spending

By Nick Busse

**D**FL and Republican lawmakers had very different reactions to Gov. Mark Dayton's \$37 billion vision for the state's budget — what he terms a plan to preserve government services by raising taxes on the wealthy.

At a Feb. 15 press conference, the governor outlined his solution to the state's projected \$6.2 billion budget shortfall. His plan focuses on protecting cities, counties and school districts from budget cuts, and prioritizes programs for the sick and the vulnerable.

"My budget represents my values and priorities," Dayton said.

The key to his plan is a package of tax increases — some permanent and some temporary — that would raise more than \$4.1 billion in new revenue over the next two fiscal years. To bridge the remaining gap, he proposes \$1.9 billion in cuts from forecasted spending, largely from health and human services programs.

Republican leaders wasted no time in criticizing Dayton's budget plan. House Speaker Kurt Zellers (R-Maple Grove) called it "feeble and pathetic," and said the proposed tax increases would send job providers fleeing to other states.

"To the employers and employees across the great state of Minnesota: don't worry, we're here for you. We are not going

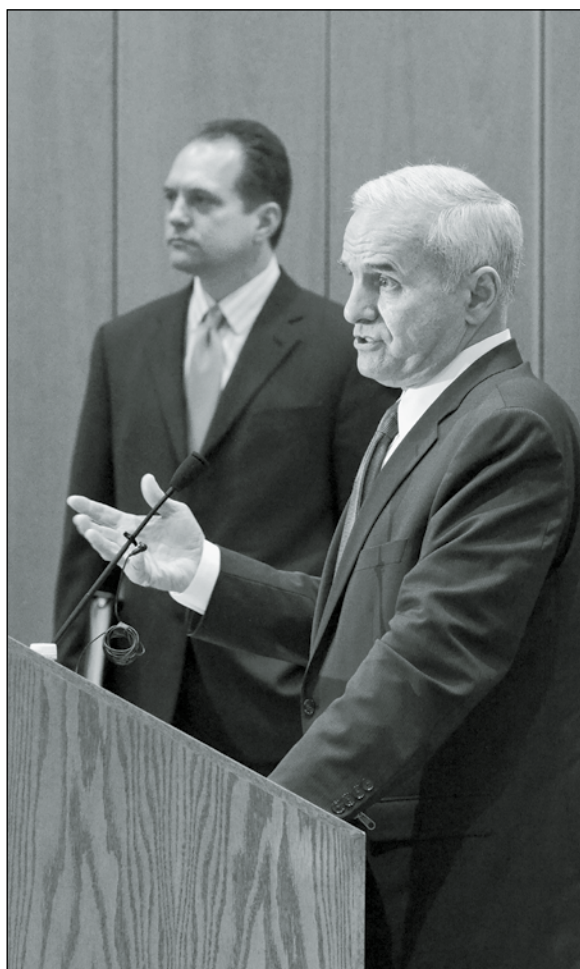


PHOTO BY ANDREW VONBANK

**Gov. Mark Dayton presents his biennial budget at a Feb. 15 press conference at the Department of Revenue. Dayton was joined by Minnesota Management & Budget Commissioner Jim Schowalter, background, and other members of his cabinet.**

to let Mark Dayton tax your job out of our state," he said.

Meanwhile, DFL leaders hailed the governor's plan as a "fair and progressive" approach to the state's budget challenges, and said it's fair to ask the wealthy to pay more taxes to protect essential services.

"More and more money has been coming out of middle-class pockets with rising property taxes, tuition and fees ... while Republicans are busy finding a way to protect the richest Minnesotans from sharing in this budget solution," said House Minority Leader Paul Thissen (DFL-Mpls).

The release of the governor's budget plan, which is required by state law, marks the beginning of the budget process at the Legislature. In the coming weeks, lawmakers will dissect Dayton's budget plan and put together their own counterproposal.

The governor acknowledged the long and difficult process of negotiation that is to come.

"This will not be the budget finally enacted by the Legislature ... I recognize that," Dayton said.

So far, it may be the only point on which there is general agreement.

Thissen and Senate Minority Leader Tom Bakk (DFL-Cook) said they support the underlying principles of Dayton's budget, but would not commit to voting for the entire plan.

"At the end of the day, what we need to do is compromise and reach an agreement," Thissen said.

If history is any lesson, compromise is easier said than done. Republican leaders said they absolutely would not compromise on the issue at the heart of the debate: raising taxes. They argue tax increases would stunt economic growth, and said the state should have to live within its means.

"The private-sector economy, when it's thriving, will produce more revenue for the state," Zellers said.

**Budget continued on next page**

## Budget continued from previous page

Dayton said 95 percent of Minnesotans would see no tax increase under his plan, which only affects the state's top income earners. Moreover, he said history shows that the alternative — cutting funding to schools and local governments — would only lead to property tax increases that would impact low- and middle-income Minnesotans.

"This is about restoring tax fairness in Minnesota, and it's about asking our most affluent citizens to help us out during this time," he said. He challenged those who oppose his plan to justify making deeper cuts just to protect the wealthy from tax increases.

But Republicans said the wealthy aren't the only ones that would be impacted. They note that some of the state's small businesses, because of the way they file their taxes, would be ensnared in Dayton's proposed new top income tax tier.

"You're not going to affect 5 percent of the people, you're going to affect everybody," said House Majority Leader Matt Dean (R-Dellwood). "It will kill jobs and it will protect 99 percent of government."

Thissen said the issue is not so simple, and said that under former Gov. Tim Pawlenty, taxes in the state went down, but the state suffered economic decline anyway. In the end, he said Minnesotans would have to decide what's best.

"We can put Gov. Dayton's budget up against the Republicans' all-cuts budget, and Minnesotans can make an informed decision about which direction we need to head," he said. 🐼

### Budget Requirement

State law requires the governor to present a balanced budget to the Legislature at the beginning of every odd-numbered year in the biennium. Under the State Constitution, however, only the Legislature has the power to enact budget laws. After receiving the governor's budget proposals, lawmakers begin the process of drafting their own version of the state budget.

This year, the deadline for House committees to finish their work on budget bills is March 25.

After committee work is completed, the full House and Senate will have the opportunity to vote on budget bills and send them to Gov. Mark Dayton for signature or veto.



***"There will be no state-imposed property tax increases through cuts to schools and local governments, and the only tax increases will fall upon the wealthiest citizens."***

— Gov. Mark Dayton



***"This is a feeble and pathetic attempt at going back in time to raise taxes and increase spending in order to balance the budget."***

— House Speaker Kurt Zellers  
(R-Maple Grove)



***"At the end of the day, what we need to do is compromise and reach an agreement."***

— House Minority Leader  
Paul Thissen (DFL-Mpls)



***"The governor's position on LGA preserves the 'status quo' and protects government at the expense of taxpayers — even when it's unclear why one city receives local government aid and the neighboring city does not."***

— Rep. Linda Runbeck  
(R-Circle Pines)

Chairwoman, House Property  
and Local Tax Division



***"I am thrilled with his education proposals. I was worried with the budget deficit that he would not be able to come up with a budget that keeps his campaign proposal to increase education funding, and he has."***

— Rep. Mindy Greiling  
(DFL-Roseville)  
DFL Lead, House Education  
Finance Committee



***"I promise we will give the governor a fair hearing on each of his proposals with testimony from proponents and opponents. ... Obviously the \$6.2 billion deficit requires very difficult choices to be made."***

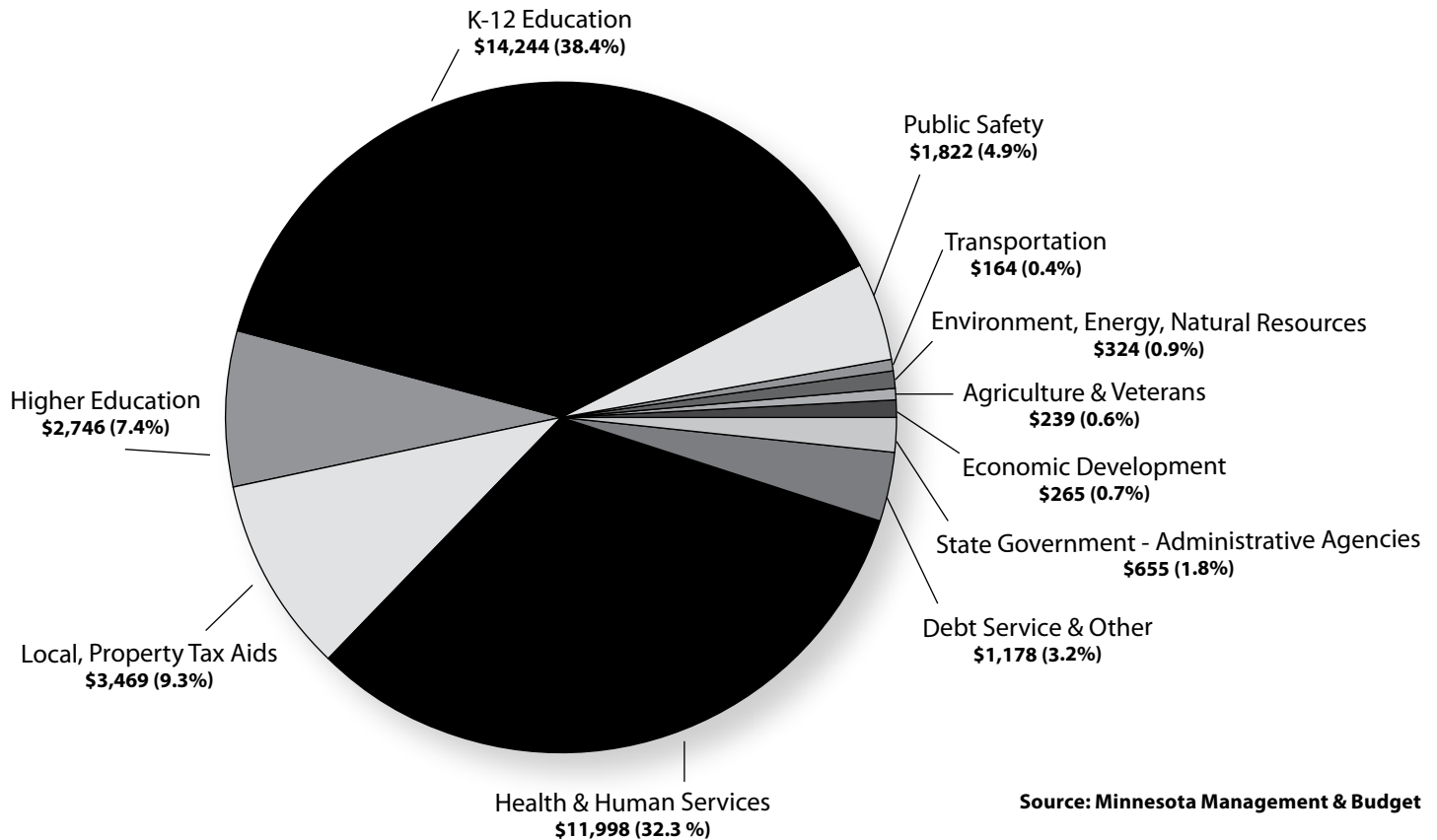
— Rep. Pat Garofalo  
(R-Farmington)  
Chairman, House Education  
Finance Committee



# Gov. Mark Dayton's Priorities

Proposed FY 2012-13 General Fund Expenditures: \$37.09 Billion

(\$ in millions)



## Components of Governor's Budget Solution

| FY 12-13 Forecast Deficit               | \$ (in millions) | (6,188)        |
|---|------------------|----------------|
| Delay School Shift Buyback              |                  | 1,455          |
| Net Expenditure Reductions              |                  | 485            |
| Permanent Expenditure Reductions        | 950              |                |
| New Expenditures                        | (465)            |                |
| Increased Resources                     |                  | 4,129          |
| Permanent Tax Increases                 | 2,438            |                |
| Temporary Income Surcharge              | 918              |                |
| Health Care Surcharges                  | 877              |                |
| Adj. to HCAF Transfer, Other Revenues   | (104)            |                |
| Temporary Reduction - Cash Flow Account |                  | 136            |
| FY 2011 Deficiencies, Tax Conformity    |                  | (14)           |
| <b>Total Actions Taken</b>              |                  | <b>\$6,191</b> |
| <b>Budget Balance</b>                   |                  | <b>\$3</b>     |

Source: Minnesota Management & Budget

# Fewer days, longer hours

Some districts find four-day school week works as a budget fix

By KRIS BERGGREN

**M**ore Minnesota school districts facing budget deficits are considering a four-day school week to save on transportation, utility and energy costs. Eleven have already adopted that schedule, and House members have raised the topic casually in committee conversation.

Rep. Lyle Koenen (DFL-Clara City) doesn't serve on a House education committee, but his children attend MACCRAY schools, on a four-day week since 2008. As a parent, he likes the schedule and said his high-school children's grades have actually gone up a bit, though he can't be sure it's because of the schedule.

As a legislator, Koenen knows it doesn't suit every community, nor does it address the underlying problem of inadequate school funding.

"It takes the problem and ratchets it down a little, but the pressure's still on," Koenen said.

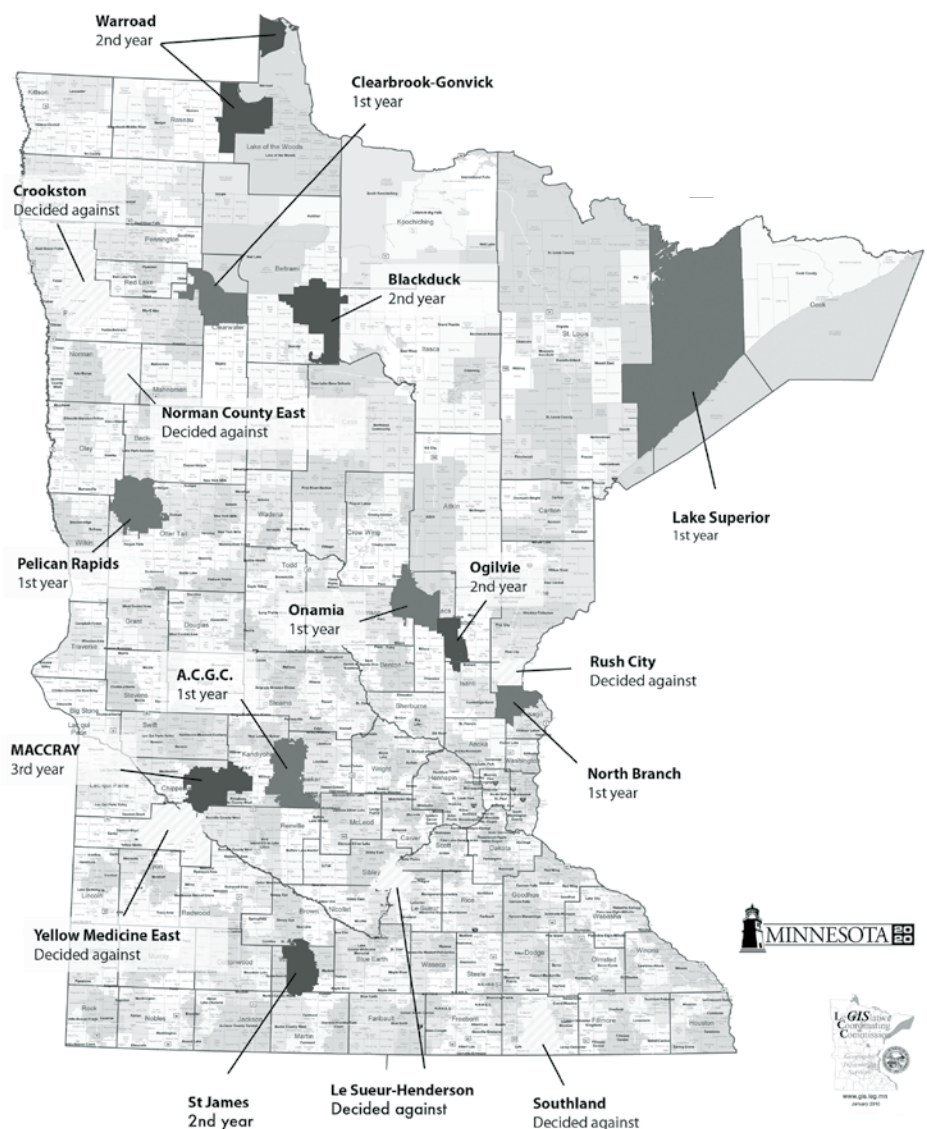
Four-day weeks aren't unprecedented, said Debi Brandt, a MACCRAY school board member. The west-central Minnesota district serves Maynard, Clara City and Raymond. Brandt said during the first round of discussions several years ago, people recalled going to school four days a week during the peak of the 1970s energy crisis.

Now MACCRAY saves about \$143,000 that otherwise would have come from program cuts such as Spanish, business or industrial technology classes, said Superintendent Greg Schmidt. Absenteeism is down, and the district made Adequate Yearly Progress in every category this year, he added.

Nobody complains when they see her at the post office or in town, Brandt said. "In fact I have heard just the opposite – you better not go back to a five-day week because we love it."

Districts must file an application to change to a four-day schedule with the Education Department, and renew every three years.

## School Districts Using Four-Day School Week



## Assessing the impact

North Branch is still assessing the impact of its new schedule that began in September, said Superintendent Deb Henton, but so far district surveys show 87 percent of parents and 79 percent of teachers say the adjustment to four days has been easy, while 36 percent of students like it and think they're getting better grades, with 51 percent neutral, saying their grades are not affected. Parents of younger

children are more concerned about the toll a longer school day can take, but on balance the long weekend provides respite.

Donna Hubbard is a fan. "We can run errands, we can extend a vacation, we can do homework, we can lie around doing nothing," said the North Branch parent of three, who runs a business from her home.

Day care availability, a concern in MACCRAY and elsewhere, has worked out. Brandt said grandparents and older students have stepped in to provide Monday child care, and longer school days mean more parents are home by the time their children get off the school bus.

"The people that like it really like it a lot," Henton said. "The people that don't like it really don't like it." Some still harbor misconceptions, such as the false belief there's less instruction time, she added. "I am constantly reassuring people that the Education Department will not let you lose even a minute of instructional time."



***"If it's a great idea, why wouldn't all districts go to a four-day week?"***

— Rep. Bob Barrett  
R-Shafer

With a four-day week, each class day is longer. For example, North Branch Area Middle School students arrive at 7:25 a.m., school starts 15 minutes later, and students are dismissed at 3:30 p.m. On three-day weekends the heat is turned down, toilets aren't flushed and buses don't run. North Branch students who aren't proficient can get help with reading and math on Mondays through targeted intervention

programs at no cost to families. Other students can sign up for enrichment activities such as cooking or snowboarding.

Substitute teacher costs are lower since teachers can make personal appointments on the day off.

Rep. Bob Barrett (R-Shafer) says the measure of success is not whether people like the schedule, but if it enhances student achievement.

"If it's a great idea, why wouldn't all districts go to a four-day week?" Barrett said.

LeSueur-Henderson parents rejected a four-day proposal last year partly because of inconclusive research about its impact on student learning, plus commuter families' concerns about day care logistics, said Superintendent Dave Johnson. "We had estimated \$112,000 in savings. The

community felt it wasn't worth all the inconvenience and change."

## When is more just less with less?

Barrett said the state should be more selective about asset allocation, as a business would. He'd prefer to transfer resources from areas where money is not being used as effectively to districts like North Branch which get relatively low per-pupil aid but are unable to garner support for operating levies.

Last year's failed referendum questions in the district would have funded the arts, teaching staff, electives and activities, Henton said, and now layoffs and program cuts are inevitable because there's nothing else to cut. She's using federal jobs money to lower the deficit to \$1.1 million. An elementary building was demolished, saving \$400,000. North Branch shares technology

and staff with other districts through the St. Croix River Education District cooperative.

"When we look at the future all we see is declining enrollments and climbing deficits.

We will be cutting tenured teachers this year," Henton said.

Barrett applauds the district for doing more with less in difficult times, but said, "There is a minimum standard which every school district should expect from their state. When you go below that minimum, less becomes less." 🐼



***"It takes the problem and ratchets it down a little, but the pressure's still on."***

— Rep. Lyle Koenen  
DFL-Clara City

## Minnesota State Agencies

|                                 |              |
|---------------------------------|--------------|
| Administration.....             | 651-201-2555 |
| Agriculture .....               | 651-201-6000 |
|                                 | 800-967-2474 |
| Commerce.....                   | 651-296-4026 |
| Corrections.....                | 651-361-7200 |
| Education.....                  | 651-582-8200 |
| Employment and                  |              |
| Economic Development .....      | 651-259-7114 |
|                                 | 800-657-3858 |
| Enterprise Technology .....     | 651-296-8888 |
| Explore Minnesota Tourism ..... | 651-757-1845 |
|                                 | 800-657-3535 |
| Travel Info.....                | 888-868-7476 |
| Health .....                    | 651-201-5000 |
|                                 | 888-345-0823 |
| Higher Education Services.....  | 651-642-0567 |
|                                 | 800-657-3866 |

|                               |              |
|-------------------------------|--------------|
| Housing Finance Agency .....  | 651-296-7608 |
|                               | 800-657-3769 |
| Human Rights .....            | 651-296-5663 |
|                               | 800-657-3704 |
| Human Services .....          | 651-431-2000 |
| Iron Range Resources.....     | 218-735-3000 |
|                               | 800-765-5043 |
| Labor and Industry .....      | 651-284-5005 |
|                               | 800-342-5354 |
| Management & Budget.....      | 651-201-8000 |
| Mediation Services.....       | 651-649-5421 |
| Metropolitan Council.....     | 651-602-1000 |
| Military Affairs .....        | 651-268-8919 |
| Natural Resources .....       | 651-296-6157 |
|                               | 888-646-6367 |
| Pollution Control Agency..... | 651-296-6300 |
|                               | 800-657-3864 |

|   |              |
|---|--------------|
| Public Safety General Information ..... | 651-201-7000 |
| State Patrol.....                       | 651-201-7100 |
| Revenue                                 |              |
| General Information .....               | 651-296-3403 |
| Collections.....                        | 651-556-3003 |
|   | 800-657-3909 |
| Sales and Use Tax Line .....            | 651-296-6181 |
|   | 800-657-3777 |
| Taxpayer Helpline .....                 | 651-296-3781 |
|   | 800-652-9094 |
| Taxpayer self-service .....             | 651-296-4444 |
|   | 800-657-3676 |
| Withholding.....                        | 651-282-9999 |
|   | 800-657-3594 |
| Transportation .....                    | 651-296-3000 |
|   | 800-657-3774 |
| Veterans Affairs.....                   | 651-296-2562 |



# House Committee Chairs

All area codes are 651



## **Agriculture and Rural Development Policy and Finance**

Rep. Rod Hamilton (R)  
296-5373



## **Ethics**

Rep. Steve Smith (R)  
296-9188



## **Redistricting**

Rep. Sarah Anderson (R)  
296-5511



## **Capital Investment**

Rep. Larry Howes (R)  
296-2451



## **Government Operations and Elections**

Rep. Joyce Peppin (R)  
296-7806



## **Rules and Legislative Administration**

Rep. Matt Dean (R)  
296-3018



## **Civil Law**

Rep. Torrey Westrom (R)  
296-4929



## **Health and Human Services Finance**

Rep. Jim Abeler (R)  
296-1729



## **State Government Finance**

Rep. Morrie Lanning (R)  
296-5515



## **Commerce and Regulatory Reform**

Rep. Joe Hoppe (R)  
296-5066



## **Health and Human Services Reform**

Rep. Steve Gottwalt (R)  
296-6316



## **Veterans Services Division**

Rep. Bruce Anderson (R)  
296-5063



## **Education Finance**

Rep. Pat Garofalo (R)  
296-1069



## **Higher Education Policy and Finance**

Rep. Bud Nornes (R)  
296-4946



## **Taxes**

Rep. Greg Davids (R)  
296-9278



## **Education Reform**

Rep. Sondra Erickson (R)  
296-6746



## **Jobs and Economic Development Finance**

Rep. Bob Gunther (R)  
296-3240



## **Property and Local Tax Division**

Rep. Linda Runbeck (R)  
296-2907



## **Environment, Energy and Natural Resources Policy and Finance**

Rep. Denny McNamara (R)  
296-3135



## **Judiciary Policy and Finance**

Rep. Steve Smith (R)  
296-9188



## **Transportation Policy and Finance**

Rep. Michael Beard (R)  
296-8872



## **Legacy Funding Division**

Rep. Dean Urdahl (R)  
296-4344



## **Public Safety and Crime Prevention Policy and Finance**

Rep. Tony Cornish (R)  
296-4240



## **Ways and Means**

Rep. Mary Liz Holberg (R)  
296-6926

# 2011-2012 Minnesota House of Representatives Members

| District | Member/Party              | Room* | Phone<br>651-296- | District | Member/Party                      | Room* | Phone<br>651-296- |
|----------|---------------------------|-------|-------------------|----------|-----------------------------------|-------|-------------------|
| 48B      | Abeler, Jim (R)           | 479   | 1729              | 57A      | Kriesel, John (R)                 | 451   | 4342              |
| 19A      | Anderson, Bruce (R)       | 365   | 5063              | 50A      | Laine, Carolyn (DFL)              | 287   | 4331              |
| 38A      | Anderson, Diane (R)       | 525   | 3533              | 9A       | Lanning, Morrie (R)               | 379   | 5515              |
| 13A      | Anderson, Paul (R)        | 445   | 4317              | 34A      | Leidiger, Ernie (R)               | 415   | 4282              |
| 43A      | Anderson, Sarah (R)       | 549   | 5511              | 12B      | LeMieur, Mike (R)                 | 567   | 4247              |
| 3A       | Anzelc, Tom (DFL)         | 307   | 4936              | 40B      | Lenczewski, Ann (DFL)             | 317   | 4218              |
| 39B      | Atkins, Joe (DFL)         | 209   | 4192              | 66A      | Lesch, John (DFL)                 | 315   | 4224              |
| 15B      | Banaian, King (R)         | 411   | 6612              | 30A      | Liebling, Tina (DFL)              | 357   | 0573              |
| 17B      | Barrett, Bob (R)          | 413   | 5377              | 55A      | Lillie, Leon (DFL)                | 281   | 1188              |
| 35A      | Beard, Michael (R)        | 417   | 8872              | 59A      | Loeffler, Diane (DFL)             | 335   | 4219              |
| 43B      | Benson, John (DFL)        | 289   | 9934              | 56A      | Lohmer, Kathy (R)                 | 521   | 4244              |
| 30B      | Benson, Mike (R)          | 515   | 4378              | 42B      | Loon, Jenifer (R)                 | 403   | 7449              |
| 37B      | Bills, Kurt (R)           | 533   | 4306              | 37A      | Mack, Tara (R)                    | 557   | 5506              |
| 23B      | Brynaert, Kathy (DFL)     | 327   | 3248              | 67A      | Mahoney, Tim (DFL)                | 237   | 4277              |
| 35B      | Buesgens, Mark (R)        | 381   | 5185              | 65B      | Mariani, Carlos (DFL)             | 203   | 9714              |
| 45B      | Carlson Sr., Lyndon (DFL) | 283   | 4255              | 9B       | Marquart, Paul (DFL)              | 313   | 6829              |
| 58B      | Champion, Bobby Joe (DFL) | 329   | 8659              | 41B      | Mazorol, Pat (R)                  | 581   | 7803              |
| 61A      | Clark, Karen (DFL)        | 277   | 0294              | 19B      | McDonald, Joe (R)                 | 523   | 4336              |
| 24B      | Cornish, Tony (R)         | 437   | 4240              | 3B       | McElfatrick, Carolyn (R)          | 545   | 2365              |
| 8B       | Crawford, Roger (R)       | 421   | 0518              | 53B      | McFarlane, Carol (R)              | 597   | 5363              |
| 17A      | Daudt, Kurt (R)           | 487   | 5364              | 57B      | McNamara, Denny (R)               | 375   | 3135              |
| 31B      | Davids, Greg (R)          | 585   | 9278              | 5B       | Melin, Carly (DFL) (member-elect) | 309   | 0172              |
| 62A      | Davnie, Jim (DFL)         | 215   | 0173              | 65A      | Moran, Rena (DFL)                 | 227   | 5158              |
| 52B      | Dean, Matt (R)            | 459   | 3018              | 23A      | Morrow, Terry (DFL)               | 211   | 8634              |
| 52A      | Dettmer, Bob (R)          | 473   | 4124              | 58A      | Mullery, Joe (DFL)                | 387   | 4262              |
| 6A       | Dill, David (DFL)         | 273   | 2190              | 10B      | Murdock, Mark (R)                 | 593   | 4293              |
| 47A      | Dittrich, Denise (DFL)    | 311   | 5513              | 64A      | Murphy, Erin (DFL)                | 345   | 8799              |
| 33B      | Doepke, Connie (R)        | 579   | 4315              | 6B       | Murphy, Mary (DFL)                | 343   | 2676              |
| 41A      | Downey, Keith (R)         | 407   | 4363              | 27A      | Murray, Rich (R)                  | 439   | 8216              |
| 28B      | Drazkowski, Steve (R)     | 401   | 2273              | 40A      | Myhra, Pam (R)                    | 517   | 4212              |
| 2A       | Eken, Kent (DFL)          | 243   | 9918              | 46A      | Nelson, Michael V. (DFL)          | 229   | 3751              |
| 16A      | Erickson, Sondra (R)      | 509   | 6746              | 10A      | Nornes, Bud (R)                   | 471   | 4946              |
| 1A       | Fabian, Dan (R)           | 431   | 9635              | 29B      | Norton, Kim (DFL)                 | 233   | 9249              |
| 20A      | Falk, Andrew (DFL)        | 239   | 4228              | 14A      | O'Driscoll, Tim (R)               | 369   | 7808              |
| 11B      | Franson, Mary (R)         | 429   | 3201              | 64B      | Paymar, Michael (DFL)             | 301   | 4199              |
| 26B      | Fritz, Patti (DFL)        | 253   | 8237              | 31A      | Pelowski Jr., Gene (DFL)          | 295   | 8637              |
| 36B      | Garofalo, Pat (R)         | 537   | 1069              | 32A      | Peppin, Joyce (R)                 | 503   | 7806              |
| 7B       | Gauthier, Kerry (DFL)     | 225   | 4246              | 4A       | Persell, John (DFL)               | 223   | 5516              |
| 15A      | Gottwalt, Steve (R)       | 485   | 6316              | 49B      | Petersen, Branden (R)             | 577   | 5369              |
| 60A      | Greene, Marion (DFL)      | 331   | 0171              | 45A      | Peterson, Sandra (DFL)            | 337   | 4176              |
| 54A      | Greiling, Mindy (DFL)     | 393   | 5387              | 27B      | Poppe, Jeanne (DFL)               | 291   | 4193              |
| 25A      | Gruenhagen, Glenn (R)     | 575   | 4229              | 29A      | Quam, Duane (R)                   | 569   | 9236              |
| 24A      | Gunther, Bob (R)          | 591   | 3240              | 5A       | Rukavina, Tom (DFL)               | 303   | 0170              |
| 48A      | Hackbarth, Tom (R)        | 409   | 2439              | 53A      | Runbeck, Linda (R)                | 583   | 2907              |
| 22B      | Hamilton, Rod (R)         | 559   | 5373              | 51A      | Sanders, Tim (R)                  | 449   | 4226              |
| 2B       | Hancock, David (R)        | 529   | 4265              | 54B      | Scalze, Bev (DFL)                 | 259   | 7153              |
| 39A      | Hansen, Rick (DFL)        | 247   | 6828              | 22A      | Schomacker, Joe (R)               | 433   | 5505              |
| 66B      | Hausman, Alice (DFL)      | 255   | 3824              | 49A      | Scott, Peggy (R)                  | 477   | 4231              |
| 61B      | Hayden, Jeff (DFL)        | 389   | 7152              | 18A      | Shimanski, Ron (R)                | 367   | 1534              |
| 46B      | Hilstrom, Debra (DFL)     | 261   | 3709              | 44A      | Simon, Steve (DFL)                | 279   | 9889              |
| 8A       | Hilty, Bill (DFL)         | 207   | 4308              | 55B      | Slawik, Nora (DFL)                | 245   | 7807              |
| 36A      | Holberg, Mary Liz (R)     | 453   | 6926              | 63B      | Slocum, Linda (DFL)               | 359   | 7158              |
| 34B      | Hoppe, Joe (R)            | 563   | 5066              | 33A      | Smith, Steve (R)                  | 543   | 9188              |
| 60B      | Hornstein, Frank (DFL)    | 213   | 9281              | 42A      | Stensrud, Kirk (R)                | 553   | 3964              |
| 47B      | Hortman, Melissa (DFL)    | 377   | 4280              | 21A      | Swedzinski, Chris (R)             | 527   | 5374              |
| 14B      | Hosch, Larry (DFL)        | 349   | 4373              | 63A      | Thissen, Paul (DFL)               | 267   | 5375              |
| 4B       | Howes, Larry (R)          | 491   | 2451              | 51B      | Tillberry, Tom (DFL)              | 231   | 5510              |
| 7A       | Huntley, Thomas (DFL)     | 351   | 2228              | 21B      | Torkelson, Paul (R)               | 371   | 9303              |
| 67B      | Johnson, Sheldon (DFL)    | 217   | 4201              | 18B      | Urdahl, Dean (R)                  | 571   | 4344              |
| 59B      | Kahn, Phyllis (DFL)       | 353   | 4257              | 13B      | Vogel, Bruce (R)                  | 507   | 6206              |
| 26A      | Kath, Kory (DFL)          | 201   | 5368              | 62B      | Wagenius, Jean (DFL)              | 251   | 4200              |
| 28A      | Kelly, Tim (R)            | 565   | 8635              | 12A      | Ward, John (DFL)                  | 221   | 4333              |
| 56B      | Kieffer, Andrea (R)       | 531   | 1147              | 38B      | Wardlow, Doug (R)                 | 551   | 4128              |
| 1B       | Kiel, Debra (R)           | 423   | 5091              | 11A      | Westrom, Torrey (R)               | 443   | 4929              |
| 16B      | Kiffmeyer, Mary (R)       | 501   | 4237              | 44B      | Winkler, Ryan (DFL)               | 321   | 7026              |
| 50B      | Knuth, Kate (DFL)         | 323   | 0141              | 25B      | Woodard, Kelby (R)                | 539   | 7065              |
| 20B      | Koenen, Lyle (DFL)        | 241   | 4346              | 32B      | Zellers, Kurt (R)                 | 463   | 5502              |

House Public Information Services • 175 State Office Building • St. Paul, MN 55155-1298 • 651-296-2146

\*All rooms are in the State Office Building unless otherwise noted, St. Paul, MN 55155-1298

List as of Feb. 17, 2011

# 2011-2012 Minnesota Senate Members

| District/Member/Party                | Room*         | Phone<br>651-29- | District/Member/Party                 | Room*         | Phone<br>651-29- |
|--------------------------------------|---------------|------------------|---------------------------------------|---------------|------------------|
| 66 Anderson, Ellen R. (DFL).....     | 141 SOB.....  | 6-5537           | 8 Lourey, Tony (DFL).....             | 125 SOB.....  | 6-0293           |
| 6 Bakk, Thomas M. (DFL).....         | 147 SOB.....  | 6-8881           | 22 Magnus, Doug (R).....              | 205 Cap.....  | 6-5650           |
| 49 Benson, Michelle R. (R).....      | G-24 Cap..... | 6-3219           | 54 Marty, John (DFL).....             | 119 SOB.....  | 6-5645           |
| 61 Berglin, Linda (DFL).....         | 113 SOB.....  | 6-4261           | 39 Metzen, James P. (DFL).....        | 25 SOB.....   | 6-4370           |
| 43 Bonoff, Terri E. (DFL).....       | 133 SOB.....  | 6-4314           | 41 Michel, Geoff (R).....             | 208 Cap.....  | 6-6238           |
| 16 Brown, David M. (R).....          | 205 Cap.....  | 6-8075           | 31 Miller, Jeremy R. (R).....         | 320 Cap.....  | 6-5649           |
| 4 Carlson, John J. (R).....          | 320 Cap.....  | 6-4913           | 30 Nelson, Carla J. (R).....          | 111 Cap.....  | 6-4848           |
| 53 Chamberlain, Roger C. (R).....    | 306 Cap.....  | 6-1253           | 18 Newman, Scott J. (R).....          | 301 Cap.....  | 6-4131           |
| 64 Cohen, Richard J. (DFL).....      | 109 SOB.....  | 6-5931           | 17 Nienow, Sean R. (R).....           | 120 Cap.....  | 6-5419           |
| 21 Dahms, Gary H. (R).....           | 111 Cap.....  | 6-8138           | 33 Olson, Gen (R).....                | 235 Cap.....  | 6-1282           |
| 38 Daley, Theodore J. "Ted" (R)..... | G-24 Cap..... | 7-8073           | 34 Ortman, Julianne E. (R).....       | 120 Cap.....  | 6-4837           |
| 25 DeKruif, Al (R).....              | G-24 Cap..... | 6-1279           | 65 Pappas, Sandra L. (DFL).....       | 143 SOB.....  | 6-1802           |
| 60 Dibble, D. Scott (DFL).....       | 115 SOB.....  | 6-4191           | 26 Parry, Mike (R).....               | 309 Cap.....  | 6-9457           |
| 14 Fischbach, Michelle L. (R).....   | 226 Cap.....  | 6-2084           | 15 Pederson, John C. (R).....         | G-24 Cap..... | 6-6455           |
| 12 Gazelka, Paul E. (R).....         | 325 Cap.....  | 6-4875           | 59 Pogemiller, Lawrence J. (DFL)..... | 15 SOB.....   | 6-7809           |
| 37 Gerlach, Chris (R).....           | 120 Cap.....  | 6-4120           | 7 Reinert, Roger J. (DFL).....        | 149 SOB.....  | 6-4188           |
| 13 Gimse, Joe (R).....               | 303 Cap.....  | 6-3826           | 45 Rest, Ann H. (DFL).....            | 105 SOB.....  | 6-2889           |
| 50 Goodwin, Barb J. (DFL).....       | 123 SOB.....  | 6-4334           | 35 Robling, Claire A. (R).....        | 226 Cap.....  | 6-4123           |
| 40 Hall, Dan D. (R).....             | 325 Cap.....  | 6-5975           | 24 Rosen, Julie A. (R).....           | 322 Cap.....  | 6-5713           |
| 42 Hann, David W. (R).....           | 328 Cap.....  | 6-1749           | 3 Saxhaug, Tom (DFL).....             | 135 SOB.....  | 6-4136           |
| 67 Harrington, John M. (DFL).....    | 17 SOB.....   | 6-5285           | 46 Scheid, Linda (DFL).....           | 23 SOB.....   | 6-8869           |
| 58 Higgins, Linda (DFL).....         | 27 SOB.....   | 6-9246           | 29 Senjem, David H. (R).....          | 121 Cap.....  | 6-3903           |
| 10 Hoffman, Gretchen M. (R).....     | 124 Cap.....  | 6-5655           | 23 Sheran, Kathy (DFL).....           | 127 SOB.....  | 6-6153           |
| 28 Howe, John Sterling (R).....      | 323 Cap.....  | 6-4264           | 57 Sieben, Katie (DFL).....           | 151 SOB.....  | 7-8060           |
| 11 Ingebrigtsen, Bill G. (R).....    | 303 Cap.....  | 7-8063           | 2 Skoe, Rod (DFL).....                | 107 SOB.....  | 6-4196           |
| 48 Jungbauer, Michael J. (R).....    | 235 Cap.....  | 6-3733           | 27 Sparks, Dan (DFL).....             | 19 SOB.....   | 6-9248           |
| 63 Kelash, Kenneth S. (DFL).....     | 129 SOB.....  | 7-8061           | 1 Stumpf, LeRoy A. (DFL).....         | 145 SOB.....  | 6-8660           |
| 19 Koch, Amy T. (R).....             | 208 Cap.....  | 6-5981           | 36 Thompson, Dave A. (R).....         | 323 Cap.....  | 6-5252           |
| 47 Kruse, Benjamin A. (R).....       | 124 Cap.....  | 6-4154           | 5 Tomassoni, David J. (DFL).....      | 21 SOB.....   | 6-8017           |
| 20 Kubly, Gary W. (DFL).....         | 103 SOB.....  | 6-5094           | 62 Torres Ray, Patricia (DFL).....    | 131 SOB.....  | 6-4274           |
| 9 Langseth, Keith (DFL).....         | 139 SOB.....  | 6-3205           | 52 Vandever, Ray (R).....             | 328 Cap.....  | 6-4351           |
| 44 Latz, Ron (DFL).....              | 121 SOB.....  | 7-8065           | 55 Wiger, Charles W. (DFL).....       | 117 SOB.....  | 6-6820           |
| 56 Lillie, Ted H. (R).....           | 124 Cap.....  | 6-4166           | 51 Wolf, Pam (R).....                 | 306 Cap.....  | 6-2556           |
| 32 Limmer, Warren (R).....           | 122 Cap.....  | 6-2159           |                                       |               |                  |

\*Capitol or State Office Building, St. Paul, MN 55155

## Minnesota House and Senate Members

|  |   |  |  |  |
|--|---|--|--|--|
| <b>1</b> A Rep. Dan Fabian-(R)<br>B Rep. Deb Kiel-(R)<br>Sen. LeRoy A. Stumpf-(DFL)                | <b>15</b> A Rep. Steve Gottwalt-(R)<br>B Rep. King Banaian-(R)<br>Sen. John Pederson-(R)      | <b>29</b> A Rep. Duane Quam-(R)<br>B Rep. Kim Norton-(DFL)<br>Sen. David Senjem-(R)          | <b>43</b> A Rep. Sarah Anderson-(R)<br>B Rep. John Benson-(DFL)<br>Sen. Terri Bonoff-(DFL)         | <b>57</b> A Rep. John Kriesel-(R)<br>B Rep. Denny McNamara-(R)<br>Sen. Katie Sieben-(DFL)            |
| <b>2</b> A Rep. Kent Eken-(DFL)<br>B Rep. David Hancock-(R)<br>Sen. Rod Skoe-(DFL)                 | <b>16</b> A Rep. Sondra Erickson-(R)<br>B Rep. Mary Kiffmeyer-(R)<br>Sen. David Brown-(R)     | <b>30</b> A Rep. Tina Liebling-(DFL)<br>B Rep. Mike Benson-(R)<br>Sen. Carla Nelson-(R)      | <b>44</b> A Rep. Steve Simon-(DFL)<br>B Rep. Ryan Winkler-(DFL)<br>Sen. Ron Latz-(DFL)             | <b>58</b> A Rep. Joe Mullery-(DFL)<br>B Rep. Bobby Joe Champion-(DFL)<br>Sen. Linda Higgins-(DFL)    |
| <b>3</b> A Rep. Tom Anzelc-(DFL)<br>B Rep. Carolyn McElfatrick-(R)<br>Sen. Tom Saxhaug-(DFL)       | <b>17</b> A Rep. Kurt Daudt-(R)<br>B Rep. Bob Barrett-(R)<br>Sen. Sean Nienow-(R)             | <b>31</b> A Rep. Gene Pelowski Jr.-(DFL)<br>B Rep. Greg Davids-(R)<br>Sen. Jeremy Miller-(R) | <b>45</b> A Rep. Sandra Peterson-(DFL)<br>B Rep. Lyndon Carlson Sr.-(DFL)<br>Sen. Ann Rest-(DFL)   | <b>59</b> A Rep. Diane Loeffler-(DFL)<br>B Rep. Phyllis Kahn-(DFL)<br>Sen. Lawrence Pogemiller-(DFL) |
| <b>4</b> A Rep. John Persell-(DFL)<br>B Rep. Larry Howes-(R)<br>Sen. John Carlson-(R)              | <b>18</b> A Rep. Ron Shimanski-(R)<br>B Rep. Dean Urdahl-(R)<br>Sen. Scott Newman-(R)         | <b>32</b> A Rep. Joyce Peppin-(R)<br>B Rep. Kurt Zellers-(R)<br>Sen. Warren Limmer-(R)       | <b>46</b> A Rep. Michael V. Nelson-(DFL)<br>B Rep. Debra Hilstrom-(DFL)<br>Sen. Linda Scheid-(DFL) | <b>60</b> A Rep. Marion Greene-(DFL)<br>B Rep. Frank Hornstein-(DFL)<br>Sen. D. Scott Dibble-(DFL)   |
| <b>5</b> A Rep. Tom Rukavina-(DFL)<br>B Rep.-elect Carly Melin-(DFL)<br>Sen. David Tomassoni-(DFL) | <b>19</b> A Rep. Bruce Anderson-(R)<br>B Rep. Joe McDonald-(R)<br>Sen. Amy Koch-(R)           | <b>33</b> A Rep. Steve Smith-(R)<br>B Rep. Connie Doepeke-(R)<br>Sen. Gen Olson-(R)          | <b>47</b> A Rep. Denise Dittrich-(DFL)<br>B Rep. Melissa Hortman-(DFL)<br>Sen. Benjamin Kruse-(R)  | <b>61</b> A Rep. Karen Clark-(DFL)<br>B Rep. Jeff Hayden-(DFL)<br>Sen. Linda Berglin-(DFL)           |
| <b>6</b> A Rep. David Dill-(DFL)<br>B Rep. Mary Murphy-(DFL)<br>Sen. Thomas Bakk-(DFL)             | <b>20</b> A Rep. Andrew Falk-(DFL)<br>B Rep. Lyle Koenen-(DFL)<br>Sen. Gary Kubly-(DFL)       | <b>34</b> A Rep. Ernie Leidiger-(R)<br>B Rep. Joe Hoppe-(R)<br>Sen. Julianne Ortman-(R)      | <b>48</b> A Rep. Tom Hackbarth-(R)<br>B Rep. Jim Abeler-(R)<br>Sen. Michael J. Jungbauer-(R)       | <b>62</b> A Rep. Jim Davnie-(DFL)<br>B Rep. Jean Wagenius-(DFL)<br>Sen. Patricia Torres Ray-(DFL)    |
| <b>7</b> A Rep. Thomas Huntley-(DFL)<br>B Rep. Kerry Gauthier-(DFL)<br>Sen. Roger Reinert-(DFL)    | <b>21</b> A Rep. Chris Swedzinski-(R)<br>B Rep. Paul Torkelson-(R)<br>Sen. Gary Dahms-(R)     | <b>35</b> A Rep. Michael Beard-(R)<br>B Rep. Mark Buesgens-(R)<br>Sen. Claire Robling-(R)    | <b>49</b> A Rep. Peggy Scott-(R)<br>B Rep. Branden Petersen-(R)<br>Sen. Michelle Benson-(R)        | <b>63</b> A Rep. Paul Thissen-(DFL)<br>B Rep. Linda Slocum-(DFL)<br>Sen. Ken Kelash-(DFL)            |
| <b>8</b> A Rep. Bill Hilty-(DFL)<br>B Rep. Roger Crawford-(R)<br>Sen. Tony Lourey-(DFL)            | <b>22</b> A Rep. Joe Schomacker-(R)<br>B Rep. Rod Hamilton-(R)<br>Sen. Doug Magnus-(R)        | <b>36</b> A Rep. Mary Liz Holberg-(R)<br>B Rep. Pat Garofalo-(R)<br>Sen. Dave Thompson-(R)   | <b>50</b> A Rep. Carolyn Laine-(DFL)<br>B Rep. Kate Knuth-(DFL)<br>Sen. Barbara Goodwin-(DFL)      | <b>64</b> A Rep. Erin Murphy-(DFL)<br>B Rep. Michael Paymar-(DFL)<br>Sen. Richard Cohen-(DFL)        |
| <b>9</b> A Rep. Morrie Lanning-(R)<br>B Rep. Paul Marquart-(DFL)<br>Sen. Keith Langseth-(DFL)      | <b>23</b> A Rep. Terry Morrow-(DFL)<br>B Rep. Kathy Brynaert-(DFL)<br>Sen. Kathy Sheran-(DFL) | <b>37</b> A Rep. Tara Mack-(R)<br>B Rep. Kurt Bills-(R)<br>Sen. Chris Gerlach-(R)            | <b>51</b> A Rep. Tim Sanders-(R)<br>B Rep. Tom Tillberry-(DFL)<br>Sen. Pam Wolf-(R)                | <b>65</b> A Rep. Rena Moran-(DFL)<br>B Rep. Carlos Mariani-(DFL)<br>Sen. Sandra Pappas-(DFL)         |
| <b>10</b> A Rep. Bud Norres-(R)<br>B Rep. Mark Murdoch-(R)<br>Sen. Gretchen Hoffman-(R)            | <b>24</b> A Rep. Bob Gunther-(R)<br>B Rep. Tony Cornish-(R)<br>Sen. Julie Rosen-(R)           | <b>38</b> A Rep. Diane Anderson-(R)<br>B Rep. Doug Wardlow-(R)<br>Sen. Ted Daley-(R)         | <b>52</b> A Rep. Bob Dettmer-(R)<br>B Rep. Matt Dean-(R)<br>Sen. Ray Vandever-(R)                  | <b>66</b> A Rep. John Lesch-(DFL)<br>B Rep. Alice Hausman-(DFL)<br>Sen. Ellen Anderson-(DFL)         |
| <b>11</b> A Rep. Torrey Westrom-(R)<br>B Rep. Mary Franson-(R)<br>Sen. Bill Ingebrigtsen-(R)       | <b>25</b> A Rep. Glenn Gruenhagen-(R)<br>B Rep. Kelby Woodard-(R)<br>Sen. Al Dekruif-(R)      | <b>39</b> A Rep. Rick Hansen-(DFL)<br>B Rep. Joe Atkins-(DFL)<br>Sen. James Metzen-(DFL)     | <b>53</b> A Rep. Linda Runbeck-(R)<br>B Rep. Carol McFarlane-(R)<br>Sen. Roger Chamberlain-(R)     | <b>67</b> A Rep. Tim Mahoney-(DFL)<br>B Rep. Sheldon Johnson-(DFL)<br>Sen. John Harrington-(DFL)     |
| <b>12</b> A Rep. John Ward-(DFL)<br>B Rep. Mike LeMieur-(R)<br>Sen. Paul Gazelka-(R)               | <b>26</b> A Rep. Kory Kath-(DFL)<br>B Rep. Patti Fritz-(DFL)<br>Sen. Mike Parry-(R)           | <b>40</b> A Rep. Pam Myhra-(R)<br>B Rep. Ann Lenczewski-(DFL)<br>Sen. Dan Hall-(R)           | <b>54</b> A Rep. Mindy Greiling-(DFL)<br>B Rep. Bev Scalze-(DFL)<br>Sen. John Marty-(DFL)          |  |
| <b>13</b> A Rep. Paul Anderson-(R)<br>B Rep. Bruce Vogel-(R)<br>Sen. Joe Gimse-(R)                 | <b>27</b> A Rep. Rich Murray-(R)<br>B Rep. Jeanne Poppe-(DFL)<br>Sen. Dan Sparks-(DFL)        | <b>41</b> A Rep. Keith Downey-(R)<br>B Rep. Pat Mazorol-(R)<br>Sen. Geoff Michel-(R)         | <b>55</b> A Rep. Leon Lillie-(DFL)<br>B Rep. Nora Slawik-(DFL)<br>Sen. Charles Wiger-(DFL)         |  |
| <b>14</b> A Rep. Tim O'Driscoll-(R)<br>B Rep. Larry Hosch-(DFL)<br>Sen. Michelle Fischbach-(R)     | <b>28</b> A Rep. Tim Kelly-(R)<br>B Rep. Steve Drazkowski-(R)<br>Sen. John Howe-(R)           | <b>42</b> A Rep. Kirk Stensrud-(R)<br>B Rep. Jenifer Loon-(R)<br>Sen. David Hann-(R)         | <b>56</b> A Rep. Kathy Lohmer-(R)<br>B Rep. Andrea Kieffer-(R)<br>Sen. Ted Lillie-(R)              |  |



# BILL INTRODUCTIONS

FEBRUARY 14 - 17, 2011

HOUSE FILES 475 - 607

## Monday, February 14

**HF475-Benson, J. (DFL)**

### **Health & Human Services Finance**

Food shelves and food stamp outreach money appropriated.

**HF476-Kelly (R)**

### **Government Operations & Elections**

Public Employees Retirement Association; Red Wing Port Authority employees included and retroactive retirement coverage validated.

**HF477-Hansen (DFL)**

### **Transportation Policy & Finance**

Highway 52 barrier replacement money appropriated and state transportation bond sale authorized.

**HF478-Slawik (DFL)**

### **Health & Human Services Finance**

Early childhood learning and child protection facilities construction and rehabilitation funding provided, bonds issued and money appropriated.

**HF479-Kahn (DFL)**

### **Public Safety & Crime Prevention Policy & Finance**

Water pipe fluid weight use established when determining weight or amount of controlled substance.

**HF480-Scalze (DFL)**

### **Health & Human Services Reform**

Electronic prescribing requirements effective date extended for certain providers.

**HF481-Runbeck (R)**

### **Taxes**

Local government; property taxes frozen at 2010 pay levels, actions that would increase property tax levies prohibited and exceptions provided.

**HF482-Downey (R)**

### **Health & Human Services Reform**

Funeral goods sale license requirement clarified.

**HF483-Gottwalt (R)**

### **Jobs & Economic Development Finance**

JOBZ waiver authority modified.

**HF484-Smith (R)**

### **Public Safety & Crime Prevention Policy & Finance**

Regional 911 emergency communications center funding provided, bonds issued and money appropriated.

**HF485-Davids (R)**

### **Taxes**

Minnesota State High School League events temporary tax exemption made permanent and associated revenues use modified.

**HF486-Mack (R)**

### **Environment, Energy & Natural Resources Policy & Finance**

Dakota County; interest in lands occupied by Minnesota Zoo extended.

**HF487-Barrett (R)**

### **Health & Human Services Reform**

Optomtery definition modified.

**HF488-Hortman (DFL)**

### **Education Reform**

Voluntary, full-day kindergarten funding authorized.

**HF489-Smith (R)**

### **Judiciary Policy & Finance**

Uniform Collateral Consequences of Conviction Act enacted, and other law regarding collateral consequences and the rehabilitation of criminal offenders conformed with the uniform act.

**HF490-Garofalo (R)**

### **Environment, Energy & Natural Resources Policy & Finance**

Lake Byllesby Dam spillway on the Cannon River funding provided, bonds issued and money appropriated.

**HF491-Garofalo (R)**

### **Environment, Energy & Natural Resources Policy & Finance**

Cannon River pedestrian bridge funding provided, bonds issued and money appropriated.

**HF492-Slocum (DFL)**

### **Taxes**

Property valuation freeze and an exclusion provided for improvements made to purchased foreclosed properties.

**HF493-Vogel (R)**

### **Transportation Policy & Finance**

Motor vehicle dealer record alternative site authorized, motor vehicle registration provision modified and vehicle history information treatment provision added.

**HF494-Mariani (DFL)**

### **Transportation Policy & Finance**

School attendance required as condition of obtaining instruction permits and driver's licenses for applicants under 18.

**HF495-Garofalo (R)**

### **Government Operations & Elections**

Agreement Among the States to Elect the President by National Popular Vote enacted.

**HF496-Beard (R)**

### **Commerce & Regulatory Reform**

Home solicitation sales regulation exclusion clarified.

**HF497-Gottwalt (R)**

### **Health & Human Services Reform**

Health insurance exchange created.

**HF498-Cornish (R)**

### **Environment, Energy & Natural Resources Policy & Finance**

State hunting land no net loss required.

**HF499-Davids (R)**

### **Legacy Funding Division**

Chatfield Center for the Arts funding provided and money appropriated.

**HF500-Davids (R)**

### **Jobs & Economic**

### **Development Finance**

Chatfield Center for the Arts funding provided, bonds issued and money appropriated.

**HF501-Runbeck (R)**

### **Government Operations & Elections**

Interest arbitration factors specified.

**HF502-Lenczewski (DFL)**

### **Government Operations & Elections**

Youth sports and library permitted use of revenue modified for other purposes.

**HF503-Anderson, P. (R)**

### **Environment, Energy & Natural Resources Policy & Finance**

Land management activities exempted from contracting restrictions, and mission of the Department of Natural Resources modified.

**HF504-Eken (DFL)**

### **Environment, Energy & Natural Resources Policy & Finance**

Red River of the North; flood damage reduction project funding provided, bonds issued and money appropriated.

**HF505-Davids (R)**

### **Taxes**

Charitable contribution deduction expanded for food inventory.

**HF506-Shimanski (R)**

### **Public Safety & Crime Prevention Policy & Finance**

Fourth-degree assault crime and the assaulting a police horse crime expanded to provide more protection to law enforcement assistants.

**HF507-Quam (R)**

### **Government Operations & Elections**

Agricultural land, non-homesteaded, noncommercial real property owners and small business property owners allowed to vote on bonding and property tax questions where the property is located; implementing language provided; and constitutional amendment proposed.

**HF508-Erickson (R)**

### **Government Operations & Elections**

Mille Lacs County; rescindment of State Building Code adoption allowed.

**HF509-Beard (R)**

### **Environment, Energy & Natural Resources Policy & Finance**

Greenhouse gas emissions control eliminated.

**HF510-Simon (DFL)**

### **Government Operations & Elections**

Voter registration requirements and provisions changed.

**HF511-Erickson (R)**

### **Education Reform**

Public school unneeded mandates removed.

**HF512-Bills (R)**

### **Education Reform**

Postsecondary enrollment options act modified, high school students required to take a college level class and college transfer credits modified.

**HF513-Leidiger (R)**

### **Jobs & Economic Development Finance**

Prevailing wage provisions modified.

**HF514-Benson, M. (R)**

### **Taxes**

Maintenance of effort requirements suspended, and sales tax exemption modified.

**HF515-Kiel (R)**

### **Education Reform**

School district mandates reduced.

**HF516-Vogel (R)**

### **Agriculture & Rural Development Policy & Finance**

Removing certain animal control mandates.

**HF517-Vogel (R)**

### **Environment, Energy & Natural Resources Policy & Finance**

Water supply plan requirements, yard waste provisions, transmission projects report requirements and roadway lighting requirements modified.

**HF518-Leidiger (R)****Transportation Policy & Finance**

Commissioner of transportation rule adoption authority limited for county state-aid roads and municipal state-aid streets, and complete streets policy promotion for local road authorities provision abolished.

**HF519-Drazkowski (R)****Government Operations & Elections**

Mandates in transportation, human services, environment, public safety, local government, animal control, education, taxes and employment removed; maintenance of effort requirements suspended; sales tax exemption and prevailing wage provisions modified; aggregate value of benefits for governmental unit group insurance provision repealed; and comparable worth requirements repealed.

**HF520-Clark (DFL)****Health & Human Services Finance**

Alcohol judicial and health impact fund established, and alcohol judicial and health impact fee imposed.

---

**Thursday, February 17**


---

**HF521-Drazkowski (R)****Transportation Policy & Finance**

Gross weight seasonal increases permitted for sweet corn transportation.

**HF522-Drazkowski (R)****Public Safety & Crime Prevention Policy & Finance**

Sheriffs authorized to determine appropriate staff level for county jail operation, and administrative rule establishing staffing requirement for jails repealed.

**HF523-Quam (R)****Health & Human Services Reform**

Children and Community Services Act service plan requirements changed.

**HF524-Torkelson (R)****Education Finance**

Madelia; fund transfer permitted to Independent School District No. 837.

**HF525-Torkelson (R)****Taxes**

Public safety radio communication system exemption expanded.

**HF526-Fabian (R)****Environment, Energy & Natural Resources Policy & Finance**

Marshall County; consolidated conservation lands private sale authorized.

**HF527-Davids (R)****Agriculture & Rural Development Policy & Finance**

Minnesota rural preserve property tax program modified.

**HF528-LeMieur (R)****Environment, Energy & Natural Resources Policy & Finance**

Camp Ripley/Veterans State Trail money appropriated.

**HF529-LeMieur (R)****Commerce & Regulatory Reform**

Agricultural building roof panels equivalent load bearing capacity required.

**HF530-Kiffmeyer (R)****Transportation Policy & Finance**

Disability parking provision modified.

**HF531-Clark (DFL)****Jobs & Economic Development Finance**

Minneapolis; Minnesota African American History Museum funding provided, bonds issued and money appropriated.

**HF532-Kieffer (R)****Public Safety & Crime Prevention Policy & Finance**

Repeat criminal sexual conduct offender penalties enhanced.

**HF533-Fabian (R)****Education Finance**

Sparsity revenue eligibility criteria adjusted, and Independent School District No. 356, Lancaster, permitted to recover sparsity aid that the district lost due to the closing of a school building.

**HF534-Atkins (DFL)****Jobs & Economic Development Finance**

Inver Grove Heights capital improvement funding provided, bonds issued and money appropriated.

**HF535-McFarlane (R)****Education Finance**

Third-party reimbursement of qualifying services modified.

**HF536-Runbeck (R)****Education Finance**

Operating referendum and debt service equalization aid program levels increased.

**HF537-Urdahl (R)****Transportation Policy & Finance**

Speeding violation of 10 mph over the 60 mph limit provided to not go on a driving record.

**HF538-Schomacker (R)****Environment, Energy & Natural Resources Policy & Finance**

The Casey Jones Trail funding provided, bonds issued and money appropriated.

**HF539-Anderson, B. (R)****Agriculture & Rural Development Policy & Finance**

Horses as livestock classification modified.

**HF540-Scott (R)****Education Reform**

Minnesota State High School League directed to amend its transfer rule, including the procedure to determine student eligibility.

**HF541-Slawik (DFL)****Transportation Policy & Finance**

Smoking prohibited in motor vehicles with children, and money appropriated.

**HF542-Buesgens (R)****Government Operations & Elections**

Public pension plan coverage defined benefit ended.

**HF543-Buesgens (R)****Transportation Policy & Finance**

Road and bridge priority established, and governing federal aid requirement for rail guideways established.

**HF544-Buesgens (R)****Government Operations & Elections**

Standing appropriation forbidden and constitutional amendment proposed.

**HF545-Downey (R)****Government Operations & Elections**

State budget document required to include federal insolvency contingency planning.

**HF546-Paymar (DFL)****Taxes**

Limited market value extended.

**HF547-Paymar (DFL)****Public Safety & Crime Prevention Policy & Finance**

Firearm transfer at a gun show background check required.

**HF548-Buesgens (R)****Agriculture & Rural Development Policy & Finance**

Game bird and waterfowl sale included in the definition of agricultural products.

**HF549-Cornish (R)****Transportation Policy & Finance**

County highway-rail grade crossing warning devices funding provided, bonds issued and money appropriated.

**HF550-Anzelc (DFL)****Education Finance**

General education basic formula allowance increased.

**HF551-LeMieur (R)****Taxes**

Property tax late payment penalties modified.

**HF552-Greene (DFL)****Education Reform**

Child with disability definition and related circumstances clarified.

**HF553-Greene (DFL)****Education Reform**

Pilot project established to explore the programmatic alignment between age 3 and grade 3.

**HF554-Johnson (DFL)****Transportation Policy & Finance**

Mississippi River Parkway Commission expiration date changed.

**HF555-Moran (DFL)****Education Finance**

Principals' Leadership Institute money appropriated.

**HF556-Smith (R)****Public Safety & Crime Prevention Policy & Finance**

Juvenile prostitutes in need of protection or services provisions amended, sexually exploited youth defined; prostitution crime penalty assessments increased and distribution of the assessment amended; prostitution laws provisions clarified and recodified, and definitions modified; money appropriated to the commissioner of public safety to develop a statewide victim services model.

**HF557-Downey (R)****Education Reform**

Department of Education required to hire a consultant to work with districts to share services, competition among school districts created, shared services incentive created for districts and money appropriated.

**HF558-Downey (R)****Education Reform**

Graduation-Required Assessment for Diploma mathematics exception removed.

**HF559-Downey (R)****Health & Human Services Reform**

Minnesota Care voucher demonstration project established.

**HF560-Downey (R)****Higher Education Policy & Finance**

Government agency energy forward pricing mechanisms provisions modified.

**HF561-Beard (R)****Government Operations & Elections**

Election recount requirements and procedures modified.

**HF562-Sanders (R)****Commerce & Regulatory Reform**

Manufactured home parks water and sewer charges and charges by public water suppliers regulated.

**HF563-Moran (DFL)****Education Reform**

School board creation of full-service school zones authorized.

**HF564-Drazkowski (R)****Civil Law**

Ambulance services; nongovernmental licensees liability limited.

**HF565-Smith (R)****Civil Law**

Grandparent visitation rights provided and expanded, procedures specified and mediation required.

**HF566-Peterson, S. (DFL)****Transportation Policy & Finance**

Vehicle lighting display requirement expanded.

**HF567-Kahn (DFL)****Taxes**

Sales tax extended to cosmetic procedures.

**HF568-Kahn (DFL)****Government Operations & Elections**

Appropriations provided to continue in effect with exceptions and adjustments.

**HF569-Howes (R)****Commerce & Regulatory Reform**

Well contractor licensing requirements modified.

**HF570-Laine (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Fridley; Springbrook Nature Center funding provided, bonds issued and money appropriated.

**HF571-Lillie (DFL)****Commerce & Regulatory Reform**

Overtime requirements modified for air carrier employees.

**HF572-Eken (DFL)****State Government Finance**

American Indian veteran plaque placement authorized on Capitol grounds.

**HF573-Quam (R)****Taxes**

Medicare and Medicaid medical device coverage provisions modified.

**HF574-McNamara (R)****Government Operations & Elections**

Efficiency and energy savings promoted through electronic conduct of state meetings and through telework.

**HF575-Erickson (R)****Education Reform**

Probationary teacher and principal status governing requirements clarified.

**HF576-Kelly (R)****Education Finance**

Aid shift extended.

**HF577-Lanning (R)****State Government Finance**

Legal fees imposed by federal courts funding provided, reimbursement of expenses provided relating to the recount in the 2010 gubernatorial election and money appropriated.

**HF578-Koenen (DFL)****Civil Law**

Easement portion acquired by condemnation discharge provided.

**HF579-Koenen (DFL)****Taxes**

Marshall authorized to impose a local sales and use tax.

**HF580-Ward (DFL)****Education Finance**

Minnesota's special education funding formulas provided.

**HF581-Ward (DFL)****Education Finance**

Telecommunications/Internet access equity aid provided and money appropriated.

**HF582-Davids (R)****Taxes**

Lanesboro; local sales and use tax authorized and bonds issued.

**HF583-Mullery (DFL)****Commerce & Regulatory Reform**

Residential mortgage lending state regulation limit obsolete limitations repealed and federal Dodd-Frank Act conformed.

**HF584-Dettmer (R)****Health & Human Services Reform**

Adult foster care and family adult day services license requirements modified, and human services commissioner directed to apply for federal waiver for Medical Assistance reimbursement.

**HF585-Persell (DFL)****Jobs & Economic Development Finance**

Bemidji; Headwaters Regional Center for Science, History, Culture and the Arts funding provided, bonds issued and money appropriated.

**HF586-Fabian (R)****Environment, Energy & Natural Resources Policy & Finance**

Flood hazard mitigation grants funding provided, bonds issued and money appropriated.

**HF587-Beard (R)****Transportation Policy & Finance**

Dan Patch commuter rail line restrictions removed.

**HF588-Gauthier (DFL)****Jobs & Economic Development Finance**

Duluth; Wade Stadium renovation funding provided, bonds issued and money appropriated.

**HF589-Buesgens (R)****Commerce & Regulatory Reform**

Building and construction contracts regulated, and retainage required to be held in escrow or trust accounts until released.

**HF590-Howes (R)****Commerce & Regulatory Reform**

Construction financing evidence and notice of nonpayment or default required.

**HF591-Knuth (DFL)****Government Operations & Elections**

Candidates permitted to serve as an election judge in precincts where the candidate's name does not appear on the ballot.

**HF592-Fritz (DFL)****Health & Human Services Finance**

Medical Assistance reimbursement authorized for in-reach community-based care coordination in a hospital setting.

**HF593-Buesgens (R)****Government Operations & Elections**

Campaign finance; "corporation" definition broadened, governmental unit contributions prohibited and penalty imposed.

**HF594-Buesgens (R)****Government Operations & Elections**

Public pension plan coverage ended.

**HF595-Anderson, B. (R)****Health & Human Services Reform**

Radiation therapy facility construction moratorium repealed.

**HF596-Slawik (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Maplewood; Fish Creek Natural Greenway land acquisition funding provided, bonds issued and money appropriated.

**HF597-Lohmer (R)****Transportation Policy & Finance**

Toll roads prohibited and conforming changes made.

**HF598-Kahn (DFL)****Government Operations & Elections**

Voting registration requirements and provisions changed.

**HF599-Falk (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Beaver control provided by road authorities.

**HF600-Loon (R)****Environment, Energy & Natural Resources Policy & Finance**

Taxes reduced, efficiency permitting provided and environmental review requirements modified.

**HF601-Holberg (R)****Civil Law**

Optional disclosure of public appraisals provided by a government entity.

**HF602-Kahn (DFL)****Jobs & Economic Development Finance**

Granary Road and road and storm water infrastructure funding provided, bonds issued and money appropriated.

**HF603-Hornstein (DFL)****Transportation Policy & Finance**

I-35W storm tunnel funding provided, bonds issued and money appropriated.

**HF604-Champion (DFL)****Jobs & Economic Development Finance**

Target Center renovation funding provided, bonds issued and money appropriated.

**HF605-Loeffler (DFL)****Transportation Policy & Finance**

Plymouth Avenue Bridge funding provided, bonds issued and money appropriated.

**HF606-Howes (R)****Health & Human Services Finance**

Generic drugs used in Medical Assistance program ensured to be obtained at the lowest price.

**HF607-Howes (R)****Capital Investment**

Capital improvement funding provided to acquire and better public land and buildings and for other improvements of a capital nature, nonprofit housing bond authorization changes made, bonds issued, appropriations modified and money appropriated.

**Stay Informed**

- Subscribe to Session Weekly or Session Daily: [www.house.mn/hinfo/subscribesw.asp#byemail](http://www.house.mn/hinfo/subscribesw.asp#byemail)
- Follow us on Twitter: [twitter.com/MNHouseInfo](https://twitter.com/MNHouseInfo)
- Like us on Facebook: [www.facebook.com/MN-HouseInfo](https://www.facebook.com/MN-HouseInfo)
- View our videos on YouTube: [www.youtube.com/user/MNHouseInfo](https://www.youtube.com/user/MNHouseInfo)
- For information on any of these services: 651-296-2146 or 800-657-3550



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Patty Ostberg

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

### Intern

Callie Chamberlain

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.
- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).
- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## Celebrating Black History Month

|   |           |
|---|-----------|
| State population in 2009 .....  | 5,229,330 |
| Number of blacks in 2009 .....  | 230,022   |
| State population in 2000 .....  | 4,919,479 |
| Number of blacks in 2000 .....  | 171,731   |
| Percentage of black Minnesotans who are male .....  | 52.8      |
| Percent female .....  | 47.2      |
| Percentage of black population age 18 or older .....  | 66.2      |
| Percent 65 or older .....   | 3.7       |
| Median age of black Minnesotans .....   | 26.6      |
| Average household size of black Minnesotans in 2009 .....   | 2.7       |
| Average household size in 2000 .....  | 3         |
| Average family size of black Minnesotans in 2009 .....  | 3.5       |
| Average family size in 2000 .....   | 4         |
| Blacks, ages 15 or older in Minnesota, who are married .....  | 164,870   |
| State residents age 3 and older enrolled in school .....  | 1,367,709 |
| Number of those who are black .....   | 84,142    |
| Minnesota civilian population with veteran status .....   | 3,966,141 |
| Blacks with veteran status .....  | 152,302   |
| State population age 16 and up in the labor force in 2009 .....   | 4,118,124 |
| Blacks in the labor force .....   | 160,573   |
| Minnesota median household income in the past 12 months .....   | \$56,704  |
| Median household income for blacks .....  | \$28,406  |
| Minnesota median household income in 1999 .....   | \$47,111  |
| Median household income for blacks .....  | \$28,926  |
| Number of self-described black legislators, out of 201 current legislators .....                                | 3         |
| Number of blacks to serve in the House of Representatives .....   | 10        |
| Year John Frances Wheaton became Minnesota's first black state representative .....                             | 1899      |
| Years between Wheaton's final year (1900) and the election of the next black representative, Ray Pleasant ..... | 73        |
| Year Robert B. Lewis became Minnesota's first black state senator .....   | 1973      |
| Year John Harrington became Minnesota's second black state senator .....  | 2011      |

— C. CHAMBERLAIN

Sources: Council on Black Minnesotans, Legislative Reference Library



# SESSION WEEKLY



**TAXING CLOUD SALES**  
**NO SUING FOR SUPER-SIZING**  
**PRESERVING DAKOTA HERITAGE**  
**CONNECTING TO YOUR FOOD SOURCE**

HF608 - HF718

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 8 • FEBRUARY 25, 2011



# Flashback to 1991-2001

## All aboard!

In his pursuit of a multi-modal transportation system for Minnesota, Gov. Jesse Ventura has recommended \$115 million in general-obligation bonding for a commuter rail line between Minneapolis and St. Cloud. The line is projected to cost \$231 million, with a funding formula of 50 percent state, 40 percent federal and 10 percent local.

— Session Weekly Feb. 23, 2001



## Budget 'nightmare' or opportunity?

Gov. Arne Carlson called for a \$958 million reduction in spending for the 1992-1993 biennium, including cuts of \$538 million from aid to city and county governments; \$173 million to human development programs; and \$69 million in higher education funding.

House Speaker Robert Vanasek (DFL-New Prague) called it a budgetary "Nightmare on Elm Street."

Carlson termed his plan a blueprint for the future, which will significantly restructure government spending while still providing for the state's neediest citizens.

— Session Weekly Feb. 22, 1991

## Contents

**FIRST READING:** Governor calls for sales taxes for some online purchases and services • 3-4

**HIGHLIGHTS:** Cheeseburgers, regents, an end to the ballpark tax • 5-16

**FEATURE:** "Exploding" cheeseburger model teaches about agriculture • 17

**FEATURE:** Program uses Legacy funds to regain Dakota language • 18-19

**RESOURCES:** Come to the Capitol • 20

**BILL INTRODUCTIONS:** HF608-HF718 • 21-23

**MINNESOTA INDEX:** State corrections • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

On the cover: Brad Randolph, a groundskeeper with Plant Management, digs out a stairwell in front of the State Office Building Feb. 21. The southern half of the state was hit with a heavy snowfall Sunday and Monday. At the Minneapolis-St. Paul International Airport, 75 inches of snow have been recorded this winter, making it one of the snowiest seasons on record.

— Photo by Tom Olmscheid



# Sales in the clouds

Governor calls for sales taxes for some online purchases and services

By LEE ANN SCHUTZ

**W**ith high-profile items such as a new fourth-tier income tax rate grabbing the attention, some other tax changes in Gov. Mark Dayton's budget proposal may fly under the radar.

For instance, if you purchase items from Amazon.com or make your vacation reservations online you could be paying a sales tax. Do you use a DVR service from your satellite TV provider? There could be a new sales tax on that, too. But if you like to change your cell phone's ringtone often, there's good news: the sales tax that you currently pay would go away.

If you add up the additions these new taxes would make to the state's bottom line, they are a drop in the proposed \$37 billion budget bucket. But the governor views the changes as a way to "create fairness by leveling the playing field between brick-and-mortar businesses," and to conform the law to changing technology.

Approximately \$10.6 million in sales taxes could be collected through changes to something known as the affiliate nexus definition — people generally paid by an Internet seller based on the number of people who "click through" their site to get to the seller's website.



PHOTO BY TOM OLMSCHIED

House Taxes Committee members listen Feb. 23 as Connie Berg, owner of FlamingoWorld.com in Northfield, testifies on the tax portion of Gov. Mark Dayton's budget proposal.

This relates to e-commerce and could mean anything from making online purchases from out-of-state businesses to providing discount coupons on your website.

That's how this provision would affect Carrie Rocha of Maple Grove, who operates pocketyourdollars.com.

She told the House Taxes Committee Feb. 23 how her blog's popularity "exploded," and it has become her family's sole financial support. Approximately 45 percent of her income is from affiliate revenue, she said.

Connie Berg created her own web business, FlamingoWorld.com, which employs several family members. "I am not a seller; I advertise for companies. I'm no different than a magazine that has ads in it," she said. She thinks the change would put her out of business. "If the nexus tax is passed, there is not going to be any increase in revenue to the state," she said, because the host companies, not wanting to be responsible for sales tax collection, would drop their Minnesota affiliates.

## Dayton's other proposed changes

If you buy software at a retail outlet, you pay sales tax, but if you access the software online (often called cloud computing), you don't. That would change. Dayton's proposal would "provide clarification and consistency and promote ease of administration." Plus, it would bring in about \$3.4 million over the 2012-2013 biennium for the state coffer.

Those who receive their TV service through a cable provider pay a sales tax on all services including pay-per-view and other services such as DVR, but not all of the same services are taxable when sold by a direct satellite service provider. Dayton would have all treated fairly. The change would increase General Fund revenue by \$2.3 million over the 2012-2013 biennium.

Matt Massman, assistant revenue commissioner for tax policy, said there are approximately 227,000 satellite subscribers

First Reading continued on page 4

### First Reading continued from page 3

in the state with DVRs who would be affected by the new tax.

Under current law, admission charges to such things as athletic events, concerts, theaters, dances, the state fair, skating rinks and swimming pools are taxable. Dayton proposes to tax admissions to home and garden, boat, auto and similar consumer shows and the rental of box seats and suites at stadiums. If this change becomes law, projections show an increase of \$6.9 million to the biennial bottom line for 2012-2013.

Those accustomed to making lodging reservations online could see some changes to their bill, and the state would see an approximate \$8.6 million addition to the General Fund.

According to the Department of Revenue, consumers pay less tax if they reserve a hotel room through an intermediary, such as a travel agent, compared to the amount of tax

that would be paid if the consumer made the reservation directly with the hotel, even though in both situations the price of the room is the same.

Dayton would remove some items from the sales tax list — those cell phone ringtones being one.

Minnesota partners in the Streamlined Sales and Use Tax Agreement, a voluntary effort by a number of states to “simplify and modernize the sales and use tax administration in states in order to substantially reduce the burden of sales tax administration for all sellers and all types of commerce.”

But the state is out of compliance when it comes to ringtones. Under current state law, ringtones are a taxable service, but other digital audio downloads are not. At a cost of about \$410,000 to the state over

the next biennium, ringtones will no longer be charged a sales tax to bring the state in compliance.

In 1986, Minnesota adopted a bottle tax equal to \$0.01 per container to help offset the cost of administering a liquor stamping requirement. That requirement,

used as a means to regulate liquors, has been repealed, but the bottle tax continued. According to the Department of Revenue, eliminating the bottle tax would allow for more efficiency in the

administration of liquor taxes. To make up the lost revenue, the excise tax on wine and distilled spirits would be increased by \$0.01 per liter. Beer would not be affected.

Massman said the governor’s tax proposals are being drafted into bills, and could come before the committee for action within two weeks. 🏛️

***People who receive their TV service through a cable provider pay a sales tax, but the same service is not taxable when sold by a direct satellite service provider.***

### MAYORS RESPOND



PHOTO BY TOM OLMSCHEID

Cloquet Mayor Bruce Ahlgren responds to questions during a Feb. 23 news conference by members of the Coalition of Greater Minnesota Cities, where they urged legislators to work together on a budget compromise that would hold down property taxes and limit cuts to critical community services. Other coalition members attending the news conference are, from left, Janesville Mayor Mark Novak, Glencoe Mayor Randy Wilson, Red Wing Finance Director Marshall Hallock, Minneapolis Mayor R.T. Rybak, Park Rapids Mayor Nancy Carroll, St. Paul Mayor Chris Coleman and Richfield Mayor Debbie Goettel.

# HIGHLIGHTS

FEBRUARY 17 - 24, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held Feb. 17-24. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Agriculture

### Biennial budget proposal

Gov. Mark Dayton proposes a series of shifts, fee increases, policy changes and staff reductions to reach his \$170.3 million projected budget for the Department of Agriculture for the 2012-2013 biennium.

Department staff presented the recommendations to the House Agriculture and Rural Development Policy and Finance Committee Feb. 23. No action was taken.

The budget includes: \$9.2 million from Clean Water funds for the Agriculture

Best Management Practices revolving loan program. There are about 750 loans awarded each year and the money would supplement the fund's \$64 million principal.

It also calls for \$3.5 million in Clean Water funds to support the Discovery Farms concept that enables farmers to develop demonstration plots to promote and evaluate best management practices, and \$1.7 million in Clean Water funds to update the nitrogen fertilizer management plan and to develop public-private partnerships in responding to contamination of drinking water.

The plan would pay off the remaining ethanol producer payments in 2012 and shift the 2013 ethanol appropriation to the Agricultural Growth, Research and Innovation program.

There would be a 5 percent reduction in the department's General Fund base budget by consolidating two divisions, not filling vacancies left by early retirements, reducing one division director position and vacating office space leased from the St. Paul Port Authority.

Overall the agriculture department would experience a 15% reduction, when ethanol payments are included.

In addition, food inspection fees would increase 15 percent — the first time since 2003 — to boost the number of inspections, which have fallen behind schedule. Grocery and convenience stores pay the inspection fee based on gross annual sales.

The governor is also proposing a public safety surcharge on the sale of anhydrous ammonia fertilizer. The 75 cents per ton surcharge is expected to raise an additional \$220,000, which would be used to hire more inspectors. Facilities that are seriously non-compliant and require re-inspection would be subject to a \$400 fee. Those in compliance would be rewarded with less frequent inspections so inspectors could concentrate more on non-compliant facilities.

A \$2 million, one-time appropriation from the Outdoor Heritage Fund to deal with the emerald ash borer infestation is not recommended for renewal.

— S. HEGARTY

## SOLIDARITY RALLY



PHOTO BY ANDREW VONBANK

Hundreds of union members and public workers pack the Capitol Rotunda Feb. 22 for a "Solidarity Rally for Wisconsin Workers." The event was organized by the Minnesota AFL-CIO.



## Bonding

### Bonding bill is laid over

Gov. Mark Dayton's billion-dollar capital investment proposal got a cool reception from Republicans when it was released Jan. 31.

However, House Capital Investment Committee Chairman Larry Howes (R-Walker) not only scheduled a hearing on the proposal, but he sponsors the bill.

He told committee members Feb. 23 that HF607 would be laid over for further consideration.

The bill puts forward \$531 million in projects that are "shovel-ready, paint and repair projects," according to the governor; and his proposal leaves the remaining amount for the Legislature to fill.

Dayton's projects include:

- \$51.33 million for a new physics and nanotechnology building at the University of Minnesota;
- \$30 million for asset preservation and maintenance for the Minnesota State

- Colleges and Universities system;
- \$28 million for Department of Natural Resources designated flood mitigation;
- \$28 million to renovate and expand the Mayo Civic Center complex in Rochester; and
- \$20 million for a new baseball stadium in downtown St. Paul.

Rep. Bev Scalze (DFL-Little Canada) questioned Howes about the future of other proposed capital projects that are in bills that have been introduced. Howes said the bills most likely have been forwarded to the appropriate finance committee and, if they are referred to his committee, they would get a hearing.

Recent news about the spring flooding potential brought representatives to the table from one of the hardest hit parts of the state in the last few years.

Lon Aune, a Marshall County road engineer, said the area in northwestern Minnesota has had 11 significant floods since 1990 that have taken a toll on the area roads. He cited the community of Oslo, which has been isolated five times in recent

years because the road is flooded. "The only access was by boat, and we are in a non-lake area.... People have boats up there for that purpose," he said.

Dayton proposes \$10 million for local road improvement funding grants. Aune said this would help minimize the costs for these reoccurring repairs, and with some flood mitigation.

A companion, SF459, sponsored by Sen. Keith Langseth (DFL-Glyndon), awaits action by the Senate Capital Investment Committee.

— L. SCHUTZ

## Budget

### Cash flow problems remain

Gov. Mark Dayton's budget proposal would balance the budget, but would not necessarily fix the state's ongoing cash flow problems, the state's top budget official said.

Jim Schowalter, commissioner of Minnesota Management & Budget, said the month-to-month cash crunches that



PHOTO BY TOM OLMSCHEID

Gov. Mark Dayton's capital investment proposal includes \$8 million for improvements to the Target Center in Minneapolis.



began under former Gov. Tim Pawlenty are likely to continue under Dayton, regardless of how he and lawmakers solve the state's budget shortfall.

Schowalter briefed members of the House Ways and Means Committee Feb. 21 on the governor's plan to solve a projected \$6.2 billion biennial budget deficit. No action was taken.

Over the past several years, the weak economy and lower-than-expected tax collections have caused the state to draw down its cash reserves. During that time, budget officials have kept the state's day-to-day operations funded by transferring money between different accounts and delaying payments to schools. They have even developed short-term borrowing options for the state, should the need arise.

Committee Chairwoman Mary Liz Holberg (R-Lakeville) asked whether the governor's budget proposals improve the state's cash flow situation.

"Do you envision, after you raise \$4 billion in new revenue, you're still going to have to do all these tricks with temporary fund transfers back and forth from different reserves ... even given the large tax increases?" Holberg said.

Schowalter said the state's cash flow problems would remain whether the deficit is solved by tax increases or spending cuts. He said the problem stems from several years' of accumulated budget pressure.

"Cash flow is closely linked to level of reserves. Ultimately, we need to get those reserves back up, and increase them as the economy gets better," Schowalter said.

MMB is scheduled to release the state's February Economic Forecast Feb. 28. Schowalter hinted that the forecast might show an uptick in tax revenues and a smaller projected deficit. He said Dayton would replenish the state's cash flow account if the forecast predicts any additional revenues.

"My suspicion is that we would have to continue to very closely manage cash for the next several years," he said.

— N. BUSSE

## Business & Commerce

### Regional business plan sought

St. Paul Mayor Chris Coleman and Ecolab Inc. CEO Douglas Baker briefed the House Jobs and Economic Development Finance Committee Feb. 22 on plans for a metro-area partnership to grow jobs in the state. No action was taken.

Coleman said businesses and local governments have joined forces in communities across the country to market themselves as attractive destinations for businesses. He said Minnesota is falling behind in this regional approach to economic development and needs its own regional organization to stay competitive.

"What we saw is that we lacked a coordinated approach that other communities had," he said.

Baker, who runs the only Fortune 500 company still headquartered in St. Paul, said Minnesota's greatest assets for attracting businesses are its high quality of life and highly educated workforce. Its high taxes and complex regulatory environment are among its biggest liabilities.

"You've got the ingredients for great entrepreneurial initiative, but in fact we're not doing very well here," he said.

Baker said the Twin Cities metropolitan area lacks a unified regional vision and governance structure for economic development. He hopes to change this with the launch of a new Minneapolis-St. Paul Regional Economic Development Partnership. The group is to set a strategy for helping business leaders and site selection consultants see the advantages of doing business in the Twin Cities.

The partnership, funded jointly by local governments and private companies, is currently in the final stages of hiring a CEO and has nearly secured \$2.8 million in funding. No state funding will be required.

"You have to have this if you're going to be successful in this day and age, and we don't have it," Baker said.

— N. BUSSE

## Consumers

### No suing for super-sizing

If you gain weight from a lifestyle of eating too many cheeseburgers and drinking too many colas at your favorite restaurant, should you be able to sue the establishment if you become obese?

For the past seven years, Rep. Dean Urdahl (R-Grove City) has been advocating that if you are what you eat, then you are responsible for the excess poundage that ensues.

He sponsors HF264 that would make establishments associated with the production or delivery of a food or nonalcoholic beverage immune from civil liability based on an individual's weight gain, obesity, or related health condition resulting from the long-term purchase or consumption of that food or beverage.

Known as the "cheeseburger bill," it



PHOTO BY ANDREW VONBANK

Joel Carlson, representing the Minnesota Association for Justice, left, testifies before the House Civil Law Committee Feb. 21 during discussion of a bill that would make establishments immune from civil liability for a person's weight gain as a result of excessive food or nonalcoholic beverage consumption. Rep. Dean Urdahl, foreground, sponsors the bill.

was approved by the House Civil Law Committee Feb. 21, and sent to the House Agriculture and Rural Development Policy and Finance Committee.

"The bill underscores that people are responsible for their own actions, particularly where food is concerned. ... Simply put, if you eat too many cheeseburgers and get fat, you can't sue the food retailer," Urdahl said.

The closest any of his previous efforts have gotten to becoming law was in 2005, when it passed the Republican-controlled House, only to die in the DFL-controlled Senate.

Urdahl vowed last session that he wouldn't bring the bill up again until the Republicans gained control of the Senate. "Funny thing happened — I thought that would be forever, but here we are," he said.

Joel Carlson, who represents the Minnesota Association for Justice, has helped stop the progress of similar bills. "This bill ignores the epidemic of obesity and leaves the impression that lawyers are filing frivolous lawsuits," he said, adding that weight-gain cases in Minnesota are not allowed. "We believe the law in Minnesota already requires personal responsibility," he said.

Urdahl's bill goes to product abuse by the consumer, said Rep. Glenn Gruenhagen (R-Glencoe).

"What I see is we are protecting manufacturers of a legally made product that meets certain standards from a person who chooses to use it to excess or to a point where it may be damaging to their health, and that's where the personal responsibility comes in," he said.

Rep. Tim Mahoney (DFL-St. Paul) called the bill a Republican statement supporting corporate America against consumer America. "Essentially what you are saying is that we should grant a free pass to any food producer in America."

A companion, SF160, sponsored by Sen. David Hann (R-Eden Prairie), awaits action by the Senate Judiciary and Public Safety Committee.

— L. SCHUTZ

## Education

### School bus crossing arm requirement

A matter of a few feet can potentially mean the difference between life and death at a school bus stop.

When a child crosses too close to the front of a school bus, chances increase that a driver might not see the youngster and potentially

drive forward, injuring the child or worse.

About 18 months ago, a child died from being hit by a bus in the north-central Minnesota district of Rep. Larry Howes (R-Walker).

Sponsored by Howes, HF392 would require all school buses used in the state that are manufactured after Jan. 1, 2012, to be equipped with a crossing control arm on the front right bumper that automatically expands out whenever the bus is stopped and the flashing red lights are in use.

Approved Feb. 21 by the House Transportation Policy and Finance Committee, the bill awaits action by the House Education Finance Committee. It has no Senate companion.

"We feel this is a proactive decision by our group to help alleviate transportation tragedies," said Tom Keliher, a lobbyist representing the Minnesota School Bus Operators Association. "If an elementary school student is too close, the driver cannot see them over the hood."

Keliher said it costs about \$300-\$350 for a new bus to have the approximately 8-foot arm. "A new school bus is about \$80,000 to \$95,000, so \$300 to put a crossing arm on the front is a very miniscule price," he said, adding costs to retrofit all current buses could get "very expensive."

Howes said many buses in the Twin Cities metropolitan area already have such a crossing arm, partially because districts require them in bus operator contracts, but it is rare in northern Minnesota. "That's why I want to do it statewide," he said.

Rep. Mark Buesgens (R-Jordan) expressed concern about forcing kids off a crosswalk if the bus driver pulls up too close to a busy cross-street and the arm extends out too far.

"I assume our bus drivers are very well-trained and they know where to stop," Howes said.

— M. COOK

### Managing school trust lands

Following a model used in Utah, Rep. Denise Ditttrich (DFL-Champlin) is proposing that an independent agency, separate from the Department of Natural Resources, be created to manage the 2.5 million acres of permanent school trust lands.

Ditttrich sponsors HF435, which would create the Permanent School Trust Lands Administration by July 1, 2013, to govern the land. The House Environment, Energy and Natural Resources Policy and Finance Committee held an informational hearing on the bill Feb. 22. It has no Senate companion.

"The DNR has an inherent conflict of interest determined by their own mission. They are to focus on preserving the environment and conservation, and that is perfect for what their department is, but I don't believe that is perfect for the management of the school trust lands," Ditttrich said.



PHOTO BY ANDREW VONBANK

Grace Keliher, director of governmental relations for the Minnesota School Boards Association, left, testifies before the House Environment, Energy and Natural Resources Policy and Finance Committee Feb. 22 in support of a bill that would create an independent authority for Minnesota's permanent school trust land. Rep. Denise Ditttrich, right, sponsors the bill.



Among the administration's duties would be to demonstrate undivided loyalty; to furnish information to the beneficiaries; and to keep trust property separate from other property. Dittrich said the DNR has demonstrated increasing management costs and no relative fund increases, attained primarily through forestry and mineral rights.

With the majority of the school trust lands in the northeastern region of the state, a recent proposal to exchange land with the federal government that included an additional cash payment was met with mixed opinion and may not even be constitutional.

"We don't want the money, we want the land," Rep. David Dill (DFL-Crane Lake) said referencing the school trust land in the Boundary Waters Canoe Area Wilderness. Some constituents consider the BWCAW land "untouchable," he said.

Members also suggested that those who hunt on school trust lands be charged rent to use the land or to sell the land outright to nature organizations. Dittrich said these varying opinions are precisely why her bill would require one school trust fund administrator to act on behalf of the school children in Minnesota.

"We do need to get somebody advocating for these lands and clear up the statute to solidify to (the DNR) what we think should happen along the way of these lands," said Committee Chairman Denny McNamara (R-Hastings).

— S. HEGARTY

## Elections

### Candidates as election judges

Candidates for office could serve as election judges in precincts where they're not on the ballot, under a bill that won committee approval.

Rep. Kate Knuth (DFL-New Brighton) sponsors HF591 on behalf of a constituent named Walt Witzke. He ran for the New Brighton City Council in 2009 and was told he could not serve as an election judge in St. Paul because he was running for office.

Knuth said the Office of the Secretary of State already interpreted state law to say that candidates could serve as judges in precincts other than where they're running for office, and that the bill would merely clarify the statute.

"We're really trying to clarify this and make it more straightforward so it's not

interpreted differently in different parts of the state," Knuth said.

The House Government Operations and Elections Committee approved the bill Feb. 23 and sent it to the House floor. There is no Senate companion.

Beth Fraser, director of governmental affairs for the office, said nothing in the bill would prohibit election officials from screening election judge applicants based on other objective criteria.

"This is our interpretation of current statute, and we're comfortable with this clarification," she said.

— N. BUSSE

## Employment

### More power for cities in arbitration

When "essential" public employees like police and firefighters disagree with their employers over how much they should get paid, arbitrators are called in to settle the disputes. At a time of recurring budget deficits, some feel the arbitrators are being too generous to the employees.

Sponsored by Rep. Linda Runbeck (R-Circle Pines), HF501 would require arbitrators to consider cities' and counties' financial problems when awarding labor contracts.

The House Government Operations and Elections Committee approved the bill Feb. 22 on a 7-6 roll call vote. It now goes to the House Civil Law Committee. There is no Senate companion.

Under the state's Public Employment Labor Relations Act, "essential employees" — mostly public safety, health care and correctional workers — do not have the right to strike. Instead, they must solve labor contract disputes with their employers via arbitration.

Laura Kushner, director of human resources for the League of Minnesota Cities, said arbitrators have a "built-in bias" in favor of public employee unions. She said even in cash-strapped cities where the "nonessential" workers agreed to wage freezes, arbitrators have awarded pay increases. As evidence, she cited two separate cases — one in Brainerd, the other in Edina.

"Both of those arbitrators basically ignored the pattern that had been set in the city for 0 percent wage increases and ordered 3 percent wage increases in an economic climate where those cities just felt that was completely out of line," Kushner said.

The bill would require arbitrators to give "substantial weight" to issues like local government aid cuts, property tax burdens and the impact of levy limits. It would forbid them from considering an employer's budget reserves when determining their ability to pay. It would also prevent arbitrators from awarding increases over and above what other unions get from that same employer.

Union leaders derided the bill as an attack on public employees' collective bargaining rights, and said it would reverse several decades of precedent on labor relations. Some committee members agreed.

"I think this is yet another in a series of initiatives that we've had that are meant to erode our labor relations system," said Rep. Frank Hornstein (DFL-Mpls).

— N. BUSSE

## Env. & Natural Resources

### Outsourcing DNR land maintenance

Amid growing concern that Minnesota has more state-owned land than it can effectively manage, the House Environment, Energy and Natural Resources Policy and Finance Committee laid over a bill Feb. 22 that would allow the Department of Natural Resources to contract for services from outside sources.

Currently state agencies can only contract for services if there is no employee available to do the work, although there are a few exceptions.

Sponsored by Rep. Paul Anderson (R-Starbuck), HF503 would provide the DNR with another "tool in the toolbox" by allowing the department to contract with private companies. The bill has no Senate companion.

Anderson said the policy change could follow similar steps used in contracting for services, such as the work being awarded to the lowest bidder. For example, farmers adjacent to state hunting lands could be reimbursed for planting food plots in wildlife management areas or spraying for invasive species.

Commissioner Tom Landwehr said many of the jobs and services require a high degree of technical expertise, and that the department is best equipped to do the work. Because a lot of the work is seasonal, the number of employees swells from 2,700 to 4,000 between May and September.

"We're hearing the only entity that's equipped to do this work is the state government," said

## RESORT REPORT



PHOTO BY TOM OLSCHIED

Corby Niemeyer, *left*, and Jim Larson, *right*, both of Niemeyer's Rugged River Resort, along with other members of the Congress of Minnesota Resorts listen as House Speaker Kurt Zellers talks to the group during their day at the Capitol Feb. 24.

Rep. Steve Drazkowski (R-Mazeppa). "These are the types of innovative approaches we have to go forward with."

Rep. Jean Wagenius (DFL-Mpls) requested a fiscal note and said outsourcing may not save money. "If we give it to somebody else, how do we make sure it's been done right? Does that mean hiring people to go up and check? ... That seems to add a cost, not subtract a cost."

— S. HEGARTY

### New rules add burden

Officials from several municipalities told the House Health and Human Services Reform Committee Feb. 23 that rules enacted in 2009 for testing wastewater treatment facilities leave a heavy administrative burden on certain laboratories.

Sponsored by Rep. King Banaian (R-St. Cloud), HF367 would exempt municipal environmental laboratories that test samples for their own permit compliance from the recently enacted rule changes. Approved by the committee, it now goes to the House Health

and Human Services Finance Committee.

A companion, SF162, sponsored by Sen. John Pederson (R-St. Cloud), awaits action by the Senate Health and Human Services Committee.

The rules require municipal labs to meet federal standards established by the National Environmental Laboratories Accreditation Conference.

Banaian said this has resulted in "unfunded mandates" on cities and counties by requiring additional administrative work without furthering the standards of water quality.

Melrose Water and Wastewater Supervisor Scott Gilbertson said the changes have required his lab to increase staff costs.

John Linc Stine, assistant commissioner for health protection at the Department of Health, said while they have no official stance on the legislation, they enacted the rule changes "largely because the direction the rest of the country was heading." The Environmental Protection Agency requires the federal standards for results and 14 other

states use it as the basis for their sample evaluations, he added.

Stine acknowledged that some labs might have a heavier administrative burden up front when switching to the new standards, but this would lessen after accreditation is established.

Representing the Coalition for Greater Minnesota Cities, Elizabeth Wefel said the state should enact a tiered system of standards depending on the size of labs, like other states do.

Stine said the department is open to discussing these changes as the bill moves forward.

— P. OSTBERG

## Health & Human Services

### Enacting 'Hannah's Law'

Four-year-old Hannah Kozitza died last June in the care of a child care center while choking on a grape. No provider in her care room knew CPR when the tragedy happened.





PHOTO BY ANDREW VONBANK

**Justin and Jenni Kozitza hold a picture of their daughter, Hannah, during the Feb. 22 discussion by the House Health and Human Services Reform Committee about a bill that would modify CPR requirements for child care center staff.**

Sponsored by Rep. Mary Liz Holberg (R-Lakeville), HF235 would require all care center teachers and assistant teachers to complete CPR training for infants and children, and at least one staff person with training must be present during field trips and when transporting children. The training would have to occur within 90 days after the start of employment, under the bill. Approved by the House Health and Human Services Reform Committee Feb. 22, the bill was sent to the House floor.

Current law only requires one person in a care center to be trained, and they don't have to be present in the room.

Ron Edlund, Hannah's grandfather, said the family wonders if the outcome would have been different if there had been at least one person in the room that was trained in CPR when Hannah died. "If this bill saves one child, Hannah will have a legacy, and it will be worth it," he said.

Jerry Kerber, director of the Department of Human Services' Licensing Division, said licensed home daycare providers are already required to have CPR training. However, he said, centers account for about half of the care for children in the state.

Rep. Bob Barrett (R-Shafer) asked if there would be any changes to how food portions are cut up for small children.

Kerber said the bill doesn't address that issue, and there are fewer recommendations for how food is to be consumed as children age.

A companion, SF381, sponsored by Sen.

Dan Hall (R-Burnsville), awaits action by the Senate Health and Human Services Committee.

— P. OSTBERG

### **Payment rate increases for care**

State payment rates to nursing facilities, long-term care facilities and some community service providers would increase under a bill laid over Feb. 22 by the House Health and Human Services Finance Committee for possible inclusion in an omnibus bill.

Sponsored by Rep. Patti Fritz (DFL-Faribault), HF315 would increase nursing facility rates by 4 percent of the total operating payment rate; Intermediate Care Facilities for the Mentally Retarded would increase by 3 percent; the same as certain community service providers, including home- and community-based waiver services and personal care services. The bill has no Senate companion.

Under the bill, 75 percent of the money resulting from the adjustment would go directly to wage increases and employee benefits.

Fritz said she's repeatedly asked for increases to facilities during her seven years as a legislator and this bill's increases don't catch up to the needs. "Today we're asking for 4 percent; we are 20 percent behind."

Sonja Lemire, a licensed practical nurse at Parkview Care Center in Buffalo, said the low staffing levels mean residents don't get the dignity they deserve. In her memory-care

unit there are 30 residents, and she is the only nurse in charge during an eight-hour shift, resulting in a ratio of about 16 minutes per person. The time with patients includes distributing medication and following a care plan with very little human interaction, she said. "It's almost not humanly possible to give quality care or prevent accidents with current reimbursement rates."

Lynne Zimmerman, a health care worker, said past cuts to home- and community-based services has placed great pressure on the system. "Possible future cuts will strain the system so much that it really may fail," she said.

— P. OSTBERG

## **Higher Education**

### **New regents approved by Legislature**

Amid accusations of partisan politics for one seat, four people received legislative approval Feb. 21 to sit on the University of Minnesota Board of Regents.

Former House Speaker Steve Sviggum and business executive David McMillan were chosen to represent the 2nd and 8th Congressional Districts, respectively, and David Larson, a retired Cargill executive, was selected for a second term representing the 3rd Congressional District.

The controversy stemmed from the selection of former Republican Rep. Laura Brod, who was selected for the at-large seat over current regent Steven Hunter, the secretary/treasurer of the AFL-CIO. Brod and Sviggum were two of the three finalists recommended by the Regent Candidate Advisory Council for the 2nd District seat.

A Feb. 16 joint meeting of the House and Senate higher education committees recommended Sviggum represent the district. When it came time to vote for the at-large member, Sen. Claire Robling (R-Jordan) asked if it "was appropriate" to nominate someone else for the position. Senate President Michelle Fischbach (R-Paynesville), a meeting co-chair, said rules adopted by the joint committee permit a candidate for a specific seat to be eligible for any other position for which they are also eligible.

All Republicans then voted for Brod, while all DFLers voted for Hunter.

Rep. Joe Atkins (DFL-Inver Grove Heights) called it "the most overtly politicized vote that we have seen in 150 years of the University of Minnesota."





PHOTO BY TOM OLMSCHIED

**Former House Speaker Steve Sviggum, left, who was chosen as the 2nd Congressional District representative to the University of Minnesota Board of Regents, and former Rep. Laura Brod, right, who was selected as the at-large member for the board, talked Feb. 21 as a joint session of the House and Senate debated the candidates before selecting three new regents, and reappointing one.**

When the full Legislature got together, a motion by House Minority Leader Paul Thissen (DFL-Mpls) to move the recommendations back to the joint committee was defeated 105-87.

"A process that installed a politician who didn't even apply for the position over the incumbent labor regent who has a strong record of service on the board – a candidate that received bipartisan support in the last election and about whom no questions of performance were raised — does not reflect what is best for our state," he said.

House Majority Leader Matt Dean (R-Dellwood) noted Brod's application included check marks for both the congressional seat and the at-large position.

In nominating Hunter, Rep. Tom Rukavina (DFL-Virginia) said there has almost always been labor representation on the Board of Regents. "Don't turn back a tradition ... don't slap working people in the face," he pleaded.

The only governmental body in the state whose members are elected by the Legislature is the university's governing body. It is comprised of 12 members who serve staggered six-year terms without pay. By law, one regent is selected from each of the state's eight congressional districts and four serve at-large.

— M. Cook

### U of M budget cut concerns

University of Minnesota President Robert Bruininks does not expect the university to be held harmless when it comes to solving the state's multi-billion dollar biennial budget shortfall, but he warned legislators that deep cuts are going to affect the state's long-term quality.

"My primary message is that we want the university's future to be in the center of your deliberations," he told the House Higher Education Policy and Finance Committee Feb. 22. "We need you to pay attention to these issues not only in terms of cuts to balance the state's budget in the short-term, but also in regards to Minnesota's long-term economic vitality."

No action was taken.

In his budget proposal, Gov. Mark Dayton said higher education is a top priority of his administration, yet he recommends a 6 percent base budget reduction for the university.

Chief Financial Officer Richard Pfutzenreuter noted state appropriations to the university in fiscal year 2010 were about equal to that of eight years earlier.

"State support is essential to generating the new ideas and the external resources that fuel thousands of private-sector jobs in Minnesota each year," Bruininks said.

University officials have, at the committee's request, begun looking at what 15 percent and 20 percent reductions in state dollars would mean.

"The president's modeling, based on what we're doing today, is that we're likely to approach that problem in a two-thirds/one-third distribution, with two-thirds coming in the form of internal budget cuts and about a third coming from tuition revenue," Pfutzenreuter said.

Bruininks said that "this university will turn over every possible rock" to make sure any tuition increase is no higher than need be.

Solving a state funding reduction of 15 percent to 20 percent purely by tuition increases would mean a 13 percent to 17 percent increase. "That would jeopardize the future of countless university students. We don't plan to do that," Bruininks said. If it was made simply by layoffs, it would add 1,700 people to the state's unemployed.

"For several years now, we have warned of a future tipping point in which we would no longer be able to sustain deep cuts, and remain the university our state expects and our state deserves," Bruininks said. "I think that tipping point has arrived or is very close."

— M. Cook

## Public Safety

### 'Mixture' definition gets approval

Dissimilar penalties for people using the same amount of drugs are now possible because the weight of an entire mixture can 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), HF479 would amend the definition of "mixture" in first- through third-degree controlled substance possession crimes. It would establish that "the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture, except in cases where the mixture contains four or more fluid ounces of fluid." Law enforcement could still charge sale offenses based on total weight of the mixture.

Approved Feb. 22 by the House Public Safety and Crime Prevention Policy and Finance Committee, the bill next goes to the House Judiciary Policy and Finance Committee. It has no Senate companion.

The problem surfaced 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

## STUDENT RALLY



PHOTO BY TOM OLMSCHIED

**Goldy Gopher, the mascot of the University of Minnesota's Minneapolis campus, and Mary Kay Delvo, director of advocacy and outreach for the University of Minnesota Alumni Association, react to comments by Gov. Mark Dayton as he spoke to a rally of students from university campuses around the state in the Capitol Rotunda Feb. 22.**

mixture's total weight was used to charge the defendant with the more serious drug offense. The Minnesota Supreme Court ruled in 2009 that the charge was appropriate under the current definition of mixture.

This bill was overwhelmingly approved by the Legislature last year, but vetoed by former Gov. Tim Pawlenty, who said the bill "waters down current criminal justice practices and standards related to the weight of controlled substances found in water pipes."

Kahn rhetorically asked if two people should be charged differently when they use the same amount of marijuana, but one smokes it in its original form and the other bakes it into a large brownie.

John Kingrey, executive director of the Minnesota County Attorneys Association, spoke against the bill.

"While the state will maintain that methamphetamine and other controlled substances are illegal, that won't apply to a device if it contains 4 ounces or less of

fluid," he said. "Our concern going forward is that drug traffickers could mix meth into water — methamphetamine is water soluble — transport it to a location, evaporate it and sell the remaining meth."

— M. Cook

### Restraining order clarification

Changes to the state's harassment restraining order could be forthcoming in hopes of clearing up state statute and removing an administrative barrier for victims.

Sponsored by Rep. Glenn Gruenhagen (R-Glencoe), HF469 would allow an application for a harassment restraining order to be filed in the county of residence of either party or in the county where the alleged harassment occurred.

"Current statute is silent in giving direction to the courts about the venue or filing of an HRO," he said. "This has resulted in inconsistent handling of these requests in

different counties, particularly in Greater Minnesota. ... Advocates who were working with victims found they were appearing in one county to help their clients file an HRO petition, only to be told that they would have to go to another county to seek court protection."

Approved Feb. 23 by the House Public Safety and Crime Prevention Policy and Finance Committee, the bill was sent to the House Judiciary Policy and Finance Committee. It has no Senate companion.

Gruenhagen said endorsements have been forwarded from a number of groups, including the Minnesota County Attorneys Association and the Minnesota Coalition for Battered Women.

Donna Dunn, executive director of the Minnesota Coalition Against Sexual Assault, said the bill would help in cases like one where a victim tried to file the petition in a county of residence, but was told by a court clerk she had to file for a petition in the

county where the incident took place. When the petitioner went to the second county she saw the perpetrator, who harassed her.

"She would not have had that trauma if she could have filed in her home county," Dunn said.

Courts would also be permitted to waive filing fees for certain restraining order petitions. The fee can now be waived if the alleged acts would constitute criminal sexual conduct or gross misdemeanor or felony stalking.

"The federal government requires that states, in order to be eligible for grants to combat violence crimes against women, must certify that its laws do not require victims of sexual assault, stalking or domestic violence bear the cost of filing for a protection order," Dunn added.

— M. COOK

## State Government

### Capitol restoration plans on hold

Workers are repairing the water-damaged State Capitol dome, but plans for a more extensive restoration of the aging iconic building are on hold.

Staff from the Capitol Area Architectural and Planning Board briefed members of the House State Government Finance Committee Feb. 23 on the status of the Capitol. No action was taken.

Built in 1905, the building has suffered for years from deteriorating infrastructure, poor heating and cooling systems and security and accessibility problems. Beginning in 2000, plans were floated for an extensive renovation, but lawmakers have not funded the project.

"Essentially, there is no consensus yet as to how this should be done, when it should be done or how much should be spent," said Rep. Dean Urdahl (R-Grove City).

The most recent plan calls for \$260 million in repairs, restoration and renovation of the entire building. Paul Mandell, the board's principal planner and zoning administrator, said the restoration needs are "vast" and would involve "wholesale gutting behind the walls" to replace electrical, mechanical and ventilation systems.

"You can't exactly do it during the night while people aren't working here," he said.

Mandell said lawmakers and planners would have to decide whether to renovate the Capitol one wing at a time — as was done in Ohio, Pennsylvania and Wisconsin — or close the entire building for months or even years, as was done in Texas and

Utah. During restoration, critical legislative, judicial and executive operations would have to be relocated without interrupting their operations, he said.

Mandell said that for every year the Legislature waits to deal with the issue, another \$10 million to \$20 million are added to the cost by inflation. He noted the \$4 million to \$6 million being spent right now to repair the dome is more than the \$4.5 million cost to construct the entire building 105 years ago.

"I think it's very important," Urdahl said. "It's the symbol of our state, and we have to find a way to maintain it. The obvious disrepair is, I think, shameful."

— N. BUSSE

### Telecommuting to save money

Some state employees may be able to work from home or teleconference as a way to save taxpayers money, under a bill approved by a House committee Feb. 23.

Rep. Denny McNamara (R-Hastings) sponsors HF574 that would instruct state agencies to use videoconferencing or other electronic means to conduct meetings whenever practical. The goal is to avoid travel costs for in-person meetings that would normally be reimbursed by taxpayers.

In addition, an amendment successfully offered by McNamara would give department supervisors at the Legislature permission to let their employees work from home part-time during the legislative interim. Legislative staff could telecommute for up to 20 percent of the workweek. Alternately, they could work four 10-hour workdays rather than five eight-hour days.

The House Government Operations and Elections Committee approved the bill and sent it to the House floor. There is no Senate companion.

McNamara said the bill would save the state money both on travel costs and on building operation costs. He said legislative employees would appreciate the flexibility to save money on gas one day a week and possibly have a three-day weekend.

"When session is done and you're all burned out, it really helps folks get rejuvenated," McNamara said.

The teleconference requirement would apply to all state agencies, the constitutional offices and the Minnesota State Colleges and Universities system. In all cases, the provisions of the state's open meeting law would apply.

Rep. Frank Hornstein (DFL-Mpls) called

the measure "important and helpful," and said it would be good policy environmentally, as well as economically.

Lobbyists representing the state's tourism and hospitality industries testified against the bill, arguing it would discourage state agencies from holding professional conferences at lodges and resorts.

"There are times when meetings should take place in person," said Dan McElroy, president and chief executive of Hospitality Minnesota.

— N. BUSSE

## Taxes

### Ending the ballpark tax

Members of a House committee want to make sure the sales tax increase that helped to pay for the Minnesota Twins' new ballpark doesn't go on forever.

Nearly five years ago, the Legislature signed off on public funding for a new ballpark for the Minnesota Twins. Construction of Target Field, as the new home for the Twins would eventually be called, was funded primarily through a 30-year, 0.15 percent sales tax increase in Hennepin County.

Rep. Ann Lenczewski (DFL-Bloomington) said some little-known provisions in the law could lead to that tax increase continuing on into perpetuity, unless the Legislature takes action. She sponsors HF502 that would modify the use of revenues from the sales tax, in her words, to "strengthen the protection of the taxpayers of Hennepin County."

The House Government Operations and Elections Committee approved the bill Feb. 22 and sent it to the House Taxes Committee. There is no Senate companion.

The original legislation authorized establishment of a ballpark reserve fund, and allowed county officials to put some of the sales tax revenues toward public libraries and youth sports. The bill would cap the reserve fund at \$20 million and repeal an annual increase of 1.5 percent in the amount of money to be used for the libraries and youth activities.

Without the changes, Lenczewski said county officials could theoretically game the system to pay for expensive upgrades or even build a whole new ballpark someday.

"When we all were voting on the Twins stadium, there was no contemplation that the people of Hennepin County should possibly continue to do all the upgrades or even replace the stadium over time," she said.



Hennepin County Commissioner Peter McLaughlin said the legislation isn't needed. He argued the stadium was a good deal for taxpayers, and that the county had managed the sales tax revenues prudently. As evidence, he cited the county's early repayment of some of the stadium bonds.

"We don't think the state should be micromanaging this process. We think we've been good stewards of the taxpayers' funds," McLaughlin said.

— N. BUSSE

## Thursday's Floor Action

### Unemployment extension passed

Unemployed Minnesotans would be eligible for a 13-week extension to their unemployment benefits under a bill passed by the House 126-3 Feb. 24.

Sponsored by Rep. Rich Murray (R-Albert Lea), HF103 would also remove restrictions on the benefits being paid to adult children who are laid off from their parents' seasonal businesses.

It now goes to the Senate, where Sen. John Pederson (R-St. Cloud) is the sponsor.

The bill would give Minnesotans access to a federal extension of unemployment insurance benefits recently passed by Congress and signed by President Obama. Qualifying Minnesotans would be eligible for a maximum of 86 weeks of benefits, under the change.

The extension is federally funded, and would not cost the state's UI trust fund, which is currently \$600 million in deficit. Murray said the bill would funnel \$160 million in federal funds into the state's economy.

The bill would also repeal a law enacted last year to provide no more than five weeks of benefits to individuals who are laid off from their parents' businesses. The change was intended to prevent employers from "gaming the system" by hiring their own children for seasonal work and then laying them off so they can collect unemployment.

Rep. Denny McNamara (R-Hastings) praised the provision, and said it would impact a number of his constituents.

"Just because somebody's family happens to work in the business that their father or mother owned, it would be really unfortunately to treat them differently than everyone else," McNamara said.

— N. BUSSE

## NEWEST MEMBER



PHOTO BY ANDREW VONBANK

**Rep. Carly Melin is recognized on the House floor after being introduced on her first day of session Feb. 24. Sworn into office two days earlier in Hibbing, Melin replaces former Rep. Tony Sertich.**

### House passes synthetic marijuana ban

On a 124-4 vote, the House approved a bill Feb. 24 that would make it a gross misdemeanor to sell synthetic marijuana and a misdemeanor to possess the substance.

Sponsored by Rep. John Kriesel (R-Cottage Grove), HF57 now goes to the Senate, where a sponsor is needed.

"This will undoubtedly make our communities a safer place to live," he said.

Synthetic marijuana, also known as K2 or Spice, is a mix of common herbs sprayed with synthetic chemicals that mimic the effects

of marijuana. It is sold in head shops and in stores as incense or potpourri under names like Demon, Triple X and Mr. Nice Guy, but is being used as an inhalant for people to get high. There is no minimum age to purchase the product.

Kriesel said it has been known to cause serious health problems, including seizures. In the first 11 months of last year, there were more than 2,500 calls nationwide to poison control centers because of synthetic marijuana use. It has been banned in 17 countries and 11 other states.

Kriesel said the change will also make the streets safer.

"Because synthetic marijuana is not a controlled substance, it is difficult or impossible for users to be prosecuted for driving under the influence," he said.

"Synthetic marijuana is a dangerous misnomer," said Rep. Terry Morrow (DFL-St. Peter), who successfully amended the bill to clarify that people using this can be prosecuted using driving under the influence laws. "We're talking about a dangerous chemical that's being smoked by high school and college kids and others."

During the committee process, representatives from the Minnesota Sheriffs' Association, Minnesota Chiefs of Police Association and the Minnesota Juvenile Officers Association all spoke in support of the bill.

— M. Cook

### Penalty for harming police dog

A bill to increase the penalty for injuring public safety dogs and that would impose

mandatory restitution on offenders who harm public safety dogs was passed Feb. 24 by the House.

Sponsored by Rep. Tony Cornish (R-Good Thunder), HF141 now goes to the Senate, where Sen. Dan Hall (R-Burnsville) is the sponsor. The House vote was 107-22.

The bill would extend the current two-year felony for killing a public safety dog to offenses of causing "great bodily harm" to such animals, including those which cause permanent disfigurement of the animal or loss or impairment of a body organ. Mandatory restitution in such cases would be up to \$25,000 to help care for the injured animal and the purchase and training of another dog.

It would also extend the gross misdemeanor offense of harming a public safety dog to cases where the dog suffers demonstrable bodily harm. Mandatory restitution could be up to \$10,000.

Further, the bill would create a new offense whereby it is a misdemeanor to assault a public safety dog where the animal does not suffer "demonstrable bodily harm."

Cornish said the impetus for the bill was Major, a German Shepherd stabbed Nov. 12 as Roseville police assisted Maplewood officers responding to a break-in.

After finding a suspect, officers heard Major crying in pain. He had been stabbed four times. He was rushed to the University of Minnesota Veterinary Medical Center for emergency surgery. While Major survived, he did not regain use of his back legs.

"I'm very glad that there's some way to impact all the anguish that's gone on in our community for this very popular dog," said Rep. Mindy Greiling (DFL-Roseville)

Rep. Joyce Peppin (R-Rogers) was among those casting a red vote.

"Part of the reason I'm voting against it is because of my frustration of the fact that we have stronger penalties for abusing a dog than we do for adults that are neglected," she said. "Right now, it's not a felony to neglect an adult, even if it results in great bodily harm. I think this sends kind of a mixed message.... We need to look at how we compare crimes for animals versus how we treat similar crimes for adults."

— M. Cook

## Constitutional Officers

### Governor

#### Mark Dayton (DFL)

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-201-3400  
800-657-3717  
Fax: 651-797-1850  
Website: [www.governor.state.mn.us](http://www.governor.state.mn.us)  
E-mail: [mark.dayton@state.mn.us](mailto:mark.dayton@state.mn.us)

### Lieutenant Governor

#### Yvonne Prettner Solon (DFL)

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55115  
651-201-3400  
Fax: 651-797-1850  
E-mail: [ltgovprettnersolon@state.mn.us](mailto:ltgovprettnersolon@state.mn.us)

### Secretary of State

#### Mark Ritchie (DFL)

Election Center  
Room 180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
651-215-1440  
877-600-8683 (VOTE)  
Business Services  
60 Empire Drive, Suite 100  
St. Paul, MN 55103  
651-296-2803  
877-551-6767  
Website: [www.sos.state.mn.us](http://www.sos.state.mn.us)  
E-mail: [secretary.state@state.mn.us](mailto:secretary.state@state.mn.us)

### Attorney General

#### Lori Swanson (DFL)

Executive Offices  
Room 102  
State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-296-6196

800-657-3787

Website: [www.ag.state.mn.us](http://www.ag.state.mn.us)  
E-mail: [attorney.general@state.mn.us](mailto:attorney.general@state.mn.us)  
Consumer Division  
1400 Bremer Tower  
445 Minnesota St.  
St. Paul, MN 55101  
651-296-3353  
800-657-3787  
(TTY) 651-297-7206  
(TTY) 800-366-4812

### State Auditor

#### Rebecca Otto (DFL)

525 Park St.  
Suite 500  
St. Paul, MN 55103  
651-296-2551  
(TTY) 800-627-3529  
Website: [www.osa.state.mn.us](http://www.osa.state.mn.us)  
E-mail: [state.auditor@state.mn.us](mailto:state.auditor@state.mn.us)

## Frequently called numbers

Area code 651

### House Public Information Services

175 State Office Building ..... 296-2146  
Toll-free ..... 800-657-3550

### Chief Clerk of the House

211 Capitol ..... 296-2314

### House Index

211 Capitol ..... 296-6646  
Meeting Call line, House ..... 296-9283

### House Research

600 State Office Building ..... 296-6753

### Senate Information

231 Capitol ..... 296-0504  
Toll-free ..... 888-234-1112

### Secretary of the Senate

231 Capitol ..... 296-2344  
Voice mail/order bills ..... 296-2343

### Senate Index

110 Capitol ..... 296-2887

### Senate Counsel and Research

G-17 Capitol ..... 296-4791

### Governor's Office

130 Capitol ..... 201-3400



# Learning about what you eat

Students use 'exploding cheeseburger' to teach agriculture



PHOTO BY ANDREW VONBANK, PHOTO ILLUSTRATION BY PAUL BATTAGLIA

By SUE HEGARTY

**W**hen you order a cheeseburger or pick up a slice of pizza, do you pause to find out if Minnesota farm families grew the crops or raised the animals used in the ingredients?

"All too often we take for granted our abundant food supply," Julie Tesch, executive director of the Agricultural Education Leadership Council, told the House Agriculture and Rural Development Policy and Finance Committee Feb. 15.

A goal of the Minnesota Future Farmers of America Association, in cooperation with Minnesota Agriculture in the Classroom, is to increase agricultural awareness and knowledge of where our food comes from.

Fewer farmers means residents are less connected to where their food comes from and what farmers do to make it abundant and safe to eat, said Rep. Paul Torkelson (R-Nelson Township).

"Fifty-four percent of Minnesotans do not know a farmer or anyone associated with the practice of farming ... it's very scary for us in agriculture, and who support it and want to see it grow and succeed," said Liz Rabbe, FFA Minnesota vice president.

Rabbe and 9,000 other Minnesota FFA member students have been participating in the Agriculture Literacy Challenge, a new way for Minnesota FFA chapters to advocate for their industry.

For example, Morris Area FFA members showed urban elementary students live animals, explaining each animal's purpose in the food chain. They also shared a model called the "exploding cheeseburger." By breaking down a cheeseburger's ingredients, the elementary students could better understand that meat, cheese, vegetables and even the bun are derived from agriculture.

"If we're going to feed the world, people need to know what goes into producing the food on their table so they have the confidence in the safety and quality of the food they're eating," said Joel Larsen, state FFA advisor.

Post-secondary education is a way for agricultural students and urban students to connect in college. The Agricultural Education Club at the University of Minnesota sponsored Agriculture Awareness Day on the Twin Cities campus last year; an estimated 4,000 people attended.

"Something on this scale had never been done before," said Jason Kaare, a junior majoring in agriculture education and club president. About 15 agricultural organizations were represented including the Minnesota Pork Board and the Minnesota Beef Council. Llamas and beef cattle were a big hit on campus, Kaare said. "We tried to


have some live animals to give these urban students a chance to see exactly where their hamburger comes from because a lot of them have no clue," he added.

Rep. Andrew Falk (DFL-Murdock) pointed out the strong movement for community-supported agriculture, particularly due to the high cost of transporting products. "I believe that average distance is about 1,800 miles," Falk said.

There are 216 agricultural education teachers offering 185 programs in secondary schools. Jeff Eppen, a Sibley East-Arlington High School teacher, helps students plan and manage a school garden that provides a healthy source of food for the cafeteria and a lesson in agronomy careers.

"This is an area a lot of students don't tend to gravitate toward. They tend to gravitate toward the animals," Eppen said. "We wanted to open their eyes to other options."

His students grew 40 gallons of green beans that the cafeteria staff prepared and served. However, the cooks sent a clear message that they weren't fond of shucking the bushels of peas also grown, so Eppen said they'll need to plant something else next year.

School districts have discretionary authority to levy for career and technical education programs, such as DECA, Inc. and FFA. Federal funding is also available. But as school district budgets tighten, educators are making critical decisions about what they can afford, said Larsen. 



# Revitalizing state heritage

Immersion program uses Legacy funds to regain Dakota language

BY SUE HEGARTY

**T**oddlers are at play in a Minneapolis language immersion classroom. Using only his new Dakota language skills 3-year-old Ohiyesa Long Crow, whose name means “the winner,” tries to coerce a toy truck out of his teacher’s hands. Phoebe Bendickson, 2, gleefully shouts in Dakota as she catches a big red ball. Her blond curls bounce up and down, indicative of her Scandinavian, besides her Dakota, ancestry.

Their teacher, Sheldon Noel, is a full-blooded Dakota from the Sioux Valley Dakota Nation in Manitoba, Canada. Like many Dakota, his ancestors fled Minnesota during the 1862 U.S.-Dakota Conflict when they were put into concentration camps or forced from the state. Children were forbidden to speak their native tongue.

Eight of Noel’s Canadian family members still speak fluent Dakota. By comparison, there are only eight people in the entire state of Minnesota who can fluently speak Dakota, and many of them are age 70 or older.

Now a partnership of cultural organizations hopes to rebuild Dakota speakers within Minnesota.

“We’re talking about revitalizing a near lost language. This is a huge deal,” said Annamarie Hill-Kleinhans, executive director of the Minnesota Indian Affairs Council. The project is being carefully watched by linguists internationally, she said.

The council received a \$250,000 appropriation for the 2010-2011 biennium from the Arts and Cultural Heritage Fund, earmarked for grants to support Dakota and Ojibwe language revitalization programs.

The Wicoie Nandagikendan program is for Dakota language classes and the Niigaane program is for teaching the Ojibwe language. There are an estimated 300 state residents who speak fluent Ojibwe.

House Legacy Funding Division Chairman

Dean Urdahl (R-Grove City) sponsored the original legislation to provide funding for the immersion programs. “I’m a historian. I believe in preserving history,” Urdahl said.

Rep. Karen Clark (DFL-Mpls) is one of the legislators who supports the program. One immersion classroom is located in her district.

“We’re dealing with the ravages of genocide. This is an opportunity to give people back their own culture. When we lose the wisdom and knowledge of the Dakota people, we are impaired,” Clark said.

There are about 4,000 Dakota in four federally-recognized Minnesota communities:

the Shakopee Mdewakanton Sioux Community; the Prairie Island,

Indian Community; the Lower Sioux, near Redwood Falls; and the Upper Sioux near Granite Falls. The original Dakota Community, established by treaty in 1851, was located along a 10-mile wide strip of land on both sides of the Minnesota River.

Noel studied political science and philosophy in college so he could return to the reservation and work on behalf of the Dakota people. But when he learned about the Wicoie Nandagikendan program, “I put myself in those shoes,” he said. “Language teaches you about the land, culture, a way of being in the world. When you take that away from them, what do you have?”

About 30 preschoolers are enrolled in the



PHOTO BY ANDREW VONBANK

Sheldon Noel, a Dakota preschool teacher in the Wicoie Nandagikendan language revitalization program, teaches Phoebe Bendickson, 2, right, and Ohiyesa Long Crow, 3, Dakota language skills and culture through immersion methods at the Four Directions Family Center in Minneapolis.

immersion program. The hope is that in 20 years, the number of people fluent in the language will grow and the language will become self-sustaining over time.

Dakota is a gender-based language. Words can take on different prefixes or endings depending upon whether a male or female is speaking. Noel was raised in Dakota tradition by his grandparents, so he heard both versions of speech. Although he understands both variances, he doesn't teach the female form in the classroom.

"We can talk to each other and understand each other, but in our culture we just don't do that out of respect," Noel said.

Phoebe's mother, Anna Bendickson, volunteers as a female instructor in her daughter's classroom. Her husband, Joe, teaches Dakota language at the University of Minnesota. She


is of 100 percent Scandinavian descent. "I can memorize lists but this constant flow of narrative is better," she said of the immersion program, which has resulted in students scoring higher on academic testing for kindergarten than their single-language counterparts.

Getting the program off the ground was challenging, say organizers. It was the first time the council offered grants, so they sought technical support. Fluent speakers were not licensed teachers, so a licensed teacher must oversee their work. Organizers began calling throughout the Midwest and Canada to family or friends to assemble dictionaries of words. Now the challenge becomes adding classes and teachers in the primary and secondary classrooms as these preschoolers advance through school.

"If we revitalize this language, we're going

to start with those kids and although it will always be in question whether or not it is the true and authentic (language), it will be a good thriving language that we have and we will have revitalized that," Hill-Kleinhans said.

There is also the constant search for funding. Prior to receiving Arts and Cultural Heritage funds, the group used a small federal allocation along with foundation money. They hope annual appropriations for the 25-year life of the Legacy fund will sustain the program, according to Margaret Boyer, former executive director of the Alliance of Early Childhood Professionals.

"We would love it. It's going to take a whole generation to reclaim the language," Boyer said. "People are realizing the only thing that's going to get this language spoken again is daily immersion." 

## Minnesota's representation in Washington, D.C.

### U.S. Representatives

#### First District Tim Walz (DFL)

1722 Longworth  
House Office Building  
Washington, D.C. 20515  
202-225-2472  
Fax: 202-225-3433

227 E. Main St., Suite 220  
Mankato, MN 56001  
507-388-2149  
Fax: 507-388-6181

1134 Seventh St. N.W.  
Rochester, MN 55901  
507-206-0643  
Fax: 507-206-0650

Website: <http://walz.house.gov>  
Access to e-mail through website

#### Second District John Kline (R)

2439 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2271  
Fax: 202-225-2595

101 W. Burnsville Pkwy., Suite 201  
Burnsville, MN 55337  
952-808-1213  
Fax: 952-808-1261  
Toll-free: 888-808-6644

Website: <http://kline.house.gov>  
Access to e-mail through website

#### Third District Erik Paulsen (R)

127 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2871  
Fax: 202-225-6351

250 Prairie Center Drive, Suite 230  
Eden Prairie, MN 55344  
952-405-8510  
Fax: 952-405-8514

Website: <http://paulsen.house.gov>  
Access to e-mail through website

#### Fourth District Betty McCollum (DFL)

1714 Longworth  
House Office Building  
Washington, D.C. 20515  
202-225-6631  
Fax: 202-225-1968

165 Western Ave. N., Suite 17  
St. Paul, MN 55102  
651-224-9191  
Fax: 651-224-3056

Website: <http://mccollum.house.gov>  
Access to e-mail through website

#### Fifth District Keith Ellison (DFL)

1027 Longworth  
House Office Building  
Washington, D.C. 20515  
202-225-4755  
Fax: 202-225-4886

2100 Plymouth Ave. N.  
Minneapolis, MN 55411  
612-522-1212  
Fax: 612-522-9915

Website: <http://ellison.house.gov>  
Access to e-mail through website

#### Sixth District Michele Bachmann (R)

103 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2331  
Fax: 202-225-6475

6043 Hudson Rd., Suite 330  
Woodbury, MN 55125  
651-731-5400  
Fax: 651-731-6650

110 Second St. S., Suite 232  
Waite Park, MN 56387  
320-253-5931  
Fax: 320-240-6905

Website: <http://bachmann.house.gov>  
Access to e-mail through website

#### Seventh District Collin Peterson (DFL)

2211 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2165  
Fax: 202-225-1593

714 Lake Ave., Suite 107  
Detroit Lakes, MN 56501  
218-847-5056  
Fax: 218-847-5109

320 Fourth St. S.W.  
Centre Point Mall  
Willmar, MN 56201  
320-235-1061  
Fax: 320-235-2651

Minn. Wheat Growers Bldg.  
2603 Wheat Dr.  
Red Lake Falls, MN 56750  
218-253-4356  
Fax: 218-253-4373

SW/WC 1420 E. College Dr.  
Marshall, MN 56258  
507-537-2299  
Fax: 507-537-2298

Tuesdays only  
100 N. First St.  
Montevideo, MN 56265  
320-269-8888

Tuesdays only  
230 E. Third St.  
P.O. Box 50  
Redwood Falls, MN 56283  
507-637-2270

Website: <http://collinpeterson.house.gov>  
Access to e-mail through website

#### Eighth District Chip Cravaack (R)

508 Cannon House Office Building  
Washington, D.C. 20515  
202-225-6211  
Fax: 202-225-0699

6448 Main St., Suite 6  
North Branch, MN 55056  
651-237-8220  
888-563-7390  
Fax: 651-237-8225

Website: <http://cravaack.house.gov>  
Access to e-mail through website

# Come to the Capitol

*Directions, Parking, Visiting the Legislature, Tours, Dining*

## Directions

The State Capitol Complex is north of Interstate 94, just minutes from downtown St. Paul. It is accessible from the east and west on I-94, and from the north and south on Interstate 35E.

- I-94 eastbound: Exit at Marion Street. Turn left. Go to Aurora Avenue and turn right.
- I-94 westbound: Exit at Marion Street. Turn right. Go to Aurora Avenue and turn right.
- I-35E northbound: Exit at Kellogg Boulevard. Turn left. Go to John Ireland Boulevard and turn right.
- I-35E southbound: Exit at University Avenue. Turn right. Go to Rice Street and turn left.

## Parking

Public metered parking is available in Lot Q, north of the Capitol at Cedar Street and Sherburne Avenue; Lot AA, across Rice Street from the State Office Building on Aurora Avenue; Lot F, directly behind the Transportation Building; Lot H, west of the Veterans Service Building; Lot K, across from the Armory on Cedar Street (enter from 12th Street); Lot L, east of the Judicial Center; in the 14th Street Lot at the corner of North Robert Street and 14th Street; and on the orange level of the Centennial Office Building Ramp at Cedar Street and Rev. Dr. Martin Luther King Jr. Boulevard. During the interim there are a few metered parking spots in front of the Capitol along Aurora Avenue.

Capitol Security personnel will issue tickets for expired meters.

All-day parking permits are available from Plant Management on the ground floor of the Administration Building at 50 Sherburne Ave., north of the Capitol, across University Avenue. Cash or checks are accepted. For more information, call 651-201-2300.

Outdoor disability parking is available in most public lots within the State Capitol Complex. However, most spots can be found in Lot N and Lot F. Disability parking is also available on the orange level of the Centennial Office Parking Ramp and in the 14th Street Lot.

The main disability entrance to the Capitol is on the northwest side of the building just off Lot N. There also are drop-off entrances on the south side under the front steps on the south side and on the northeast side of the building.

## Visiting the Legislature

During session, all House and Senate floor sessions are open to the public. No pass is required for spectators to sit in the galleries of either chamber. The House usually meets at 3 p.m. Monday and Thursday, and the Senate generally meets at 11 a.m. Monday and Thursday during the first few weeks of session. As the session nears the end, however,

both bodies may meet several times a week, often into the night.

Visitors interested in observing these sessions may call House Public Information Services at 651-296-2146 or Senate Information at 651-296-0504 with questions.

Committee meetings are open to the public, as well. Visitors wanting to attend a committee meeting can access committee information through the Legislature's website at [www.leg.mn](http://www.leg.mn). House meeting schedules are available by calling 651-296-9283.

If group members want to meet with their individual legislators or testify before a committee, arrangements should be made at least a week in advance.

For information on reserving a room for group conferences, call the State Office Building room scheduler at 651-296-0306 or the Capitol room scheduler at 651-296-0866.

## Tours

Tours of the Capitol are offered through the Capitol Historic Site Program of the Minnesota Historical Society.

Tour guides lead the 45-minute tours on the hour Monday through Friday between 10 a.m. and 2 p.m.; Saturday between 10 a.m. and 3 p.m. (last tour leaves at 2 p.m.); and Sunday between 1 p.m. and 4 p.m. (last tour leaves at 3 p.m.). The tours begin at the Capitol information desk. Brochures in about 20 foreign languages also are available there.

Tour rates vary. Generally, 45-minute tours for drop-in visitors to the Capitol are free of charge.

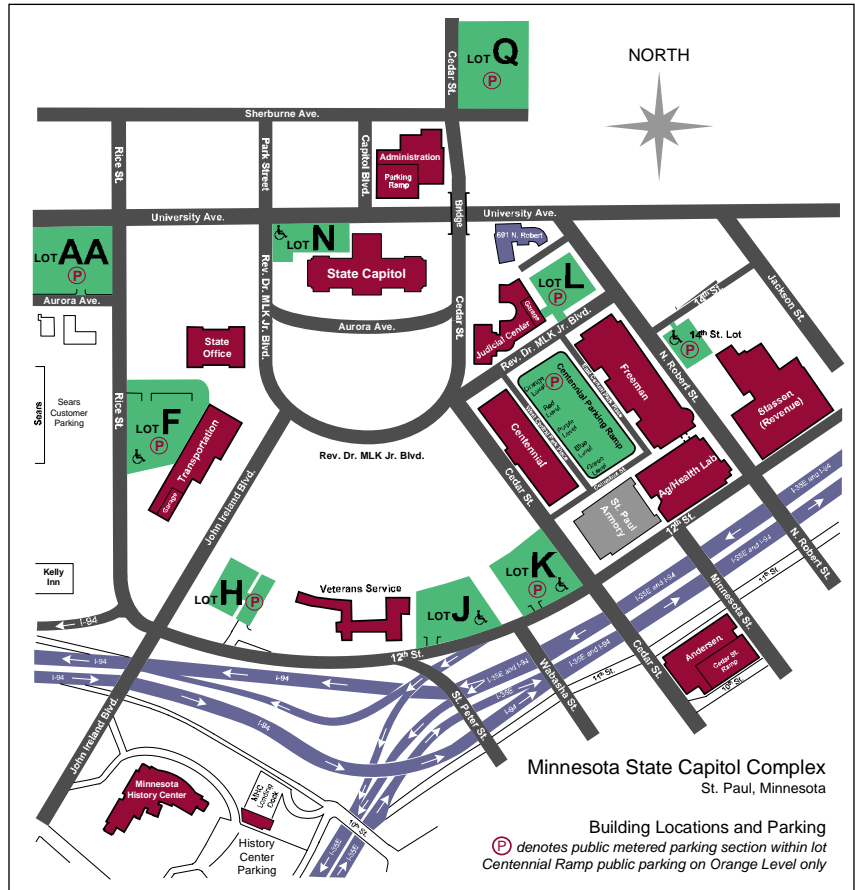
The society offers a number of specialized tours for educational groups ranging from pre-school students to high school seniors. Also, special tour events are scheduled throughout the year. A special events guide is available upon request.

For more information about the tours and fees or to make a reservation, call the Capitol Historic Site Program at 651-296-2881.

## Dining

Year-round cafeterias can be found on the ground floor of the Transportation, Centennial and Stassen buildings, as well as the Judicial Center.

The Rathskeller in the State Capitol is open only when the Legislature is in session.



Edited map courtesy Minnesota Department of Administration, Plant Management Division



# BILL INTRODUCTIONS

FEBRUARY 21 - 24, 2011

HOUSE FILES 608 - 718

## Monday, February 21

### **HF608-Anderson, B. (R)**

#### **Taxes**

Clearwater; local sales tax provisions modified.

### **HF609-Smith (R)**

#### **Public Safety & Crime Prevention Policy & Finance**

Grants from fire safety account to local fire department authorized.

### **HF610-Hilty (DFL)**

#### **Commerce & Regulatory Reform**

Transportation funding provided through new regulations governing checkbook money created by state-chartered banks and penalty provided.

### **HF611-Gunther (R)**

#### **Commerce & Regulatory Reform**

Small-business loan guarantee program created and money appropriated.

### **HF612-Howes (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Upper Mississippi comprehensive plan money appropriated.

### **HF613-Kelly (R)**

#### **Government Operations & Elections**

Red Wing Port Authority member terms provided.

### **HF614-Kelly (R)**

#### **Health & Human Services Reform**

Dental laboratories regulated.

### **HF615-Buesgens (R)**

#### **Transportation Policy & Finance**

Driver education requirements modified for obtaining an instruction permit.

### **HF616-Gunther (R)**

#### **Taxes**

Personal property of an electric generation facility exemption provided.

### **HF617-Woodard (R)**

#### **Education Reform**

AmeriCorps Innovation aligned to federal law.

### **HF618-Beard (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Innovative energy project provisions modified and clarified.

### **HF619-Dill (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Deer, moose and elk stand height restrictions removed.

### **HF620-Dill (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Drum use while baiting bear allowed.

### **HF621-Dill (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Coyote and beaver conflict management option provided.

### **HF622-Morrow (DFL)**

#### **Higher Education Policy & Finance**

University of Minnesota veterinary diagnostic laboratory money appropriated.

### **HF623-Dill (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Bear hunting license drawing provisions modified.

### **HF624-Dill (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Clair A. Nelson Memorial Forest funding provided, bonds issued and money appropriated.

### **HF625-Anderson, P. (R)**

#### **Civil Law**

Liability protections provided for those grazing livestock on state land.

### **HF626-Anderson, P. (R)**

#### **Agriculture & Rural Development Policy & Finance**

Ethanol blender pump grant money appropriated.

### **HF627-Howes (R)**

#### **Education Reform**

Flexible learning year programs pre-Labor Day start prohibited.

### **HF628-Smith (R)**

#### **Commerce & Regulatory Reform**

Employers hiring illegal immigrants penalties provided, documents that are included in the crime of aggravated forgery added, penalty increased for aggravated forgery and sex trafficking established as a separate crime from the promotion of prostitution.

### **HF629-Dettmer (R)**

#### **Taxes**

Nonprofit community-service organization expenditures allowed to be considered charitable contributions to qualify for a reduced property tax classification.

### **HF630-Benson, M. (R)**

#### **Taxes**

Valuation exclusion authorized for improvements to homestead properties.

### **HF631-Dill (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

St. Louis County; public and private sales of tax-forfeited land authorized.

### **HF632-Howes (R)**

#### **Commerce & Regulatory Reform**

Plumber restricted license limited transfer allowed.

### **HF633-Benson, M. (R)**

#### **Taxes**

Capital equipment exemption allowed at time of purchase.

### **HF634-Tillberry (DFL)**

#### **Transportation Policy & Finance**

Anoka County; trunk highway improvement funding provided, bonds issued and money appropriated.

### **HF635-Hackbarth (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Department of Natural Resources programs eliminated that duplicate private market activities.

### **HF636-Smith (R)**

#### **Public Safety & Crime Prevention Policy & Finance**

Time period expanded in which an offender is considered to be in a position of authority over a victim for purposes of the criminal sexual conduct laws.

### **HF637-Drazkowski (R)**

#### **Health & Human Services Reform**

Food, beverage and lodging establishment statutes exemption modified.

### **HF638-Myhra (R)**

#### **Education Reform**

School grading system created, school recognition program created, school report cards modified, rulemaking authorized and report required.

### **HF639-Kiel (R)**

#### **Higher Education Policy & Finance**

Northland Community and Technical College aviation maintenance expansion project funding provided, bonds issued and money appropriated.

### **HF640-Slocum (DFL)**

#### **Public Safety & Crime Prevention Policy & Finance**

Background checks required for individuals appointed to coroner or medical examiner staff.

### **HF641-Slocum (DFL)**

#### **Education Reform**

Teacher and school administrator cultural competency training required for those seeking to renew their professional license.

### **HF642-Slocum (DFL)**

#### **Judiciary Policy & Finance**

Child certified as an adult provided to be detained in a juvenile facility prior to trial and verdict.

### **HF643-Slawik (DFL)**

#### **Jobs & Economic Development Finance**

Oak Park Heights pedestrian tunnel funding provided.

### **HF644-Simon (DFL)**

#### **Civil Law**

Paternity and maternity determination provisions modified.

**HF645-Mullery (DFL)****Jobs & Economic Development Finance**

Minority population grant program provided for collaborative activities to reduce unemployment and money appropriated.

**HF646-Davnie (DFL)****Health & Human Services Reform**

Reproductive privacy right established.

## Thursday, February 24

---

**HF647-Clark (DFL)****Jobs & Economic Development Finance**

Minneapolis; Heart of the Earth Interpretive Center funding provided, bonds issued and money appropriated.

**HF648-Clark (DFL)****Legacy Funding Division**

Minneapolis; Heart of the Earth Interpretive Center money appropriated.

**HF649-Davids (R)****Taxes**

Cities allowed local sales tax imposition if criteria are met.

**HF650-Kieffer (R)****Transportation Policy & Finance**

Driver education and examination related to carbon monoxide poisoning regulated and technical changes made.

**HF651-Hancock (R)****Environment, Energy & Natural Resources Policy & Finance**

LaSalle Lake State Recreation Area established as a satellite unit of Itasca State Park and money appropriated.

**HF652-Hancock (R)****Health & Human Services Finance**

Clearwater County; daily rate for an intermediate care facility increased and money appropriated.

**HF653-Murdock (R)****Jobs & Economic Development Finance**

Wadena; community center, ice arena and swimming pool funding provided, bonds issued and money appropriated.

**HF654-Wardlow (R)****Civil Law**

Limitation period reduced for bringing certain actions.

**HF655-Kieffer (R)****Education Reform**

Mathematics GRAD exception removed and high school assessments established to determine college and career readiness.

**HF656-Torkelson (R)****Environment, Energy & Natural Resources Policy & Finance**

Clean Water Legacy Act; money appropriated from the Clean Water Fund, act modified, membership and duties of the Clean Water Council revised and appointments provided.

**HF657-Hoppe (R)****Commerce & Regulatory Reform**

Event ticket practices regulated and consumer protection minimum standards established.

**HF658-Atkins (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Dakota County; Darvan Acres Nature Center money appropriated.

**HF659-Atkins (DFL)****Transportation Policy & Finance**

Highway 55; funding provided for an interchange, trunk highway bonds issued and money appropriated.

**HF660-McDonald (R)****Judiciary Policy & Finance**

Repeat sex offender 36-month presumptive executed sentence provided.

**HF661-Hornstein (DFL)****Government Operations & Elections**

Municipal street improvement district establishment and street improvement fee apportionment within districts authorized, street improvement plan adoption required and collection of fees authorized.

**HF662-Kahn (DFL)****Agriculture & Rural Development Policy & Finance**

Medical marijuana regulated production provided for export and rulemaking authorized.

**HF663-Kahn (DFL)****Health & Human Services Reform**

Federal agencies memorialized concerning Minnesota-licensed health care professionals and their involvement in torture or cruel, inhuman or degrading treatment or punishment of prisoners.

**HF664-Hackbarth (R)****Commerce & Regulatory Reform**

Elevator compliance provisions modified.

**HF665-Hornstein (DFL)****Taxes**

Corporate franchise taxation; foreign source income preferences eliminated, subtraction for foreign royalties repealed, domestic corporation definition expanded to include certain foreign corporations incorporated in or doing business in tax havens, and foreign operating corporations repealed.

**HF666-Mahoney (DFL)****Jobs & Economic Development Finance**

Annual construction code transfers modified.

**HF667-Mahoney (DFL)****Jobs & Economic Development Finance**

Conservation Corps Minnesota statewide job skills development program grant administration money appropriated.

**HF668-Urdahl (R)****Health & Human Services Reform**

Medical nonemergency transportation single administrative structure proposal development directed.

**HF669-Loon (R)****Education Reform**

Early childhood education scholarship finance system created, early education worker training and retention tax credits provided, early childhood education programming quality improved and money appropriated.

**HF670-Swedzinski (R)****Jobs & Economic Development Finance**

Minnesota Inventors Congress money appropriated.

**HF671-Quam (R)****Education Finance**

Special School District No. 1, Minneapolis; additional integration levy removed.

**HF672-Dettmer (R)****Education Reform**

Charter school pilot project established to examine the policy implications of allowing the charter school to become an educational entity within a school district while retaining the autonomy and flexibility of a charter school.

**HF673-Banaian (R)****Government Operations & Elections**

Public value impact statements required for legislation.

**HF674-Liebling (DFL)****Taxes**

Estimated tax threshold payment requirement increased.

**HF675-Gunther (R)****Jobs & Economic Development Finance**

Graduation and retention grant requirements modified, Twin Cities RISE! funding provided and money appropriated.

**HF676-Cornish (R)****Transportation Policy & Finance**

Unmarked vehicle plates provided for conservation officers.

**HF677-Kiffmeyer (R)****Education Finance**

Independent School District No. 728, Elk River; fund transfers authorized.

**HF678-Slawik (DFL)****Commerce & Regulatory Reform**

Park owner remedies and lien established when a home is abandoned.

**HF679-Marquart (DFL)****Taxes**

Valuation notice required to specifically note when a property has been reclassified from the previous assessment year.

**HF680-Buesgens (R)****Taxes**

Property tax and other property tax authority funding power eliminated.

**HF681-Downey (R)****Government Operations & Elections**

Minnesota pay for performance pilot program established, funding provided, bonds issued and money appropriated.

**HF682-Kiel (R)****Education Reform**

Career and technical levy modified, and career and technical education credits provided.

**HF683-Dittrich (DFL)****Education Finance**

School funding program equalization aid levels increased.

**HF684-Hansen (DFL)****State Government Finance**

Mighty Ducks grant provided for new or renovated air handling system of indoor ice facilities, bonds issued and money appropriated.

**HF685-Knuth (DFL)****Civil Law**

Grandparent visitation governing provisions modified.

**HF686-Bills (R)****Government Operations & Elections**

Legislator and constitutional officer compensation reduced upon failure to enact balanced budget provisions in a timely manner.

**HF687-Bills (R)****Veterans Services Division**

Military member reemployment refundable credit provided and money appropriated.

**HF688-Simon (DFL)****Transportation Policy & Finance**

Freight rail line noise mitigation barrier installation and construction money reauthorized and bonds issued.

**HF689-Huntley (DFL)****Health & Human Services Reform**

General Assistance program modified.

**HF690-Atkins (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Dakota County; Darvan Acres Nature Center funding provided, bonds issued and money appropriated.

**HF691-Smith (R)****Public Safety & Crime Prevention Policy & Finance**

Law enforcement officers required to record the country of citizenship and immigration status of felon arrestees, and peace officers required to report suspected immigration violations by felon arrestees.

**HF692-Smith (R)****Environment, Energy & Natural Resources Policy & Finance**

Military service member license provided to take deer and angle without a fee upon discharge.

**HF693-McFarlane (R)****Jobs & Economic Development Finance**

Minority business development programs money appropriated.

**HF694-Hosch (DFL)****Health & Human Services Reform**

Managed care and county-based purchasing plan requirements modified, provider payment rate data access provided, managed care and county-based plans serving state health care program enrollees required to annually provide data necessary to conduct cost-

effectiveness audits, interagency agreement required between commissioner of human services and commissioner of commerce to conduct a cost-effectiveness audit, payments reduced to managed care plans; loss ratio for managed care and county-based purchasing plans, additional performance withhold and work group on plan regulation and reporting established.

**HF695-Mack (R)****Civil Law**

Civil immunity extended to municipalities that donate public safety equipment.

**HF696-Runbeck (R)****Government Operations & Elections**

Local government authority to issue bonds payable with property taxes for employee benefits repealed.

**HF697-Runbeck (R)****Commerce & Regulatory Reform**

For-profit community enhancement incorporation provided.

**HF698-Drazkowski (R)****Government Operations & Elections**

Local government comparable worth requirements repealed.

**HF699-Peterson, S. (DFL)****Veterans Services Division**

Disabled veterans preference points exam requirement changed.

**HF700-Simon (DFL)****Government Operations & Elections**

Voter registration and unlawful voting violations criminal penalties specified.

**HF701-Davids (R)****Taxes**

Income tax reciprocity study required with Wisconsin.

**HF702-Lesch (DFL)****Agriculture & Rural Development Policy & Finance**

Dog and cat breeder licensing and inspection provided.

**HF703-Loon (R)****Commerce & Regulatory Reform**

Brewer's license holder allowed to operate on-sale facility.

**HF704-Gruenhagen (R)****Civil Law**

Seat belt use evidence admissibility regulated in civil actions.

**HF705-Crawford (R)****Government Operations & Elections**

Counties permitted to perform private audit meeting standards of state auditor, federal single audit permitted for cities and counties, mandated reporting eliminated, alternative website publication provided, building code official designation made permissive, municipal planning process mandates modified, clerk hire mandate repealed in certain counties, provisions on seed and feed loans repealed, group insurance mandates for governmental units repealed and out-of-state travel policy mandate repealed.

**HF706-Hancock (R)****Taxes**

Aircraft exempted from the sales and use tax.

**HF707-Champion (DFL)****Commerce & Regulatory Reform**

Seller of goods or services prohibited from accepting a financial transaction card in payment unless photo identification is produced.

**HF708-Champion (DFL)****Judiciary Policy & Finance**

Determination modified when a party prevails on a claim removed from conciliation court to district court for the purposes of recovering district court costs.

**HF709-Champion (DFL)****Judiciary Policy & Finance**

Good conduct certificates established and effects described of certificate and eligibility for one and money appropriated.

**HF710-Champion (DFL)****Judiciary Policy & Finance**

Criminal record expungement authorized for individuals who have received stays of adjudication or diversion, expungements authorized without petitions in cases where charges were dismissed against a person upon prosecutorial approval and with victim notification, persons petitioning for an expungement required to provide a copy of criminal complaint or police report, and opening of expunged records authorized without a court hearing.

**HF711-Wardlow (R)****Taxes**

Long-term capital gains provided.

**HF712-Nornes (R)****Transportation Policy & Finance**

Mini-truck operation authorized on local roads and special permits eliminated for mini-truck operation.

**HF713-Brynaert (DFL)****Higher Education Policy & Finance**

Minnesota State University, Mankato clinical science building funding provided, bonds issued and money appropriated.

**HF714-Clark (DFL)****Transportation Policy & Finance**

Transit shelters and stops design, accessibility and maintenance regulated; and access required in special transportation service buses.

**HF715-Persell (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Paul Bunyan Trail funding provided, bonds issued and money appropriated.

**HF716-Gunther (R)****Agriculture & Rural Development Policy & Finance**

Mandatory environmental assessment worksheet category rulemaking required.

**HF717-Abeler (R)****Higher Education Policy & Finance**

Minnesota State Colleges and Universities system credit transfer required.

**HF718-Champion (DFL)****Government Operations & Elections**

Civil rights restoration and civil rights possible loss notices required.



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Patty Ostberg

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## State corrections

|  |          |
|--|----------|
| Year the Department of Corrections was established .....   | 1959     |
| State rank for incarceration rate per capita .....   | 49       |
| Adult correctional facilities in the state .....   | 8        |
| Adult offenders served through the cycle of intake and release in fiscal year 2010 .....   | 16,539   |
| Number of adult inmates in facilities on July 1, 2010 .....  | 9,650    |
| Number of inmates one year prior .....   | 9,353    |
| Number of inmates on July 1, 2005 .....  | 8,708    |
| Increase in prison population between July 1, 2000, and July 1, 2010, as percent .....   | 54       |
| Projected inmate population on July 1, 2013 .....  | 9,588    |
| On July 1, 2016 .....  | 10,138   |
| Percent of sentence served behind bars by inmates .....  | 66.7     |
| Percent of sentence served on supervised release in the community .....  | 33.3     |
| State prisoners, as of Jan. 1, 2011, who were over age 50 .....  | 1,123    |
| Those over age 60 .....  | 237      |
| Numbers 10 years prior .....   | 416, 95  |
| Percent of inmates on July 1, 2010, who had at least a college degree .....  | 12.9     |
| Percent that had not graduated from high school .....  | 32.5     |
| Juvenile correctional facilities in the state .....  | 2        |
| Approximate number of juveniles served in fiscal year 2010 .....   | 130      |
| Offenders supervised statewide, including those by county probation agents and community corrections .....                             | 138,000  |
| Estimated number of adults supervised by department agents .....   | 18,500   |
| Approximate number of full-time equivalent employees working for the Department of Corrections .....                                   | 4,245    |
| Correctional staff as a percentage of the state employee workforce .....   | 5.2      |
| State rank .....   | 47       |
| National average, as percent .....   | 11       |
| State rank for Minnesota in General Fund expenditures for corrections .....  | 49       |
| Percent spent on corrections .....   | 2.7      |
| National average, as percent .....   | 6.8      |
| Percent of Corrections Department operating costs that come from the state's General Fund .....  | 95       |
| Gov. Mark Dayton's General Fund budget recommendation for fiscal year 2012-2013 for Corrections Department spending, in millions ..... | \$915.17 |
| Percent decrease compared to the current biennium .....  | 1.74     |

— M. Cook

Sources: Gov. Mark Dayton 2012-13 biennial budget documents; Department of Corrections, including Feb. 24 presentation to the House Public Safety and Crime Prevention Policy and Finance Committee.

# SESSION WEEKLY



**MEET MELIN**

**ECONOMY: LOST IN TRANSITION**

**STATE LAND: NO NET LOSS, NO NET GAIN**

**BILLS OFF THE FLOOR ON THURSDAY**

HF719 - HF879

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 9 • MARCH 4, 2011

# Flashback to 1991, 2001, 2006

## Part-time jobs and student performance

High school students under the age of 18 would be prevented from working past 11 p.m. on school nights and before 5 a.m. on any school day, under a bill passed by the House. This marks the third consecutive year the House has passed such a measure. Similar bills stalled in the Senate.

Sponsored by Rep. Joel Jacobs (DFL-Coon Rapids), the bill was prompted by education concerns that part-time jobs are hurting student performance in the classroom.

— Session Weekly March 1, 1991

## Lowering legal blood-alcohol limit

A measure to lower the legal blood-alcohol concentrate limit from 0.10 percent to 0.08 percent is moving forward in the House. HF51 is sponsored by Rep. Kevin Goodno (R-Moorhead). Showing bipartisan support, Rep. Matt Entenza (DFL-St. Paul) said that President Bush and Congress have all expressed support for 0.08.

— Session Weekly March 2, 2001

## Session late and so short

Legislators will have to hit the ground running if they want to get a lot of work done in 2006.

March 1 marked the latest regular-session start date for the Legislature since 1984, and the second-latest since 1973, when legislators began meeting in both years of the biennium. This session will also be the shortest in at least eight years — assuming the Legislature adjourns by its May 22 deadline.

— Session Weekly March 3, 2006

## Contents

**FIRST READING:** Forecast shows state's economy is still fragile • 3-4

**HIGHLIGHTS:** State is not the piggy bank, another new law • 5-15

**AT ISSUE:** Should Minnesotans be hunting for land? • 16-17

**AT ISSUE:** Home fire sprinklers would be costly but can save lives • 18

**PEOPLE:** Melin wins special election seat • 19

**BILL INTRODUCTIONS:** HF719-HF879 • 20-23

**MINNESOTA INDEX:** Minnesota horticulture and agriculture • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

**On the cover:** Eight-month-old Alleeya Morris gets a kiss from her mother, Melanie Roark, prior to the beginning of the "Parents Lead the Way to Strengthening Families" awards ceremony held at the Capitol Feb. 25 as part of the National Parent Leadership Month. A member of the Winnebago Tribe of Nebraska, Roark received an award after being nominated by the St. Paul YWCA for being extremely active in St. Paul's American Indian community.

— Photo by Tom Olmscheid





PHOTO BY TOM OLMSCHIED

Prior to the Feb. 28 release of the February Economic Forecast, State Budget Director Margaret Kelly, from left, State Economist Tom Stinson and Minnesota Management & Budget Commissioner Jim Schowalter huddle behind an easel with graphs. The forecast shows an improvement of \$1.16 billion since the last forecast in November 2010.

## Lost in transition

Forecast shows state's economy is still fragile

By Nick Busse

**I**t's not hard to find good news in the state's February Economic Forecast. The state's biennial budget deficit has dropped by more than \$1 billion down to \$5.03 billion, according to its projections. And the economy is set to grow at a faster rate than had been expected, potentially accelerating the sluggish growth in the state's job market.

But thumbing through the 86-page document, one also finds cause for alarm. The improvements are due largely to fleeting federal stimulus; global turmoil threatens to erase the economic gains; and whatever

lawmakers do to solve the remaining budget gap will likely make the state's problems even worse.

For lawmakers, it all adds up to a sticky situation.

"You can see that we're not real certain about anything here," State Economist Tom Stinson told members of the House Taxes Committee March 2.

The forecast, released twice each year by Minnesota Management & Budget, is the definitive document lawmakers use to put together the state's biennial budget. It represents economists' best guess about what's going to happen to the state's economy over the next two to four years.

This year's February report shows Minnesota in a state of transition, with a slowly improving economy, but still facing fallout from the worst economic crisis in decades.

The looming \$5.03 billion budget shortfall accounts for nearly 13 percent of forecasted state spending, and is mostly the result of one-time budget fixes used in the last biennium. Beyond 2013, MMB estimates structural budget gaps of nearly \$2.2 billion annually.

**First Reading continued on page 4**

The state's slow-but-sure economic recovery promises to help ease budget pressures, but not by much. In fact, most of the \$984 million revenue boost predicted in the forecast comes not from a surging economy, but from a temporary stimulus package of tax cuts passed by Congress in December and signed by President Obama.

"Federal action created some additional stimulus, and that's what you see here," said MMB Commissioner Jim Schowalter.

## Deficit shrinks

For legislators, the news that the state's deficit had dropped from \$6.19 billion to \$5.03 billion was unquestionably good. The irony of it was not lost on House Taxes Committee Chairman Greg Davids (R-Preston).

"Who would have thought that a \$5 billion shortfall is actually good news?" he said.

Almost immediately after the forecast's Feb. 28 release, Gov. Mark Dayton withdrew his proposal for a one-time income tax surcharge on the state's highest-income residents. The temporary tax increase would have raised \$918 million over the biennium. He said he would also withdraw proposed cuts to nursing homes and various other programs.

In their own reactions, Republican and DFL legislative leaders drew vastly different conclusions from the forecast. Reiterating their message of having the state "live within its means," Republicans said they would oppose raising any new taxes. They argued the forecast proves that taxpayers' money is better left with the taxpayers, who will use it to generate economic growth.

"When the money is left with the people who make it, earn it, invest it, they do the right thing," said House Speaker Kurt Zellers (R-Maple Grove).

Senate Majority Leader Amy Koch (R-Buffalo) agreed, and noted that "the largest portion of this improvement in the budget had to do with what Congress did in not raising taxes."

Meanwhile, DFL leaders said Republicans were merely pushing a continuation of former Gov. Tim Pawlenty's economic policies, which they said had failed Minnesota. They argued the tough economic times required



PHOTO BY TOM OLSCHIED

**State Economist Tom Stinson talks during a press conference Feb. 28 about the uncertainty in the state's economic future.**

the state to protect Minnesotans from costly property tax hikes, tuition increases and cuts to essential services.

DFLers seized on a comment Stinson made Feb. 28 — that while tax increases and budget cuts would both hurt the economy, budget cuts would hurt it more because they would have the greater impact on consumer spending.

"Dr. Stinson is right, based on all the research. That's why we've been continuing to advocate for a fair budget that doesn't continue to squeeze middle-class families," said House Minority Leader Paul Thissen (DFL-Mpls).

But Stinson also warned that the difference between budget cuts and tax increases wouldn't be very big, as far as the economy is concerned.

"They're probably both going to have a deleterious impact," he said.

Lots of things could still go wrong with the economic recovery, but at the March 1 meeting of the House Ways and Means Committee, the ones that seemed to be on most lawmakers' minds were the price of oil and the unemployment rate.

According to Stinson, unrest in Libya, Egypt and other Middle Eastern nations threatens to raise the price of oil and gasoline, which he said could diminish or even erase whatever stimulus the December tax package provided.

Rep. Frank Hornstein (DFL-Mpls) asked Stinson what lessons were learned when gasoline last reached \$4 a gallon in Minnesota.

"I think this situation is going to be a while before it plays itself out, and clearly we're not going to see the cost of oil going lower anytime soon," he said.

Stinson said an increase of \$10 per barrel of oil over a period of one year would cost the United States 250,000 jobs and slow economic growth from 3.2 percent to 2.7 percent of gross domestic product. He

predicted that if oil prices were to rise to \$126 per barrel for a year, it would fully negate the impact of the December stimulus package. Crude oil topped \$102 per barrel March 2, the highest amount since September 2008.

Whether such a scenario comes to pass, the state's employment situation will likely remain troublesome. As of December 2010 there were roughly 206,000 Minnesotans looking for work who couldn't find it. Stinson said the state won't regain its pre-recession employment levels until 2013.

When jobs do start opening up, Stinson said many of them — up to two-thirds, in some employment sectors — will be to fill positions left vacant by retiring baby boomers.

"That's one reason State Demographer Tom Gillaspay and I are more optimistic than the national forecasters about what's going to happen to the unemployment rate," he said.



# HIGHLIGHTS

FEBRUARY 24 - MARCH 3, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held Feb. 24-March 3. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Agriculture

### Horse breeders seek tax status

When state legislators added the breeding, training and boarding of horses as an agricultural pursuit to statute last year, the change didn't correlate with property tax laws. So when St. Michael horse breeder David Dayon received notice that he was being assessed at a higher commercial tax rate, he sought help from the Legislature on behalf of the 13,000 farms that raise 150,000 horses in Minnesota.

HF539, sponsored by Rep. Bruce Anderson (R-Buffer Township), would provide modifications to the agriculture classification law so these operations would qualify for the lower property tax rate. It was laid over in the House Agriculture and Rural Development Policy and Finance Committee March 3. Sen. Doug Magnus (R-Slayton) sponsors a companion bill, SF396, which awaits action by the Senate Agriculture and Rural Economies Committee.

Rep. Terry Morrow (DFL-St. Peter) said the bill may have implications with HF12, the Green Acres bill currently making its way through the legislative process. He recommended sending the bill to the House Taxes Committee.

Hennepin County assessor Bill Effertz said the bill could result in more discrepancies between city and county assessors.

— S. HEGARTY

## Business & Commerce

### Point-of-purchase credit sought

Although equipment purchased by a manufacturing company is exempt from sales tax, it is paid at the point of purchase and paperwork must then be submitted to

the state for a refund. In recent years, some of these refunds have been delayed because of the state's cash flow issues and budget problems.

Rep. Mike Benson (R-Rochester) sponsors HF633 that would do away with the refund and simply make the purchases tax exempt at the point of purchase. The House Taxes

Committee held the bill over March 1 for possible omnibus bill inclusion.

There was bipartisan agreement that the change is needed; the question is how to pay for the change.

"For those small businesses that are least able to support the float time, in a time of

## SERVICE HELPER



PHOTO BY ANDREW VONBANK

A service dog takes a rest during the Deaf, DeafBlind and Hard of Hearing Lobby Day awards ceremony in the Capitol Rotunda March 2. The event, sponsored by the Commission of Deaf, DeafBlind and Hard of Hearing Minnesotans, aims to help legislators understand why state programs and services are needed.



economic downturn when creating jobs and increasing productivity are most critical to our economy, we are using their refund to carry the government,” said Rep. Jenifer Loon (R-Eden Prairie).

Benson said that because of the current deficit, the bill would become effective with purchases made after June 30, 2013.

The cost to the state in fiscal year 2014 would be approximately \$1 million and \$51,900 in fiscal year 2015. A portion of the refunds paid each year reflects sales tax paid in previous years as businesses have three-and-a-half years from the date of purchase or lease to file a refund claim.

Rep. Melissa Hortman (DFL-Brooklyn Park) said she has supported similar bills over the years, but she questioned the wisdom of binding a future Legislature to paying for the bill. “The cost to pay for this exemption is relevant. Banking on future economic growth is not realistic. ... Hope is not a payment mechanism,” she said.

David Radziej, president of Printing Industry of Minnesota, Inc., said that sales tax on a single piece of equipment is often thousands of dollars, and the delay in payment can create a significant drain on small manufacturers’ cash flow.

A companion, SF480, sponsored by Sen. John Sterling Howe (R-Red Wing), has been referred to the Senate Taxes Committee.

— L. SCHUTZ

## Taylors Falls takes on Wisconsin

The mayor of Taylors Falls is in a border battle with Wisconsin. Only a 220-foot bridge span separates his community of approximately 1,000 from St. Croix Falls, Wis., and its new sign that states: “Open for business.”

Despite the larger community across the river, with its tax advantages and the perceived business-friendly climate, Mike Buchite has a plan to grow jobs in his community with a new business park. He needs one thing from the state, however: to have all or a part of his city designated as a border city development zone and \$100,000 to help him provide a state tax benefit to businesses choosing to locate there.

Rep. Bob Barrett (R-Shafer) sponsors HF112 that would accomplish the mission.

Approved by the House Property and Local Tax Division March 2, it was sent to the House Jobs and Economic Development Finance Committee. The companion, SF109, sponsored by Sen. Sean Nienow (R-Cambridge), has been laid over by the Senate Taxes Committee for possible omnibus bill inclusion.

A border city designation allows businesses locating or expanding in designated zones to qualify for property tax exemptions, corporate franchise tax credits and a sales tax exemption.

Through partnerships, Buchite now has

land and the funds for infrastructure. “I just need you to do one thing, level the playing field for me with Wisconsin. Allow me to compete,” he said. With the \$100,000, he would give land to any new business starting up in the new park.

Rep. John Benson (DFL-Minnetonka) said the problem with incentives is that it can create a system of winners and losers with businesses jumping from one incentive to another, and that the broader issue of taxes is what needs to be addressed.

Instead of asking the state for funding, Rep. Ann Lenczewski (DFL-Bloomington) suggested the city change its business classification rate, creating a shift that would fall on the shoulders of the entire community’s taxpayers.

— L. SCHUTZ

## Education

### Schools not state piggy bank

Last year Gov. Tim Pawlenty invoked a statute that had never before been used, to delay state aid payments this fall to districts with more than \$700 per resident pupil units in their cash reserve balance. The measure essentially allowed the state to treat the schools’ reserve funds as a piggy bank to cover its short-term cash flow crunch.

The House Ways and Means Committee approved a bill March 1 that would repeal the statute. Sponsored by Rep. Tim Kelly (R-Red Wing), HF576 now goes to the House floor. It has no Senate companion.

According to a Jan. 18 memorandum from Education Commissioner Brenda Cassellius, to school districts the shift resulted in delayed payments of an estimated \$192 million to 144 school districts. The delayed state aid is to be repaid in full on May 30, 2011. However, the memo informed districts they may not receive the amounts due as a cash payment, because of another accounting shift — the early levy recognition specified elsewhere in statute. In some districts, the tax shift-adjustment to state aid may eliminate or reduce the payback amount.

— K. BERGGREN

## Elections

### Voter ID bill moves forward

One of two voter ID bills making progress in the House cleared another committee hurdle Feb. 28.

## PATHWAYS COMPROMISE



PHOTO BY TOM OLMSCHIED

Senate Education Committee Chairwoman Gen Olson, left, and House Education Finance Committee Chairman Pat Garofalo shake hands March 1 after the conference committee on alternative paths to teacher licensure voted to send the conference committee report back to the House and Senate for a vote. A compromise agreement with Gov. Mark Dayton is expected to guarantee the bill will be signed into law.

Sponsored by Rep. Mike Benson (R-Rochester), HF89 would require all voters to either present a valid government-issued photo ID or cast a provisional ballot. The House State Government Finance Committee approved the bill on a 12-6 party-line vote and referred it to the House Ways and Means Committee.

Under the bill's provisions, voters who don't possess a valid photo ID could receive a special voter ID card at no charge from their county. The practice of vouching as a means of voter identification would be eliminated, and in its place the bill would establish a provisional balloting system, whereby those without ID could verify their identity after the election to have their ballot counted.

Benson's bill is similar to HF210, sponsored by Rep. Mary Kiffmeyer (R-Big Lake). That bill, which includes a much broader package of election law changes, awaits action by the committee.

Supporters say the bill is necessary to ensure the integrity of election results, while opponents argue it would disenfranchise certain groups of voters. Committee members also heard from local officials who said the bill would create an unfunded mandate on local governments.

Ramsey County Elections Manager Joe Mansky said provisional voting is a complicated process that would strain city and county budgets and that has proved problematic in other states. He said county officials would prefer an electronic polling place roster that would allow them to verify voters' identities at the polling places without having to resort to provisional ballots.

Bloomington City Clerk Tom Ferber said the complexity of the provisional voting process would increase the likelihood of errors by election judges. He requested that the bill's effective date be pushed back to 2012, so as not to complicate the 2011 municipal elections.

Sen. John Sterling Howe (R-Red Wing) sponsors SF479, the companion to Benson's bill, which awaits action by the Senate Local Government and Elections Committee. SF509, the companion to Kiffmeyer's bill, is sponsored by Sen. Warren Limmer (R-Maple Grove). It awaits action by the same committee.

— N. BUSSE

### **Paying for the recount, lawsuit**

Members of a House committee held over a bill Feb. 28 that would resolve some unpaid bills from a pair of election controversies.

Sponsored by Rep. Morrie Lanning (R-Moorhead), HF577 would appropriate \$470,375 to the Office of the Secretary of State to pay for costs from the 2010 recounts and legal fees from a lawsuit over restrictions on exit polling.

The House State Government Finance Committee held the bill over for possible omnibus inclusion. There is no Senate companion.

A majority of the funds, \$322,000, would be used to compensate counties involved in the 2010 recounts, including the gubernatorial recount. Secretary of State Mark Ritchie said his office relied on county auditors and their staff during the recount because it was less expensive for the state.

"We need to make sure that our partners at the county level are not harmed," Ritchie said.

The remainder, \$148,375, would go to pay legal fees for a 2008 U.S. District Court case brought against the state by several major news media companies. ABC, CNN, Fox News and others charged that a state law restricting exit polling near voting locations was unconstitutional.

In the lawsuit, the news organizations argued the First Amendment guaranteed their right to do exit polling at the door, rather than the 100-foot limit established by the Legislature. The court agreed and ordered the state to pay the plaintiffs' legal fees. The Legislature subsequently changed the law.

— N. BUSSE

### **No more automatic recounts**

Minnesotans might see fewer election recounts, if a bill headed for the House floor becomes law.

Sponsored by Rep. Mike Beard (R-Shakopee), HF561 would eliminate automatic recounts of state and federal elections. It would also change the vote thresholds for elections to be recounted at taxpayer expense.

The House Government Operations and Elections Committee approved the bill and sent it to the House floor. There is no Senate companion.

Under the provisions, publicly funded recounts would still be available for state and federal elections if the vote difference between the winner and loser fall within a certain threshold. The change would be that the losing candidate must request the recount.

Currently, state and federal elections that fall within the threshold trigger the recounts

automatically. For local elections, the losing candidate already must request a recount.

In addition, the bill would narrow the threshold of the difference in candidates' votes that qualifies for a publicly funded recount. Under the new provisions, the threshold for most state and federal and some local races would fall from 0.5 percent to 0.25 percent.

Beth Fraser, director of governmental affairs for the Office of the Secretary of State, called it a "common-sense bill." She said an automatic recount was triggered last year in a judicial primary where neither candidate wanted one. Losing candidates can waive their right to a recount via a written request, but she said in this case the candidate didn't bother to do so.

Rep. Ryan Winkler (DFL-Golden Valley) said he didn't think one judicial race justified changing the law. He said he is more comfortable with the current standard, which does a better job of protecting voter intent.

— N. BUSSE

## **Employment**

### **Airline workers' OT exemption**

Delta Airlines employee Brenda Deutsch urged the House Commerce and Regulatory Reform Committee to approve a bill that would allow her to continue voluntarily trading shifts with other employees, so she can care for her ailing husband on weekdays.

Sponsored by Rep. Leon Lillie (DFL-North St. Paul), HF571 would allow air carrier employees to trade shifts even if it results in work weeks over 48 hours, which normally require overtime pay under the state's Fair Labor Act. The committee approved the bill March 1. It goes next to the House floor.

Bill Lentsch, Delta's senior vice president of Minnesota operations, said the airline's work week is 80 hours over a two-week period, but that for years employees have enjoyed the flexibility of being able to arrange their schedules to accommodate family needs, other employment or vacations.

Rep. Tom Anzelc (DFL-Balsam Township) wondered what percentage of employees want the exemption.

Lenstsch said the same opportunity to trade was in the union contract before employees recently voted to be non-union, and estimated that between 10 percent and 20 percent of employees take advantage of the

flexibility. He said he attends frequent town hall-style meetings at the Minneapolis-St. Paul International Airport and the airline's Iron Range center to solicit employee feedback.

Deutsch, a 17-year Delta employee, said she has counted on trading shifts to take family summer vacations for years, and more recently, to care for her husband, who has suffered from three strokes. Now, as sole breadwinner and caretaker in her family, she often works double shifts on weekends, and is home with her husband during the week, when she can schedule medical appointments for him.

"The opportunity to trade benefits the employee, not the company," said Glen Hammond of Hibbing, a Delta employee at the airline's Iron Range facility. Overtime is still paid in other circumstances, he said.

"It's considered a perk," Lillie said.

Sen. Ted Daley (R-Eagan) sponsors a companion, SF488, which awaits action by the Senate Jobs and Economic Growth Committee.

— K. BERGGREN

### No bonding for pensions?

Cities, counties and school districts with unfunded pension liabilities would have one less tool to fund them, if a bill sponsored by Rep. Linda Runbeck (R-Circle Pines) becomes law.

HF696 would take away local governments' ability to bond for pension and postretirement health benefits for public employees. Under current law, cities, counties and townships can use their bonding authority to pay for postemployment benefits; school districts can also do so by way of a referendum.

Runbeck said it makes sense for cities to bond for capital assets like buildings, but not to compensate for poor financial management of pensions and retiree health benefits.

"I think having the authority in statute is a green light. It means that we think this is an acceptable practice," she said.

After some debate, members of the House Government Operations and Elections Committee laid the bill over March 1. It has no Senate companion.

Runbeck argued many private-sector employees don't have access to the kinds of pension and post-retirement benefits provided to public employees. She said local governments that can't fund these benefits should simply stop trying to provide them.

"We have a situation where commitments

were made that are not affordable," Runbeck said. "Our elected officials are under pressure to not do the right thing."

Opponents worry that the bill will lead to calls for the state to bail out pension funds. Rep. Mike Beard (R-Shakopee) brought up the Minneapolis Teachers Retirement Association, whose pension liabilities were absorbed into a state-level retirement fund after it went insolvent. He said bonding might be a better option for some local governments.

"If past indiscretions have been cleaned up, and going forward they're on a solid footing, wouldn't that be an opportunity where bonding actually might make sense?" Beard said.

Runbeck agreed to let the committee lay the bill over after Rep. Ryan Winkler (DFL-Golden Valley) offered to help draft an amendment that would require a study of local governments' unfunded liabilities.

— N. BUSSE

## Env. & Natural Resources

### Speeding up reviews

Signed  
by  
the  
governor

Major revisions to the environmental permit process within the Department of Natural Resources and the Pollution Control Agency were signed into law by Gov.

Mark Dayton March 3.

Sponsored by Rep. Dan Fabian (R-Roseau) and Sen. Bill Ingebrigtsen (R-Alexandria), the law, effective March 4, 2011, requires the DNR and PCA to issue or deny environmental and resource management permits within 150 days of a submitted application. The 150-day clock will not start until the proposer's application is considered complete. The DNR and PCA will have 30 days to make that determination.

Some applications can now take months or years to complete and drive would-be projects to neighboring states, said law proponents.

Under the law, statements of need and reasonableness for rulemaking will include an assessment of the difference between the proposed rule and existing federal standards for air and water quality, as well as standards in bordering states. The law also allows the review process to bypass district court and go directly to the Court of Appeals.

Concern over allowing a project proposer to draft their own environmental impact statement was a controversial topic. In his

letter to the bill sponsors, Dayton said, "To assure the MPCA's heightened vigilance over the projects following the enactment of this legislation, I am preparing an Executive Order that will instruct the MPCA, the DNR, and any other responsible state authorities to develop and implement whatever measures are necessary to assure that neither the quality nor the integrity of ensuing Environmental Impact Statements is compromised, and that there is no weakening of either their or any RGU's performance of their reviews and oversight responsibilities."

HF1\*/SF42/CH 4

— S. HEGARTY

### Parks and Trails Fund requests

To aid in the process of connecting more people to the outdoors, acquiring more park land, accelerating the maintenance and rehabilitation of park facilities and offering grants to local governments, the Department of Natural Resources is requesting \$44.7 million from the Parks and Trails Fund for the 2012-2013 biennium from the House Legacy Funding Division.

Following 21 regional workshops across the state and targeted outreach to people under age 20, a steering committee compiled strategies for accomplishing the goals.

With more immigrants moving to the state, one strategy is to create ways of overcoming cultural barriers caused by a more diverse population, according to Courtland Nelson, director of the DNR State Parks Division.

Another underserved population includes young people who are tethered to electronics and will eventually become the next generation of park stewards. The DNR is looking at ways of using social media such as Twitter and Facebook to entice youth to visit a park.

Deferred maintenance in state parks is an ongoing problem, and Nelson said there aren't enough Legacy dollars coupled with other sources of funding to accomplish all the necessary work. One of the highest priorities is making park buildings and facilities accessible to those with disabilities, he said.

About \$12.3 million of the \$44.7 million request is for grants to local governments. The next biennium includes two full years of sales tax receipts and no startup costs for the Parks and Trails Fund, so the DNR has requested a 28 percent increase in the amount of grants they can pass on to counties and cities.

The Metro Regional Park Agency,



comprised of 10 Twin Cities metropolitan area park agencies, also presented its funding request to the division members, including \$3.2 million for land acquisition.

According to statute, 10 percent of the Parks and Trails Fund must be used to acquire land for parks of regional or statewide significance. The agency plans to use the money to build 700 new miles of trails, two new parks and to pay installments on land previously acquired. Emphasis will be placed on expanding opportunities close to where the highest population centers are. With increasing gas prices, agency representatives expect there will be higher demand for the parks closer to home, said Steve Sullivan, Dakota County Parks director. There were 38 million visits to the regional parks within the Metro Regional Parks system last year.

— S. HEGARTY

### Legacy funds for veterans camps

Two camps for military veterans are requesting grants from the Arts and Cultural Heritage Fund to make improvements to the campgrounds that serve disabled veterans and their families.

Sponsored by Rep. Bob Dettmer (R-Forest Lake), HF105 was laid over March 1 by the House Legacy Funding Division for possible omnibus bill inclusion.

The bill seeks \$500,000 for capital improvements at the Disabled Veterans Rest Camp on Big Marine Lake in Washington County. Rep. David Dill (DFL-Crane Lake) successfully amended the bill to include a \$100,000 grant for the Veterans on the Lake campground on Fall Lake near Ely, which provides similar services as the rest camp on Big Marine Lake.

The bill was previously approved by the House Veterans Services Division, except the funding would have come from the General Fund. There, Rep. Phyllis Kahn (DFL-Mpls) suggested Dettmer seek Legacy funds, so the bill was rerouted to the House Legacy Funding Division, where members discussed which of the four Legacy funds would be most appropriate to use for camp renovations.

The camp's classification as a private campground may have prohibited its eligibility for Legacy money, but a current, expanded policy allows "sponsored guests" of veterans and their families to also camp. No decision was made about which fund any appropriation should come from.

Sen. Ray Vandever (R-Forest Lake) sponsors the companion, SF128, which awaits action by the Senate State Government

Innovation and Veterans Committee.

— S. HEGARTY

## Higher Education

### The future for medical professionals

Minnesota could be facing a health care crisis in the coming years as its residents age, including those who provide the treatment.

That is why officials from the Academic Health Center at the University of Minnesota reiterated to the House Higher Education Policy and Finance Committee March 1 the importance of minimizing any budget reductions the center may face. Approximately 15 percent of the center's revenue comes from state support. The committee took no action.

"There are critical shortages in this state in primary care physicians," said Dr. Aaron Friedman, vice president of health sciences and dean of the medical school. "We have a responsibility, and we feel strongly we should be helping in this regard." He said shortages also exist in psychiatry, surgery, orthopedics, nursing, dentistry, pharmacy



PHOTO BY ANDREW VONBANK

**Dr. Daniel Garry, director of the Lillehei Heart Institute at the University of Minnesota, shows a human heart with attached pacemaker to members of the House Higher Education Policy and Finance Committee March 1 during a presentation on the university's Academic Health Center.**

and large-animal veterinary medicine.

"In the past year alone we had an \$18 million cut," Friedman said. "Each dollar of state support into the health sciences leverages close to \$9 in revenue from both public and private grants and for taking care of patients."

The center trains 70 percent of the state's health professionals; is the state's only veterinary medicine school; provides 460,000 patient clinic visits annually while students learn beside a professional; and performs more than \$425 million of privately and publicly funded research.

Dr. Daniel Garry, director of the university's Lillehei Heart Institute, held a pacemaker attached to a human heart, while explaining how the first successful open-heart surgery was performed at the university nearly 60 years ago.

"Just like in 1952 when the University of Minnesota rocked the world, and made a profound impact in the treatment of heart disease, we, too, want to impact the treatment of our family members, our neighbors and our community members."

Raising tuition is not much of an option because the university already ranks near the top nationwide. "If we're going to continue to train our students and work across Greater Minnesota, we may not be able to be in certain places. We may not be able to go to certain clinics," Friedman said. "The rural physicians program ... is not required by our accreditation bodies. It's the right thing for us to do in Minnesota. That's the kind of thing we have to look at to accommodate 15 or 20 percent reductions."

— M. COOK

### MnSCU fears more budget cuts

Eliminating more programs, reducing more staff and higher tuition are all possibilities as officials from the Minnesota State Colleges and Universities system seek solutions to a likely reduction in state funding.

In his biennial budget proposal, Gov. Mark Dayton proposes a 6 percent reduction, a \$75.6 million base cut. MnSCU officials are requesting to keep their biennial base level of funding at \$1.26 billion.

"With that we'd be below fiscal year 2003 funding, even though we're serving 37,600 more students than we were in 2003," Chancellor James McCormick told the House Higher Education Policy and Finance Committee at a Feb. 24 informational hearing.

McCormick said that while system

enrollment is up for the fifth straight year — to about 158,000 — the state appropriation continues to shrink. “State spending per student has declined from \$4,877 per student in 2001 to \$3,832 in 2011. During that time we’ve been forced to increase tuition to make up some of that loss.”

CFO Laura King said many colleges and universities have already taken budget reduction action. For example, 27 have announced position reductions; 17 have implemented early retirement plans; and 14 have announced the planned discontinuation of 81 programs.

“We had to go with a worst-case scenario: plan for the worst and hope for the best,” said Richard Davenport, president of Minnesota State University, Mankato.

System leaders have been asked to look at what a 15 percent and a 20 percent base funding reduction could mean.

“If we chose only one method to make the reduction, here’s what the impact would be: staff reductions of almost 1,000 full-time equivalents — more than 15 percent of our total staff — faculty reductions of 880 — almost 10 percent of the total faculty,” McCormick said. “This would mean 9,200 fewer course sections, a reduction of 166,000 credit registrations and a decreased enrollment of more than 16,000 students. Another approach would be a tuition increase of 12 percent.” Tuition has increased almost 5 percent each of the last two years.

Clarence Hightower, vice chairman of the MnSCU Board of Trustees, told the committee that the board is committed to keeping tuition down. “But to do that we’re going to absolutely need your help and support.”

— M. COOK

## Military & Vet. Affairs

### Plate for women veterans approved

Trista Matascastillo and Melissa Passeretti are proud of serving their country, and they’d like the opportunity to show it with a license plate to honor the more than 23,000 women veterans.

HF50, sponsored by Rep. Bruce Anderson (R-Buffalo Township), chairman of the House Veterans Services Division, would create a new veterans license plate to honor women veterans. As with most other veterans’ plates, there would be a \$10 application fee in addition to the annual registration fee for the vehicle. An additional \$5 surcharge for each



PHOTO BY TOM OLSCHIED

**Minnesota Army National Guard SFC Gail Kaplan, left, testifies Feb. 28 before the House Veterans Services Division in support of a bill that would authorize a special veteran’s license plate for women. Trista Matascastillo, chairwoman of the Minnesota Women Veterans Initiative Working Group, right, also testified for the bill.**

set of plates would go into an account so that the Minnesota Women Veterans Initiative Working Group could use it to help women veterans and to promote public awareness about them.

Matascastillo, chairwoman of the working group, said women veterans with other specialty plates often get thanked by the public for their husband’s service, because people tend to assume they are not the veteran. Passeretti, who served two tours of duty in Iraq, said her male counterparts support the bill.

The division approved the bill Feb. 28 and referred it to the House Transportation Policy and Finance Committee. A companion bill, SF51, sponsored by Senate Majority Leader Amy Koch (R-Buffalo), awaits action by the Senate State Government Innovation and Veterans Committee.

— S. HEGARTY

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

## Public Safety

### More time for elevator upgrades

Rep. Tom Hackbarth (R-Cedar) would like to give residential and commercial building owners more time to comply with elevator upgrades required by the latest building code revision. According to statute, elevator upgrades must be completed by Jan. 29, 2012, or the elevator will be taken out of service.

“I don’t believe I have an elevator in my district, but a constituent of mine does own some condominiums and apartment buildings that have some elevators,” Hackbarth told the House Commerce and Regulatory Reform Committee March 2. After an inspection, the owner realized he needed more time to get the work done.

Hackbarth sponsors HF664, which would extend the compliance deadline. Owners would have three years to implement changes after submitting their work plan to the Department of Labor and Industry. The committee approved the bill, which goes next to the House floor. It has no Senate companion.

The most recent rules were adopted in 2007, but the economy has changed drastically since then, said Todd Liljenquist, director of government relations for the Minnesota Multi Housing Association, putting a burden on property owners. He said an informal poll of association members revealed 119 elevators in buildings they owned were indicated as needing work, but only 48 had already complied with the upgrades.

Besides the expense of making the upgrades, there is a limited number of contractors available statewide who can perform the work to make sure it’s in compliance, said Liljenquist. Hackbarth said the number of elevator inspectors is also limited, hindering the process.

— K. BERGGREN

### Getting tough on repeat offenders

A second or later criminal sexual conduct may result in a felony charge at all degree levels.

Sponsored by Rep. Andrea Kieffer (R-Woodbury), HF532 would increase second and subsequent fifth-degree criminal sexual conduct offenses to a felony-level crime to match those of first- through fourth-degree offenses. The change could mean a penalty of up to five years in prison.

Approved March 2 by the House Public Safety and Crime Prevention Policy and



Finance Committee, the bill was sent to the House Judiciary Policy and Finance Committee. It has no Senate companion.

“Enhancing the penalties for this type of crime and conviction could have long-term impacts on preventing future, and potentially more serious, assaults,” Kieffer said.

According to state statute, “A person is guilty of criminal sexual conduct in the fifth degree: (1) if the person engages in nonconsensual sexual contact; or (2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.”

Assistant Goodhue County Attorney Erin Kuester said these are types of offenses that can often be repeated.

“In this culture where we are saying repeat sex offenders are damage to the community and to victims, this is one of the offenses that we do not react to,” she said. “Throughout the state of Minnesota, prosecutors have joined together and have found that this is one of the existing loopholes under current Minnesota law where it allows an individual

to repeatedly violate others individually, sexually, and the penalty does not change.”

Letters of support were provided by the Minnesota County Attorneys Association and Washington County Attorney Peter Orput.

A preliminary fiscal note indicated the bill’s impact would be five additional prison beds.

— M. Cook

### Protecting law enforcement help

Last summer a driver in McLeod County failed to follow the directive given by a uniformed member of the sheriff department’s mounted posse to a proper parking location. The driver drove in such a way that one mounted posse member had to take evasive action so as not to be hit, but the vehicle contacted the horse of another member.

“The incident brought to light the question of what charges could be brought against the driver given the language and the current assaulting or harming a police horse statute,” said Rep. Ron Shimanski (R-Silver Lake). “The definition of a police horse in current statute seems to require the horse be used or ridden by a peace officer. In outstate Minnesota, the majority, if not all members, of sheriff’s mounted posses, mounted patrols and all similar organizations are staffed primarily by volunteer personnel.”

Because it was a volunteer on the horse, and not a licensed peace officer, the McLeod County Attorney’s Office said the statute did not apply.

Sponsored by Shimanski, HF506 would add in statute the definition of a law enforcement assistant and make it a gross misdemeanor to assault such a person or animal “while the law enforcement assistant is operating at the direction of, under the control of, or on behalf of a peace officer or a law enforcement agency.”

Approved March 3 by the House Public Safety and Crime Prevention Policy and Finance Committee on a split-voice vote, the bill awaits action by the House Judiciary Policy and Finance Committee. A companion, SF301, sponsored by Sen. Scott Newman (R-Hutchinson), awaits action by the Senate Judiciary and Public Safety Committee.

We are volunteers with our own horses who provide assistance for things like search and rescue, outreach and crowd control, said Ken Levinson, a member of the Carver County Sheriff’s Mounted Posse. Acting as a representative of the sheriff’s office, he assumed members were entitled the same

protections as law enforcement.

DFL members raised a number of concerns, including some of the language being too vague about whom exactly is a law enforcement assistant, and that protection like this does not exist for reserve officers.

Rep. Sheldon Johnson (DFL-St. Paul) suggested the bill be held over until some definitions are clarified; however, Shimanski and supporters vowed to address the concerns and provide an amendment at the bill’s next stop.

— M. Cook

## State Government

### Compensation bump questioned

State Auditor Rebecca Otto said her office is one of the leanest run in state government, but House members questioned whether a proposed compensation increase for her employees is needed.

Otto’s budget proposal includes an \$809,000 increase in pay and benefits for the office’s 115 employees. The increase is also included in Gov. Mark Dayton’s budget proposal.

Spaced out over two years, the plan calls for a 3.6 percent increase in fiscal year 2012 and 5.2 percent in fiscal year 2013. During a presentation to the House State Government Finance Committee, Otto was questioned by committee members concerned about the request.

“I’m looking at that as a pay raise of some sort,” said Rep. Mike Benson (R-Rochester).

Otto defended her budget request, saying it is necessary to retain highly trained audit staff.

“This is to keep my staff. This is to hold on to the people that I have so that I don’t have to cut staff so we can actually get our work done,” Otto said.

She said all but \$19,000 would be repaid to the state’s General Fund through “offsets” — fees and reimbursements paid by local governments. Eighty percent of the office’s \$19.4 million budget is recovered through offsets.

Rep. Keith Downey (R-Edina) said the costs of audits in the private sector have been decreasing due to economic factors and improvements in technology. He questioned why the state auditor is increasing the cost of its audit staff and transferring that cost to cash-strapped local governments.

“It jumps out at me that we’re increasing our costs and passing it onto the locals,” he said.



PHOTO BY ANDREW VONBANK

**Assistant Goodhue County Attorney Erin Kuester testifies March 2 before the House Public Safety and Crime Prevention Policy and Finance Committee in support of a bill that would enhance repeat criminal sexual conduct offender penalties.**



The office is charged with monitoring the financial reports and practices of local units of government. Its employees collectively oversee some \$20 billion annually in local government spending. Since it is a constitutionally separate state office, the auditor is responsible for proposing their own budget to the Legislature.

Committee members took no action.

— N. BUSSE

## Taxes

### A step toward a reciprocity agreement

Minnesota is waiting for approximately \$60 million from Wisconsin that was due on Dec. 1, 2010. The money is the final payment owed through the income tax reciprocity agreement that former Gov. Tim Pawlenty canceled in 2009.

Since 1968, residents crossing state lines for work were able to file their income tax return in their state of residence. Paul Wilson, research director for the Revenue Department, told the House Taxes Committee March 2 that Pawlenty nixed the agreement because the state lost money and because of the 17-month delay in receiving any payment.

But now, a study proposal to establish income tax reciprocity benchmarks could be a step toward a new agreement. Sponsored by Committee Chairman Greg Davids (R-Preston), HF701 was held over for possible omnibus bill inclusion. The companion, SF122, sponsored by Sen. Roger Reinert (DFL-Duluth), awaits action by the Senate Taxes Committee.

Davids said that Wisconsin is interested in reinstating reciprocity, and that he would soon be sponsoring a bill to do so.

Due to the Legislature by March 1, 2013, the study would be conducted by the Minnesota and Wisconsin revenue departments. It would include:

- the number of residents of each state with earnings in the other state;
- the income earned by the residents; and
- the amount of tax revenue that would be lost or gained by each state if a reciprocity agreement were again implemented.

Wilson said there have been three reciprocity studies over the years, and a new one would be essential if the agreement was to be reinstated. He said that 13,000 Minnesotans will have to pay taxes to Wisconsin this year, something they

wouldn't have to do so if an agreement was in place.

— L. SCHUTZ

### High-tech tax compliance

Lawmakers are considering computer software that could help track down tax dodgers while leaving honest taxpayers alone.

Sponsored by Rep. Joyce Peppin (R-Rogers), HF174 would require the Revenue Department to purchase high-tech tax compliance software that could identify potential candidates for tax audits. Such programs are already available from companies like SAS Institute Inc., whose software is used in Wisconsin.

John Dolejsi, a government account executive for SAS, said the company's tax analytics software uses predictive modeling to identify potential tax fraud and noncompliance. Using the information, tax collectors can focus and prioritize audits of individuals and businesses that might not be paying their fair share.

"Our goal here ... is to maximize the tax collection and minimize any of the disruption to businesses or individuals who shouldn't be audited or reviewed," Dolejsi said.

The House State Government Finance Committee laid the bill over March 2 for possible omnibus inclusion. There is no Senate companion.

Over the last decade, the Revenue Department has become more aggressive about collecting unpaid taxes. In 2000, 54 percent of department employees were involved in tax compliance activities; by 2010, that number had increased to nearly 75 percent.

Beginning in 2002, the Legislature and Gov. Tim Pawlenty ordered several new tax compliance initiatives. The department was able to bring in additional revenue by expanding its number of auditors; however, the return on investment has diminished from 10:1 in 2003 to 4:1 last year.

Some members expressed concern about the cost of such a system. Rep. Phyllis Kahn (DFL-Mpls) successfully amended the bill so that only "reasonable" responses to the department's request for proposals would be considered.

Rich Neumeister, a state resident who frequently lobbies on data privacy issues, cautioned lawmakers about letting private companies handle personal data on taxpayers.

"The bottom line here is this involves individual rights, privacy rights, and whether you want to call it hunting or trolling, that's what it is," he said.

— N. BUSSE

### More produce for food shelves

Approximately 82,000 people visit a food shelf in the state at least once a week; nearly double the number since 2005.

### 'FLORIDA STORY'



PHOTO BY TOM OLMSCHIED

Patricia Levesque, center, executive director of the Foundation for Excellence in Education, shared "The Florida Story," an improvement in student outcomes, to a joint hearing of the House education committees Feb. 28. Jay Greene, right, the department head and 21st Century Chair in Education Reform at the University of Arkansas, and former Florida Education Commissioner John Winn also spoke during the hearing.

Newell Searle, vice president of external relations for Second Harvest Heartland, a regional food bank, told the House Taxes Committee March 1 that HF505 would provide a mechanism to increase the amount of fresh produce available at food shelves.

Sponsored by Committee Chairman Greg Davids (R-Preston), the bill would allow producers of agricultural products to write-off the value of the product, not just the cost of production, and it would expand the benefit beyond C corporations. The bill was held over for possible omnibus bill inclusion. It has no Senate companion.

"This levels the playing field for all donors. It would allow them to deduct part of the fair market value of the crop that they might otherwise just plow under, or in the case of apples, just let fall to the ground," Searle said.

Under current general charitable contribution rules, a business contributing inventory is limited to deducting an amount equal to its cost of creating the inventory or the fair market value, whichever is less. There are also rules that allow C corporations to deduct a larger amount. The bill would provide some partnerships and sole proprietors the same deduction.

This change would conform the state to a temporary federal tax provision for years 2010 and 2011. However, the Minnesota change has no expiration date.

"This is an opportunity to connect farmers with those who need the produce," Searle said. "It provides an incentive to them to recover some of the costs of producing bagging and transporting which can be more than they can absorb."

— L. SCHUTZ

### Incentivizing job creation

It sounds like a good reward to businesses that create decent paying jobs: provide a tax credit for increasing your payroll from the previous years. The problem is, however, the revenue loss to the state in one fiscal year alone could be \$1.5 billion.

"This was meant to be a really good idea — capture the increased income tax revenue from business growth and give it back to employers," said the sponsor of HF446, Rep. Jim Abeler (R-Anoka).

His bill would allow businesses to claim a 5 percent credit against the corporate franchise tax or the individual income tax based on the increase in Minnesota payroll from the amount paid the previous year.

The bill was laid over March 1 by the House Taxes Committee for possible omnibus bill

inclusion. It has no Senate companion.

After learning of the bill's fiscal impact, Abeler was realistic about its future. "Is there a way to generate jobs that would have not come otherwise?" he asked. "What I'm bringing you is an idea that is a little rawer than I thought it would be."

According to the Revenue Department, the impact of the credit is "indeterminable," but with approximately \$30 billion in wages that could be eligible for the credit, the revenue loss in fiscal year 2015 could be \$1.5 billion.

"When you capture taxes that come from activity, you just continue to raise taxes on everyone else. It is an inherent subsidy," said Rep. Ann Lenczewski (DFL-Bloomington). "Even if I thought this was a good idea, how would the state determine that, in fact, a job only happened because of your legislation?"

Abeler acknowledged there were no clear answers to the question and his hope is that discussion continues on how to incentivize the state's employers.

— L. SCHUTZ

### No more tax aids and credits

What would happen if all state aids and tax credits were abolished and all the shackles that bind local governments to state mandates and levy limits were eliminated? Rep. Ann Lenczewski (DFL-Bloomington) presented the scenario to the House Property and Local Tax Division March 2 in the form of HF398.

The bill would get to "zero-based budgeting for property taxes," she said, by doing away with all state aids, credits and mandates to local governments. Laid over for possible inclusion in an omnibus bill, it has no Senate companion.

Lenczewski said this is her attempt to get beyond rhetoric and have members think about the role aids and credits play in helping to equalize property taxes and services across the state.

"What I'm attempting to do is throw out the system, and use data to help people think, 'If you are going to redo the system how would you do it,'" she said.

If enacted, everything from local government aid to credits related to market value, disaster and taconite would go away. However, the property tax refund would be enhanced and the renter's credit assured. This would move from the state tax system to purely local decision-making, she said.

Scenarios created by the nonpartisan House Research Department and the Department of Revenue show that this all comes at a cost.

While the state may save approximately \$1 billion a year, the average property taxpayer in Greater Minnesota would see a more than 20 percent increase in their property taxes, while most in the Twin Cities metropolitan area would see at least a 10 percent increase. Towns on the Iron Range would experience a 107 percent



PHOTO BY TOM OLMSCHIED

**St. Louis Park Fire Chief Luke Stemmer looks through a bill that many of the fire chiefs attending the House Property and Local Tax Division hearing March 2 said would greatly affect the funding of their pensions, and their ability to recruit new volunteer firefighters whose only benefit for their service is a pension.**

hike in property taxes. A few cities, like Bloomington, would see a decrease.

Lenczewski encouraged members to have the conversation about how the system works as a unit and its impact across the state.

"The system works to equalize disparity. ... Sometimes the committee does better work if the rhetoric is toned down and recognizes these things have a purpose," she said. Only then can we frame the discussion around what to do with the \$5 billion deficit, she added.

— L. SCHUTZ

## Thursday's Floor Action

### No votes for Dayton tax plan

Amid charges of "political theater," Republicans put a version of Gov. Mark Dayton's tax increase plan to a vote on the House floor. No one voted for it.

Rep. Pat Garofalo (R-Farmington) offered the plan in the form of a minority report to HF451, a federal tax conformity bill. Dayton's original budget proposal included nearly \$4.13 billion in new revenues, mostly through taxes on the state's highest income earners. On Feb. 28, he scrapped a temporary surtax proposal on incomes over \$500,000. It would have brought in \$918 million.

House members voted 131-0 against the minority report March 3. Sponsored by Rep. Greg Davids (R-Preston), the bill now moves to the House Ways and Means Committee.

"I'm extending this as an offer and a courtesy to the minority party," Garofalo said. He noted that DFL lawmakers brought Gov. Tim Pawlenty's budget plans up for a vote when they were in the majority.

House Minority Leader Paul Thissen (DFL-Mpls) accused Republicans of "acting as armchair quarterbacks," playing games with the governor's budget plan instead of working on their own.

"This is political theater, like a magician snapping his fingers over here, while he tries to steal your watch over there," Thissen said.

Despite the one-sided vote tally, DFLers and Republicans had very different opinions of Dayton's plan to raise taxes.

"This is a job killer, folks," said Rep. Sarah Anderson (R-Plymouth). "We need to send a message to the citizens and to businesses that if they want to live in Minnesota, we want you to come here."

Rep. Tom Rukavina (DFL-Virginia) said Pawlenty's no-new-taxes policy failed to create jobs in Minnesota. He predicted the session would not end without some kind of

tax increase being passed.

"You're going to have to find some revenue to get us out of this mess eventually," Rukavina said.

— N. BUSSE

### Alternative pathways to licensure

There's one stop left before alternative pathways to teacher licensure becomes law.

The House passed HF63/SF40\* 81-50 March 3 after the Senate approved it 46-19 a few hours earlier. Gov. Mark Dayton is expected to sign the bill into law.

"If there's one message from this bill it is this: This bill raises standards. The standards for alternatively licensed teachers will be higher than the standards that apply to traditionally licensed teachers," said Rep. Pat Garofalo (R-Farmington), who sponsors the bill with Sen. Gen Olson (R-Minnetrista).

For example, he said, teachers in alternative licensure programs must have a 3.0 or higher grade point average; pass basic reading, writing and math skills exams; and obtain qualifying scores on subject area content exams and performance assessments.

The bill grants the Board of Teaching authority to rescind an alternative teacher preparation program that fails to meet those or other requirements laid out in the bill. Teachers with out-of-state licensure from accredited programs would also have a streamlined route to Minnesota licensure.

Some DFL members said they are concerned the measure doesn't stipulate enough quality assurances.

"I really think it's a watering down," said Rep. Lyndon Carlson, Sr. (DFL-Crystal), who said aspiring teachers need longer supervised student teaching time.

Rep. Mindy Greiling (DFL-Roseville) likes Teach for America, whose teachers would be licensed under the bill, but worries other alternative licensure programs wouldn't have the same high standards.

"This is a way too open bill," she said.

In a departure from House custom, Garofalo asked Rep. Carlos Mariani (DFL-St. Paul), who has sponsored similar bills in recent years, to offer closing remarks.

Mariani praised Minnesota teachers and schools overall, but said the bill will help address persistent problems in some high-need situations. He cautioned there is much more work to be done, including looking at tenure issues.

"If you think this discussion is difficult, wait 'til we tackle that discussion," he said.

— K. BERGGREN

### Curbing expensive rules

State agencies would have to seek legislative approval before implementing administrative rules that cost businesses or individuals \$10,000 or more, under a bill passed by the House.

Sponsored by Rep. Torrey Westrom (R-Elbow Lake), HF203 would set limits on agencies' rulemaking authority. The bill would require agencies to determine whether compliance with a proposed rule would cost an individual, business or other entity more than \$10,000. If it does, the rule could not go into effect unless enacted by the Legislature. Passed 77-54, March 3, the bill now goes to the Senate, where Sen. David Senjem (R-Rochester) is the sponsor.

Every determination made by an agency would be subject to review by an administrative law judge. Also, portions of a proposed rule that would not exceed the \$10,000 cost threshold could be separated out from the costly provisions and go into effect without hindrance. According to Westrom, a nearly identical bill was passed in 2003 with bipartisan support in both the House and Senate, but was vetoed by Gov. Tim Pawlenty, who was concerned about giving up executive branch authority.

"This bill is about reigning in regulators or rulemaking processes that we all have been frustrated with," he said.

Opponents argued the bill would bog the Legislature down with having to make decisions on complex, highly technical rules. They also said it would violate separation of powers, forcing lawmakers to take on both executive and judicial powers.

"It would basically stop a lot of executive branch functions for us to get into the weeds on the details of every rule," said Rep. Melissa Hortman (DFL-Brooklyn Park).

— N. BUSSE

### House passes 'Hannah's Law'

The parents and grandfather of a 4-year-old girl who died while in the care of a child care center last June after choking on a grape were in the House gallery when members voted 131-0 to pass a bill named in her honor. It now moves to the Senate where Sen. Dan Hall is the sponsor.

Known as "Hannah's Law," HF235\*/SF381 would require all care center teachers and assistant teachers to complete CPR training for infants and children, and at least one staff person with training must be present during field trips and when transporting children. The training would have to occur within



90 days after the start of employment.

Sponsor Rep. Mary Liz Holberg (R-Lakeville) said the bill will “have people trained in first aid, so hopefully this situation will not happen again to another family,” a reference to circumstances of Hannah Kozitza’s death. There was not one trained provider in her care room that knew CPR when the tragedy happened.

Current law only requires one person in a care center to be trained, and they don’t have to be present in the room.

Ron Edlund, Hannah’s grandfather, said last month that the family wonders if the outcome would have been different if there had been at least one person in the room that was trained in CPR when Hannah died. Edlund, a Lakeville resident, contacted Holberg following his granddaughter’s death to propose legislation that would mandate such requirements.

Day care centers account for about half of the care for children in the state. Licensed home day care providers are already required to have CPR training.

— H. LONG

### **Ambulance claims left to the state**

Under current law, there are two means by which ambulance services collect debts: through the Department of Revenue or through the county where the ambulance service operates. A bill, HF258\*/SF217, would allow the department to do what its already doing — recapturing revenue from claims, according to the bill’s sponsor, Rep. Greg Davids (R-Preston).

Passed by the House 129-0 March 3, the bill removes counties as a collecting agent and their ability to charge ambulance services a fee to offset the cost of submitting claims on their behalf. An ambulance service that is owed money would turn to the department to address the claim.

The bill now moves to the Senate where Sen. Julianne Ortman (R-Chanhassen) is its sponsor.

— L. SCHUTZ

### **Safe schools mandate lifted**

A \$30 per pupil Safe Schools Levy would remain intact, but a mandate that districts use a \$3 portion of it to fund licensed school counselors and other student support service staff could be lifted.

Sponsored by Rep. Connie Doepke (R-Orono), the House passed HF88, 75-54. It now moves to the Senate where a sponsor will be needed.

## **REMOVING MANDATES**



PHOTO BY ANDREW VONBANK

**Jan Alswager, right, chief lobbyist for Education Minnesota, testifies March 1 before the House Government Operations and Elections Committee during discussion of a bill that would remove education mandates. Rep. Sondra Erickson, left, is the bill’s sponsor.**

The levy is a property tax assessment that funds non-classroom support personnel and programs such as violence prevention, drug awareness and intervention, licensed psychologists, counselors, school nurses and others. The bill would remove a “maintenance of effort” provision requiring districts to maintain the same funding level or the same number of those positions from year to year.

“This mandate was one of the top mandates the schools came to us and asked us to repeal,” said Doepke, of a mandate reduction task force she served on last session. “What it did was tie the districts’ hands to make decisions about what the needs of their particular community were.”

Other lawmakers said the bill would jeopardize students’ access to personnel who

help with emotional and psychological needs. Several made emotional appeals based on their experiences as teachers or school board members.

“Unfortunately what we have here today is we are being asked to erase a safeguard designed to ensure students access to counseling and other student support personnel does not get worse than it already is,” said Rep. Tom Tilberry (DFL-Fridley) referring to the state’s rank of 49th in ratio of students to counselors.

— K. BERGGREN

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

# Should Minnesotans be hunting for land?

Legislators aim for no-net-loss and no-net-gain targets

By SUE HEGARTY

**F**rom the pine forest to the prairie and from the boundary waters to bluff country, hunters, farmers and government officials are caught in a triangle over proposed land use legislation.

The debate escalated following the release of a 2010 legislative auditor's report about how much public land requires managing by the Department of Natural Resources.

"At the same time the DNR was acquiring land, they were kind of adding to the inventory of problems because they couldn't keep up with maintaining the land that they already owned," said John Yunker, an evaluation manager for the Office of the Legislative Auditor.

Then, another report by the DNR titled "Long-Range Budget Analysis of Land Management Needs" projected annual \$10 million shortfalls for land management costs.

"It seems like the allocation towards management is not what's needed in order to manage things properly," Rep. Steve Drazkowski (R-Mazeppa) said. "But at the same time, the acquisition dollars seem to be inflated beyond what we can afford."

Drazkowski sponsors HF332 that would prohibit the state from acquiring additional land unless an equal amount of state-owned land is declared surplus and sold, with the proceeds deposited into the General Fund.

The bill has bipartisan support in the Legislature and with some local governments, but is described as an "anti-hunting" bill by outdoors groups, such as the Fish and Wildlife Legislative Alliance.

"We don't think that that's a good policy," said Lance Ness, alliance president.

Hunting is allowed in state forests and wildlife management areas, managed by the DNR. It is a \$552 million annual business that employs 11,911 Minnesotans.

That explains why the fur is flying over the possibility of no-net-gain in public land. For every dollar invested in public land, there is a \$4 return on investment, Ness said.

But when private land converts to public, it may result in fewer agricultural acres or reduced property taxes for counties, cities and school districts. The issue has pitted local government and farmers against environmentalists and hunters.

## Farmers and counties speak out

Most public hunting land is in the northern part of the state. Future acquisitions have turned to acquiring more land near the Twin Cities metropolitan area and in southern Minnesota.

Doug Peterson, president of the Minnesota Farmers Union, said farmers are frustrated by the amount of public land needing upkeep, such as controlling thistle that can expand to adjacent cropland. They also compete with the DNR and other interested buyers when land is sold.

"Minnesota Farmers Union urges the Department of Natural Resources and other agencies to continue to explore the working lands concept that works with farmers to acquire easements and reward farmers for adding wildlife and conservation benefits to

their farm, and not always have to be about buying land and taking it out of production," Peterson said.

Taking land off the tax rolls has significant effects on local governments too, especially in counties where a majority of the land is held in public ownership. In Lake County for example, 84 percent of 1.3 million acres is publicly owned, according to County Commissioner Rich Sve.

"We're a forested county. It is the opinion of the Lake County Board of Commissioners that we're at the maximum percentage of public lands," Sve said.

Koochiching County is the state's second largest geographically, but has a population of only 13,500 to support the infrastructure, such as roads and public services, according to Wade Pavleck, county board chairman. More than 80 percent is wetland.

Though the state does not pay property taxes, it does give counties a payment in lieu of taxes, known as a PILT payment.

The Minnesota Association of Townships also supports Drazkowski's "no-net-gain" bill. Township representatives said they don't always receive PILT payments from counties.

"The more land is removed from local

tax rolls, the greater the impact on the remaining property owners," the association said in a written statement.

"I think we need to realize this is a tough balance," said Rep. Denny McNamara

(R-Hastings), chairman of the House Environment, Energy and Natural Resources Policy and Finance Committee.

The state's ability to buy more land was helped along with passage of the 2008 constitutional amendment that provided dedicated funds for 25 years. The funds must

***"It seems like the allocation towards management is not what's needed in order to manage things properly. But at the same time, the acquisition dollars seem to be inflated beyond what we can afford."***

— Rep. Steve Drazkowski  
(R-Mazeppa)



be used to supplement traditional funding to “restore, protect and enhance wetlands, prairies, forests and habitat for fish, game and wildlife.”

McNamara has a plan to address the concerns of those who think the state already owns more public land than it can manage. He amended HF471, the outdoor heritage appropriations bill he sponsors, to include setting aside \$5.6 million of the fund for an outdoor heritage land restoration and enhancement account. The State Board of Investment would invest the funds and the interest could be used to pay for ongoing maintenance of land purchased with outdoor heritage money. Counties, cities and townships would also be reimbursed for lost taxes. The bill awaits action by the House Legacy Funding Division.

“This addresses many of the concerns that folks have that the state is on a path to buy land it can’t afford to buy,” McNamara said.

Many hunting associations receive appropriations from the Legacy funds and oppose HF332, which was held over by the environment committee. Instead, they support a bill that would prohibit a net loss of public hunting land.



***“Even with no net gain in the back of my mind, we still are acquiring some critical parts in that area. But we’ve got to find a balance and direct the resources to where we need them.”***

— Rep. David Dill  
(DFL-Crane Lake)

## No net loss

Sponsored by Rep. Tony Cornish (R-Good Thunder), HF498 would require the DNR to find a replacement for any hunting land that is sold or closed to hunting. The bill has the support of the Minnesota Outdoor Heritage Alliance and Sportsmen for Change, among others.

Also held over by the environment committee, it would require the DNR to inventory public lands and determine the number of acres available for hunting as of July 1, 2011, so that there could be no net loss of additional hunting land after that date.

How much land is enough to satisfy 700,000 hunter’s appetites for small and large game? For some, it’s not just a matter of how much, but rather where those lands are located.

Rep. Rick Hansen (DFL-South St. Paul) said there are many parents in the urban areas who would like to teach their children to hunt but don’t have the time or resources to drive for hours.

Rep. David Dill (DFL-Crane Lake), an avid hunter who represents northern Minnesota with vast amounts of public land, supports both bills.

“Getting more public land is a problem for us because it takes away from economic opportunity,” Dill said. But he also supports “the opportunity to buy land where it’s needed,” such as where there are critical shortages of native prairie grass or waterfowl habitat.

He sponsored the bill last year that included purchasing thousands of acres for Lake Vermilion State Park.

“Even with no net gain in the back of my mind, we still are acquiring some critical parts in that area. But we’ve got to find a balance and direct the resources to where we need them.”

Does that include buying farmland? “That’s a very sticky point,” Dill said.

About a decade ago, the DNR bought tax-forfeited farmland in Koochiching County for a bird sanctuary, to the dismay of county officials.

“They didn’t work with us and it took that valuable piece of tax base off the tax rolls,” Pavleck said. “The one thing that’s been missing, in my opinion, is full engagement of the counties as a partner when it comes to land issues. It’s the most important thing we deal with, especially in a county like mine.”

Dill said counties should be allowed to make the final decision about whether private land converts to public use.

“I would certainly want the county board to know and have a check-off, in fact approval, that land be acquired,” he said.

Currently, if a county objects to a sale, there is a state appeals process that can reverse a county’s decision.

## Minnesota State Agencies

|                                 |              |
|---------------------------------|--------------|
| Administration .....            | 651-201-2555 |
| Agriculture .....               | 651-201-6000 |
|                                 | 800-967-2474 |
| Commerce .....                  | 651-296-4026 |
| Corrections .....               | 651-361-7200 |
| Education .....                 | 651-582-8200 |
| Employment and                  |              |
| Economic Development .....      | 651-259-7114 |
|                                 | 800-657-3858 |
| Enterprise Technology .....     | 651-296-8888 |
| Explore Minnesota Tourism ..... | 651-757-1845 |
|                                 | 800-657-3535 |
| Travel Info .....               | 888-868-7476 |
| Health .....                    | 651-201-5000 |
|                                 | 888-345-0823 |
| Higher Education Services ..... | 651-642-0567 |
|                                 | 800-657-3866 |

|                                |              |
|--------------------------------|--------------|
| Housing Finance Agency .....   | 651-296-7608 |
|                                | 800-657-3769 |
| Human Rights .....             | 651-296-5663 |
|                                | 800-657-3704 |
| Human Services .....           | 651-431-2000 |
| Iron Range Resources .....     | 218-735-3000 |
|                                | 800-765-5043 |
| Labor and Industry .....       | 651-284-5005 |
|                                | 800-342-5354 |
| Management and Budget .....    | 651-201-8000 |
| Mediation Services .....       | 651-649-5421 |
| Metropolitan Council .....     | 651-602-1000 |
| Military Affairs .....         | 651-268-8919 |
| Natural Resources .....        | 651-296-6157 |
|                                | 888-646-6367 |
| Pollution Control Agency ..... | 651-296-6300 |
|                                | 800-657-3864 |

|   |              |
|---|--------------|
| Public Safety General Information ..... | 651-201-7000 |
| State Patrol .....                      | 651-201-7100 |
| Revenue                                 |              |
| General Information .....               | 651-296-3403 |
| Collections .....                       | 651-556-3003 |
|   | 800-657-3909 |
| Sales and Use Tax Line .....            | 651-296-6181 |
|   | 800-657-3777 |
| Taxpayer Helpline .....                 | 651-296-3781 |
|   | 800-652-9094 |
| Taxpayer self-service .....             | 651-296-4444 |
|   | 800-657-3676 |
| Withholding .....                       | 651-282-9999 |
|   | 800-657-3594 |
| Transportation .....                    | 651-296-3000 |
|   | 800-657-3774 |
| Veterans Affairs .....                  | 651-296-2562 |



# Safety versus savings

Home fire sprinklers would be costly, but can save lives

By KRIS BERGGREN

**W**here there's smoke, there's fire. Where there's fire, there should be water, safety advocates say, specifically fire sprinklers that could quell a house fire before it becomes deadly.

If a fire starts in your home, you could have as little as three minutes to escape before you'd be overcome by fumes or flames, according to State Fire Marshal Jerry Rosendahl.

That's down from about 17 minutes in 1975, in part because newer home construction materials are more combustible and highly toxic, Rosendahl told the House Commerce and Regulatory Reform Committee March 1.

Smoke detectors, including the hard-wired, interconnected battery-backup kind required since 2003 in new residential construction, are a good tool to save lives, he said, but sprinklers are better.

However, the price of sprinklers could be a burden on struggling homeowners and home builders alike. That's why Rep. Joyce Peppin (R-Rogers) sponsors HF460, which

would prohibit requiring fire sprinklers in new or existing single-family homes.

"The cost of making this sprinkler mandatory in new dwellings didn't line up very well with the additional safety benefits," she said. A sprinkler requirement is among code modifications to be considered in a rulemaking review by the departments of Labor and Industry and Public Safety scheduled to start in April.



***"I just want to remind everyone that there's nothing in this bill that prevents anyone from putting a sprinkler in their home."***

— Rep. Joyce Peppin  
R-Rogers



***"Why not at least allow the discussion instead of putting a ban on the discussion, and see what it yields?"***

— Rep. Joe Atkins  
DFL-Inver Grove Heights

"Why not at least allow the discussion instead of putting a ban on the discussion, and see what it yields?" said Rep. Joe Atkins (DFL-Inver Grove Heights).

The committee approved the bill and sent it to the House floor. Sen. Warren Limmer (R-Maple Grove) sponsors a companion, SF297, which awaits action by the Senate Judiciary and Public Safety Committee.

### Safety versus affordability

Fire chiefs may focus on the safety issues, but average Minnesotans want to know whether their paycheck will go up in smoke if they must install sprinklers.

The cost depends on whether the home is on city water, how far it is from the fire lane and its size. Estimates range from an average \$1.61 per square foot, according to the National Fire Protection Association, to up to

\$6 per square foot, according to Karen Linner, director of codes and research for the Builders Association of Minnesota. One builder spent \$16,000 on his home sprinklers, because it was too far from a fire lane and required two water tanks and a commercial pump.

Affordable housing advocates said Minnesota families on the financial margins can't afford any.

"This is the seventh straight year where

the number of people paying more than half of their income for housing has increased," said Chip Halbach, executive director of the Minnesota Housing Partnership. "We feel it's not the time to impose a sprinkler requirement on single family homes."

The 50,000 families who live in manufactured homes would be hard pressed to add sprinklers at an additional cost of \$4,000 to the cost of a 1,200-square-foot home and \$7,000 to the cost of a 3,000-square-foot home, said Mark Brunner, president of the Minnesota Manufactured Modular Housing Association.

BAM President Todd Bjerstedt supports fire prevention efforts, but said sprinklers don't significantly increase safety. According to the NFPA, there's a 99.45 percent chance of surviving a fire if at least one working smoke detector is installed and a 99.85 percent chance if a sprinkler is installed.


Not all fires included in those figures are equal, said Russ Sanders, the NFPA's central regional director. Most of last year's 400,000 reported house fires nationwide were easily contained and not life-threatening; it's the 23 percent that go beyond the room of origin that caused most of the 3,000 deaths of residents or firefighters that occurred in those fires. He estimates sprinklers would have saved 98 percent of the 3,000.

Linner said national fire safety has improved dramatically in the past three decades dropping 58 percent between 1979 and 2003.

"The decreasing number of fire deaths is a public safety success story. The entire housing stock is getting safer and the newest homes are the safest in Minnesota," she said, adding that older homes have risk factors such as outdated wiring, overloaded electrical circuits and wood burning fireplaces.

Those on both sides agree personal behavior is perhaps the biggest risk factor. Tampering with smoke alarm batteries or improperly using space heaters or extension cords increases risk. Careless smoking is the biggest risk factor, causing 42 percent of fire deaths, said Linner.

Conversely, personal choices can be a positive factor.

"I just want to remind everyone that there's nothing in this bill that prevents anyone from putting a sprinkler in their home," Peppin said. 

# From staffer to representative

Melin wins special election to become newest Iron Range member

By **SUE HEGARTY**

Rep. Carly Melin (DFL-Hibbing) may be a new face on the House floor, but she's no stranger to Democrats at the Capitol —



**Rep. Carly Melin**

she interned for former Rep. Tony Sertich last year when he was House majority leader.

Sertich resigned in January after he was appointed to lead the Iron Range Resources and Rehabilitation Board. "Things were a little different around here then," she said. Melin is a proud "Iron Ranger" from Hibbing who planned on returning home after earning political science and social work degrees from Bemidji State University, where she was president of the College Democrats. However, a summer internship at the Public Interest Research Group in Washington,

D.C. presented itself, so off she went. That fall, she was accepted to Hamline University Law School, where she became chair of the Hamline Law Democrats.

She graduated from law school in 2010, passed the bar exam in July, and began working as a judicial law clerk, until she was tapped by the party to replace Sertich in District 5B.

So at the age of 25 years, 6 months and 9 days, Melin became the third youngest woman elected to the Minnesota House of Representatives. Former Chief Justice Kathleen Blatz, who also earned law and social work degrees, was about four months younger than Melin when she was first elected to the House.

Getting Iron Rangers back to work is Melin's primary focus.

"I campaigned a lot on the bonding bill. We have over 50 percent unemployment in the construction trades," she said.

She wants to put these people to work

## DISTRICT 5B

Population (2009 est.): 34,718

Largest city: Hibbing

County: St. Louis

Top Concerns: Job creation and economic growth

improving the infrastructure along the Highway 169 beltway in her district. "The sewer system can't support development now," she said. Gov. Mark Dayton left a hole in the bonding bill for legislators to come up with their own projects and she recommends the central Iron Range sewer system as a top priority.

Once she settles into her new role as a legislator, she hopes she'll be able to enjoy her hobby of downhill skiing and take her golden retriever, Jane, for walks around the lakes.

## Constitutional Officers

### Governor

#### Mark Dayton (DFL)

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-201-3400  
800-657-3717  
Fax: 651-797-1850  
Website: [www.governor.state.mn.us](http://www.governor.state.mn.us)  
E-mail: [mark.dayton@state.mn.us](mailto:mark.dayton@state.mn.us)

### Lieutenant Governor

#### Yvonne Prettner Solon (DFL)

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55115  
651-201-3400  
Fax: 651-797-1850  
E-mail: [ltgovprettnersolon@state.mn.us](mailto:ltgovprettnersolon@state.mn.us)

### Secretary of State

#### Mark Ritchie (DFL)

Election Center  
Room 180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
651-215-1440  
877-600-8683 (VOTE)  
Business Services  
60 Empire Drive, Suite 100  
St. Paul, MN 55103  
651-296-2803  
877-551-6767  
Website: [www.sos.state.mn.us](http://www.sos.state.mn.us)  
E-mail: [secretary.state@state.mn.us](mailto:secretary.state@state.mn.us)

### Attorney General

#### Lori Swanson (DFL)

Executive Offices  
Room 102  
State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

651-296-6196

800-657-3787

Website: [www.ag.state.mn.us](http://www.ag.state.mn.us)

E-mail: [attorney.general@state.mn.us](mailto:attorney.general@state.mn.us)

Consumer Division

1400 Bremer Tower

445 Minnesota St.

St. Paul, MN 55101

651-296-3353

800-657-3787

(TTY) 651-297-7206

(TTY) 800-366-4812

### State Auditor

#### Rebecca Otto (DFL)

525 Park St.

Suite 500

St. Paul, MN 55103

651-296-2551

(TTY) 800-627-3529

Website: [www.osa.state.mn.us](http://www.osa.state.mn.us)

E-mail: [state.auditor@state.mn.us](mailto:state.auditor@state.mn.us)

# BILL INTRODUCTIONS

FEBRUARY 28 - MARCH 3, 2011

HOUSE FILES 719 - 879

## Monday, February 28

### **HF719-McDonald (R)**

#### **Education Finance**

Delano; one-time fund transfer for Independent School District No. 879 permitted.

### **HF720-Kiffmeyer (R)**

#### **Education Finance**

Basic revenue funding prioritized and education finance formulas modified.

### **HF721-Kiffmeyer (R)**

#### **Transportation Policy & Finance**

Disability parking provisions modified.

### **HF722-Leidiger (R)**

#### **Commerce & Regulatory Reform**

Wage and hour provisions modified.

### **HF723-Anzelc (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Itasca; Canisteo mine pit drainage required.

### **HF724-Anzelc (DFL)**

#### **Transportation Policy & Finance**

Route No. 332 removed from trunk highway system.

### **HF725-Garofalo (R)**

#### **Taxes**

Tax incidence study requirements modified.

### **HF726-McElpatrick (R)**

#### **Taxes**

Cohasset; use of tax increments authorized to repay the city for district payments.

### **HF727-Kath (DFL)**

#### **Veterans Services Division**

Income tax subtraction for military reserve pay expanded to include Active Guard Reserve income.

### **HF728-Murray (R)**

#### **Transportation Policy & Finance**

Marked Trunk Highway 14 construction project completion requirements established.

### **HF729-McFarlane (R)**

#### **Jobs & Economic Development Finance**

BioBusiness Alliance money appropriated.

### **HF730-Mazorol (R)**

#### **Commerce & Regulatory Reform**

Fairness for Responsible Drivers Act established, remedies of uninsured motorists limited and amount of criminal fines increased.

### **HF731-Doepke (R)**

#### **Education Finance**

Capital referendum ballot language modified in cases where the same level of taxing authority is renewed.

### **HF732-Winkler (DFL)**

#### **Government Operations & Elections**

Absentee voting without excuse authorized.

### **HF733-Winkler (DFL)**

#### **Government Operations & Elections**

Early voting provided.

### **HF734-Lanning (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Moorhead; flood damage reduction project funding provided, bonds issued and money appropriated.

### **HF735-Gauthier (DFL)**

#### **Health & Human Services Reform**

Sexual violence prevalence reporting required.

### **HF736-Winkler (DFL)**

#### **Government Operations & Elections**

Legislative day definition modified.

### **HF737-Winkler (DFL)**

#### **Commerce & Regulatory Reform**

Motor vehicle dealer prohibited from selling a service contract from an unregistered provider.

### **HF738-Cornish (R)**

#### **Judiciary Policy & Finance**

Harassment restraining order provisions modified.

### **HF739-Ward (DFL)**

#### **Commerce & Regulatory Reform**

Automatic external defibrillators required in school buildings.

### **HF740-Ward (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Watershed district manager numbers allowed to be decreased.

### **HF741-Murray (R)**

#### **Jobs & Economic Development Finance**

Public infrastructure grants fund usage clarified.

### **HF742-Murray (R)**

#### **Jobs & Economic Development Finance**

Greater Minnesota business development infrastructure grant program funding provided, bonds issued and money appropriated.

### **HF743-Loon (R)**

#### **Commerce & Regulatory Reform**

Cigarette definition modified, study proposed, report required and money appropriated.

### **HF744-Murray (R)**

#### **Transportation Policy & Finance**

Winter storm preparation road equipment exemption from highway restrictions modified.

### **HF745-Mack (R)**

#### **Health & Human Services Reform**

Autism Spectrum Disorder Task Force created, appointments provided and development of a statewide strategic plan required.

### **HF746-Mack (R)**

#### **Health & Human Services Reform**

Department of Human Services required to issue a request for proposals for an integrated online eligibility and application portal for food support, cash assistance, child care and health care programs.

### **HF747-Mazorol (R)**

#### **Judiciary Policy & Finance**

Attorney fee relation to damages awarded factor provided.

### **HF748-Mazorol (R)**

#### **Civil Law**

Trust for animal care provided.

### **HF749-Smith (R)**

#### **Civil Law**

Family Reunification Act of 2011 created.

### **HF750-Woodard (R)**

#### **Public Safety & Crime Prevention Policy & Finance**

Sex trafficking definition modified and commercial sex act defined.

### **HF751-Mariani (DFL)**

#### **Education Reform**

School boards prohibited from withholding students' grades for failing to pay school lunch debts, discrimination against students eligible to receive a free or reduced-price lunch prohibited and parameters for collecting unpaid school lunch debts established.

### **HF752-Mariani (DFL)**

#### **Education Reform**

School boards prohibited from withholding students' grades for failing to pay school lunch debts.

### **HF753-Howes (R)**

#### **Government Operations & Elections**

Concurrent detachment and annexation provided.

### **HF754-Hamilton (R)**

#### **Health & Human Services Finance**

Medical Assistance dental coverage modified, and dental services program established for the aged, blind or disabled.

### **HF755-Downey (R)**

#### **Education Reform**

Pilot project established to examine school district joint operations to provide innovative delivery of programs and activities and share resources.

### **HF756-Stensrud (R)**

#### **Government Operations & Elections**

State employee performance appraisal and bonus pay system components specified.

### **HF757-Kiel (R)**

#### **Health & Human Services Reform**

School districts and charter schools annual requirement removed to provide students with information about available health care coverage through Minnesota health care programs.

### **HF758-Shimanski (R)**

#### **Taxes**

Sales tax on purchases by political subdivisions eliminated.

### **HF759-Kahn (DFL)**

#### **Agriculture & Rural Development Policy & Finance**

Hemp industry development and regulation provided,



rulemaking authorized, defense for possession and cultivation of industrial hemp provided and definition of marijuana modified.

**HF760-Kahn (DFL)**

**Higher Education Policy & Finance**

University of Minnesota projects funding provided, bonds issued and money appropriated.

**HF761-Hortman (DFL)**

**Environment, Energy & Natural Resources Policy & Finance**

Bicycle and pedestrian trail funding provided to connect the Northtown Transit hub to the metropolitan regional trail and to provide a safe route for elementary school students, bonds issued and money appropriated.

**HF762-Hortman (DFL)**

**Education Reform**

Public residential high school established for science, technology, engineering and mathematics.

**HF763-Hilty (DFL)**

**Health & Human Services Reform**

Swimming pool pond exemption expiration date removed.

**HF764-Hilty (DFL)**

**Commerce & Regulatory Reform**

Socially responsible for-profit business corporation incorporation provided.

**HF765-Davnie (DFL)**

**Education Reform**

Harassment, bullying, intimidation and violence policies provided.

**HF766-Thissen (DFL)**

**Health & Human Services Finance**

Spousal contribution required for long-term care expenses.

**HF767-Erickson (R)**

**Education Reform**

Alternative teacher professional pay system modified.

**HF768-Hosch (DFL)**

**Commerce & Regulatory Reform**

School districts required to obtain employee health coverage through the public employees insurance program, gross premium tax imposed on the program and enrollment fee imposed.

**HF769-Bills (R)**

**Environment, Energy & Natural Resources Policy & Finance**

Minnesota Zoo funding provided and money appropriated.

**HF770-Mazorol (R)**

**Civil Law**

Interest on verdicts, awards and judgments regulated.

**HF771-Slawik (DFL)**

**Education Finance**

Integration revenue authorized to be spent on pre-kindergarten students.

**HF772-Slawik (DFL)**

**Taxes**

Dependent care credit modified.

**HF773-Davids (R)**

**Health & Human Services Reform**

Excess health plan revenues transferred to the General Fund.

**HF774-Hansen (DFL)**

**Transportation Policy & Finance**

Dakota County; Robert Street Corridor transitway funding provided, bonds issued and money appropriated.

**HF775-Persell (DFL)**

**Education Finance**

K-12 pupil transportation full funding provided.

**HF776-Loon (R)**

**Taxes**

Spending tax increment deadlines extended under certain conditions.

**HF777-Hansen (DFL)**

**Legacy Funding Division**

State Capitol funding provided, bonds issued and money appropriated.

**HF778-Hansen (DFL)**

**Legacy Funding Division**

Competitive art education grant funding provided and money appropriated.

## Thursday, March 3

**HF779-Downey (R)**

**Health & Human Services Reform**

Occupational licensure; right to engage in an occupation stated and conditions for government regulation of occupations specified.

**HF780-Rukavina (DFL)**

**Environment, Energy & Natural Resources Policy & Finance**

Virginia; wastewater treatment facility reconstruction funding provided, bonds issued and money appropriated.

**HF781-Rukavina (DFL)**

**Higher Education Policy & Finance**

Number of former legislators on the University of Minnesota Board of Regents limited.

**HF782-Garofalo (R)**

**Education Finance**

School district early repayment of maximum effort capital loans authorized.

**HF783-Garofalo (R)**

**Education Finance**

Number of public school pupils covered by the permanent fund endowment apportionment expanded.

**HF784-Gunther (R)**

**Jobs & Economic Development Finance**

Suitable employment related to staffing services definition, payments that delay benefits and penalty relating to suitable employment offers modified.

**HF785-Garofalo (R)**

**Education Finance**

Permanent school fund interest payments clarified.

**HF786-Davids (R)**

**Government Operations & Elections**

Charitable organization financial statement requirements for highest paid individuals modified and compensation information reporting consistency provided for federal and state purposes.

**HF787-Atkins (DFL)**

**Commerce & Regulatory Reform**

Wine tasting and sales allowed at annual festivals.

**HF788-Falk (DFL)**

**Public Safety & Crime Prevention Policy & Finance**

Ortonville; emergency operations center funding provided, bonds issued and money appropriated.

**HF789-Lanning (R)**

**Government Operations & Elections**

Public employee insurance program eligible employers modified.

**HF790-Howes (R)**

**Taxes**

Vital public safety personnel future aid payments reduced.

**HF791-Gunther (R)**

**Education Finance**

Swimming pool levy expanded to include small school districts.

**HF792-Gunther (R)**

**Environment, Energy & Natural Resources Policy & Finance**

Watline Trail funding provided and money appropriated.

**HF793-Slawik (DFL)**

**Environment, Energy & Natural Resources Policy & Finance**

Oak Park Heights; Bayport storm sewer project funding provided for a pedestrian tunnel and appropriated money transferred.

**HF794-Davids (R)**

**Taxes**

Improvement bonds authorized with certain terms and conditions; definitions modified; and clarifying, technical and other changes made relating to the issuance of municipal bonds.

**HF795-Hoppe (R)**

**Health & Human Services Reform**

Human Services commissioner instructed to initiate a foreign reciprocal agreement.

**HF796-Davids (R)**

**Health & Human Services Reform**

Segregated accounting required under prepaid Medical Assistance.

**HF797-Davids (R)**

**Commerce & Regulatory Reform**

Health plans that include out-of-network coverage required to permit assignment of benefits.

**HF798-Davids (R)**

**Commerce & Regulatory Reform**

Provider's right to audit financial aspects of health plan company contracts provided with the prepaid Medical Assistance program.

**HF799-Davids (R)****Health & Human Services Reform**

Medical Assistance reporting generally accepted accounting principles required.

**HF800-Davids (R)****Civil Law**

Antitrust law applicability to the prepaid Medical Assistance program specified.

**HF801-Davids (R)****Civil Law**

Data Practices Act applicability to data provided to the state by managed care vendors specified.

**HF802-Davids (R)****Health & Human Services Finance**

Medical loss ratio requirement established for prepaid Medical Assistance program.

**HF803-Woodard (R)****Education Reform**

MNovate commission created.

**HF804-Kiffmeyer (R)****Health & Human Services Reform**

Piggy bank health plan created to provide comprehensive, sustainable coverage for children up to age 26.

**HF805-Anderson, P. (R)****Environment, Energy & Natural Resources Policy & Finance**

Price information filing required in power purchase agreements with Public Utilities Commission, utilities required to offer customers option to request energy from local wind projects, and certain utilities required to purchase energy from small wind projects.

**HF806-Mack (R)****Health & Human Services Finance**

County human services duties streamlined.

**HF807-McDonald (R)****Transportation Policy & Finance**

Original license plate display on collector vehicles provision modified.

**HF808-Anderson, S. (R)****Transportation Policy & Finance**

Driver's license applicants allowed \$2 donation for public information and education on anatomical gifts and money appropriated.

**HF809-Anderson, S. (R)****Commerce & Regulatory Reform**

Gratuity sharing notice provided and employers authorized to safeguard and disburse shared gratuities.

**HF810-Westrom (R)****Public Safety & Crime Prevention Policy & Finance**

Governor and commissioner of corrections required to send foreign inmates back to their own country.

**HF811-Kelly (R)****Environment, Energy & Natural Resources Policy & Finance**

Wind project setbacks established.

**HF812-Kelly (R)****Environment, Energy & Natural Resources Policy & Finance**

Community-based energy development project definition amended.

**HF813-Anzelc (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Itasca County; private sale of tax-forfeited land authorized.

**HF814-Anzelc (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Itasca County; sale of tax-forfeited land bordering public waters authorized.

**HF815-Melin (DFL)****Jobs & Economic Development Finance**

Chisholm; sanitary sewer and related infrastructure improvement grant funding provided, bonds issued and money appropriated.

**HF816-Slocum (DFL)****Legacy Funding Division**

Air National Guard Museum funding provided and money appropriated.

**HF817-Rukavina (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Minerals management account distributions modified.

**HF818-Dill (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Two Harbors marina funding provided, bonds issued and money appropriated.

**HF819-Dill (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Two Harbors; campground expansion funding provided, bonds issued and money appropriated.

**HF820-Davids (R)****Taxes**

Reciprocity agreement negotiation with Wisconsin directed and its termination permitted only by law.

**HF821-Nornes (R)****Higher Education Policy & Finance**

Senior citizen higher education program eligibility changed.

**HF822-Davnie (DFL)****Education Reform**

Limited English proficiency funding five-year limit removed.

**HF823-Sanders (R)****Commerce & Regulatory Reform**

Administrative rule repealed which restricts the capitalization of permanent improvements to other real estate owned by a bank.

**HF824-Hackbarth (R)****Environment, Energy & Natural Resources Policy & Finance**

Metropolitan regional park funding provided for operation and maintenance and money appropriated.

**HF825-Marquart (DFL)****Taxes**

Local governments prohibited from expending resources to promote a local sales tax.

**HF826-Gunther (R)****Jobs & Economic Development Finance**

Greater Minnesota business development public infrastructure grant funding provided, bonds issued and money appropriated.

**HF827-Hamilton (R)****Health & Human Services Finance**

Nursing facility equal rate provision sunset placed.

**HF828-Hamilton (R)****Health & Human Services Finance**

Nursing home rate equalization modified.

**HF829-Vogel (R)****Commerce & Regulatory Reform**

Summer collegiate league baseball stadium or ballpark license issued to cities.

**HF830-Howes (R)****Environment, Energy & Natural Resources Policy & Finance**

Wastewater infrastructure program funding provided, bonds issued and money appropriated.

**HF831-Lenczewski (DFL)****Commerce & Regulatory Reform**

State-operated or state-licensed gambling facility location prohibited in a city unless the voters of the city have approved the facility in a referendum.

**HF832-Lenczewski (DFL)****Taxes**

Tax increment financing use or district inclusion prohibited to assist gaming facilities.

**HF833-Abeler (R)****Health & Human Services Finance**

Managed care plans and county-based purchasing plans capitation rate increases limited.

**HF834-Hoppe (R)****Commerce & Regulatory Reform**

Public employee insurance program administrated by Minnesota Management & Budget for local government employees changes made and program required to pay taxes and assessments on the same basis as private-sector health insurers.

**HF835-Hamilton (R)****Health & Human Services Finance**

Low-payment rate nursing facilities Medical Assistance operating payment rates adjusted and money appropriated.

**HF836-O'Driscoll (R)****Veterans Services Division**

Service member preference expanded for game and fish lottery and drawing.

**HF837-Sanders (R)****Commerce & Regulatory Reform**

Air admittance valve building code requirements modified to create jobs through innovative technology.

**HF838-Gunther (R)****Jobs & Economic Development Finance**

Opportunities industrialization centers money appropriated.

**HF839-Hilty (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Private sale of tax-forfeited land authorized.

**HF840-Dettmer (R)**  
**Environment, Energy & Natural Resources**  
**Policy & Finance**  
Washington County; private sales of tax-forfeited land bordering public water authorized.

**HF841-Buesgens (R)**  
**Taxes**  
State general tax reduced, corporate franchise tax reduced and repealed, business income subtraction provided, and capital equipment exemption at the time of purchase allowed and application expanded.

**HF842-Mack (R)**  
**Environment, Energy & Natural Resources**  
**Policy & Finance**  
Minnesota Zoo asset preservation funding provided, bonds issued and money appropriated.

**HF843-Buesgens (R)**  
**Transportation Policy & Finance**  
Central Corridor Light Rail construction suspended, supplemental environmental impact statement required and federal funding deadline provided.

**HF844-McFarlane (R)**  
**Jobs & Economic Development Finance**  
Public library representative provided for the Governor's Workforce Development Council.

**HF845-Nelson (DFL)**  
**Higher Education Policy & Finance**  
North Hennepin Community College higher education asset preservation and replacement funding provided, bonds issued and money appropriated.

**HF846-Anderson, D. (R)**  
**Health & Human Services Finance**  
Emergency services grants and transitional housing money appropriated.

**HF847-Kriesel (R)**  
**Commerce & Regulatory Reform**  
Orthotic and prosthetic device insurance coverage required.

**HF848-Clark (DFL)**  
**Jobs & Economic Development Finance**  
Neighborhood Development Center grant money appropriated.

**HF849-Nornes (R)**  
**Higher Education Policy & Finance**  
College and university mandates eliminated.

**HF850-Beard (R)**  
**Environment, Energy & Natural Resources**  
**Policy & Finance**  
Public Utilities Commission authority to approve multi-year rate plan clarified, and multiple rate riders consolidated into single large energy project.

**HF851-Runbeck (R)**  
**Taxes**  
Deferred wage income tax exemption provided.

**HF852-Hornstein (DFL)**  
**Government Operations & Elections**  
City of Minneapolis and the Minneapolis Park and Recreation Board joint dedication fee changed.

**HF853-Cornish (R)**  
**Public Safety & Crime Prevention**  
**Policy & Finance**  
Human trafficking victim toll-free hotline money appropriated.

**HF854-Cornish (R)**  
**Public Safety & Crime Prevention**  
**Policy & Finance**  
Trafficking victims legal advocacy grant authorized and money appropriated.

**HF855-Swedzinski (R)**  
**Environment, Energy & Natural Resources**  
**Policy & Finance**  
Minnesota River Basin Area II floodwater retention systems funding provided, bonds issued and money appropriated.

**HF856-Swedzinski (R)**  
**Higher Education Policy & Finance**  
Tuition increase temporary freeze and permanent limitation at public higher education institutions.

**HF857-Mahoney (DFL)**  
**Higher Education Policy & Finance**  
University of Minnesota Twin Cities campus physics and nanotechnology building funding provided, bonds issued and money appropriated.

**HF858-Cornish (R)**  
**Public Safety & Crime Prevention**  
**Policy & Finance**  
Commissioner of corrections required to fund county sentence-to-service programs.

**HF859-Atkins (DFL)**  
**Commerce & Regulatory Reform**  
Motor vehicle insurance companies prohibited from restricting an insured's choice of rental vehicle company as a source of a temporary replacement vehicle, and insurers required to inform insured persons of that right.

**HF860-Hamilton (R)**  
**Agriculture & Rural Development**  
**Policy & Finance**  
Beginning farmer program tax credits provided.

**HF861-Runbeck (R)**  
**Taxes**  
Lino Lakes; tax increment financing district extension allowed.

**HF862-Benson, M. (R)**  
**Higher Education Policy & Finance**  
University of Minnesota and Mayo Foundation Partnership money appropriated.

**HF863-Nornes (R)**  
**Transportation Policy & Finance**  
Otter Tail County; flood-damaged property reconstruction grant funding provided, bonds issued and money appropriated.

**HF864-Peppin (R)**  
**Government Operations & Elections**  
Commissioner of Revenue authorized to enter into a reciprocal agreement with the federal government for collection of unpaid debts.

**HF865-Kriesel (R)**  
**Environment, Energy & Natural Resources**  
**Policy & Finance**  
Newport; funding provided to purchase real property, bonds issued and money appropriated.

**HF866-Lohmer (R)**  
**Veterans Services Division**  
Minnesota Assistance Council for Veterans grant provided for continued outreach to homeless veterans in Minnesota and money appropriated.

**HF867-Anderson, B. (R)**  
**Transportation Policy & Finance**  
Driving instruction permit provisions modified and clarified.

**HF868-Shimanski (R)**  
**Judiciary Policy & Finance**  
Conciliation court civil claim limit increased.

**HF869-Nelson (DFL)**  
**Taxes**  
Transit improvement area provisions modified.

**HF870-Eken (DFL)**  
**Public Safety & Crime Prevention**  
**Policy & Finance**  
Vehicle subject to impoundment order provisions modified and commissioner of public safety authorized to establish variance process.

**HF871-Runbeck (R)**  
**Government Operations & Elections**  
Employer contributions limited toward cost of employee health care benefits, and employer contributions prohibited toward cost of health care benefits for certain former employees, other than for law enforcement and firefighter retirees or employees.

**HF872-Anderson, P. (R)**  
**Jobs & Economic Development Finance**  
African Development Center training and program funding provided and money appropriated.

**HF873-Garofalo (R)**  
**Education Finance**  
Education finance obsolete language removed.

**HF874-Garofalo (R)**  
**Education Finance**  
Education finance obsolete language removed.

**HF875-Brynaert (DFL)**  
**Legacy Funding Division**  
Children's Museum of Southern Minnesota funding provided for new exhibits and money appropriated.

**HF876-Smith (R)**  
**Judiciary Policy & Finance**  
Court hearing opening modified in delinquency or extended jurisdiction juvenile proceedings.

**HF877-Simon (DFL)**  
**Taxes**  
Valuation exclusion authorized for certain improvements to homestead and commercial-industrial property.

**HF878-Kriesel (R)**  
**Veterans Services Division**  
Honor and Remember the Flag designated as an official symbol of the state's commitment to military service members who have lost their lives in service to our country, and display of flag required on certain days in certain locations.

**HF879-Erickson (R)**  
**Education Reform**  
Annual evaluations for principals established, and a group of experts and stakeholders convened to recommend a performance-based system model for these evaluations.



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse,  
Susan Hegarty, Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

### Intern

Callie Chamberlain

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.
- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).
- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## Minnesota horticulture and agriculture

|   |         |
|---|---------|
| Minnesota total land area, in square miles.....   | 79,289  |
| Minnesota total lake and water surface area, in square miles.....   | 4,779   |
| Number of lakes in Minnesota.....   | 15,291  |
| Number of farms in Minnesota in 2008.....   | 81,000  |
| Ranking of agriculture industry in Minnesota economic sector.....   | 2       |
| Average acres on a Minnesota farm.....  | 332     |
| State ranking for livestock production.....   | 8       |
| Percentage of livestock contribution to Minnesota total agricultural income.....  | 38.4    |
| Approximate number of milk cows in state in January 2011.....   | 470,000 |
| State milk production, in millions of pounds, in January 2011.....  | 771     |
| Output in December 2010, in millions of pounds.....   | 754     |
| Production per cow in January 2011, in pounds.....  | 1,640   |
| Production in December 2010.....  | 1,605   |
| Minnesota's 2010 wool production, in pounds.....  | 830,000 |
| State rank.....   | 11      |
| Sheep and lambs shorn in 2010.....  | 130,000 |
| State ranking in agricultural exports.....  | 7       |
| Percentage of total state exports that are soybeans.....  | 30      |
| Percentage of all Minnesota agricultural exports coming from<br>soybeans, corn, livestock products, wheat and feed..... | 90      |
| Minnesota nursery and landscape exports to other states, in millions.....   | \$96    |
| Minnesota nursery and landscape exports to Canada and other countries,<br>in millions.....                              | \$4.7   |
| Percentage of state agriculture jobs off-farm in processing, distributing,<br>supply and service.....                   | 80      |
| Number of Minnesota organized farmers markets in 2010.....  | 128     |
| Number of licensed wineries in state.....   | 30      |
| Year the Department of Agriculture founded the Minnesota Grown program.....   | 1988    |
| Year Minnesotan Alexander Anderson invented a machine for puffed rice.....  | 1902    |
| Year the Lester loam was designated as the state soil.....  | 1987    |
| Year Pink and White Lady's Slipper became state flower.....   | 1902    |

— C. CHAMBERLAIN

Sources: Minnesota State Horticultural Society's Minnesota Green Program, Department of Agriculture, [www.50states.com](http://www.50states.com), [www.e-referencedesk.com](http://www.e-referencedesk.com), Minnesota Visitor, U.S. Department of Agriculture National Agricultural Statistics Service



# SESSION WEEKLY



BLUEPRINT FOR CHANGE

THE BIG REBOOT

BUDGET TARGETS RELEASED

HOUSE VOICE IS SILENCED

HF880 - HF1049

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 10 • MARCH 11, 2011

# Flashback to 1991, 2001, 2006

## Teacher licensure gets no respect

The leader of the state's largest teachers' organization says he's not happy with a provision in a sweeping education reform bill that would further ease teacher licensing requirements.

"There's a theme that runs through here that doesn't respect licensure requirements for teachers, and I don't know how to sugarcoat that," said Minnesota Education Association President Bob Astrup.

He told the House Education Committee that the MEA is concerned about a provision in HF350 that would allow schools to hire "community experts" for a given course without first attempting to hire a licensed teacher.

— Session Weekly March 8, 1991

## Human right to personal protection

Legislators are considering a bill that would make it easier to acquire a permit to carry a handgun. Under HF1360, sponsored by Rep. Lynda Boudreau (R-Faribault), county sheriffs would be required to issue a gun permit within 15 days of an application unless the applicant fails a background check. Boudreau said current law is "unfair and discriminatory," because local officials have the power to arbitrarily deny requests. "The established human right to personal protection must be realized in Minnesota," she said.

— Session Weekly March 9, 2001

## Pharmacists' right of refusal

Under HF3032, sponsored by Rep. Tom Emmer (R-Delano), pharmacists would not be required to fill prescriptions if they have an objection — ethical, moral or religious — to a prescribed drug or device.

Rep. Barb Goodwin (DFL-Columbia Heights) told the House Health Policy and Finance Committee the bill could be futile for patients seeking birth control, especially in cases of rape or incest.

Additionally, the bill would allow pharmacists to refuse prescriptions if they determine a drug or device would cause medical problems for a patient or if payment is not received.

— Session Weekly March 10, 2006

## Contents

**FIRST READING:** What would a redesigned state government look like? • 3-4

**HIGHLIGHTS:** Teacher contracts, felon voting rights, tuition freeze • 5-17

**AT ISSUE:** To help cut costs, lawmakers look to technology improvements • 18-19

**BILL INTRODUCTIONS:** HF880–HF1049 • 20-23

**MINNESOTA INDEX:** March Tournament and Weather Madness • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

On the cover: As part of her Quinceañera, a 15th birthday celebration, Marcela Vega, poses for her sister Martha to take a photograph on the grand staircase to the Supreme Court Chamber at the Capitol March 4.

— Photo by Tom Olmscheid



## Blueprint for change

What would a redesigned state government look like?

By Nick Busse

**B**etter, faster, cheaper.  
This might serve as a motto for the 2011 session.

Over the past several years, lawmakers from both parties have emphasized the need to redesign state government for the 21st century. Judging by the steady trickle of reform bills moving through House committees, this could be the year it happens.

Whether everyone will be satisfied with the end results is another matter.

In the House, the new majority is moving forward with proposals on everything from cutting the number of state workers to consolidating backroom office functions like accounting. Some proposals, like a bill to spur private investment in social services programs, have bipartisan support. Others, like one that would establish a performance pay system for state workers, are seen by many DFLers as an attack on public employees' collective bargaining rights.

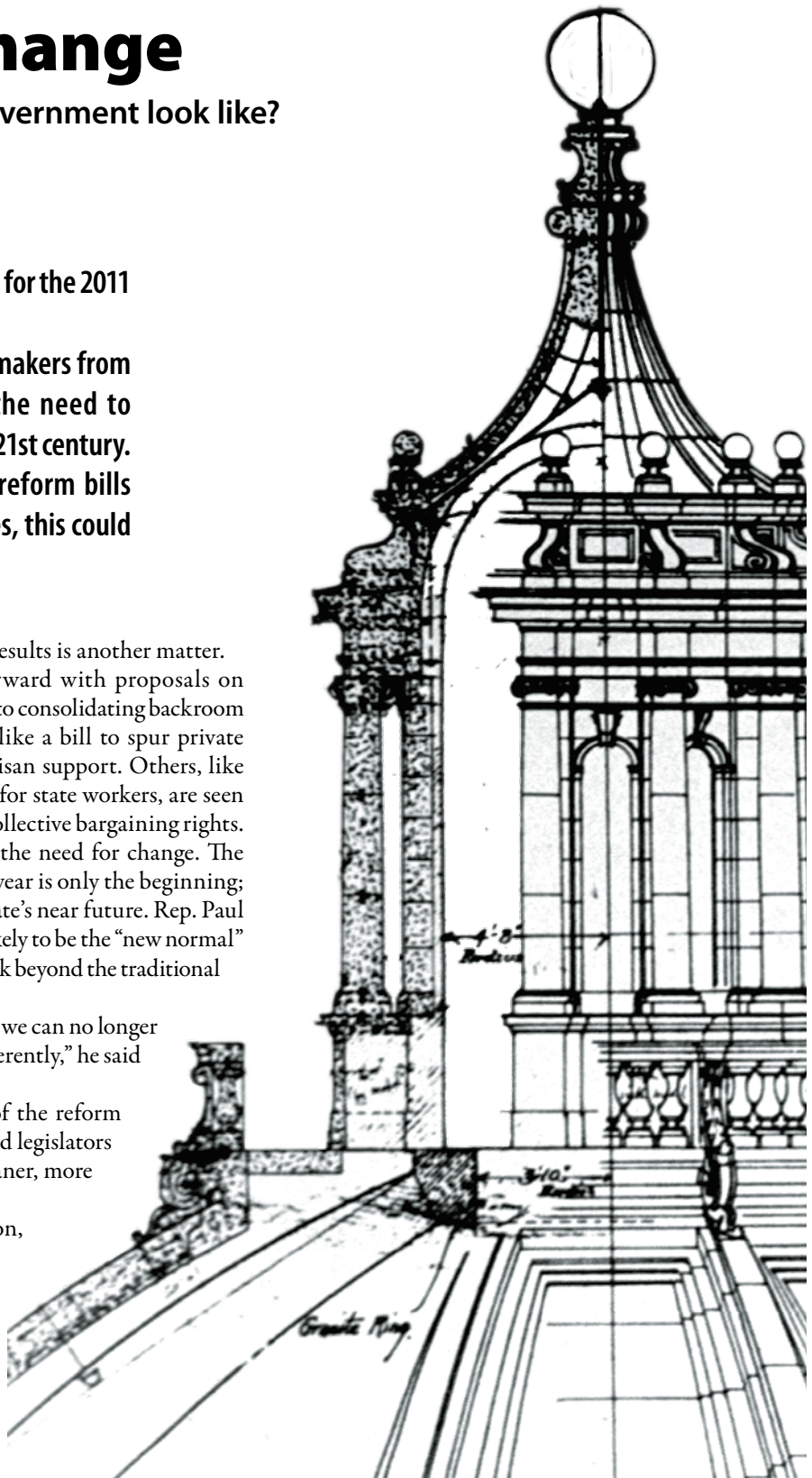
But if there's one thing both sides agree on, it's the need for change. The \$5 billion deficit lawmakers are grappling with this year is only the beginning; structural budget gaps are predicted well into the state's near future. Rep. Paul Marquart (DFL-Dilworth) said budget deficits are likely to be the "new normal" for Minnesota, and lawmakers are going to have to look beyond the traditional tools to fix the problem.

"We can no longer tax our way out of these things, we can no longer cut our way out. We have to look at doing things differently," he said at a March 7 press conference.

Rep. Keith Downey (R-Edina) sponsors many of the reform bills progressing through House committees. He said legislators and state workers need to embrace the need for a leaner, more efficient state government.

"Everything we've done in this legislative session, every bill that I've offered, has been a way to intentionally and strategically and in a playful way prepare ourselves for that reality," he told members of the House State Government Finance Committee.

But when that reality finally comes, what will it look like? Changes already underway in Beltrami County and the Department of Administration offer some clues.



Cass Gilbert's State Capitol blueprint courtesy of the Minnesota Historical Society, photo illustration by Paul Battaglia

First Reading continued on page 4

## Measuring results

If there is a model for redesigning government, it might be found in Beltrami County.

Four years ago, county officials found themselves in a predicament familiar to state lawmakers: a growing demand for services and not enough funding to provide them. But with the county's relatively small tax capacity already stretched thin, they decided raising new revenues wasn't an option.

Instead, they began a transformation into what County Administrator Tony Murphy calls "outcome-based government." Rather than focus on funding services and programs, county officials began to ask how they can achieve the desired end results. The difference might sound slight, but it requires a dramatic rethinking of how services are provided.

"You have to go back and kind of ask the fundamental question again: What is it that we're really trying to accomplish here?" Murphy said.

Murphy discovered that many county employees believed that their primary customers were not county residents, but rather state regulators. Their goals were not to ensure that county services produced good results, but rather to spend as much money and serve as many people as possible.

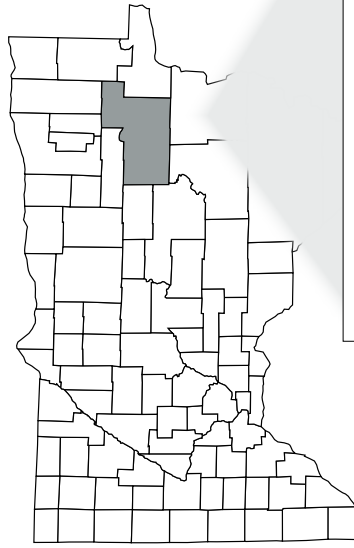
They began to change all that. Murphy and his colleagues began developing quantifiable goals they could use to measure their success. They began forcing different departments to coordinate with each other and combine their efforts. For the first time, they asked questions like, "How can we help families on welfare find a way out of poverty?" and "How can we make sure people who go through chemical dependency treatment stay sober?"

The results speak for themselves. Four years into their experiment, Murphy said they're providing more effective services with 13 percent fewer employees; they've also cut property taxes and replenished their budget reserves.

To some, the notion of measuring results and tracking outcomes might seem obvious. But according to Murphy, it's not the way government was designed.

"We weren't asked to deliver results; we were asked to deliver services," he said.

The county's move to outcome-based government is still in its infancy, according to Murphy. Other counties are undertaking similar efforts, but they're all running up against a big obstacle: the state. Since most of



### Beltrami County

**If there is a model for redesigning government, it might be found in Beltrami County.**

**Four years ago, county officials found themselves in a predicament familiar to state lawmakers: a growing demand for services and not enough funding to provide them. But with the county's relatively small tax capacity already stretched thin, they decided raising new revenues wasn't an option.**

**Well into their experiment, they're now providing more effective services with 13 percent fewer employees; they've also cut property taxes and replenished their budget reserves.**

what counties do is carry out state-mandated services, Murphy said state statutes and rules don't allow counties flexibility to innovate and try new approaches.

"We've got to get some new ideas into the pike, and the only way to do that is to take off some of the shackles, remove some of the barriers to innovation," he said, adding that his and other counties are developing a list of proposed legislative changes that they will submit to lawmakers.

## Finding inefficiencies

Beltrami County isn't the only government trying to innovate. Officials from the Department of Administration have launched their own effort to eliminate waste and inefficiency in government. To do it, they're enlisting the help of people most familiar with the inefficiencies in the system: the employees.

Tom Baumann, manager of the department's Office of Enterprise Continuous Improvement, coordinates the state's Enterprise Lean program. Launched in 2007, the program focuses on breaking down government processes and making them more efficient. Executive branch employees are brought together for "kaizen events" — a Japanese term meaning "improvement" — in which they work cooperatively to identify outdated, overly complex processes and simplify them. Bauman said the power of the program is in its reliance on workers.

"In a lot of ways, senior leaders really don't understand where the improvement opportunities lie," he said.


Enterprise Lean is particularly useful for streamlining processes that involve a lot of paperwork and multiple layers of bureaucracy. At one recent kaizen event, Revenue Department employees identified processes by which they could decrease their amount of mail returned by the U.S. Postal Service by 5 percent to 6 percent — a potential savings of \$800,000 to the state.

Such incremental changes aren't going to solve the state's \$5 billion budget shortfall this year, but over time they will accumulate and lead to better, more accountable government. Many of the reform bills in the House recognize the need to engage state employees in redesign. Rep. King Banaian (R-St. Cloud), who sponsors a bill that would require the state to use zero-based budgeting, said mid-level managers know best where to find the savings in government.

For some DFLers, the question is not whether state workers will be engaged in reforming government, it's how they will be engaged. Rep. Kerry Gauthier (DFL-Duluth) criticized some of the Republicans' more controversial reform plans at the March 9 House State Government Finance Committee meeting.

"We have sat here for two months and heard time after time that we have the leanest workforce, that the workforce is underpaid... and yet we come with bills with pay cuts, and contracting out and outsourcing," he said.

But Downey argues proposals to change the way employees are compensated and spur new methods of delivering state services will ultimately be good for employees as well as taxpayers.

"This is about empowering people and valuing people — not the structures, not the organization, not the processes that we've locked them into," he said. 



# HIGHLIGHTS

MARCH 3 - 10, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held March 3-10. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Agriculture

### EAW relief for ethanol plants

Ethanol plant owners seeking to build or expand production facilities would no longer be required to have an Environmental Assessment Worksheet prepared by the Pollution Control Agency, under a bill on its way to the House Environment, Energy and Natural Resources Policy and Finance Committee.

Sponsored by Rep. Bob Gunther (R-Fairmont), HF716 would repeal the Environment Quality Board rule that requires an environmental worksheet be done for ethanol plants that plan to produce more than 5 million gallons per year. It does not remove the requirement for a more comprehensive and costly study known as an Environmental Impact Statement. The worksheet is often the precursor to see if an EIS is needed.

The House Agriculture and Rural Development Policy and Finance Committee approved the bill March 8 and referred it to the environment committee. Some committee members expressed concern over removing another step in the public's ability to review such projects. Rep. Rick Hansen (DFL-South St. Paul) said the public is providing subsidies to ethanol producers and that assurances need to be in place to ensure that plant operations will not harm the environment.

Rep. Paul Anderson (R-Starbuck) said because current fuel prices keep rising, it is important to support the ethanol industry, which contributes 10 percent of vehicle fuels used in the state.

The bill's companion, SF435, sponsored by Sen. Julie Rosen (R-Fairmont), awaits action by the Senate Environment and Natural Resources Committee.

— S. HEGARTY

### AMPUTEE AWARENESS



PHOTO BY TOM OLMSCHIED

**Mike Schulenberg, left, of Shoreview, talks in Rep. John Persell's office about his 10-year battle with a cancerous tumor in his leg before having his leg amputated. Schulenberg was trying to get support for a bill that would increase access to necessary care and coverage of orthotic and prosthetic assistive devices.**

### A grazing 'win-win'

Allowing cattle to graze on publicly owned land could be a win-win situation for ranchers and the Department of Natural Resources looking for ways to maintain its thousands of acres. But before it happens, there may need to be some legal protections in place for owners and the public.

Rep. Paul Anderson (R-Starbuck) has an "idea in progress" that would ensure that a private owner grazing livestock, under an agreement with the DNR, would not be liable for a death or injury to a person that occurs as a result of the livestock being in the field.

While there was general agreement March 7 in the House Civil Law Committee that Anderson's bill, HF625, is a good idea, its unintended consequences was cause to lay it over, at least until some issues could be worked through. The bill has no Senate companion.

Anderson said that pastureland is expensive and in short supply, and the cost for some is hard to cash-flow. This could be a win-win situation, he said, because cattle ranchers would have more land to graze their livestock and the DNR "would have another tool to

maintain the land — trim the grass, keep the weeds down — have the cattle do it."

Joel Carlson, representing the Minnesota Association for Justice, said the bill may not accomplish the sponsor's goals, and could leave open some liability questions.

"The issue is many or most state lands are open for public recreational use, and there is an interplay here about where the liability falls," he said.

He cited language in the bill where the exception to the immunity addresses willful and reckless disregard for the safety as it relates to a condition of a lease agreement and not as it relates the public welfare.

Rep. Bill Hilty (DFL-Finlayson) suggested review of other public land-grazing agreements from states where it is allowed would be beneficial.

— L. SCHUTZ

### Developing a hemp industry

Although not currently allowed by the federal Drug Enforcement Administration, Minnesota could become one of the first states to allow growing hemp as an industrial crop, under a bill approved by the House



Agriculture and Rural Development Policy and Finance Committee March 9.

Rep. Phyllis Kahn (DFL-Mpls) sponsors HF759, which would create state regulations governing the growing, cultivation and distribution of industrial hemp as a cash crop. The Department of Agriculture's rulemaking authority is contingent upon the U.S. DEA legalizing hemp production.

The bill was referred to the House Public Safety and Crime Prevention Policy and Finance Committee. It has no Senate companion.

Kahn said several other states have similar laws in order to "jumpstart" production if and when the federal government rules are overturned.

Historically, hemp was grown in Minnesota during wartime and used to manufacture twine and rope. Farmers would likely plant hemp as a rotation crop, along with corn and alfalfa, according to Thom Petersen, policy director for the Minnesota Farmers Union. It's also been emerging as a material used in a new type of concrete.

Grown legally in Canada, hemp is used to make paper products, clothing and bio-fuel. It also is desired as an organic crop.

Although it is in the same family as marijuana, it does not have the same chemical

drug characteristics commonly linked to marijuana, said former Rep. Steve Dehler, who testified in favor of the bill. Dehler said the legalization of industrial hemp could increase economic resources for farmers. Chris Radatz, director of public policy for the Minnesota Farm Bureau Federation, said his members also support researching hemp as a potential crop.

Rep. Rick Hansen (DFL-South St. Paul) suggested that when policies regarding legalized hemp production are written, the Department of Agriculture also consider state and local regulations regarding noxious weeds.

— S. HEGARTY

## Business & Commerce

### Free market for ticket resale

If you buy a concert or event ticket, it's yours to use, give away or sell without conditions. That's the premise of a bill sponsored by Rep. Joe Hoppe (R-Chaska).

HF657 would prohibit ticket issuers from imposing conditions on a ticket resale, such as limiting where it may be resold, or requiring the original purchaser's photo identification or credit card for entrance in lieu of a paper ticket.

The House Commerce and Regulatory Reform Committee approved the bill March 9 and sent it to the House floor. Its companion, SF425, sponsored by Sen. Chris Gerlach (R-Apple Valley), awaits action by the Senate Judiciary and Public Safety Committee.

The bill would ensure "open transferability," which is critical for a free market and best for consumers, said Dustin Brighton, senior manager of government relations with EBay Inc., which owns popular online ticket market StubHub that counts 220,000 Minnesota customers.

Brighton said some issuers, such as Ticketmaster, restrict resale of its paperless tickets to the company's own ticket exchange, and prohibit selling below face value or even giving a ticket away to a friend.

"Technology should be used to empower consumers as opposed to restricting them," Brighton said.

However, representatives of local sports and theater venues told committee members that outside businesses such as eBay should not dictate Minnesota business practices and said paperless tickets have some advantages.

Ticket fraud is mitigated by electronic

tickets, said Dave St. Peter, Minnesota Twins president. Minnesota Vikings ticket sales manager John Neppl said the ease and convenience of paperless tickets is a plus for season ticket holders who don't need to keep track of paper tickets that can be lost or stolen.

Jim Sheeley, vice president of venues for Hennepin Theatre Trust, said customers who buy tickets directly from the venue or artist's representative avoid shady ticket resale practices such as the experience of a Minneapolis woman who thought she was buying expensive front row seats from the Orpheum Theatre online, but really purchased back row seats from a scalper whose website seemed legitimate.

— K. BERGGREN

## Civil Law

### Fees for association records passed

Costs could be charged for copies of common interest community association documents, under a bill passed 128-0 by the House March 7.

People living in a condominium, townhouse or other common interest community generally belong to an association that pays for such things as lawn care and snow removal.

The association financial records, membership, board minutes, contracts and other agreements are available for owner review, but not copies.

Rep. Phyllis Kahn (DFL-Mpls) sponsors HF362 that would allow owners to have copies of the documents and would permit the association to charge a fee for copies; however, no more than 25 cents per page could be charged for 100 or fewer pages of black and white copies. Excluded from access, however, would be records related to information that was the basis for closing a board meeting.

"This will keep confidential records confidential," Kahn said.

The bill now goes to the Senate where Sen. Larry Pogemiller (DFL-Mpls) is its sponsor.

— L. SCHUTZ

## Education

### New concept in deciding teacher pay

Advocates of HF269 say the contract determination method it recommends is good for teachers and students. Opponents



PHOTO BY ANDREW VONBANK

Rep. Kory Kath inspects a bag of hemp seeds during a March 9 discussion of a bill that would create an industrial hemp industry in Minnesota. The bill's sponsor, Rep. Phyllis Kahn, provided the edible seeds to members of the House Agriculture and Rural Development Policy and Finance Committee.

say it amounts to a wage freeze for teachers and inhibits collective bargaining.

Rep. Keith Downey (R-Edina), the bill's sponsor, told the House Education Finance Committee March 8 the bill is based on the "qualified economic offer" concept. Very simply, if a school district offers teachers a biennial contract including a total compensation increase equivalent to the increase in district funding from the state, teachers cannot strike. Total compensation would include benefits. Teachers could strike for non-economic reasons.

The committee laid the bill over for possible inclusion in an omnibus bill. Its companion, SF250, sponsored by Sen. Julie Rosen (R-Fairmont), awaits action by the Senate Education Committee.

"We see this as a pro-teacher bill," said Jim Bartholomew, education policy director with the Minnesota Business Partnership. He said a key reason for frequent program cuts and teacher layoffs, especially of younger teachers, is that school boards have consistently settled contracts for more than their revenues allow. "From our perspective the current negotiation structure doesn't work, and students are suffering because of it."

Several DFL members said the bill is one of several in play that would unfairly limit teachers' rights.

"The idea about preventing strikes is smoke and mirrors. This is about honest collective bargaining and restricting it," said Rep. Linda Slocum (DFL-Richfield).

"I want to know if your caucus has had discussions on collective bargaining restrictions and if that's a serious caucus position," said Rep. Mindy Greiling (DFL-Roseville).

Committee Chairman Pat Garofalo (R-Farmington) said nobody in the room was authorized to speak for the majority caucus, but noted the alternative licensure law signed by the governor contains a restriction on collective bargaining.

Downey said the concept would "only (be) invoked if the district can't come to an agreement and wants to be protected from having to offer an increase greater than what the state has offered that particular district."

The bill would expand the concept to all district employee groups, and it excludes a district's fund balance from the calculation of the settlement.

— K. BERGGREN



PHOTO BY TOM OLSCHIED

Former Chief Clerk of the House Ed Burdick served in the role for 38 years.

## Former Chief Clerk Ed Burdick passes away

The longtime voice of the House of Representatives has died.

Edward A. Burdick, the former chief clerk of the House, passed away in his sleep March 9. A 62-year employee of the House, Burdick spent the last 38 years as the chief clerk before retiring in 2004.

"Ed Burdick was an example for us," said Rep. Mary Murphy (DFL-Hermantown).

Burdick, a nationally recognized expert on parliamentary procedure, began his House career in 1941 as a page, was named chief page two years later; became an assistant at the front desk in 1947; and was elected chief clerk in 1967. He missed just one session (1951), for active military duty.

"I've paid my dues and I'm going to move on. I'm comfortable with my decision," he said at the time of his retirement in an interview for Session Weekly.

On the House floor March 9, Murphy and Rep. Greg Davids (R-Preston) spoke of the eloquence, grace, authority and humor with which Burdick did his job.

Davids remembered a time when the clock struck midnight on the last night of session when the Legislature was to constitutionally adjourn, but hadn't yet finished its work.

"All the Republicans are standing up screaming, standing on their chairs,

saying 'Mr. Speaker, Mr. Speaker, we have to adjourn sine die.' ... Speaker Bob Vanasek leaned forward and said, 'Mr. Chief Clerk Burdick what time is it?' And Ed Burdick turned around and said, 'Mr. Speaker, what time do you want it to be?'"

"Ed was a Minnesota icon and the spirit of the Minnesota House of Representatives," House Speaker Kurt Zellers (R-Maple Grove) said in a statement. "Our chamber at the State Capitol will stand united today in memory of a fine man who truly defined the meaning of public servant. He will be greatly missed. Our thoughts and prayers are with his family and friends."

"The House chamber will possess an emptiness and a little less spirit given Ed's passing," House Minority Leader Paul Thissen (DFL-Mpls) said in a statement.

When he was appointed chief clerk in 2005, Al Mathiowetz admitted he was fortunate to have worked with the deep-voiced Burdick and had the opportunity to follow in the footsteps of someone of legendary status.

"He obviously had a lot of patience with me and a lot of encouragement over the years. There isn't a better teacher around. I can say that I probably had 33 years of the Ed Burdick University of Parliamentary Procedure."

— M. COOK

## DIGITIZING HISTORY



PHOTO BY TOM OLMSCHIED

Members of the House State Government Finance Committee and the House Legacy Funding Division get a close look at the digitizing center, where historical land survey notes are copied for access by the public, during a March 8 tour of the Minnesota History Center.

### Change to teacher contract process

Rep. Tim Kelly (R-Red Wing) considers teachers essential public employees, like firefighters, police officers and school principals. HF339, which he sponsors, would require teachers and districts to negotiate only when school is not in session, and forbid teachers from striking if they can't settle on a contract.

The proposed changes would "ensure no disruption of that essential job of educating our children," Kelly told members of the House Education Reform Committee March 8. He said contentious negotiations, especially while school is in session, can damage community relationships.

A companion, SF208, sponsored by Sen. David Hann (R-Eden Prairie), awaits action by the Senate State Government Innovation and Veterans Committee.

The bill would eliminate the Jan. 15 contract deadline and districts' financial penalty for failing to settle by then. Bargaining would occur during the three-month period preceding Sept. 1 in an odd-numbered year, with negotiations suspended until the equivalent period the following

even-numbered year if an agreement is not reached. If no contract is settled by Sept. 1 of the second year, an arbitrator selected by the Bureau of Mediation Services would make a binding determination based on a final offer total package from each party.

Education Minnesota Chief Lobbyist Jan Alswager said the current deadline "has been one of the best tools to get contracts settled" in 99 percent of negotiations in the 17 years it's been in statute.

Rep. Tom Tillberry (DFL-Fridley) said the bill would impose statutory control over a process that should be local. "Why bother having school boards?" Tillberry asked, if negotiations could eventually be given over to a third party to decide. He endorsed collaborative, or interspace bargaining, as a less adversarial option that has worked well in Roseville schools, where he has worked for 14 years.

"This is about local control," said Rep. Kim Norton (DFL-Rochester), who sponsors HF464, which would make similar contract process changes, but retains teachers' ability to strike. It has no Senate companion.

She said the Rochester school district

uses interspace bargaining, but even good negotiations can reach an impasse. "You need a process to get you over that last hump."

The committee approved both bills. The House Education Finance Committee held them for possible omnibus bill inclusion March 10.

— K. BERGGREN

### School mandate reductions advance

Some provisions in a mandate reduction bill took the House Education Finance Committee March 8 down a path of debate on issues of teachers' rights as union members and their relationship with school district management.

Committee Chairwoman Sondra Erickson (R-Princeton) sponsors HF511, which contains a variety of provisions that would give school boards more flexibility on some spending and hiring decisions and would also lift a Jan. 15 contract deadline that Education Minnesota favors.

Approved by the committee the bill next goes to the House Ways and Means Committee. It has no Senate companion.

"We are really at a fundamental



philosophical crossroads here. And I wouldn't have expected that this conversation would start here but it's certainly going to continue bubbling throughout the rest of the session," said Rep. Tom Anzelc (DFL-Balsam Township), who spoke against some provisions he said would take power away from employees to make decisions that affect their future. He cautioned against a "one-size-fits-all labor-management relationship."

Those were a proposed repeal of the Jan. 15 teacher contract deadline and the \$25 per pupil penalty imposed on districts where a contract isn't signed by then; and a requirement that the school board identify vendors of 403 (b) retirement savings plan in which its employees would invest.

Among other mandates that would be lifted: the maintenance of effort requirement and set-aside of the Safe Schools Levy passed by the House as HF88, sponsored by Rep. Connie Doepke (R-Orono); a requirement that school boards of districts with a population less than 10,000 hire a licensed community education director; and for 2012 and 2013 only, the requirement that 2 percent of a district's general revenue be used for staff development.

Other provisions would allow school boards to hold meetings via interactive technology with audio and visual links; require the education commissioner to receive legislative authority before making substantive special education rule changes and before adopting social studies standards revisions planned. The revisions would also be delayed a year until 2014-2015 instead of 2013-2014 as scheduled now.

— K. BERGGREN

### Governor signs pathways licensure

Signed  
by  
the  
governor

Midcareer professionals and others pursuing a nontraditional route to teacher licensure will be able to earn a two-year license, renewable for a third year, and become eligible for full licensure, under a new law signed March 7 by Gov. Mark Dayton.

Sponsored by Rep. Pat Garofalo (R-Farmington) and Sen. Gen Olson (R-Minnetrissa), the law takes effect Aug. 1, 2011.

The law includes quality assurances, such as content-specific examinations and performance assessments of teachers in both standard and alternative pathways to licensure, and grants the Board of Teaching authority to rescind an alternative teacher

preparation program that fails to meet those or other requirements laid out in the law.

Alternative licensure candidates who meet all criteria will be granted a two-year limited license which the board may renew for an additional year, and may prepare for a standard teaching license. Candidates must have a 3.0 or higher grade point average or a waiver from the board; pass basic reading, writing and math skills exams; and obtain qualifying scores on board-approved content and pedagogy exams.

Teachers with out-of-state licensure from accredited programs will also have a streamlined route to Minnesota licensure.

HF63/SF40\*/CH5

— K. BERGGREN

### Billing change could recoup costs

Minnesota school districts are eligible for reimbursement from the federal government or private insurers for health-related services they provide to students with an individualized education program, but at least 20 districts don't apply for it.

Rep. Carol McFarlane (R-White Bear Lake) sponsors HF535, which would streamline third-party billing. The changes would cost a projected \$472,000 for fiscal years 2013 and 2014, mostly for Human Services Department personnel who handle the claims, but school districts stand to gain millions.

McFarlane told members of the House Education Finance Committee March 9 the number of districts who do apply has grown significantly from 77 districts that received \$541,000 in such reimbursements in 2000-2001 to 319 districts receiving \$34 million in 2009-2010. The committee approved the bill and held it over for possible inclusion in a later bill. It has no Senate companion.

McFarlane said the application process remains cumbersome for districts and cloudy for some parents who are required to sign a consent form but don't understand what it's for. Parents would consent to allow districts to release information in a child's IEP to the human services commissioner so the district may be reimbursed.

The bill would require a district to provide an initial and annual written notice to parents of its intent to seek reimbursement. Parents would have the right to request a copy of the child's education records on what services are being disclosed to a third-party payer; withdraw consent for such disclosure with no negative consequence to their eligibility for MinnesotaCare or Medical Assistance, including a written statement

to that effect. The bill also would require that parents of a child with a disability be informed "in understandable language" of procedural safeguards and parents' ability to withdraw consent.

"Federal flow-through dollars that have no cost to Minnesota taxpayers are very important to our school districts and we want to be able to access these dollars, certainly, at a time when revenue for schools is needed," said Kay Dole, a district program facilitator with Minneapolis Public Schools.

— K. BERGGREN

### More trust money to classrooms

Lands owned by the state's Permanent School Fund and managed by the Department of Natural Resources generate money for Minnesota's public schools, but they could generate much more, Rep. Denise Ditrach (DFL-Champlin) told the House Education Finance Committee March 10.

She sponsors HF207, which would ensure more of the revenue ends up in classrooms across the state. The committee laid the bill over for possible inclusion in an omnibus bill. It has no Senate companion.

Permanent School Fund lands generate income from forestry, minerals and mining rights and other uses that are constitutionally directed to public schools. Oversight of the fund's income and distribution has been lax over the years for various reasons, Ditrach said.

Trust land revenue goes into a minerals management account, which is a type of holding account. From that account, land management costs are paid to the DNR, but Ditrach said the records have been spotty and too little revenue has found its way to the trust itself.

"I do think it is a diversion of funds to take the management costs out," Ditrach said.

The bill would exempt proceeds from mineral leases on school trust lands from a current requirement that 20 percent of those be deposited into the minerals management account. Those would go to the permanent school fund instead. The bill would instead appropriate a yet-unspecified amount from the General Fund to the DNR to cover the costs of minerals management activities on school trust lands.

Bob Meier, assistant DNR commissioner, estimated about \$20 million net will be deposited into the account for fiscal year 2011. He said about \$2.9 million a year was being spent to manage the lands and that would be true no matter who managed them.

— K. BERGGREN

## Elections

### Felon voting rights

Rep. Bobby Joe Champion (DFL-Mpls) wants to make sure those who can vote do, and those who can't don't.

Champion sponsors HF718, which would require that felons be notified when their right to vote is taken away, and when it is restored. The House and Senate passed a similar bill last year, but it was vetoed.

The House Government Operations and Elections Committee approved the bill March 9 and referred it to the House Judiciary Policy and Finance Committee. There is no Senate companion.

Champion said the bill would make sure that those who are convicted of a felony-level offense understand clearly that their right to vote has been revoked. Almost all known cases of voter fraud in the last several elections stemmed from convicted felons voting.

The bill would also require that a Corrections Department official or probation officer issue a written notice to a felon discharged from their sentence that their right to vote has been restored.

Beth Fraser, director of governmental affairs for the Office of the Secretary of State, said the office "strongly supports" the bill.

"Most of the felons who do vote did not realize that they did not have the right to do so," Fraser said.

She added that the bill would make it easier to prosecute felons for illegal voting, since they will now be clearly notified that they do not have the right to do so.

— N. BUSSE

## Employment

### Performance pay for state workers

State employees who do a good job might have the chance to earn a bonus of at least 5 percent of their salary. One caveat: the bonus would come out of their regular pay.

The House Government Operations and Elections Committee approved a plan March 8 to create a performance pay initiative for executive branch employees. Sponsored by Rep. Kirk Stensrud (R-Eden Prairie), HF756 would require that at least 5 percent of state employees' pay is withheld and paid to the employees only if they receive satisfactory performance appraisals.

The bill now moves to the House State



PHOTO BY ANDREW VONBANK

**Russ Stanton, right, director of government relations for the Inter Faculty Organization, testifies before the House Government Operations and Elections Committee March 8 in opposition to parts of a bill that would specify state employee performance appraisal and bonus pay system components. The bill's sponsor, Rep. Kirk Stensrud, listens to the testimony.**

Government Finance Committee. There is no Senate companion.

Stensrud said the bill would allow the executive branch to recognize and reward hard work and good behavior by public employees.

"In private industry, this concept has existed since time began — simply the concept that the best and strongest performers are rewarded the most," Stensrud said.

Under the provisions, Minnesota Management & Budget would expand the state's employee appraisal system to include performance pay. Employees would be judged by their individual performance goals, those of their program and that of their agency as a whole. No employees could receive step increases or other additional compensation unless their supervisor judges their performance satisfactory.

Opponents said the bill amounted to a 5 percent cut in state employees' salaries, and suggested it would subject their salaries to the whims of office politics.

"Most of what is going to determine their bonus is way beyond their control ... and what can happen is that management just chooses favorites and rewards the people who are on their team," said Rep. Ryan Winkler (DFL-Golden Valley).

Richard Kolodziejski, legislative affairs director for the Minnesota Association of Professional Employees, was one of several labor representatives to testify against the bill. He said the bill "goes too far" in impinging on employees' collective bargaining rights.

— N. BUSSE

## Env. & Natural Resources

### Legacy Division debates supplanting

Next year nearly \$90 million from the Clean Water Fund could supplement base funding for ongoing efforts to clean up the state's impaired waters — or will it supplant budgets due to expected cuts?

Rep. Jean Wagenius (DFL-Mpls) told the House Legacy Funding Division March 8 that because budget targets had yet to be released, it was premature to consider HF656, the Clean Water Fund bill, sponsored by Rep. Paul Torkelson (R-Nelson Township). The division approved the bill as amended before laying it over for possible inclusion in the division's omnibus bill.

Wagenius repeatedly asked if funding for clean water projects would be retained in the House majority party's proposed General Fund budget or if she should expect cuts, which might then be construed as the Legacy money supplanting base funding.

"It's your choice to cut, but the constitution says thou shall not supplant," she said.

She pointed to one possible example. The amended bill included a \$500,000 appropriation to study the level of sulfate in wild rice stands. Members of the House Environment, Energy and Natural Resources Policy and Finance Committee had earlier seen a \$1.5 million appropriation in the Pollution Control Agency's budget for the study, which some members considered too expensive. Torkelson said the Clean Water Fund appropriation is one-third of the cost of the study but declined to say where the \$1 million would come from.

Rep. Denny McNamara (R-Hastings), House environment committee chairman said there is value in doing the sulfate study, but "we have a difference of opinion on where the money comes from."

A companion, SF657, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), awaits action by the Senate Environment and Natural Resources Committee.

— S. HEGARTY

## Health & Human Services

### Definitions to curb 'frequent flyers'

In the health care world they are called "frequent flyers" — people who inappropriately use ambulance services and hospital emergency department resources by calling on them often, many times when they may not be needed.

Sponsored by Rep. Tara Mack (R-Apple Valley), HF262 would create a new statewide "community paramedic" definition that would aim to curb the problem that advocates say is burdening precious ambulatory and hospital emergency department resources across the state, especially in smaller communities.

Approved March 8 by the Health and Human Services Finance Committee, the bill now goes to the House floor. A companion, SF119, sponsored by Sen. Julie Rosen (R-Fairmont), awaits action by the full Senate.

Brought forward by the Minnesota Ambulance Association, HF262 would allow experienced paramedics in communities across the state to undergo 120 additional hours of training to become certified by the Emergency Medical Services Regulatory Board as "community paramedics."

The bill would require the human services commissioner in consultation with representatives of emergency medical service providers, physicians and local public health agencies to determine specified services and payment rates for community paramedics. Under the bill, paramedics could perform "chronic disease monitoring and treatment; minor medical procedures intended to prevent avoidable ambulance transportation or avoidable hospital emergency department use; provision of patient information and care referral options for meeting physical and mental health care needs." Such procedures would be covered by Medical Assistance.

Rep. Erin Murphy (DFL-St. Paul) successfully amended the bill to modify the language to include the consultation of a public health nurse. The Minnesota Nurses Association opposed the bill's original language because "it was a threat to the practice of nursing and a risk to patient safety."

O.J. Doyle, a retired paramedic and legislative consultant to the ambulance association, said the bill mirrors a pilot program recently conducted in Fort Worth, Texas that put so called "frequent flyers" into a planned care program and, as a result, saved local ambulatory services and hospital emergency departments \$564,000.

— H. LONG

### Blocking 'Obamacare'

Rep. Glenn Gruenhagen (R-Glencoe) believes the federal Patient Protection and Affordable Care Act that President Obama signed into law nearly one year ago is not only unconstitutional, but will prove to be an economic and health care disaster for Minnesota and the country.

He sponsors HF468, which would prohibit the expenditure of any state funds to comply with implementation of the new federal health care law until the U.S. Supreme Court rules on the constitutionality of the act, often referred to as "Obamacare."

The bill, which the Health and Human Services Reform Committee approved on a 12-8 party-line vote March 8 and referred to the House Health and Human Services Finance Committee, comes on the heels of a ruling last month by a U.S. District Court judge in Florida that the act is unconstitutional. In his ruling, Judge Roger Vinson issued a stay on implementation of the health care reform. As a response, the Obama administration issued an appeal to Vinson's ruling and asked the judge to tell the states they must follow the legislation pending the appeal, which is expected to be taken up by the U.S. Supreme Court.

"(Obamacare) is a formula for destroying the private insurance market and ultimately moving everyone to a government-run system," Gruenhagen said.

His opinion was not shared by the eight DFL committee members who voted against the bill after unsuccessfully offering a series of amendments that attempted to modify its language to allow implementation of portions of the act that eliminate lifetime benefit caps for applicants diagnosed with chronic or terminal illnesses and prohibit denial of health insurance coverage for children with preexisting chronic or terminal illnesses.

Rep. Erin Murphy (DFL-St. Paul) defended the constitutionality of the federal act, comparing it to Medicare and saying that both can be considered tax policy.

"It seems to me that there is at least a plausible argument that (the Affordable

Care Act) is constitutional, just as Medicare is constitutional," she said.

A companion, SF277, sponsored by Sen. Sean Nienow (R-Cambridge), is scheduled to be heard March 14 by the Senate Health and Human Services Committee.

— H. LONG

### Nurses becoming part of a compact

Nurses working in Minnesota who want to practice in other states must obtain an additional license to do so. That may change.

Rep. Kim Norton (DFL-Rochester) sponsors HF462, which would establish Minnesota as a member of the Nurse Licensure Compact and permit multi-state practice for registered nurses and practical/vocational nurses who are licensed and practice in compact states.

Twenty-four states are compact members, including North Dakota, South Dakota, Iowa and Wisconsin.

Norton said she believes the proposed legislation "will help bring Minnesota a step closer to the future in health care" in technological advancement and home-care models.

Representatives from a number of Minnesota-based health care organizations testified before the House Health and Human Services Reform Committee March 9 in support of the bill. Approved on a 15-6 vote, the bill was referred to the House Health and Human Services Finance Committee.

The Minnesota Nurses Association opposes the bill. Its representatives maintain that becoming a compact state would compromise the state's responsibility for establishing requirements for initial and continued competency of non-resident nurses. It also maintains that the state would lose revenue under the compact due to a decrease in license registration and renewals.

When the nurses union enacted a one-day nursing strike last year, more than 3,400 nurses applied for temporary permits to work in Twin Cities metropolitan area hospitals, said association President Linda Hamilton. A nursing license costs \$105 for a two-year period, after which it can be renewed for \$85.

"If Minnesota had been a compact state, this would have resulted in a loss of nearly \$400,000 to our state," Hamilton said.

Despite the claim, Board of Nursing Executive Director Shirley Brekken said compact states have not reported significant losses in licensing revenue.

Norton cited Minnesota's "snow birds" who live in southern states during the winter as an





PHOTO BY ANDREW VONBANK

**Shirley Brekken, left, executive director of the Board of Nursing, testifies before the House Health and Human Services Reform Committee March 9 in support of a bill that would provide nurse licensure compact and appointments. Rep. Kim Norton, right, sponsors the bill.**

example of those who would benefit from the state entering into the compact. According to current regulations, Minnesota nurses cannot dispense advice over the phone or Internet to patients physically in another state if the nurse does not have a license for that state. Patients who live near the state border would also benefit from the compact, she said.

A companion, SF230, sponsored by Sen. Chris Gerlach (R-Apple Valley), awaits action by the Senate Health and Human Services Committee.

— H. LONG

## Higher Education

### Tuition freeze proposed

For the better part of the past decade, tuition has increased every year at the University of Minnesota and the Minnesota State Colleges and Universities system.

Rep. Chris Swedzinski (R-Ghent) would like to stop the trend. He sponsors HF856 that would freeze tuition for Minnesota undergraduates attending a MnSCU institution or the university for fiscal years 2012 and 2013. After that, tuition could not be raised more than the Consumer Price

Index for the preceding calendar year.

"This would address the short-term impact of tuition increases on students and families in Minnesota, but would also provide for long-term tuition guidance for Minnesota students and their families, along with MnSCU and the university," he said.

The bill was held over March 8 by the House Higher Education Policy and Finance Committee for possible omnibus bill inclusion. A companion, SF268, sponsored by Sen. John Carlson (R-Bemidji), was laid over Feb. 16 by the Senate Higher Education Committee for possible omnibus bill inclusion.

Swedzinski said the bill would force MnSCU and the university to make "true, structural reforms to push revenues to the classroom and reduce administrative costs."

Rep. Tom Rukavina (DFL-Virginia), applauded Swedzinski for his effort to address tuition and costs, but noted that nowhere in the bill does it say administrative costs must be cut. "I'm sure 65 up to 70 percent of their costs are salaries and benefits to their employees. What you're going to do is shut down classrooms and offerings and maybe do more harm than good." He also fears fees could be raised to make up for any shortfall.

Rep. Terry Morrow (DFL-St. Peter) said

"it'd be great in theory," but said a better way to help students is with a good budget target. "It'll have a whole lot more impact on what'll happen to tuition."

Much of the discussion centered on the reduction in state appropriations in the past decade. Russ Stanton, director of government relations for the Inter Faculty Organization, noted that in fiscal year 2002, two-thirds of collegiate costs were borne by the state. That number has since dropped to 43.4 percent.

"Relying on tuition increase is not a sustainable model in the long term," said Travis Johnson, president of the Minnesota State College Student Association.

— M. COOK

### Ensuring MnSCU credit transfer

Rep. Jim Abeler (R-Anoka) wants to ensure that all credits taken by a student at an institution within the Minnesota State Colleges and Universities system are worth something if the student changes schools. He sponsors HF717 that would require MnSCU to adopt a policy whereby its schools must "grant credit for a course that is taken for credit at any of the colleges or universities in the system."

The bill was held over March 3 by the House Higher Education Policy and Finance



PHOTO BY ANDREW VONBANK

**Travis Johnson, president of the Minnesota State College Student Association, left, and Geoff Dittberner, the association's vice president, testify before the House Higher Education Policy and Finance Committee March 8 about a bill that would freeze tuition for Minnesota undergraduates attending a MnSCU institution or the University of Minnesota in fiscal years 2012 and 2013. Rep. Chris Swedzinski, right, is the bill sponsor.**

Committee for possible omnibus bill inclusion. A companion, SF603, sponsored by Sen. Michael Jungbauer (R-East Bethel), was laid over March 9 by the Senate Higher Education Committee.

This is one more way to let students know we think their work is valuable, Abeler said. "If you can't transfer 100 percent of your credits from a MnSCU institution to another MnSCU institution, then where should they transfer?" He said that currently 91 percent of credits transfer.

If credits earned at a first school don't necessarily match up to a receiving school's class description, they could be transferred as elective credits, under the bill. For example, Abeler said English 101 could mean more reading at one school and more writing at another. "If it can't be a credit for the English class, at least it could go against their elective class," he said.

Rep. Jeanne Poppe (DFL-Austin), a counselor at Riverland Community College, noted that a Minnesota Transfer Curriculum already exists to help students taking a class at one school see how it will transfer to another school. She said students need to take some personal responsibility for knowing what must be done to reach their goal.

Rep. Kim Norton (DFL-Rochester) said this bill could be a case of putting the cart before the horse because a 2010 law requires MnSCU to "develop and implement a plan to improve credit transfer within the system." That work is ongoing.

It may not be a perfect bill, but it's a start, said Rep. Mike Benson (R-Rochester).

— M. COOK

## Local Government

### Anxiety over annexation changes

Opponents fear a proposed change will revive the "annexation wars" between large and small cities, but supporters say it's better for individual landowners.

Sponsored by Rep. Larry Howes (R-Walker), HF753 would allow a property owner whose land sits on a municipal boundary line to petition to have their land detached and annexed from one city to another, providing that at least one city supports the change. Under current law, both cities must support the proposed annexation.

With the support of a resolution from one of the affected cities, a property owner could take his case to an administrative law judge, who would have the power to order

the detachment and annexation. Howes said judges would serve as a check against annexations that would be unfair to an affected municipality.

"If (the judge) sees that it's going to harm one of the cities or that owner or other owners, they're not going to follow through with that," he said.

The House Government Operations and Elections Committee approved the bill March 8 and sent it to the House floor. It has no Senate companion.

Howes said the proposed change was supported by the recommendations of the Municipal Boundary Adjustment Advisory Task Force — a bipartisan group assembled by the Legislature to review annexation laws. The task force issued its final report in 2009. Howes noted that the League of Minnesota Cities and the Minnesota Association of Townships support the bill.

Bruce Messelt, city administrator for Lake Elmo, warned that the bill could revive the "costly border wars" — expensive legal disputes — that occurred before the law was changed in 2006 to require support from both affected cities.

"We're very concerned that this would basically create zoning shopping — that if you're not satisfied in your own community, you simply go to another elected body and create that conflict up front," he said.

— N. BUSSE

### Park fee on construction

Rep. Frank Hornstein (DFL-Mpls) is "hoping the third time's the charm" for a bill that would let the City of Minneapolis impose a fee on new construction to help pay for parks.

Sponsored by Hornstein, HF852 would piggyback on legislation he previously carried to allow the Minneapolis Park Board and the city to impose a fee on new residential housing and commercial and industrial developments. The fee would go to fund parks, playgrounds, trails or other facilities open to the public.

The House Government Operations and Elections Committee approved the bill March 8 and sent it to the House floor. Sen. D. Scott Dibble (DFL-Mpls) sponsors the companion, SF640, which awaits action by the Senate Local Government and Elections Committee.

In spite of the successful passage of previous bills, Hornstein said there's still "one more technical tweak" that needs to happen before the law can be implemented.

He noted that other communities in the metro area already have such a fee in place.

"At its core, this bill is about local control — simply allowing Minneapolis to have the same ability that other communities in the region have," Hornstein said.

Erik Nilsson, assistant city attorney, explained that the proposed changes are technical in nature and would merely clarify the intent of previous legislation.

Opponents said they're fine with the law the way it is. Steve Minn, vice president of Lupe Development Partners, said the bill would merely enable what he deemed a "dark-room deal" to tax developers.

Arnie Gregory, president of Greco Real Estate Development, said he is involved in four development projects that would likely not occur if the park fee is imposed. He said a new development in Uptown projected to cost \$39 million would cost an additional \$325,000 in park fees, under the plan.

"There is no city in the state of Minnesota that's more expensive to develop in than Minneapolis," Gregory said.

— N. BUSSE

## Military & Vet. Affairs

### Income tax break proposed for AGRs

Minnesota law currently provides income tax breaks for members of the Minnesota National Guard and other U.S. military reserves, but not for those who serve on Active Guard and Reserve status.

HF727, sponsored by Rep. Kory Kath (DFL-Owatonna), would grant soldiers and airmen with AGR status the same tax benefits as their counterparts in the guard or reserves. AGR personnel provide support services to the National Guard and Reserve organizations.

The House Veterans Services Division approved the bill March 7 and referred it to the House Taxes Committee. The fiscal impact has not been determined, but is anticipated when the bill reaches the tax committee.

Sen. Katie Sieben (DFL-Newport) sponsors a companion bill, SF392, which awaits action by the Senate Taxes Committee.

— S. HEGARTY

### Bills would aid homeless vets

As homeless Navy veteran William Namen sat on a rock contemplating suicide a decade ago, a counselor from the Minnesota Assistance Council for Veterans happened to



## WELCOME GOVERNOR



PHOTO BY TOM OLMSCHIED

**Park Rapids Mayor Nancy Carroll, right, welcomes Gov. Mark Dayton to a March 9 meeting at the Capitol of mayors from around the state to discuss Local Government Aid, property taxes and community concerns.**

come along and asked him if he could help put his life back on track.

At that time, Namen was sleeping in a park and working three jobs. Now gainfully employed, Namen is a homeowner and taxpayer in Dakota County who testified on behalf of a pair of identical bills to appropriate \$250,000 each of the next two years to the council. The funds would be used to continue outreach efforts to homeless veterans or those at risk of becoming homeless.

Sponsored by Rep. Terry Morrow (DFL-St. Peter) and Rep. Kathy Lohmer (R-Lake Elmo), respectively, HF466 and HF866 were approved by the House Veterans Services Division March 7 and referred to the House State Government Finance Committee.

A companion to Morrow's bill, SF609, sponsored by Sen. Kathy Sheran (DFL-Mankato), awaits action by the Senate State Government Innovation and Veterans Committee. Lohmer's bill has no Senate companion.

The council has regional offices in Minneapolis, Duluth and Mankato and manages eight transitional homes for veterans

as they access services such as medical care, chemical dependency treatment and job skills training. The agency works with other social and veterans services organizations so as not to duplicate services. Without the council, Namen said he wouldn't be here today.

— S. HEGARTY

## Public Safety

### Flexibility in detaining juveniles

The average daily inmate population at the Hennepin County Jail is 685. About six of these inmates are juvenile offenders being tried as an adult for a felony.

The sheriff's office wants the ability to house these juvenile offenders at the county's juvenile correctional facility a few blocks away in downtown Minneapolis, but current state rules and regulation will not allow it. A bill, HF642, approved by the House Judiciary Policy and Finance Committee March 8 would change that. The bill now moves to the House Public Safety and Crime

Prevention Policy and Finance Committee.

"Statistics bear out that if you put a child into an adult facility a child is pretty much going to be there for the rest of their lives," said Rep. Linda Slocum (DFL-Richfield), the bill's sponsor. "An adult facility is a different venue, shall we say, than a juvenile facility."

The differences, officials say, lead to inefficiencies in the operations for housing a juvenile in an adult facility, including nutrition and health services and education opportunities.

"The Hennepin County Sheriff's Office currently provides specialized accommodations to its youthful offenders, but it comes with undue burden both financially and operationally to the sheriff's office," said Capt. Mike Wresh, a facility commander at the jail.

The burdens, Wresh said, include a federal court-mandated requirement that the local school district provide teachers and educational opportunities to juvenile offenders being held in adult facilities. Currently, Hennepin County correctional deputies are resorting to using jail office space



for teaching sessions for juvenile offenders. Wresh said housing the juvenile offenders waiting to be tried as adults in the nearby juvenile corrections center would provide financial and operational efficiency to both the sheriff's office and school district resources.

"If we can serve those juvenile offenders in the juvenile detention center it's a better space, more efficient for us and a better educational setting for the students," said Jim Grathwol, lobbyist for Minneapolis Public Schools.

Wresh stressed that passage of the bill would not mandate juveniles be housed in the juvenile correctional facilities; it would simply give sheriff's and judges more administrative flexibility in determining where such juvenile offenders would be detained as they await adjudication.

The bill has no Senate companion.

— H. LONG

### Juvenile prostitutes as victims

Too often teenage girls forced into prostitution are victims of human trafficking.

"We know that once these girls are in, they're threatened, they're brutalized, they cannot get back out," said Jeff Bauer, director of public policy at The Family Partnership.

Current state law doesn't help their cause.

"In our child protection statutes, under the definition of a child in need of protection and services, one of those definitions is any child involved in prostitution," he said. "On the other hand if you look at the criminal statute in Minnesota as it relates to prostitution, that same child is considered a criminal."

Sponsored by Rep. Steve Smith (R-Mound), HF556 would exclude prostitutes from being found delinquent petty offenders, if they are under age 18.

"At no time should the state make children criminals when they are victims," said Rep. Kerry Gauthier (DFL-Duluth).

Approved March 9 by the House Public Safety and Crime Prevention Policy and Finance Committee, it awaits action by the House Judiciary Policy and Finance Committee. It has no Senate companion.

"The trafficking and commercial sexual exploitation of children is a growing problem in the state," Bauer said. "From February to August 2010 the incidences of juveniles being trafficked increased 55 percent."

He said the bill has three main parts:

- it removes prostitution from juvenile delinquency and it redefines prostitution to apply to those 18 years and older;



PHOTO BY ANDREW VONBANK

**Heather Boyum, a human trafficking survivor, testifies March 9 before the House Public Safety and Crime Prevention Policy and Finance Committee in support of a bill that would, in part, amend provisions for juvenile prostitutes in need of protection or services.**

- it directs the commissioners of health, human services, public safety and others to develop a victim-centered model for how to deal with these children; and
- it increases the fine on adult purchasers of adult prostitution services from \$250-\$500 to \$500-\$750.

"The money would be split between the arresting law enforcement agency — they get some of that to train their officers on how to deal with victims of trafficking and sexual exploitation," Bauer said. "The prosecuting agency gets a little bit of that to incentivize the prosecution of these cases, and the third portion will go into a special fund at the Department of Public Safety to be distributed to service providers who work directly with these children."

— M. COOK

### Harassment restraining order update

When a person violates a harassment restraining order by contacting a person via text message, e-mail or Facebook, where is the crime prosecuted?

Sponsored by Rep. Tony Cornish (R-Good Thunder) HF738 would eliminate that

confusion by amending the state harassment restraining order (HRO) to allow the victim to file charges in either the county they reside or the county where the alleged violator resides.

Approved by the House Judiciary Policy and Finance Committee on March 10, the bill was sent to the House Public Safety and Crime Prevention Policy and Finance Committee. It has no Senate companion.

The bill adds language in the state HRO statute that addresses communication technologies used by the violator to contact the victim.

"A person may be prosecuted at the place where any call is made or received or, in the case of wireless or electronic communication or any communication made through any available technologies, where the actor or victim resides..." the added language states.

The bill also includes language that a person who commits HRO violations against another in two or more counties may be prosecuted in any county in which one of the acts was committed.

Rana Fuller, an attorney for the Battered Women's Legal Advocacy Project, cited as an example under current law where a violator establishes contact with the victim at their home in one county and workplace in another, each individual county would have to prosecute the violations separately. HF738 would give counties the ability to prosecute the separate violations together in either county, Fuller said.

"These two changes in statute will give prosecutors the tools they need to hold respondents who violate HROs responsible and reduce the need for multiple counties to have to prosecute multiple violations," Fuller said.

— H. LONG

## State Government

### Consolidating back-office work

Accounting, human resources and other back-office functions of state government might be combined under the Department of Administration, if a bill becomes law.

Rep. Keith Downey (R-Edina) sponsors HF418, the "Back Office Consolidation Act." It would give the department control of all accounting, financial reporting, procurement, fleet services, human resources and payroll functions that are currently spread out across multiple agencies.

The bill would make all workers associated

with these functions employees of the department, but Downey said it would be up to the department whether to actually move those employees into a central office.

The House Government Operations and Elections Committee approved the bill and referred it to the House State Government Finance Committee. There is no Senate companion.

Downey said the goal is to provide for more efficient, uniform services. Though consolidating back-office functions would not necessarily entail layoffs, he suggested the long-term goal would be to reduce the number of staff need to perform the work.

He noted the state is set to launch its revamped accounting and procurement system — Statewide Integrated Financial Tools, or SWIFT — in July, and said consolidating these functions would be easier under the new system.

“In some ways, we’ve done the hardest part, or are doing the hardest part of the work,” Downey said.

—N. BUSSE

### Reducing the number of agencies

A proposal to reduce the number of state agencies was shelved after the bill’s author said it needed some more work.

Sponsored by Rep. Keith Downey (R-Edina), HF419 would eliminate the following state agencies and roll their functions into other existing departments:

- Department of Corrections;
- Department of Employment and Economic Development;
- Department of Health;
- Department of Human Rights;
- Department of Labor and Industry;
- Department of Revenue;
- Department of Transportation; and
- Minnesota Management & Budget.

The bill would leave it up to Gov. Mark Dayton to determine where to put those agencies’ current operations and employees.

Downey said the net impact of the bill would be to reduce the number of cabinet-level positions in the executive branch. He said repositioning and combining their operations would also eliminate redundancies and lead to greater efficiency.

During a House Government Operations and Elections Committee hearing, he moved to lay the bill over to allow for time to do more work on it. He said he received feedback from a number of people indicating that combining certain agencies could be problematic.

“This is a fairly large concept that I’m introducing here,” Downey said.

In its original form, the bill would have merged the Departments of Veterans and Military Affairs into a single agency. Downey successfully amended the bill to remove those provisions after being told it could jeopardize those departments’ federal funding.

Rep. Mike Nelson (DFL-Brooklyn Park) expressed concern that combining certain agencies could lead to dedicated funds being used for purposes other than their intended ones. He gave the example of dedicated transportation funds potentially being absorbed into another agency’s budget.

The bill has no Senate companion.

— N. BUSSE

## Taxes

### Hutchinson’s loss creates more loss

The March 8 news that Hutchinson Technology Inc. would be significantly cutting back its operations in Hutchinson compounds a problem the city was already facing.

To accommodate new business and industry growth, the city completed construction of a water plant in 2007, and upgraded its water treatment facility in 2008. They had expected to pay for the facilities with fees generated from increased water and wastewater usage.

But then the recession took hold. Instead of jobs coming to the community, employers began to leave. Now the city is struggling to figure out how to pay for the facilities.

“The significant job losses have severely reduced water and wastewater usage — business use is down 50 percent and residential use is down 30 percent,” Mayor Steve Cook told a March 9 joint meeting of the House Property and Local Tax Division and Senate Taxes Committee. With Hutchinson Technology’s announcement, he expects usage to decline another 10 percent.

While the city has taken measures to reduce expenses and restructure debt, Cook was at the Legislature seeking approval, through HF377, to impose a half of 1 percent sales and use tax and a \$20 vehicle tax on motor vehicles sold by dealers located in the city limits to pay for the wastewater treatment facility. Rep. Ron Shimanski (R-Silver Lake) sponsors the bill. The companion, SF276, is sponsored by Sen. Scott Newman (R-Hutchinson).

No action was taken on the bills, but

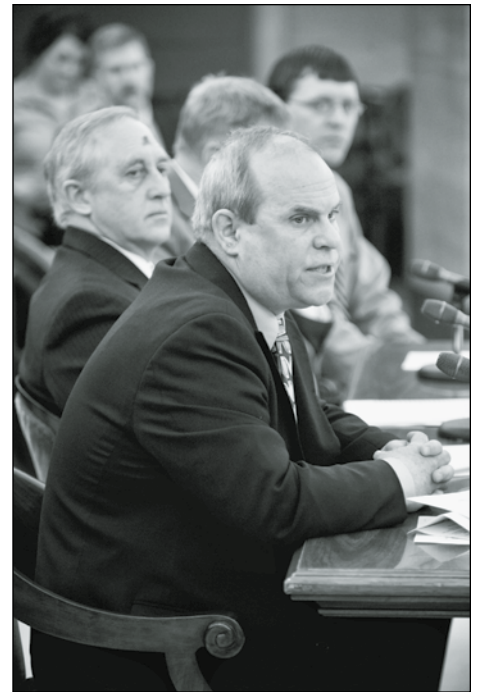


PHOTO BY TOM OLMSCHIED

**Hutchinson Mayor Steve Cook, center, answers a question from a member of the House Property and Local Tax Division about the city seeking a local sales and use tax during a hearing March 9 with the Senate Taxes Committee. Rep. Ron Shimanski, left, and Hutchinson City Engineer Kent Exner also testified.**

they could be formally acted upon in the respective division or committee.

Hutchinson is one of several cities seeking permission to levy a local sales and use tax. These taxes, while needing legislative approval, must also be approved by local voters in a referendum. In the case of Hutchinson, voters approved the new tax in the 2010 general election.

Other communities seeking to implement local taxes include:

- Clearwater, to pay the costs for new regional parks, bicycle trails, park land, open space and pedestrian walkways;
- Cloquet, for park improvements and water and stormwater infrastructure;
- Fergus Falls, for a new regional community ice arena;
- Lanesboro, to pay for street and utility improvements and enhancements to some city facilities, which include paying debt service on bonds and other obligations issued to fund the projects;
- Marshall, for new and existing facilities of the Minnesota Emergency Response and Industry Training Center and a new Southwest Minnesota Regional Amateur Sports Center; and
- Rochester, for improvements to the civic center complex, municipal water, sewer

and storm sewer; a new regional recreation and sports center and regional highway and airport improvements.

— L. SCHUTZ

### Definition change impacts sales tax

Some state agencies have changed how they interpret definitions for home medical equipment. These don't line up with those used by the medical equipment industry, and are cause for confusion over what is exempt from sales tax. For instance, prosthetic devices and durable medical equipment for home use are among items that are tax exempt, while accessories such as oxygen masks and tubing are not.

Rep. Duane Quam (R-Byron) sponsors HF573 that would expand the exemption for items covered by Medicare, Medicaid and other health plans and change the definition of durable medical equipment to include all accessories and supplies.

This addresses recent agency interpretation of statute that may not follow the intent of the original legislation, he said. "We have to then go back, through legislation, to clarify and return original intent." The bill was held over by the House Taxes Committee March 8 for possible omnibus bill inclusion. It has no Senate companion.

"There's no way for us to comply with (current law)," said Jackie Anderson, owner of Key Medical Supply, Inc. "The definition changes that occurred in the original legislation compared to the reality of how things operate in our industry are too cumbersome."

As an example, she said some health care equipment comes in kits, with some parts being taxable and others not. "We have to look at the components of these kits to determine which are taxable and which are not, even though we buy them as kits and sell them as kits."

Some language would need to be altered to conform the current state to the Streamlined Sales and Use Tax Agreement, which assists states to administer a simpler and more uniform sales and use tax system, according to nonpartisan House Research Department staff.

The bill also has a cost. According to the Department of Revenue, it would impact the General Fund by \$14 million in fiscal year 2012.

— L. SCHUTZ

### Phasing out on taxing Social Security

Lanny Lundquist of Woodbury is recently retired, and he was surprised to learn that he would be paying income tax on his Social Security benefit, as much as \$619. "It doesn't break the bank, but it does have an impact on our income," he told the House Taxes Committee March 8.

He supports HF410, a bill sponsored by Rep. Kathy Lohmer (R-Lake Elmo), which would phase-in over 10 years an exemption of Social Security benefits from state individual income tax starting with 10 percent in 2011 and increasing 10 percent per year. The bill was held over for possible omnibus bill inclusion. It has no Senate companion.

"Minnesota is one of only seven states that taxes Social Security benefits. We are essentially taxing our senior citizens twice on the same money," Lohmer said.

Under current law, up to 85 percent of Social Security benefits are subject to federal and state income tax depending on income. For instance, according to nonpartisan House Research staff, a married couple that receives the average Social Security benefit of \$22,800 annually and has a total income from all sources of less than \$43,400 is not taxed on the benefit. Couples with average benefits and a total income over \$71,141 must include 85 percent of the Social Security as taxable income.

Rep. Tom Rukavina (DFL-Virginia) said the bill would provide a benefit only to higher-income retirees.

The way this bill is drafted, people like Lundquist would get some help "because they are lower- to middle-income, but people making \$150,000 to \$200,000 a year are the ones who will get the rest of the benefit ... and the younger people are going to have to pay for it," he said. "I am a Robin Hood kind of guy, and it depends upon who you want to cheer for."

Lohmer's bill would affect approximately 296,000 taxpayers in tax year 2011.

The Department of Revenue projects a \$26.6 million cost to the General Fund in fiscal year 2012 and increasing annually to \$1.36 billion in fiscal year 2015.

— L. SCHUTZ

## Budget targets released

House Republicans outlined plans for a two-year biennial budget that would include deep cuts in some areas and slight increases in others.

At a press conference, the majority caucus released the House's budget targets, which propose spending a total of \$34 billion in fiscal years 2012-2013. House Speaker Kurt Zellers (R-Maple Grove) said the targets also include plans for tax cuts and major government reforms.

"This is what we consider a very honest and forthright budget proposal," he said.

The House Republican caucus released a spreadsheet detailing the budget targets and comparing them to current biennial spending. Targets, as compared to current spending, include:

- \$14.16 billion for K-12 education (+18.7 percent);
- \$10.71 billion for health and human services (+5 percent);
- \$2.66 billion for tax aids and credits (-12 percent);

- \$2.51 billion for higher education (-15.1 percent);
- \$1.17 billion for debt service (+36.7 percent);
- \$1.03 billion for public safety (-8.7 percent);
- \$726.8 million for judiciary (-1.1 percent);
- \$586.7 million for state government (-33.9 percent);
- \$228.1 million for environment, energy and natural resources (-26.9 percent);
- \$120.2 million for transportation (-28.1 percent);
- \$81.6 million for economic development (-58.3 percent); and
- \$76.8 million for agriculture (-11.4 percent).

Over the next two weeks, House finance committees will put together budget bills based on these targets. Zellers said the bills will include \$300 million in tax relief to low- and middle-income Minnesotans, along with a package of reforms designed to streamline state government. There will be no tax increases in the Republican plan.

Compared to the current biennium, \$34 billion would amount to a 4.2 percent increase in spending. Under current law, however, the state is projected to spend \$39.02 billion in the next biennium, which would make the budget targets a 13.3 percent decrease from the state's February Economic Forecast.

Gov. Mark Dayton proposed spending \$37.09 billion in his budget plan; however, that amount has not been updated to account for February's revised forecast numbers.

House Minority Leader Paul Thissen (DFL-Mpls) called the Republicans' plan a continuation of the "failed policies" of former Gov. Tim Pawlenty.

"It appears that the property-tax-raising, job-killing budgets of the past will be the budget of our future if the Republicans have their way," Thissen said.

— N. Busse



# The big reboot

To help cut costs, lawmakers look to technology improvements

By NICK BUSSE

**A**nyone who has ever experienced a dropped cell phone call or had to restart a crashed computer knows that technology can be a double-edged sword: when it works, it's indispensable; when it doesn't, it's a nightmare.

But if you think your laptop or smartphone can give you headaches, imagine trying to manage more than \$361 million worth of complex information technology systems and staff that Minnesotans depend on for vital state services.

That challenge falls on the State of Minnesota every biennium. With roughly 37,000 computers, 5,000 servers and 1,800 IT workers, Minnesota's IT infrastructure comprises a complicated web of programs and personnel spread out over dozens of agencies. With a \$5 billion budget deficit

looming, two lawmakers are betting they can build a better, cheaper system.

Rep. Keith Downey (R-Edina) and Rep. Phyllis Kahn (DFL-Mpls) have introduced a plan to consolidate all of the state's IT systems under one agency: the Office of Enterprise Technology. Created in 2005, OET was designed expressly for this purpose — improving and centralizing IT.

But the process has been gradual. A study commissioned by the Legislature in 2009 found that fully consolidating IT functions could save taxpayers tens of millions of

dollars annually, as well as improve the security and stability of the state's systems. Downey and Kahn think it's time for OET to move beyond its current approach and take on a broader, more aggressive mandate.

"Some of what we're describing in this bill is already occurring on a smaller scale," Downey said at a March 8 hearing. "These are not new skills, necessarily. It's just an expansion of what they're already doing."

Sponsored by Downey, HF191 would give OET control of virtually all state IT procurement, management and operations. Back-office functions like maintaining servers, administering databases and providing technical support would move out of individual agencies and into one centralized office.

Kahn, who sponsors a similar bill, signed on as a co-sponsor to Downey's version. She has spent several years pushing the issue, and believes the change is long overdue.

"Several states have done this — Michigan, California, Utah," Kahn said. "It's not only a good idea, but this is the right time to do it."



PHOTOS BY TOM OLSCHIED, PHOTO ILLUSTRATION BY PAUL BATTAGLIA

The state has roughly 37,000 computers, 5,000 servers and 1,800 information technology workers. Rep. Keith Downey sponsors a bill to consolidate the state's IT infrastructure under the Office of Enterprise Technology.



A study commissioned by the state found that Minnesota could save between \$25 million and \$41 million each year by consolidating its information technology infrastructure.

## Opportunities for efficiency

Centralizing the state's IT infrastructure could save taxpayers anywhere from \$25 million to \$41 million each year, according to a study commissioned by OET.

Two years ago, at the direction of the Legislature, the state contracted with Excipio Consulting to find out whether the state could manage its IT better. According to Excipio Senior Partner Jeff Gilmer, the answer is unequivocally "yes."

Gilmer said the state has about 5,000 more desktop computers than it needs, and about 45 percent more storage space. And that's just the beginning.

By centralizing IT functions, the state could save money on procurement, maintenance and software licensing. The state's 38-40 data centers could be consolidated to just two or three. IT help desks could be combined for cost savings and improved service. And the state's 1,812 full-time equivalent IT staff could be whittled down to 1,586.

There is one catch, however: there won't be any savings for the first few years, because centralizing all these functions will have an initial price tag of at least \$65 million and potentially upwards of \$175 million, depending on how it's done.



***"Some of what we're describing in this bill is already occurring on a smaller scale... These are not new skills, necessarily. It's just an expansion of what they're already doing."***

— Rep. Keith Downey  
R-Edina

"This is not a short-term strategy; this is a long-term strategy. A minimum commitment of seven years is what we recommend for this type of consolidation," Gilmer said.

In addition to saving money through efficiency, putting all the state's IT operations under one roof may help prevent expensive projects from spiraling out of control.

Supporters cite the Department of Human Services' ill-fated HealthMatch system as an example of why OET needs more control. The department

spent six years and more than \$30 million developing HealthMatch, a health care eligibility system, before scrapping it in 2008. Kahn said those kinds of cost overruns can occur when agencies

whose primary expertise is not in IT are put in charge of major upgrades.

"Some of the disastrous failures that we've had ... occurred because the people making the decisions weren't the ones who understood information systems," Kahn said.



***"Several states have done this — Michigan, California, Utah... It's not only a good idea, but this is the right time to do it."***

— Rep. Phyllis Kahn  
DFL-Mpls

a "sleeping dog strategy" that looks benign, but will lead to outsourcing of critical functions in the future.

"I just think that your bill tries to do too much, and it's too sweeping in its

## Outsourcing concerns

Many DFLers oppose a provision, inserted by Downey as an amendment to the bill, which would allow OET to contract with private IT firms even when state employees are available to do the work. State procurement laws currently allow outsourcing only if no state employees can do the job and if certain other conditions are met.

Downey said outsourcing some IT functions to private companies could save the state money by putting costly and complicated functions in the hands of skilled, specialized firms. He originally planned to include even stronger language on outsourcing, but decided a more incremental approach might be better, at least initially.

"I want language in this bill that doesn't lock us into keeping all of that in-house when it could very easily be done outside the complex of state government," Downey said.

Not everyone is comfortable with the idea of outsourcing. Opponents argue it would put the state at the mercy of private vendors more concerned with profits than accountability. Rep. Ryan Winkler (DFL-Golden Valley) called Downey's outsourcing language

authority," Winkler said. Kahn said the language on outsourcing is "something we're going to work further on." She said the exemption from state procurement laws isn't necessary, and cites as evidence the fact that the state recently used a private contractor to build its new e-mail system.

"The major things we want to accomplish in this bill is the reorganization and the alignment," she said.

The House State Government Finance Committee laid the bill over for possible omnibus bill inclusion March 8. Sen. Mike Parry (R-Waseca) sponsors the companion, SF130, which awaits action by the Senate State Government Innovation and Veterans Committee.

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

# BILL INTRODUCTIONS

MARCH 7 - 10, 2011

HOUSE FILES 880 - 1049

## Monday, March 7

### **HF880-Vogel (R)**

#### **Transportation Policy & Finance**

Special overweight permits authorized for hauling construction aggregate.

### **HF881-Hilstrom (DFL)**

#### **Government Operations & Elections**

Legislation waiting period created.

### **HF882-McNamara (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Urban storm water retention pond buffers required.

### **HF883-Greiling (DFL)**

#### **Education Reform**

Commissioner of education's role in approving, certifying and recertifying online learning providers clarified.

### **HF884-Laine (DFL)**

#### **Civil Law**

Health care program contracts competitive bids and audits required.

### **HF885-Drazkowski (R)**

#### **Education Finance**

Lewiston; Independent School District No. 857 fund transfer extended.

### **HF886-Lanning (R)**

#### **State Government Finance**

Compulsive gambling money appropriated.

### **HF887-Morrow (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Lake Titlow Watershed District new dam construction funding provided, bonds issued and money appropriated.

### **HF888-Morrow (DFL)**

#### **Education Finance**

School district collaboration grant created and money appropriated.

### **HF889-Beard (R)**

#### **Commerce & Regulatory Reform**

Shakopee; Raceway Park liquor license authorized.

### **HF890-Quam (R)**

#### **Taxes**

Rochester; local sales and use tax authority modified.

### **HF891-Davnie (DFL)**

#### **Education Finance**

Early learning program school district levy created.

### **HF892-Hamilton (R)**

#### **Health & Human Services Finance**

Set-aside requirements modified, requirements placed on the commissioner when establishing rate setting methodology and commissioner instructed to eliminate duplicative and outdated standards.

### **HF893-Gunther (R)**

#### **Jobs & Economic Development Finance**

Vinland Center for rehabilitation services funding provided and money appropriated.

### **HF894-Mazorol (R)**

#### **Commerce & Regulatory Reform**

Noneconomic detriment damages limitation modified.

### **HF895-Hoppe (R)**

#### **Commerce & Regulatory Reform**

Insurance notices and authorization collected information modified, and insurance appraisers regulated.

### **HF896-Fritz (DFL)**

#### **Taxes**

Medford; local sales and use tax authorized.

### **HF897-Winkler (DFL)**

#### **Legacy Funding Division**

Perpich Center for Arts Education; best practice networks funding provided and money appropriated.

### **HF898-McFarlane (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Metropolitan regional parks funding provided from the Parks and Trails Fund and money appropriated.

### **HF899-McDonald (R)**

#### **Health & Human Services Reform**

Human services commissioner required to propose statutory changes to address frequency of Medical Assistance eligibility assessments for nonemergency medical transportation and the length of time a recipient is deemed eligible for special transportation.

### **HF900-Abeler (R)**

#### **Higher Education Policy & Finance**

Board of Trustees of MnSCU required to implement a policy on credit transfers relating to the Anoka STEP program, and report to the Legislature required.

### **HF901-Dill (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Wetland replacement requirements modified.

### **HF902-Dill (DFL)**

#### **Taxes**

Homestead resort ownership requirements modified.

### **HF903-Mullery (DFL)**

#### **Jobs & Economic Development Finance**

Community-based workforce development provided and money appropriated.

### **HF904-Lanning (R)**

#### **State Government Finance**

Commissioner of revenue contract authority provided and abusive transfer pricing schemes regulated.

### **HF905-Hamilton (R)**

#### **Education Reform**

Youth athletes with concussions resulting from participation in youth athletic activities policies established.

### **HF906-Rukavina (DFL)**

#### **Transportation Policy & Finance**

Commissioner of transportation decision required on alternative route for State Highway 53.

### **HF907-Rukavina (DFL)**

#### **State Government Finance**

Hoyt Lakes; water and wastewater system improvements funding provided, bonds issued and money appropriated.

### **HF908-Torkelson (R)**

#### **Environment, Energy & Natural Resources**

#### **Policy & Finance**

Wetland Conservation Act modified.

### **HF909-Murphy, M. (DFL)**

#### **Taxes**

Department of Revenue required to report on ZIP code use in collecting local sales taxes.

### **HF910-Murphy, M. (DFL)**

#### **Taxes**

Hermantown; current local sales tax rate modified.

### **HF911-Quam (R)**

#### **Transportation Policy & Finance**

Rochester; Trunk Highway 52 improvement funding provided, bonds issued and money appropriated.

### **HF912-Abeler (R)**

#### **Health & Human Services Reform**

Special family day care homes requirement provided.

### **HF913-Slawik (DFL)**

#### **Health & Human Services Reform**

Child care quality rating and improvement system implementation continued and money appropriated.

### **HF914-Hilty (DFL)**

#### **Civil Law**

Defining the term "person" and constitutional amendment proposed.

### **HF915-Beard (R)**

#### **Public Safety & Crime Prevention**

#### **Policy & Finance**

Scott County Regional Public Safety Training Center funding provided, bonds issued and money appropriated.

### **HF916-Hilty (DFL)**

#### **Taxes**

Cloquet; local sales tax authorized.

### **HF917-Melin (DFL)**

#### **Government Operations & Elections**

St. Louis County; fairground tax exemption provided.

### **HF918-Kahn (DFL)**

#### **Transportation Policy & Finance**

Bicycle operators under age 16 required to wear protective headgear.

### **HF919-Urdahl (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

State trail acquisition and development funding provided, bonds issued and money appropriated.

### **HF920-Myhra (R)**

#### **Transportation Policy & Finance**

Dakota County; Trunk Highway 13 and County State-Aid Highway 5 interchange funding provided, bonds issued and money appropriated.



**HF921-Leidiger (R)****Public Safety & Crime Prevention  
Policy & Finance**

Targeted misdemeanor clarified to include no contact order misdemeanor violations for the purpose of requiring fingerprinting.

**HF922-Kiel (R)****Transportation Policy & Finance**

Collector emergency vehicles allowed to display and use nonconforming colored lights.

**HF923-Kiel (R)****Government Operations & Elections**

Public employee definition amended to include replacement employees who are employed for more than 50 days as a replacement teacher or faculty member.

**HF924-Barrett (R)****Health & Human Services Reform**

Departments of Health and Human Services consolidated, name changed to Department of Health and Human Services, and report required.

**HF925-Barrett (R)****Government Operations & Elections**

Public purchasing from correction industries procedures revised.

**HF926-Gottwalt (R)****Commerce & Regulatory Reform**

Health coverage mandate evaluation provisions changed.

**HF927-Abeler (R)****Health & Human Services Finance**

Commissioner of human services required to seek a waiver from the federal government to reform the Medical Assistance program, guidelines set for the reformed Medical Assistance program, rulemaking authority provided and reports required.

**HF928-Falk (DFL)****Health & Human Services Finance**

Publicly owned nursing facility cost additional local share clarified and publicly owned nursing facility payment rate clarified.

**HF929-Falk (DFL)****Transportation Policy & Finance**

"MN supports family farmers" special license plates provided.

**HF930-Falk (DFL)****Taxes**

Tax-forfeited land sales prohibited to certain property owners, and county auditors required to file lists of delinquent real estate taxes.

**HF931-Falk (DFL)****Environment, Energy & Natural Resources  
Policy & Finance**

Spent nuclear fuel produced by nuclear-powered electric generating plants examination by Legislative Energy Commission required.

**HF932-Urdahl (R)****Education Reform**

Lane changes for teachers earning master's degrees provisions modified.

**HF933-Smith (R)****Public Safety & Crime Prevention  
Policy & Finance**

Prostitution law provisions clarified and recodified, and definitions modified.

**HF934-Garofalo (R)****Education Finance**

Education finance statute obsolete reference removed.

**HF935-Davids (R)****Ways & Means**

Corporate refund delay requirement for commissioner of revenue repealed.

**HF936-Holberg (R)****Health & Human Services Reform**

Abortions at or after 20 weeks gestational age prohibited unless exceptions apply, and civil and criminal penalties provided.

**HF937-Schomacker (R)****Health & Human Services Reform**

Nursing facility provisions modified.

**HF938-Schomacker (R)****Commerce & Regulatory Reform**

Nursing facility and home care agency employees allowed to buy into the state long-term care insurance program.

**HF939-Westrom (R)****Public Safety & Crime Prevention  
Policy & Finance**

Private prison housing proposal request by commissioner of corrections required.

**HF940-Mack (R)****Health & Human Services Reform**

Personal care assistance provisions modified.

**HF941-Persell (DFL)****Jobs & Economic Development Finance**

Bemidji; Headwaters Regional Center for Science, History, Culture, and the Arts, funding provided, bonds issued and money appropriated.

**HF942-Hilty (DFL)****Taxes**

Grand Rapids; local sales tax authorized and local government aid payment adjusted.

**HF943-Simon (DFL)****Commerce & Regulatory Reform**

Building Code Administrators and Inspections Board established.

**HF944-Davids (R)****Health & Human Services Reform**

Managed health care contract actuarial soundness evaluation requirement repealed.

**HF945-Petersen, B. (R)****Education Reform**

Teacher licensure, evaluations and tenure modified.

**HF946-Loeffler (DFL)****Taxes**

Qualified tuition deduction and related expenses for tax year 2010 federal extension conformed.

**HF947-Erickson (R)****Education Reform**

Alternative teacher pay system modified.

**HF948-Lenczewski (DFL)****Transportation Policy & Finance**

Highway 169 toll facility required.

**HF949-Gruenhagen (R)****Commerce & Regulatory Reform**

Federal health coverage mandate compliance required, and all mandated health benefits under state law repealed.

**HF950-Gruenhagen (R)****Civil Law**

United States Congress urged to propose the Parental Rights Amendment to the Constitution of the United States relating to parental rights.

---

**Wednesday, March 9**

---

**HF951-Mazorol (R)****Civil Law**

Uniform Disclaimer of Property Interests Act provisions changed, updated and clarified.

**HF952-Mazorol (R)****Civil Law**

Guardianship compensation provisions clarified.

**HF953-Liebling (DFL)****Higher Education Policy & Finance**

Rochester Community and Technical College workforce center funding provided, bonds issued and money appropriated.

**HF954-Fabian (R)****Government Operations & Elections**

Kittson County; process for making certain county offices appointive provided.

**HF955-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Level III predatory offender website maintenance responsibility transferred from the Department of Corrections to the Bureau of Criminal Apprehension.

**HF956-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Natural resource enforcement provisions modified.

**HF957-Westrom (R)****Environment, Energy & Natural Resources  
Policy & Finance**

Wastewater capital grant program beneficial use modified to include use of storm water.

**HF958-Hosch (DFL)****Education Finance**

St. Cloud; Independent School District No. 742 onetime fund transfer permitted.

**HF959-Howes (R)****Capital Investment**

Flood hazard mitigation grant funding provided, bonds issued and money appropriated.

**HF960-Howes (R)****Capital Investment**

Flood hazard mitigation grant funding provided, bonds issued and money appropriated.

**HF961-Morrow (DFL)****Transportation Policy & Finance**

American Red Cross special license plate established and money appropriated.

**HF962-Howes (R)****Government Operations & Elections**

Municipal tobacco license suspensions limited for sales to minors upon compliance with requirements.

**HF963-Anzelc (DFL)****Environment, Energy & Natural Resources  
Policy & Finance**

Voyageurs National Park clean water project money appropriated.

**HF964-Anzelc (DFL)****Government Operations & Elections**

Legislative employees authorized to organize and select representatives to negotiate collective bargaining agreements.

**HF965-Kahn (DFL)****Public Safety & Crime Prevention Policy & Finance**

Anatomical gift donor document types expanded.

**HF966-Mariani (DFL)****Education Reform**

Teacher Tenure Act modified for school districts located in a city of the first class.

**HF967-Mariani (DFL)****Transportation Policy & Finance**

Central Corridor light rail transit line stations skyway access requirements established.

**HF968-Anderson, S. (R)****Transportation Policy & Finance**

Interstate Highway 494 managed lane requirements established.

**HF969-Anderson, S. (R)****Taxes**

Income tax credit provided for telecommuting conversion expenses and ongoing telecommuting expenses.

**HF970-Anderson, P. (R)****Agriculture & Rural Development Policy & Finance**

Beginning farmer program tax credits provided.

**HF971-Anderson, P. (R)****Taxes**

Motor fuel tax exemption established for school transportation.

**HF972-Anderson, S. (R)****Environment, Energy & Natural Resources Policy & Finance**

Aquatic plant management fees and priorities continued.

**HF973-Mariani (DFL)****Education Finance**

School districts authorized to renew an expiring referendum by action of the school board and reverse referendum authorized.

**HF974-Melin (DFL)****Taxes**

Nonferrous mineral taxation rates modified and distribution of net proceed and taconite production taxes modified.

**HF975-Anderson, P. (R)****Higher Education Policy & Finance**

Large animal veterinarian loan forgiveness program funding provided and money appropriated.

**HF976-Anderson, P. (R)****Transportation Policy & Finance**

Town road state aid allocation formula amended.

**HF977-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

State Patrol prohibited from closing or consolidating dispatch centers.

**HF978-Sanders (R)****Government Operations & Elections**

Election administration and districting procedures modified.

**HF979-Lanning (R)****Health & Human Services Reform**

Uniform asset limit requirement analysis required across human service assistance programs.

**HF980-Carlson (DFL)****State Government Finance**

Executive branch authority to reduce unexpended allotments modified.

**HF981-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Familial DNA searches authorized.

**HF982-Davids (R)****Taxes**

Taxation aid, credit and payment changes made.

**HF983-Gunther (R)****Jobs & Economic Development Finance**

Enterprise Minnesota, Inc. funding provided and money appropriated.

**HF984-Hackbarth (R)****Environment, Energy & Natural Resources Policy & Finance**

Game and fish; aquaculture provisions modified; compensation and assistance provisions for crop damage by elk modified; fish and wildlife management plan requirements modified; taking, possessing and transporting wild animal provisions modified; acquisition procedures modified; penalty and license provisions modified; invasive species control provisions modified; and landowner liability for state walk-in access program limited.

**HF985-Hackbarth (R)****Legacy Funding Division**

Oliver H. Kelley Farm Historical Site funding provided and money appropriated.

**HF986-Nelson (DFL)****Government Operations & Elections**

Precinct caucus date changed.

**HF987-Smith (R)****Judiciary Policy & Finance**

Board of Public Defense reimbursement restrictions eliminated.

**HF988-Smith (R)****Judiciary Policy & Finance**

Public defender representation provision modified.

**HF989-Smith (R)****Judiciary Policy & Finance**

Criminal case disposition timing objectives repealed.

**HF990-Kath (DFL)****Education Reform**

Teacher licensing system new tier created.

**HF991-Kieffer (R)****Taxes**

Corporate franchise tax rate reduced.

**HF992-Rukavina (DFL)****Education Finance**

St. Louis County; sale or exchange of riparian school trust lands required.

**HF993-McElfatrick (R)****Agriculture & Rural Development Policy & Finance**

County agricultural society land authority clarified.

**HF994-Loeffler (DFL)****Taxes**

All counties allowed to impose a local sales and use tax and offset provided.

**HF995-McFarlane (R)****Jobs & Economic Development Finance**

Women venture funding provided for business development programs and money appropriated.

**HF996-Runbeck (R)****Taxes**

Tax statements modified.

**HF997-Westrom (R)****Civil Law**

State agency civil penalty imposition regulated, fees and expenses awarded to prevailing parties in actions involving state agencies and municipalities.

**HF998-Dettmer (R)****Public Safety & Crime Prevention Policy & Finance**

Human Cloning Prohibition Act established and penalties provided.

**HF999-Lohmer (R)****Taxes**

Income tax subtraction allowed for income relating to material participation in a corporation or partnership.

**HF1000-Nornes (R)****Government Operations & Elections**

Local government; hospital district detachment alternative method provided.

**HF1001-Woodard (R)****Public Safety & Crime Prevention Policy & Finance**

Organized retail theft crime created and added to list of designated offenses.

**HF1002-Rukavina (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Sulfates water quality standard in Class 4A waters rule establishment preempted and money appropriated.

**HF1003-Stensrud (R)****Taxes**

Schedule of income tax rates reduced for individuals, estates and trusts.

**HF1004-Mullery (DFL)****Taxes**

Charitable contribution requirement reduced for nonprofit community service organizations to receive 4c classification.

**HF1005-Anderson, S. (R)****Taxes**

Streamlined sales and use tax agreement necessary conforming technical changes made.

**HF1006-Howes (R)****Education Finance**

School district operating referenda seasonal recreational equalizing component created.

**HF1007-Runbeck (R)****Taxes**

Public Employee Retirement Act aids and payments reduced in lieu of property taxes.

## Thursday, March 10

### **HF1008-Woodard (R)**

#### **Education Finance**

Charter school revenue formulas modified.

### **HF1009-Lanning (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Red River Basin Commission grant money appropriated.

### **HF1010-McNamara (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Pheasant habitat improvement account disposition provided.

### **HF1011-McNamara (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Trout and salmon management account disposition provided.

### **HF1012-McNamara (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Waterfowl habitat improvement account disposition provided.

### **HF1013-Kiffmeyer (R)**

#### **Government Operations & Elections**

State legislator term limits provided and constitutional amendment proposed.

### **HF1014-Morrow (DFL)**

#### **Health & Human Services Finance**

Medical Assistance employed persons with disabilities program modified, asset limitation provisions changed and money appropriated.

### **HF1015-Morrow (DFL)**

#### **Transportation Policy & Finance**

Trunk Highway 14 construction money appropriated.

### **HF1016-Kelly (R)**

#### **Health & Human Services Finance**

Nursing facilities consolidation provided.

### **HF1017-Kelly (R)**

#### **Government Operations & Elections**

Red Wing; property conveyance authorized and surplus state land conveyance provided.

### **HF1018-Zellers (R)**

#### **Health & Human Services Reform**

Hospital moratorium exception provided.

### **HF1019-Franson (R)**

#### **Health & Human Services Reform**

Child care assistance program school readiness service agreements modified.

### **HF1020-Gottwalt (R)**

#### **Health & Human Services Finance**

Nursing facility rate equalization phased out.

### **HF1021-Mack (R)**

#### **Health & Human Services Finance**

Long-term care consultation modified and elderly waiver modified.

### **HF1022-Vogel (R)**

#### **Capital Investment**

Grass Lake appropriation extended.

### **HF1023-Smith (R)**

#### **Judiciary Policy & Finance**

Courts authorized to seek partial payment or reimbursement of costs from a party proceeding in forma pauperis.

### **HF1024-Stensrud (R)**

#### **State Government Finance**

Deputy commissioner numbers reduced and assistant commissioner position eliminated in the unclassified service.

### **HF1025-Beard (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Utility rates required to be based primarily on cost of service between and among consumer classes.

### **HF1026-Buesgens (R)**

#### **Taxes**

Railroad track maintenance credit provided.

### **HF1027-Buesgens (R)**

#### **Taxes**

Railroad track maintenance expenditure subtraction provided.

### **HF1028-Murphy, M. (DFL)**

#### **Legacy Funding Division**

Regional library systems funding provided for educational opportunities in the arts, history, literary history and cultural heritage of Minnesota.

### **HF1029-Kelly (R)**

#### **Education Finance**

Board of Teaching funding provided from the special revenue fund for activities associated with licensure by portfolio.

### **HF1030-Kiel (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

East Grand Forks; Red River State Recreation Area reimbursement costs required.

### **HF1031-Stensrud (R)**

#### **State Government Finance**

Legislative Coordinating Commission joint administrative services required to provide or arrange for the service to both the House of Representatives and Senate.

### **HF1032-Torkelson (R)**

#### **Transportation Policy & Finance**

Prevailing hours of labor requirements modified.

### **HF1033-Cornish (R)**

#### **Public Safety & Crime Prevention Policy & Finance**

Short-term commitments of 180 days or less reauthorized to be served in county jails.

### **HF1034-Cornish (R)**

#### **Public Safety & Crime Prevention Policy & Finance**

Inmates required to co-pay a set minimum amount for health care provided visits.

### **HF1035-Anderson, S. (R)**

#### **Commerce & Regulatory Reform**

Municipality off-sale intoxicating liquor license issuance prohibition repealed.

### **HF1036-Sanders (R)**

#### **Government Operations & Elections**

State passenger vehicle fleet management and consolidation provided.

### **HF1037-Sanders (R)**

#### **Jobs & Economic Development Finance**

Department of Employment and Economic Development required to issue an unemployment compensation payment and business intelligence contract proposals request.

### **HF1038-Sanders (R)**

#### **Jobs & Economic Development Finance**

Department of Labor and Industry required to issue a proposal request for a contract to reduce improper workers' compensation payments.

### **HF1039-Hamilton (R)**

#### **Agriculture & Rural Development**

#### **Policy & Finance**

Department of Agriculture operating budget reduced.

### **HF1040-Bills (R)**

#### **Education Finance**

School district lease levy authority amended.

### **HF1041-Mack (R)**

#### **Government Operations & Elections**

State employee suggestion system for making state government less costly or more efficient established.

### **HF1042-Holberg (R)**

#### **Health & Human Services Reform**

Abortions at or after 20 weeks gestational age prohibited unless exceptions apply, and civil and criminal penalties provided.

### **HF1043-Gauthier (DFL)**

#### **Public Safety & Crime Prevention Policy & Finance**

Motor vehicle property crime penalties proposed for repeat violators.

### **HF1044-Davids (R)**

#### **Taxes**

Federal tax treatment conformed.

### **HF1045-Runbeck (R)**

#### **Taxes**

Reduction aid payment disparity reduced.

### **HF1046-Runbeck (R)**

#### **Taxes**

Homestead credit market value converted to a tax capacity reduction.

### **HF1047-Westrom (R)**

#### **Taxes**

Homeowner property tax refund schedule modified and inflation adjustment of brackets and maximum refund amounts ended.

### **HF1048-Westrom (R)**

#### **Taxes**

Property tax refund schedule modified for renters, percentage of rent constituting property taxes reduced and inflation adjustment of brackets and maximum refund amounts ended.

### **HF1049-Gunther (R)**

#### **Jobs & Economic Development Finance**

Jobs, economic development and housing funding provided and money appropriated.

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



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

### Intern

Callie Chamberlain

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## March Tournament and Weather Madness

|   |           |
|---|-----------|
| Year Minnesota State High School League was founded .....   | 1916      |
| Year the MSHSL broadened to include girls' athletics .....  | 1969      |
| This year's March Minnesota State High School League state tournament dates:  |           |
| Boys' hockey .....  | 9-12      |
| Girls' basketball .....   | 16-19     |
| Adapted floor hockey .....  | 18-19     |
| Boys' basketball .....  | 23-26     |
| Year Minneapolis Central High School won the first boys' swimming and diving state tournament.....                        |           |
| Year Minneapolis Marshall High School won the first state wrestling tournament .....                                      | 1938      |
| Students participating in girls' basketball in 2009-2010 school year .....  | 11,643    |
| State rank.....   | 3         |
| Rank and participation numbers in boys' basketball in 2009-2010 school year .....   | 13,491    |
| State rank.....   | 4         |
| With 5,678 participants in 2009-2010 school year, state's rank nationally in boys high school hockey participation.....   |           |
| With 3,351 participants in 2009-2010 school year, state's rank nationally in girls high school hockey participation ..... | 1         |
| First year of girls' basketball tournament, held in the fall, with Glencoe as the winner .....                            | 1974      |
| First year girls' basketball tournament shifted to March and Academy of Holy Angels was the winner.....                   | 1975      |
| Year first boys' basketball tournament was held and Fosston High School took the trophy.....                              | 1913      |
| Year span that boys basketball playoff games were held between class A and AA champions.....                              | 1971-1975 |
| Edina's record for most consecutive wins in boys basketball .....   | 69        |
| Esso's record for most consecutive wins at home in boys basketball.....   | 56        |
| Year Minnesota baseball great Dave Winfield elected to MSHSL Hall of Fame .....   | 1997      |
| Year Minnesota hockey coach Herb Brooks elected to MSHSL Hall of Fame .....   | 2004      |
| Year MSHSL Hall of Fame was established and women's sports pioneer Paula Bruss Bauck was inducted.....                    |           |
| With 40 inches of snow, year the snowiest March was recorded in Minneapolis-St. Paul.....                                 | 1951      |
| Year with the least amount of snow in March recorded in Minneapolis-St. Paul .....  | 2010      |
| Inches of snow that month.....  | zero      |
| Year that a March 15 storm with 75- 85 mph wind gusts caused 32 fatalities in Minnesota .....                             | 1957      |
| Year of the greatest March tornado outbreak in state's history when 13 tornadoes struck St. Peter and Comfrey .....       | 1998      |
| Number of tornadoes recorded in March from 1950-2010 .....  | 19        |

— L . SCHUTZ

Sources: Minnesota State High School League; Minnesota Amateur Sports Commission; Department of Education; National Weather Service; Minnesota Climatology Working Group.



# SESSION WEEKLY



OMNIBUS BILLS BEGIN TO ARRIVE  
RESUSCITATING THE VOUCHER DEBATE  
FOUR FAIRS FOR FAR NORTH  
DEFUNDING FUNDED CAPITAL PROJECTS

HF1050 - HF1197

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 23, NUMBER 11 • MARCH 18, 2011



# Flashback to 1991, 2001, 2006

## Wet and wild, but only with a life vest

As you dust off your Jet Ski to get ready for a summer's day on the lake, you might have to brush up on a new law, too.

The House Environment and Natural Resources Committee approved HF633 proposed by Rep. Anthony Kinkel (DFL-Park Rapids), which would regulate personal watercraft.

Under the bill, you'll have to be at least 16 years old to operate a personal watercraft by yourself and be required to wear a life jacket and watch when and where you use your "wet bike."

According to the Department of Natural Resources 6,145 personal watercraft were registered in the state in 1990.

— Session Weekly March 15, 1991

## Another decrease to state income taxes

For the third consecutive year, Minnesotans would see a decrease in their state income taxes, under three bills heard by the House Taxes Committee.

HF1, sponsored by Rep. Carl Jacobson (R-Vadnais Heights), and HF554 sponsored by Rep. Dan Dorman (R-Albert Lea) would reduce the state's lowest and highest tax bracket rates by 0.50 percent. The middle rate would be lowered by 0.75 percent. HF74, sponsored by Rep. Ron Erhardt (R-Edina) would reduce all three rates by 0.50 percent.

— Session Weekly March 16, 2001

## Funding for the arts and outdoors

A bill, HF3269, sponsored by Rep. Dennis Ozment (R-Rosemount) seeks a constitutional amendment to raise Minnesota's sales and use tax by 0.25 percent to raise approximately \$191 million a year over 25 years for arts and outdoors projects.

In the House Agriculture, Environment and Natural Resources Finance Committee, Ozment successfully amended the bill to remove the arts and cultural items.

Rep. Jean Wagenius (DFL-Mpls) cautioned against removing the arts and humanities items "mainly because I would want this to pass as a constitutional amendment and that guarantees that it passes."

— Session Weekly March 17, 2006

## Contents

**FIRST READING:** Limited scholarships for low-income students • 3-4

**HIGHLIGHTS:** Abortion, budget targets and omnibus bills begin to surface • 5-18

**BILL INTRODUCTIONS:** HF1050–HF1197 • 19-22

**RESOURCES:** Roster of the Minnesota House of Representatives • 23

**MINNESOTA INDEX:** Minnesota Roads and Traffic Collisions • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

On the cover: Angelique McDonald, a page for the House Property and Local Tax Division, kneels to find a bill for a lobbyist outside the division hearing March 11.

— Photo by Tom Olmscheid



# A voucher by any other name

Bill would create limited scholarships for low-income students

By KRIS BERGGREN

**A** group of fresh-faced, uniform-clad students came to the testifying table one by one before the House Education Finance Committee March 14 to tell members about their education at Cristo Rey High School, a Catholic school in Minneapolis.

Contrasting the Jesuit-run institution with previous public schools they'd attended, the students of various racial backgrounds said it offers personal attention, has boosted their college aspirations and provided the structure and support they need to grow personally and academically.

"It's been great," summed up Mohamed Ali, a senior who has participated in the YMCA Youth in Government program, plans to attend college and is grateful for the job experience with local employers that's part of the curriculum.

The students spoke in support of HF273, which its sponsor, Rep. Kelby Woodard (R-Belle Plaine), calls a "limited scholarship program for low-income families." Payments up to the amount of the average general education per pupil revenue, currently \$5,124, would be made to a student's parent or guardian and sent to a nonpublic school, where the parent would endorse the check for the school's use. School participation would be voluntary.



**"These are the kids who are part of the achievement gap. We need to educate, not perpetuate."**

— Rep. Kelby Woodard  
R-Belle Plaine

The committee laid the bill over for possible inclusion in an omnibus bill. Sen. Sean Nienow (R-Cambridge) sponsors a companion, SF388, which was laid over March 17 by the Senate Education Committee.

The bill resuscitates a debate that highlights fundamental party-line differences over educational philosophy and strategy. Are

vouchers an effective way to outsource a job the state hasn't been able to do, namely, close the achievement gap? Or are they a serious infringement on the public trust to fund a universal education system available to all?

Woodard sees targeted scholarships as a free-market tool expanding parents' school choices that could improve educational outcomes for at-risk students. The program would take effect only in cities of the first class: Minneapolis, St. Paul, Duluth and Rochester. Those eligible would be families earning a maximum of 175 percent of the federal



**"The challenge in front of us is to make educational achievement less predictable. We can predict by ZIP code, family income and skin color how a student will do."**

— Rep. Jim Davnie  
DFL-Mpls

poverty level with a child who has spent at least one year in a school ranked as low-performing according to federal guidelines for at least three years.

"These are the kids who are part of the achievement gap," Woodard said. "We need to educate, not perpetuate."

DFL lawmakers appreciate Woodard's goal of tackling educational inequities, but say vouchers are unconstitutional and unnecessary given Minnesota's existing school choice options such as open enrollment, charter schools and magnet schools.

"The challenge in front of us is to make educational achievement less predictable. We can predict by ZIP code, family income and skin color how a student will do," said Rep. Jim Davnie (DFL-Mpls).

Instead of opening an escape hatch for a few students by offering vouchers, Davnie believes the state should invest in targeted services, such as extending school hours or offering summer school for all students who need them. For example, a 2010 report by the Office of the Legislative Auditor found K-8 students who attended extended-time programs at alternative learning centers showed higher-than-expected growth on two standardized assessments compared with

other students and national norms.

Michelle Walker, St. Paul Public Schools chief accountability officer, said the district is beginning to close the achievement gap and turn around

failing schools by making such investments, paring programs and closing failing schools.

"Despite our progress, we have a long way to go," she said. "We are not shy at facing our failures and confronting them head on." She urged members to stay the course by investing in what is beginning to show positive results, not create more options.

## Choices abound

Minnesota has been ahead of the curve as the first state to authorize charter schools and was an early adopter of open enrollment, magnet schools and postsecondary enrollment options.

There are also existing federally funded pathways authorized to help students in struggling schools. Under the federal Elementary and Secondary Education Act

First Reading continued on page 4

### First Reading continued from page 3

— or No Child Left Behind — a student attending a school not making federal proficiency or growth targets may transfer to another school in the same district or receive supplementary education services, such as tutoring, either at a district school or a private facility, according to John Moorse, director of consolidated federal programs with the Education Department. Transportation to a same-district school is funded, but not to a charter or non-district school.

In Minneapolis, about 22,500 students were eligible to change schools under that aegis last year, said Jim Grathwol, the district's lobbyist, but only 23 families inquired about it and just 11 students did so.

### Justice for all

Both sides see their position as one of justice. Woodard believes the bill would give low income parents more equal access to nonpublic education as families with means. He said it's not unlike an early childhood scholarship

program in St. Paul allowing low-income families to choose a high-quality preschool they would not otherwise be able to afford or state grant aid for higher education, which students may use at any higher education institution.

Davnie said a key difference is that the state doesn't have a constitutional responsibility to provide universal early childhood education or higher education as it does for the K-12 system. Furthermore, taxpayer dollars should not fund schools that discriminate in any way based on religious belief, or that fail to comply with state and federal statutes such as open meeting laws, the Pupil Fair Dismissal Act, the Americans with Disabilities Act and the Individuals with Disabilities Education Act requiring schools to provide free and equal education access to students with special needs.

"HF273 essentially abandons the state's constitutional obligation to provide a uniform, thorough and efficient system of public schools throughout the state," said Teresa Nelson, a lawyer with the American Civil Liberties Union of Minnesota.

A 2002 United States Supreme Court ruling said Ohio's voucher program is constitutional because parents may choose sectarian schools or not. Florida's and Arizona's supreme courts blocked voucher programs in 2006 and 2009, respectively.

Among other DFL members offering amendments, Rep. Denise Dittrich (DFL-Champlin) unsuccessfully offered one that would have required a nonpublic school receiving scholarship funding to report annually on their finances, governance, staffing, demographics and academic performance measures in the same manner as a charter school.

"We have spent a lot of time, energy and money in the past 15 years in this education system of increasing the accountability and transparency of where we are investing our money. We all do this to benefit children," she said. "What rises to the top here is that we are still state representatives and our primary job is to allocate funding to different areas of the budget. We need to be very accountable to the taxpayers of this state." 🗽

### GETTING READY



PHOTO BY TOM OLMSCHIED

**Bob Johnson of Plant Management repaints one of the four Cass Gilbert-designed flag cases in the Capitol Rotunda March 14 in preparation of the History Center's April 9 Civil War flag ceremony to return four of the Civil War flags to the Capitol.**

# HIGHLIGHTS

MARCH 10 - 17, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held March 10-17. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Bonding

### High-speed rail could be derailed

The proposed high-speed train from the Twin Cities to Chicago and a trail providing bike access to the new Lake Vermilion State Park could be in jeopardy.

House Capital Investment Committee Chairman Larry Howes (R-Walker) sponsors HF1104 that would cancel approximately \$60.6 million for previously bonded projects, including a new Minnesota planetarium, infrastructure improvements to veterans homes, several passenger rail projects and a regional public safety training center. Approved March 15 by the committee, it now moves to the House Ways and Means Committee. It has no Senate companion.

Preliminary estimates show the bill's General Fund impact at approximately \$3.4 million in the 2012-2013 biennium.

The projects that could be defunded were bonded for in previous years, but for various reasons have not moved beyond the planning stage.

An Olmsted County Regional Public Safety Training Center, after several tries, made it into the 2008 capital investment law with its \$3.65 million request. County representatives told the committee that plans ran up against the recession, and that the county scaled the project back by \$70,000 and delayed it until 2010.

"Our commitment to the project is still there," said Paul Wilson, chairman of the Olmsted County Board. He said that local resources have been expended on the project.

Rep. Alice Hausman (DFL-St. Paul), who chaired the committee the previous four years, criticized the proposed nixing of \$26 million approved by the governor in 2009 for a Twin Cities-to-Chicago high-speed rail line federal match.

Bernie Arseneau, Department of

Transportation deputy commissioner, said former Gov. Tim Pawlenty requested the money to secure the match. He said the loss of support would also put in question the future plans for the St. Paul train depot, and a rail line from the Twin Cities to Duluth.

However, Rep. Peggy Scott (R-Andover) said that current rail projects aren't delivering as promised. "It's all my money; they are losing money. ... It doesn't seem like a viable idea." She said the population base doesn't justify a rail line between Duluth and the Twin Cities.

The \$950,000 funding approved in 2008 for the Mesabi Trail connection from Bearhead Lake State Park to the International Wolf Center in Ely and a link through the new Lake Vermilion State Park would be canceled.

Rep. David Dill (DFL-Crane Lake) said the defunding "didn't make any sense."

"We created Vermilion State Park. We paid for the land for a park that has a (state) park next to it. Now we get rid of appropriation

to link a trail through the new \$18 million state park."

Howes said the committee may consider more bond cancellations at a meeting next week.

— L. SCHUTZ

## Budget

### Budget targets approved

On a 17-13 vote, members of the House Ways and Means Committee signed off March 14 on budget targets that would include deep spending cuts to some areas of state government.

The House's Republican majority is proposing to spend \$34.26 billion from the state's General Fund in fiscal years 2012-2013. Compared to forecasted spending levels, that represents a proposed 12.2 percent reduction; however, it would still be a 5.5 percent increase over current biennial General Fund spending.

"We feel that these numbers are living within our means, and that we'll be able to meet the necessary needs of the state in the numbers reflected in this target," said Committee Chairwoman Mary Liz Holberg (R-Lakeville).

DFL committee members said the proposed budget targets would lead to college tuition hikes, property tax increases and stunted job growth. They introduced a number of amendments to adopt Gov. Mark Dayton's proposed spending levels for budget areas like higher education, economic development and local government aid, but the amendments were either voted down or ruled out of order.

Here are the House's budget targets as approved by the committee, along with numbers indicating their change from forecasted 2012-2013 spending levels:

- \$14.16 billion for k-12 education (-9.4 percent);
- \$10.71 billion for health and human services (-13.2 percent);
- \$2.96 billion for tax aids and credits (-15.7 percent);
- \$2.51 billion for higher education (-14.1 percent);
- \$1.17 billion for capital investment (-4.9 percent);



PHOTO BY TOM OLMSCHEID

**Minnesota Planetarium President Angus Vaughan tells the House Capital Investment Committee March 15 that the planetarium's funding appropriation should be removed from a bill that would cancel some previous appropriations.**





PHOTO BY TOM OLMSCHIED

During a March 10 press conference to release budget targets, House Majority Leader Matt Dean tells the Capitol press corps that the House's budget proposal will get more votes than Gov. Mark Dayton's proposal received. His comments came at the end of a news conference with House Speaker Kurt Zellers, center, and House Ways and Means Committee Chairwoman Mary Liz Holberg.

- \$1.03 billion for public safety (-2.8 percent);
- \$726.8 million for judiciary (0 percent);
- \$443.7 million for state government (-51.4 percent);
- \$228.1 million for environment, energy and natural resources (-22.3 percent);
- \$120.2 million for transportation (-33.3 percent);
- \$81.6 million for jobs and economic development (-51.5 percent); and
- \$76.8 million for agriculture (-14 percent).

A more detailed spreadsheet is available online from the nonpartisan House Fiscal Analysis Department.

— N. BUSSE

## Business & Commerce

### Home sales pricing clarified

When a homeowner wants to determine a reasonable price at which to list a house for sale, a real estate agent or broker is usually asked to compare recent neighborhood sales. It's technically called a "broker price opinion" and usually considered part of the package of services included in the agent's commission.

HF323, sponsored by House Commerce and Regulatory Reform Committee Chairman Joe Hoppe (R-Chaska), clarifies that role. The committee approved the bill March 15 and sent it to the House floor.

Sen. Chris Gerlach (R-Apple Valley) sponsors a companion, SF167, which awaits action by the full Senate.

The bill also allows those preparing a broker price opinion to charge and collect a fee. However, the fee is not intended to apply to a typical home seller or buyer, said Paul Eger, vice president for governmental affairs with the Minnesota Association of Realtors.

It's intended for the increased number of third parties interested in obtaining price opinions, due to the great number of foreclosed properties on the market.

The bill also permits more than one exclusive agreement for representation for different real estate services. For example, if a property stays on the market for months, the seller may simultaneously try to lease it. Those services could be performed by different companies or individuals. The bill also clarifies that a broker price opinion is not an appraisal for mortgage purposes.

— K. BERGGREN

### Bank allowed to expand

Signed  
by  
the  
governor

An independently owned bank based in Winger may now expand its small office in Northern Township into a full-service bank branch.

Ultima Bank sought an exemption to a 40-year-old law preventing such expansion into a township.

Rep. John Persell (DFL-Bemidji) and Sen.

John Carlson (R-Bemidji) sponsor the law, signed March 17 by Gov. Mark Dayton. It takes effect upon local compliance with state statute.

The bank just outside the Bemidji city limits is in an area with an annexation plan that is still 10 years out from implementation. The bank holds a lease, so lacks the ability of a property owner to request annexation.

HF305/SF125\*/CH7

— K. BERGGREN

## Education

### Paying for out-of-state students

The Robbinsdale School District foots the bill for the education of students from other states or countries who are in residence at Hazelden adolescent treatment center for chemical dependency, John Neumann, the district's teaching and learning specialist, told the House Education Finance Committee March 14.

St. Paul schools do the same for some children receiving medical treatment at Gillette Children's Specialty Healthcare or other facilities, said Mary Gilbert, the district's legislative liaison.

"We bill the (out-of-state) districts that send kids in, but they simply don't pay us," Gilbert said.

Sponsored by Rep. Sandra Peterson (DFL-New Hope), HF360 would help districts that provide education services to out-of-state students recoup the costs from the students' families or home districts.

The committee laid the bill over for possible omnibus bill inclusion. A companion, SF199, sponsored by Sen. Ann Rest (DFL-New Hope), was laid over by the Senate Education Committee for possible inclusion in an omnibus bill.

The bill would relieve school districts from providing education services, including teachers who work with individual students in residential facilities, unless a payment arrangement is made with the student's home district or parents. It does not apply to special education services.

The bill would have no effect on foreign exchange students considered Minnesota residents while they are in an exchange program and living in a host home.

— K. BERGGREN

### Child care rating expanded

Minnesota Parent Aware, a child care and early childhood program quality rating system now being piloted, could become

permanent and expand statewide.

Child care providers in four areas of the state voluntarily participate in the four-star rating system, which provides consumer information to parents about the quality of some of their child care options. HF669, sponsored by Rep. Jenifer Loon (R-Eden Prairie) would authorize the Education Department to issue a request for proposals to continue the system, but doesn't specify an appropriation amount.

The House Education Finance Committee laid the bill over March 16 for possible inclusion in an omnibus bill. Sen. Geoff Michel (R-Edina) sponsors a companion, SF331, which awaits action by the Senate Health and Human Services Committee.

The bill would also provide scholarships to certain families earning equal to or less than 47 percent of the median state income. That's roughly \$40,000 for a family of four, according to Laurie Davis, policy director for the Minnesota Early Learning Foundation. The scholarship would be \$4,000 a year for each eligible child and could be used at a three- or four-star rated program.

Rep. Sondra Erickson (R-Princeton) said many child care providers in her district view the rating system as creating a perception there are two classes of child care facilities and don't think government resources should be spent on it.

Karen Effrem, a board member of Education Liberty Watch, said the best environment for children is in a two-parent family and that funds are better spent in K-12.

"This is not an attempt to have the program take over parenting responsibilities for young children. It is for parents who want to, or have to because of their economic circumstances, go out to work and they want a certain enriching environment for their child to be in while they have to be away," Loon said.

Rep. Denise Dittrich (DFL-Champlin) said high-quality child care programs have been shown to help increase low-income parents' earning power by 30 percent and to help parents improve their parenting skills.

— K. BERGGREN

### Change in definition of school district?

Last year about \$22.8 million in interest and dividend payments from Permanent School Fund investments were distributed among Minnesota's school districts, in amounts of about \$28 per resident pupil. Before fiscal year 2010, the revenue was treated as a General Fund offset.

Sponsored by House Education Finance Committee Chairman Pat Garofalo (R-Farmington), HF783 would expand the beneficiaries to include charter schools. It would also include charter schools in the statutory definition of "school district" and change the distribution of PSF revenue to pupils served instead of resident pupils. Resident pupils are the number of students who live in a district, but not those who actually attend district schools.

The committee laid the bill over March 14 for possible omnibus bill inclusion. It has no Senate companion.

Rep. Kathy Brynaert (DFL-Mankato) asked if redefining a school district for this purpose would cause unintended consequences related to the understanding of district or charter school requirements in other statutes.

The Minnesota School Boards Association believes the proposal would be unconstitutional, according to Grace Keliher, the association's government relations director. In a 2008 opinion, Thomas Deans, the association's legal counsel, referred to the original constitutional article, which stipulates that the fund income must go to school districts "in a manner prescribed by law."

Eugene Piccolo, executive director of the Minnesota Association of Charter Schools, said that article indicates the Legislature prescribes the law and therefore may decide to make changes.

"We always talk about the Permanent School Fund land as that owned by all the school children of Minnesota," said Rep. Sondra Erickson (R-Princeton), no matter what kind of public school they attend.

If the change were to become law, charter schools could see new revenue ranging from a few hundred dollars to about \$78,000 to a large K-12 charter school in Minneapolis. Some school districts could gain revenue because they enroll pupils from outside their districts, while others would lose income because

more resident pupils enroll elsewhere. For example, Minneapolis Public Schools could lose approximately \$321,800; Osseo Area Schools, \$61,700; and Rochester Public Schools, \$32,600.

— K. BERGGREN

### Public employee insurance changes

Teachers and other public employees might have to seek approval from their employers before joining a statewide insurance pool.

Sponsored by Rep. Joe Hoppe (R-Chaska), HF371 would change the process for local government employees to join the Public Employees Insurance Program. It would also change eligibility rules for pensioners to participate in the program after retirement.

The House Government Operations

### GRADING TEACHERS



PHOTO BY TOM OLMSCHIED

Leah Jones, a third-grade teacher at Concordia Creative Learning Academy in St. Paul, testifies March 14 before the House Education Reform Committee in support of a bill that would establish a teacher professional development structure and way to measure a teacher's performance effectiveness.

and Elections Committee approved the bill March 16 and referred it to the House Commerce and Regulatory Reform Committee.

Under current law, public employee unions can decide whether to join PEIP. The bill would require the employer's approval. In addition, a majority of all employees of a particular local unit of government would have to approve the decision.

Under the provisions, if teachers in a certain school district want to join the program, they would have to seek approval from the other district employees as well as the consent of the superintendent. Supporters say the changes are needed so that one group of employees doesn't join PEIP and leave the others behind with potentially increased health insurance costs.

"We're very concerned about the effects of the unilateral ability of any one bargaining unit to elect into PEIP, basically leaving the rest of our employees stranded within our existing health plans at higher rates," said Keith Carlson, executive director of the Minnesota Inter-County Association.

Opponents argue the measure is biased against teachers and other public workers, and could lock them into costly health plans. Jim Granger, a lobbyist for Education Minnesota, said school boards and administrators have a vested interest in teachers getting their insurance through service cooperatives, which often cost more and are mostly run by school board members.

Lee Stephenson, a teacher in Moose Lake, said the bill would give superintendents veto power over teachers' ability to join PEIP. He said doing so would prevent service cooperatives from having to compete with PEIP's lower insurance plan rates, as happened in his district.

"The service co-op, when they knew that we were seeking a bid from PEIP, they brought forth their first-ever decreases in rates," he said.

Sen. Gary Dahms (R-Redwood Falls) sponsors the companion, SF247, which awaits action by the Senate State Government Innovation and Veterans Committee.

— N. BUSSE

### Teacher tenure revamp proposed

A proposal heard in the House Education Finance Committee could establish a statewide teacher evaluation and appraisal process and radically change teacher tenure.

HF945, sponsored by Rep. Branden Petersen (R-Andover), was laid over March 16 for possible inclusion in an omnibus bill.

Sen. Gen Olson (R-Minnetrista) sponsors a companion, SF636, which was laid over by the Senate Education Committee.

"This bill is all about effective performance management and the bottom line is effective teachers to improve student academic achievement and growth," Petersen said. It moves from a "last in, first out" concept to one based on merit.

Some provisions align with existing Q-Comp programs or other locally based evaluation methods but prescribe more detailed requirements. Beginning in 2012-2013, all teachers would be rated on a five-part effectiveness scale and ranked on a four-tier status designation as standard, advanced, distinguished or exemplary. It also would make student test scores count for 50 percent of an appraisal. Districts would report annual teacher ratings.

The system would apply to district and charter school teachers and could be used to terminate teachers rated ineffective. During the first 60 days of a probationary teacher's first year of employment, a school board could terminate a teacher at will. A continuing contract would be for a renewable five-year period based the teacher's appraisal and other criteria including a portfolio.

Beginning in 2014, the basic revenue formula allowance would increase \$50 per pupil, to \$5,174, to offset costs, including proposed bonuses of 10 percent of a teacher's salary for teachers rated distinguished and 20 percent for those rated exemplary.

"You have broad goals that I agree with but I don't think the bill before us is justified on the basis on any evidence I've seen in terms of the detail of the evaluation or the framework," said Rep. Kathy Brynaert (DFL-Mankato). She said current student assessments are not designed to link to individual teachers, and the employment consequences would be "out of line."

— K. BERGGREN

## Employment

### Help for hiring minorities

The recession has been especially difficult for the state's minority communities. Rep. Joe Mullery (DFL-Mpls) is hoping to fund a new program to help reduce their disproportionately high unemployment rate.

He sponsors HF645 that would direct the Department of Employment and Economic Development to work with the state's minority councils on a plan to assist with job training,

licensing and placement of individuals from minority communities in appropriate jobs.

The House Jobs and Economic Development Finance Committee laid the bill over March 15 for possible inclusion in its omnibus finance bill. There is no Senate companion.

Mullery said the idea for the bill came from three of the state's four minority councils: the Council on Asian Pacific Minnesotans, the Council on Black Minnesotans and the Chicano Latino Affairs Council.

"The purpose is to get people trained and into jobs," he said.

To fund the program, the bill would appropriate money from the state's Workforce Development Fund, which derives from a special payroll tax. Mullery said no amount has been settled on yet for the appropriation, but Hector Garcia, executive director of the Chicano Latino Affairs Council, said they are hoping for \$1 million.

Rep. Bev Scalze (DFL-Little Canada) questioned whether the Workforce Development Fund would be an appropriate source of funding. She said it might be better financed through the General Fund.

"It's just a theoretical, philosophic discussion that we should have," Scalze said.

Emma Corrie, workforce and business development project manager for the Department of Transportation said MnDOT has been making efforts to hire from minority communities, but needs help recruiting qualified workers.

"We can't do all the training and development in-house. We need to partner with credible organizations that have deep roots in the community that can bring the right candidates to us," she said.

— N. BUSSE

### Unemployment benefits extended

Signed  
by  
the  
governor

Some out-of-work Minnesotans may now receive a 13-week extension of their unemployment insurance benefits, thanks to a new law.

Sponsored by Rep. Rich Murray (R-Albert Lea) and Sen. John Pederson (R-St. Cloud), the new law gives Minnesotans access to a federal extension of unemployment insurance benefits recently passed by Congress and signed by President Obama. Qualifying Minnesotans will now be eligible for a maximum of 86 weeks of benefits, under the change.

Signed March 9 by Gov. Mark Dayton, the extension is effective retroactively from Dec. 19, 2010.



The extension is federally funded, and will not cost the state's unemployment insurance trust fund, which is \$600 million in deficit. Murray said the law is expected to funnel approximately \$160 million of federal funds into the state's economy.

The law also allows individuals who are laid off from their parents' businesses to receive normal unemployment insurance benefits. Effective retroactively from July 1, 2010, this law repeals a previous one that restricted such individuals to no more than five weeks' worth of benefits.

HF103\*/SF114/CH6

— N. BUSSE

### Workforce training tax credits

Tax credits could be provided for employees looking to better their skills.

Sponsored by Rep. Kim Norton (DFL-Rochester), HF40 would create a Lifelong Learning Account program within the Department of Employment and Economic Development.

It would create a 50 percent refundable tax credit for individual and business contributions to accounts used for worker education and training expenses. The maximum credit would be \$1,000 for individuals and \$500 for businesses.

Like 401(k) retirement accounts, employees would be permitted to contribute to the account, and employers would match their contributions up to an annual cap. A 25 percent penalty would be imposed if the money was withdrawn for a purpose other than education.

Approved March 10 by the House Higher Education Policy and Finance Committee, the bill was sent to the House Jobs and Economic Development Finance Committee. The Senate companion, SF843, sponsored by Sen. David Senjem (R-Rochester), awaits action in the Senate Jobs and Economic Growth Committee.

"Given the economy and what's happened during this recession, had these accounts been in place for employees and employers over the years, during this recession we would have had an easier time, I think, getting some of those unemployed folks back into school because they would have had these accounts to tap into," Norton said.

Norton said higher education institutions would benefit because money would be coming into the colleges; however, the tax credit would be a cost to the state. No fiscal note was provided.

"We always see educating our young people

as a public good, but we often talk about educating adults as a private good. I would say I'm not certain that's true," Norton said.

— M. COOK

## Env. & Natural Resources

### Fee changes for lakeshore owners

Residents around Bass Lake in Plymouth are concerned about proposed changes to the way fees are assessed to lakeshore property owners when the Department of Natural Resources inspects the lake.

The 100-member Bass Lake Improvement Association has been paying a group rate of \$750 twice a year for the DNR lake management permit, but pressure from the Legislature to recoup the entire cost of the inspections would eliminate the group rate and increase individual fees from \$35 to \$90 per household.

Rep. Sarah Anderson (R-Plymouth) sponsors HF972, which would keep the group rate in effect until the Legislature approves otherwise. She said the DNR would spend much more time and incur many more costs associated with inspecting each household's lake management plan. The association currently pays \$20,000 annually for professional services to remove weeds and aquatic invasive species through chemical application.

In addition, removing the group rate may

result in individuals inappropriately applying too many or too few chemicals to manage their lakeshore.

Rep. Rick Hansen (DFL-South St. Paul) suggested adding a penalty and enforcement portion to the bill, but Anderson said she prefers giving the group rate as an incentive for using the correct management practice. She said the chemicals used are pre-approved by the DNR, and she suggested the agency provide lake associations with a list of approved applicators.

Hansen said legislators could make the active ingredient in the pesticide a regulated product, which would then require the person applying the chemicals to be a certified pesticide applicator.

Association President Jim Prom said residents eat the fish caught from the lake and would be concerned whether too many chemicals were being introduced by individual property applications.

The bill was laid over March 14 for possible inclusion in the House Environment, Energy and Natural Resources Policy and Finance Committee. It has no Senate companion.

— S. HEGARTY

### Critics take aim at omnibus bill

Provisions in the environment committee's omnibus bill were unveiled over two days of hearings, with more to come before the bill is readied for the House floor.

## TECH GRANTS



PHOTO BY TOM OLMSCHEID

**Rick King, chief technology officer at Thomson Reuters, left, and Rep. Tim Mahoney, right, listen as Robert Malecki, president, CEO and founder of Xollai, testifies March 10 before the House Taxes Committee for the bill which would establish a Minnesota science and technology program to provide grants to software publishers, medical equipment manufacturers, wireless carriers and many others to be administered by the Minnesota Science and Technology Authority.**

Sponsored by Committee Chairman Denny McNamara (R-Hastings), HF1010 contains controversial Environmental Trust Fund projects. No action was taken on the bill, which has no Senate companion.

McNamara successfully deleted several projects that had been recommended by the Legislative-Citizen Commission on Minnesota Resources; he added projects that he said were higher legislative priorities, such as a \$1 million two-year study of how wild rice may be affected by sulfate levels in air, water and soil. The Pollution Control Agency will establish new rules governing maximum sulfate levels in wild rice waters, but until the new rules are adopted, HF1010 would change the current 10 milligrams per liter maximum to 250 milligrams, which is the same standard as drinking water.

"I don't think those who propose this understand" the significance of wild rice to the Native American culture, said Rep. John Persell (DFL-Bemidji). He said wild rice probably would not survive such levels, which would be equivalent to "stomping on a Bible" to the 60,000 Native American people who consider it a sacred gift.

Also, a provision approved March 16 that

would have allowed using LCCMR money to supplant for General Funds was not included in the amended bill approved by the committee March 17. McNamara said he mistakenly thought the language was a recent addition to the law, when in fact it has been in statute since 1988. The issue of not supplanting the General Fund with constitutionally dedicated money is also linked to the Legacy and Outdoor Heritage funds. Rep. Jean Wagenius (DFL-Mpls) said one of the four Legacy funds, the Clean Water fund, appears to be "backfilling" rather than accelerating efforts to improve impaired waters.

— S. HEGARTY

## Health & Human Services

### Donation for anatomical gifts

When applying for a driver's license or state identification card, an applicant is already asked if they want to be an organ donor. They may also be asked to contribute.

Rep. Sarah Anderson (R-Plymouth) sponsors HF808 that would establish a \$2 donation option "for the purposes of public information and education on anatomical gifts."

The money would be used as grants to federally certified organ procurement organizations and nonprofit organizations that advocate for organ and tissue donation. Funds would also cover all Department of Public Safety expenses to implement the program.

Approved March 16 by the House Transportation Policy and Finance Committee, the bill was sent to the House Ways and Means Committee. Rep. Michael Beard (R-Shakopee), the committee chairman, said the bill would also be considered for inclusion in the committee's omnibus bill. A companion, SF892, sponsored by Sen. David Senjem (R-Rochester), awaits action by the Senate Transportation Committee.

Susan Gunderson, CEO of LifeSource, a nonprofit organization that coordinates organ and tissue donation in the Upper Midwest, said more than half of Minnesotans have registered their intent to donate on their driver's license or ID card. The national rate is 40 percent.

"Organ and tissue donation is a gift that saves and heals thousands each year, but it's a gift that relies on the generosity

of others. Transplantation is not possible without one person selflessly giving to another," Gunderson said. "We believe that passage of this will provide citizens with the opportunity to make small individual gifts that when pulled together as a whole will be a great resource that will help support the goal of saving lives."

Rep. Mike Nelson (DFL-Brooklyn Park) asked why not have the checkoff on the state's income tax form so more people could potentially contribute annually.

Organ donation advocacy is already on the driver's license, Anderson said. "We just felt it was a logical place to put this rather than starting something brand new. We already have the mechanism in place to achieve this in a relatively easy fashion."

— M. COOK

### Human cloning for research

A 2008 law bans state funding for human cloning. Rep. Bob Dettmer (R-Forest Lake) wants to go one step further.

Known by its sponsors as the "Human Cloning Prohibition Act," HF998 would make it illegal for any person or private or public entity to knowingly perform or attempt to perform human cloning.

Approved March 15 by the House Judiciary Policy and Finance Committee and referred to the House Health and Human Services Finance Committee, the bill would also make it illegal to ship or receive an embryo or any product derived from an embryo produced by human cloning. Its companion, SF695, sponsored by Senate President Michelle Fischbach (R-Paynesville), awaits action by the Senate Judiciary and Public Safety Committee.

Although Dettmer said the bill addresses an issue that has bipartisan support, some DFL members are concerned the bill's intended definition of "human cloning" would hinder important research already being done in the state.

"(HF998) makes it very clear in plain language that we do not produce copies of humans by cloning," Dettmer said, "And makes it doubly clear that we won't be producing human clones for the purpose of research and destruction."

Dettmer said six other states and 12 other countries, including Canada, Germany and France, have similar laws.

Representatives for Minnesota Citizens Concerned for Life testified in support of the legislation and fielded questions from committee members about the impact the



PHOTO BY ANDREW VONBANK

**Susan Thornton, director of the Legislative-Citizen Commission on Minnesota Resources, testifies before the House Environment, Energy and Natural Resources Policy and Finance Committee March 16 during discussion of a bill that would appropriate Environment Trust Fund money. Rep. Larry Howes, left, sponsors the bill.**

bill would have on embryonic stem cell research conducted at public and private research institutions.

Rep. Sheldon Johnson (DFL-St. Paul) referred to an opposition letter from the American Society of Reproductive Medicine that cited concern over the bill's inclusion of the process known as somatic cell nuclear transfer into the definition of human cloning.

MCCL Legislative Associate Jordan Bauer said that the process is the scientific term used for human cloning.

— H. LONG

### State funding for abortion debated

Supporters of legislation to end state funding for abortion believe taxpayers shouldn't have to foot the bill for an "abhorrent" act. Those who oppose it argue that HF201, not only takes choice away from Minnesota's poorest residents but comes in conflict with the state constitution.

The bill's sponsor, Rep. Peggy Scott (R-Andover) presented the bill to the House Health and Human Services Reform Committee March 15. The committee voted 13-4 to approve the bill and refer it to the House Judiciary Policy and Finance Committee. Its companion, SF103, sponsored by Sen. Dave Thompson (R-Lakeville), awaits action by the Senate Health and Humans Services Committee.

The crux of the opposition revolves around the bill's impact on a "very personal" health care choice made available to women who wouldn't otherwise have the financial means to undergo the procedure, said Rep. Tina Liebling (DFL-Rochester).

"If we pass this bill, we are saying you get to make that choice, except if you're poor," Liebling said.

Rep. Duane Quam (R-Byron) supports the bill and said it will help serve as an advocate to those who have no voice. He added he doesn't believe using state funds for abortion procedures is a function of government.

Written opposition testimony from Hamline University Law Professor David Schultz pointed to a 1995 Minnesota Supreme Court decision in *Doe v. Gomez* that ruled unconstitutional a state law restricting the use of public funds for abortion-related medical services while permitting the use of such funds for comprehensive childbirth-related services.

The bill does not seek to outlaw abortion, but return to the taxpayers the issue of whether state taxpayers should be forced to

fund a practice that the majority of citizens oppose, said Jordan Bauer, a legislative associate for Minnesota Citizens Concerned for Life.

Scott said she is well aware of the *Doe v. Gomez* ruling and said it is within the Legislature's purview to address court decisions "we don't necessarily agree with."

— H. LONG

### Prohibiting abortions after 20 weeks

Developments over the last few decades in prenatal medical technology have found that at as early as 20 weeks gestation, a human fetus can feel pain. That's the contention of those who support HF936, known as the "Pain-capable Unborn Child Protection Act."

The bill, sponsored by Rep. Mary Liz Holberg (R-Lakeville), would prohibit abortions after that time.

The House Health and Human Services Reform Committee approved the bill March 16 and sent it to the House Civil Law Committee. Its companion, HF649, sponsored by Sen. Gretchen Hoffman (R-Vergas), awaits action by the Senate Health and Human Services Committee.

The Rev. Andrew Cozzens, on behalf of the Archdiocese of Minneapolis and St. Paul



PHOTO BY ANDREW VONBANK

**Andrea Rau, right, a legislative associate for Minnesota Citizens Concerned for Life, testifies before the House Health and Human Services Reform Committee March 16 in support of a bill that would prohibit abortions at or after 20 weeks gestational age. Rep. Mary Liz Holberg, left, sponsors the bill.**

and the Minnesota Catholic Conference, said he recently baptized a baby born at 21 weeks at United Hospital.

"That baby is alive and healthy today," Cozzens said. "Of course it's the sad irony that in a hospital just next door, and in other places in Minnesota, a same aged child does not enjoy the protection of law that that child enjoys."

Alicia Hempel said she had to make the difficult decision last summer to have an abortion after 20 weeks gestation when she learned her unborn child was diagnosed with a fatal chromosomal disorder.

"With this proposed bill, I would have not been able to save my baby from the pain she would have endured from hours, maybe days and possibly even months until she died," Hempel said.

Rep. Diane Loeffler (DFL-Mpls) contested language in the bill that includes several findings of fact related to scientific research that indicates a fetus can feel pain at least 20 weeks after conception.

The bill itself is unconstitutional based on state and federal court rulings, said David Schultz, a constitutional law professor at Hamline University. "The Legislature should not be in the business of encouraging disrespect for the law and legislating from the bench."

In response, Rep. Mary Kiffmeyer (R-Big Lake) reminded the committee that a law is constitutional until ruled otherwise by a court.

"I am reminded of some chief justices on our Supreme Court, who have said a law is always constitutional until a court declares it is unconstitutional," Kiffmeyer said.

— H. LONG

### Restricting EBT card use

Rep. Kurt Daudt (R-Crown) wants to make sure the state's poorest residents are not using their welfare benefits for purposes other than basic needs.

He sponsors HF171 that would place several new restrictions on residents enrolled in assistance programs that include the use of EBT cards.

Restrictions in the bill include a \$20 per month cash withdrawal limit and no use of the EBT card outside of Minnesota. It would also prohibit retailers from accepting an EBT card as payment without seeing a photo identification and increase the residency requirement to apply for an EBT card from 30 to 90 days.

The House Health and Human Services



Reform Committee approved the bill and sent it to the House Health and Human Services Finance Committee. Its companion, SF75, sponsored by Sen. Doug Magnus (R-Slayton), awaits action by the Senate Health and Human Services Committee.

Attorney Jessica Webster said she has strong concerns that the portion of the bill concerning durational residency requirements is unconstitutional.

Daudt believes the language of the bill finds a middle ground that ensures fraud is eliminated, while those who have assistance can still get it.

Rep. Kim Norton (DFL-Rochester) said she believes that the bill's restriction of cash withdrawal to eliminate misuse will not accomplish its intended purpose.

"You can't stop people from taking cash out of a machine and using it for what they want," Norton said.

The bill also requires liquor stores, gambling establishments and tattoo parlors to block EBT transactions at their establishments.

Representing the Welfare Rights Committee, Angel Buechner said she believes the bill dehumanizes users of EBT cards.

"A lot of people out here aren't living the high life, getting tattoos and drinking," she said. "We use that money to take care of our families."

— H. LONG

employees to furnish uniform or protective accessories made in this country.

A 2007 law made it illegal for colleges and universities to "enter into any agreement to market credit cards to undergraduate students at a postsecondary educational institution."

"Students have the right to make financial decisions on their own, and are already inundated with credit card offers," Nornes said. "To deny the institutions the possibility of some income from those agreements I guess would only be harmful to those schools."

Nornes wanted to eliminate a mandate that postsecondary institutions give students notice that criminal arrests, charges or convictions in certain cases could limit them for certain occupations and financial aid. After about 30 minutes of debate, he accepted an amendment from Rep. Kim Norton (DFL-Rochester) to remove the provision.

Norton told of a collegian who called her after being told that the ability to do a job in the field she was pursuing might be affected by a DUI. "It was helpful to the student to think about it."

"You could affect people's lives forever," added Rep. Tom Rukavina (DFL-Virginia). "It's a mandate that I haven't heard many complaints about, but I've heard many praises from folks that were warned ahead of time not to go into the field that they were going into."

— M. COOK

who began pursuit of a degree under the program but then were no longer eligible, by lowering the qualifying age back to 62.

It was held over March 10 by the House Higher Education Policy and Finance Committee for possible omnibus bill inclusion. A companion, SF546, sponsored by Senate President Michelle Fischbach (R-Paynesville), was held over March 7 by the Senate Higher Education Committee for possible omnibus bill inclusion.

"The seat would be empty were I not in it," said Kastner, who has 25 credits towards his degree with a 4.0 grade point average. "The school is collecting expense, so where is the cost?"

Rep. Terry Morrow (DFL-St. Peter) noted that a preliminary fiscal note shows an annual loss of \$434,250 to the university and \$214,682 to MnSCU. That assumes those caught in the middle would continue to attend at regular costs.

Rep. Bruce Vogel (R-Willmar) called that a "moot point" because most senior citizens wouldn't pay for the chair. "The universities wouldn't get that tuition anyway."

In addition to recouping costs, it's also a fairness issue, said Rep. Jeanne Poppe (DFL-Austin), who sponsored last year's bill. "We have a number of students at age 42 or 52 or 22 who would like to be able to pay the lowest cost they could for their college credits."

— M. COOK

## Higher Education

### Removing higher education mandates

Colleges might be able to again market credit cards to their students.

The provision was one of three mandate reliefs remaining in a bill held over by the House Higher Education Policy and Finance Committee March 15 for possible omnibus bill inclusion.

"We've been looking around this legislative session for relief from mandates, and I think these were a few ideas I have found by looking through the statutes, and I find are probably unnecessary at this time," said Rep. Bud Nornes (R-Fergus Falls).

Sponsored by Nornes, HF849, which has no Senate companion, would also remove requirements that:

- a public college or University of Minnesota bookstore must, to the extent possible, only sell apparel manufactured in the United States; and
- public employers must purchase or require

### Lowering free senior tuition age

Ken Kastner was laid off due to the bad economy a couple of years ago, and like many unemployed people, he went back to school.

"I initially collected unemployment when I realized that a then-62-year-old man would find it almost impossible to get a job," he said. "In an attempt to better myself and further my computer knowledge, I started taking classes at St. Paul College to attain a web design certificate on the senior tuition discount program."

The program allows senior citizens to take courses at the University of Minnesota and the Minnesota State Colleges and Universities system at no charge, other than course charges for materials or services, if there are seats available after all tuition-paying students have been accounted for. If taken for credit, an administrative fee must be paid.

Last year, the qualifying age was raised from 62 to 66.

Rep. Bud Nornes (R-Fergus Falls) sponsors HF821 that would help people like Kastner,

## Public Safety

### Donating public safety equipment

Since Sept. 11 some larger fire departments have received grants to upgrade their equipment, leaving them with the problem of how to dispose of used equipment that still may be in good working order. Donating to smaller departments is problematic because of the possible liability issue. So some departments simply mothball the equipment and some ship it to other countries.

Rep. Tara Mack (R-Apple Valley) sponsors HF695 that would extend civil immunity to a municipality that donates public safety equipment.

As amended by the House Civil Law Committee March 16, the bill now moves to the House floor. The companion, SF737, sponsored by Sen. Warren Limmer (R-Maple Grove), awaits action by the Senate Judiciary and Public Safety Committee.

"You can call this a Good Samaritan

proposal,” Mack said. The issue of concern to city officials is that equipment exposed to high heat situations may not perform as expected and the donating government jurisdiction could be held liable.

“You have departments that have equipment to donate and departments in need, but you can’t do so because of the liability issue. This is something that we would like to see resolved,” said George Esbensen, Eden Prairie fire chief.

Rep. Steve Simon (DFL-St. Louis Park) successfully offered an amendment to clarify the donation process and guard against intentional misrepresentation.

Joel Carlson, a lobbyist for the Minnesota Association for Justice, said cities accept gifts and donations by resolution, many times in “as-is condition.” Other states have addressed this, some even by setting up a state clearinghouse for surplus equipment, he said.

— L. SCHUTZ

### Proposals for private prisons

Closed in 2010, the privately owned Prairie Correctional Facility in Appleton could once again house inmates, under a bill sponsored by Rep. Torrey Westrom (R-Elbow Lake).

HF939 would allow the commissioner of administration to seek proposals from private entities to operate correctional facilities.

“This is a policy to allow private prisons to be part of the solution to save money and house inmates. ... The idea is how can we have a private-public mix of corrections and potentially save the taxpayers’ money,” Westrom told the House Civil Law Committee March 14.

The bill was approved and referred to the House Public Safety and Crime Prevention Policy and Finance Committee. There is no Senate companion.

The western Minnesota correctional facility is owned by Corrections Corporation of America and previously housed inmates from Washington and Minnesota. It closed when the states had room in their own facilities to house inmates.

Under Westrom’s bill, a committed person could be placed in either a privately run facility or one operated by the Department of Corrections. Current law specifies that the person be placed in a state-run facility. To be considered, a private institution would have to house prisoners at a cost at least 5 percent below the current per diem of the Department of Corrections.

The lack of other criteria, including



PHOTO BY ANDREW VONBANK

**David Crist, deputy corrections commissioner, testifies before the House Civil Law Committee March 14 during discussion of a bill that would require private prison housing requests by the commissioner of corrections. Rep. Torrey Westrom, right, sponsors the bill.**

program availability, concerns Rep. Melissa Hortman (DFL-Brooklyn Park). “This bill misses the mark. ... As a taxpayer I want two things – a prison that reduces recidivism and keep the bad guys and gals locked up. Why is there nothing in your bill about that?”

She successfully amended the bill to include a provision that recidivism statistics be part of the proposal request.

Rep. Bill Hilty (DFL-Finlayson) thinks the bill is an attempt to privatize prisons.

Westrom said the Department of Corrections could submit a proposal if it met the 5 percent threshold.

Hilty countered: “You know as well as I do how savings can take place — employing fewer staff, paying them as little as possible. And there is another possibility, you could cut back on how you treat prisoners ... quality of food, medical treatment.

David Crist, deputy commissioner for the Department of Corrections Facility Services Division, said the state had no complaints about the services and programs provided to inmates when they were housed at the Appleton facility.

— L. SCHUTZ

### Ensuring fire safety account spending

People dial 911 expecting emergency response personnel to show up prepared. However, money paid by homeowners designated for firefighter training has not always gone there.

Since 2006, a 0.65 percent surcharge on homeowner and commercial fire insurance has been directed to the state fire safety account. Prior to that, Minnesota had a 0.5 percent state fire marshal tax, although it was not specifically identified on consumer policies.

The money is used for the Minnesota Board of Firefighter Training and Education, staffing and operations of the State Fire Marshal Division and fire-related regional response teams and other fire service programs that have the potential for statewide impact.

In recent years, legislators have used some of the account balance to help fund the state’s deficit. For example, in fiscal year 2010, \$6.9 million was transferred to the General Fund and \$3.6 million in fiscal year 2011.

Sponsored by Rep. Steve Smith (R-Mound), HF474 would require that money collected from the fire safety surcharge be used for fire safety purposes. The bill was held over March 10 by the House Public Safety and Crime



PHOTO BY ANDREW VONBANK

**With a hearing room full of firefighters, Brooklyn Park Fire Chief Ken Prillaman testifies before the House Public Safety and Crime Prevention Policy and Finance Committee March 10 in support of a bill that would allocate fire safety account funds.**

Prevention Policy and Finance Committee for possible omnibus bill inclusion. A companion, SF744, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), awaits action by the Senate Judiciary and Public Safety Committee.

Another Smith-sponsored bill held over by the committee, HF609, would ensure that grant recipients use the money for activities and programs, including training recommended by the Fire Service Advisory Committee. Its companion, SF503, sponsored by Sen. Warren Limmer (R-Maple Grove), also awaits action by the Senate Judiciary and Public Safety Committee.

"Minnesota currently ranks between 44th and 47th in spending for fire service, depending on how you measure that on a per capita basis," said Brooklyn Park Fire Chief Ken Prillaman.

He said many departments, especially those staffed by volunteers and paid on-call personnel, rely on the services of the fire marshal and the surcharge dollars are crucial for training purposes.

— M. Cook

### **Consecutive, not concurrent**

Legislative intent of a 1997 law has not always been followed when an inmate assaults a correctional officer.

Rep. Steve Smith (R-Mound) is trying to make the law even more clear with HF439.

Heard March 15 by the House Public Safety and Crime Prevention Policy and Finance Committee, the bill was held over for possible omnibus bill inclusion. It has no Senate companion.

Smith said the intent of the Legislature was that a prisoner sentenced for assaulting a correctional officer would serve their time consecutively, not concurrently. "In some of the cases, the courts were simply ignoring the legislative intent, ignoring the statute and imposing the time concurrently."

To rectify the situation the statute would be changed to say "shall run consecutively, not concurrently."

— M. Cook

### **Longer sex offender sentences**

Predatory sex offenders could be spending many more years in custody.

Sponsored by Rep. Tony Cornish (R-Good Thunder), HF6 would create an indeterminate sentencing structure for such criminals.

Approved as amended March 15 by the House Public Safety and Crime Prevention

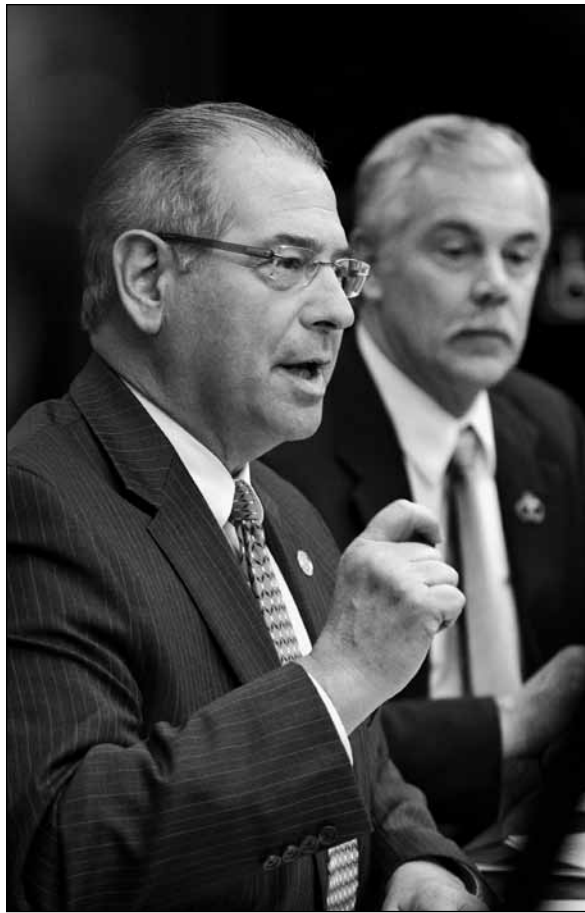


PHOTO BY ANDREW VONBANK

**Hennepin County Attorney Mike Freeman testifies before the House Public Safety and Crime Prevention Committee March 15 in support of a bill that would increase the penalty for criminal sexual conduct. Rep. Tony Cornish, right, sponsors the bill.**

Policy and Finance Committee, the bill was held over two days later by the House Judiciary Policy and Finance Committee for possible omnibus bill inclusion. A companion, SF102, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), awaits action by the Senate Judiciary and Public Safety Committee.

Under the bill, a two-phase trial would occur. Phase one would determine the guilt or innocence of a defendant. Once convicted, a jury would then determine beyond a reasonable doubt if the person is a predatory offender.

Rep. Sheldon Johnson (DFL-St. Paul) and Rep. Joe Mullery (DFL-Mpls) expressed concern about having a jury make that decision, rather than using a professional risk assessment approach.

"I disagree that a jury in seeing someone for a few hours can determine better whether they might reoffend than somebody who's an expert working with them for a few years," Mullery said. "But those are things we can work with as we progress on this. I

think it's a very good first step."

A person convicted of a first-through fourth-degree criminal sexual conduct, who is proven to be a predatory sex offender, shall serve "a minimum of twice the presumptive sentence for this offense, and a maximum of 60 years," Cornish said. "After the mandatory minimum sentence is served, if the convicted person wants to be released under conditional release, he must petition the commissioner of corrections."

The public has overwhelmingly said it expects something drastic to be done with predatory sex offenders, Cornish said.

We don't want a lot of people incarcerated, but we want to protect society against repeat offenders, said Hennepin County Attorney Mike Freeman.

The state's sex offender program is expected to double its population in the next decade, according to Cornish. "It's a foregone conclusion ... we're going to have to look at a bonding bill and committing to a program that hasn't

successfully graduated anybody yet." The program, enacted in 1994, costs about three times as much as incarceration in a state prison.

"The main crux of the bill is we can't afford to do what we're doing," he said. "We need to put the worst ones away."

— M. Cook

### **Where to house short-term offenders**

The short-term offender program that allowed offenders with less than six months remaining on their sentence to serve that time in a local jail was eliminated in 2009.

Rep. Tony Cornish (R-Good Thunder) would like it reinstated.

He sponsors HF1033 that would require offenders with a felony conviction to spend the last 180 days of their sentence at a county jail, workhouse or work farm.

It was held over March 16 by the House Public Safety and Crime Prevention Policy and Finance Committee for possible omnibus bill inclusion. There is no Senate companion.



The bill is expected to save the state \$5.7 million in the upcoming biennium and \$8.8 million in the 2014-2015 biennium, assuming no reimbursement to counties.

"The short-term offender program is a transfer of state costs and responsibilities onto counties," said Dakota County Commissioner Nancy Schouweiler. "Based on actual numbers of short-term offenders from the last year of this program, the cost borne by counties of housing these inmates statewide for an entire year will exceed \$7 million."

Rep. Sheldon Johnson (DFL-St. Paul) said it cost Ramsey County more than \$1 million in 2009 to house short-term offenders. "At a time when we're looking at cutting county program aid, LGA and the like, it just doesn't make any sense," he said.

Schouweiler noted there would likely be a corresponding increase in medical and mental health costs placed on local units of government, at a time medication costs continue to increase.

Jim Franklin, executive director of the Minnesota Sheriff's Association, said the program started in the early-2000s when there was a bed shortage in state prisons. At the time, no data was available on costs, but now data exists to raise concerns.

"The increased discipline issues we deal with, the grievance issues we deal with, the lawsuits that we deal with all come back to the county and cumulatively add more to our dwindling resources," he said.

Franklin also noted that jails can't all offer programming that prisons do, including that for mental health issues or substance abuse.

— M. COOK

## Recreation & Tourism

### Four fairs for St. Louis County

The state's largest county wants to hold four different county fairs, and is asking for help from the Legislature to do so.

With more than 6,800 square miles,

St. Louis County is as big as the states of Delaware and Connecticut combined.

But Rep. Carly Melin (DFL-Hibbing) said it's unclear whether state law permits the county to appropriate money for multiple fairs, and also whether all four fairgrounds are exempt from property taxes. She sponsors HF917 that would clarify the law.

The House Government Operations and Elections Committee approved the bill March 16 and sent it to the House Taxes Committee. There is no Senate companion.

Melin said only one of the four fairgrounds is currently exempt from paying property taxes. County Intergovernmental Affairs Director John Ongaro said a law enacted two years ago requires all four to prove their tax-exempt status.

"The other three are basically real tiny fairs, and just to go through the paperwork ... would be quite onerous on them," he said.

Also, unlike in other counties, none of the fairs occur on county-owned property, which Ongaro said creates other complications. He

## RALLY ROUND THE FLAG



PHOTO BY TOM OLMSCHIED

Adam Harris from the Minnesota History Center, from left, Rep. Kent Eken, Rep. Tim Mahoney, Jim Peterson from the History Center, Rep. Chris Swedzinski and Rep. Jeanne Poppe gather around the 1862 28th Virginia Battle Flag as part of the March 10 History Matters Day. The flag was captured by Pvt. Marshall Sherman of Company C, First Minnesota Volunteer Regiment at Gettysburg on July 3, 1863.

said the Revenue Department never intended to start taxing county fairs, and supports the bill.

— N. BUSSE

### Red Wing golf course sale authorized

The City of Red Wing is hoping to let a private investor buy its municipally owned golf course, but first it needs permission from state lawmakers.

Rep. Tim Kelly (R-Red Wing) sponsors HF1017 that would grant that permission. The House Government Operations and Elections Committee approved the bill March 14 and sent it to the House floor. Sen. John Sterling Howe (R-Red Wing) sponsors the companion, SF779, which awaits action by the Senate Local Government and Elections Committee.

Red Wing owns Mississippi National Golf Links, a 36-hole public golf course. The city contracts with a private firm to run it, but still ends up paying certain capital and maintenance costs. Brian Peterson, the city's planning director, said selling the course would save local taxpayers money.

"A proposed sale of this nature would result in reducing budgetary pressure on the city without reducing the service levels, because it would still operate as a golf course," Peterson said.

The land was declared surplus state property in the 1970s, and Red Wing obtained it from the state by way of a special law passed in 1976. Peterson said it's unclear whether the law allows the city to sell the land, so city officials need lawmakers to grant them the authority.

Kelly's bill would give the city statutory authority to sell the golf course. He said it would save the city \$200,000 a year in maintenance costs. To help facilitate the sale, the bill would also give the city ownership of the road leading to the course facilities. Currently the city has an easement on the road.

At least one committee member was pleased to hear that the course would remain open.

"This is probably my favorite golf course that I go to. I just think it's a gem," said Rep. Bev Scalze (DFL-Little Canada).

— N. BUSSE

## State Government

### Helping CAP employees get insured

Community action agencies may soon be eligible to participate in a statewide

insurance pool for public employees.

Minnesota currently has 28 community action agencies — private nonprofits focused on eliminating poverty and helping people become self-sufficient. The agencies employ a combined total of about 5,000 employees around the state.

Some have had trouble finding affordable health insurance plans for their staff, according to Rep. Morrie Lanning (R-Moorhead). He sponsors HF789 that would allow them participate in the state's Public Employee Insurance Program, which provides insurance benefits to local government employees.

"I have worked extensively with community action agencies around the state ... and they are a very, very important service to people who have great needs," Lanning said.

The House Government Operations and Elections Committee approved the bill March 15 and sent it to the House floor. There is no Senate companion.

Arnie Anderson, executive director of the Minnesota Community Action Partnership, said it is unlikely that all 5,000 community action employees would participate. He said the bill would primarily benefit those in Greater Minnesota, who have a hard time finding affordable insurance plans.

"In the greater metropolitan area, it's much easier to get competitive bids ... this bill before you today is basically to offer one additional option for Greater Minnesota," he said.

Mike Thorsteinson, executive director of Three Rivers Community Action, said annual insurance premiums for his staff

### TARGETS REACTION

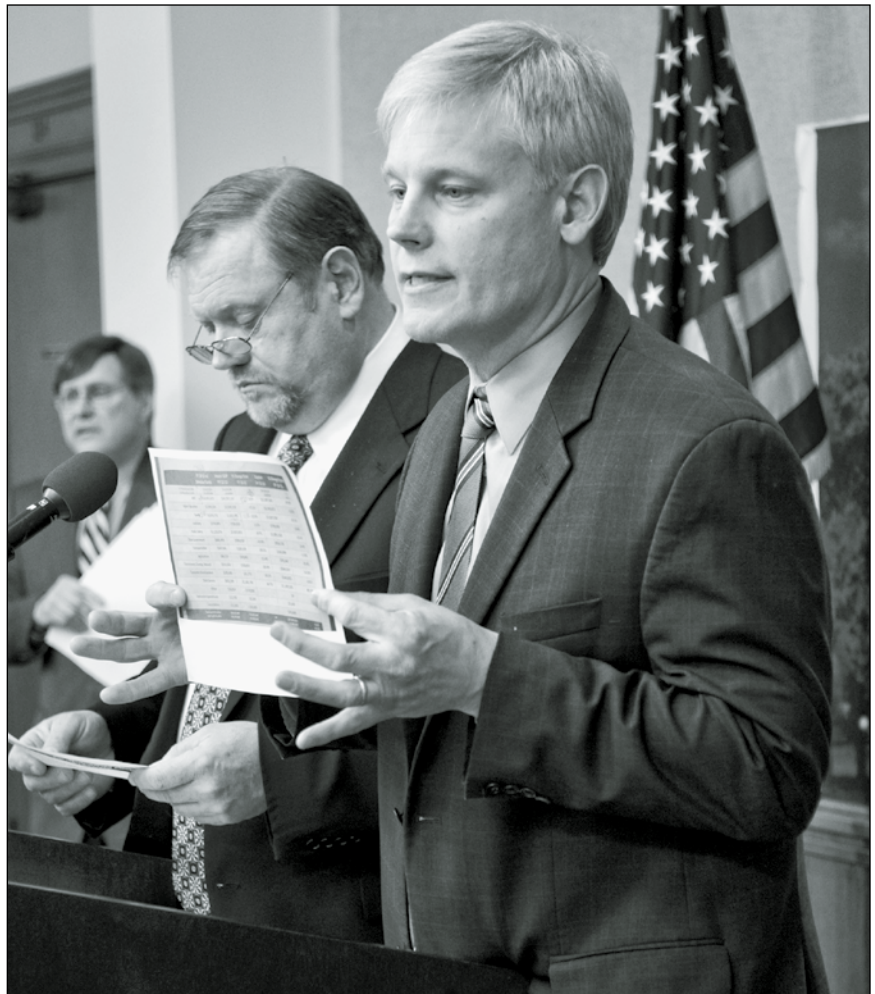


PHOTO BY TOM OLMSCHIED

House Minority Leader Paul Thissen, right, reacts March 10 to the House Republican's budget targets saying that property taxes will rise if their budget is approved by the members. Senate Minority Leader Tom Bakk, center and Sen. Richard Cohen, ranking Senate minority member on the Senate Finance Committee also appeared at the news conference to react to the majority's budget targets.



have risen from \$130,000 five years ago to \$360,000 because they can't find another competitive bid. He estimates the additional cost prevents them from hiring five to six new staff members.

— N. BUSSE

### **Fewer deputy commissioners sought**

Minnesota might save \$5.5 million annually by cutting 42 deputy commissioner positions at state agencies.

Rep. Kirk Stensrud (R-Eden Prairie) sponsors HF1024 that would require all state agencies to have no more than one deputy commissioner. Only the Department of Veterans Affairs would be exempted from the change.

Stensrud said the bill is based on a study produced by the Minnesota Association of Professional Employees on the number of managerial positions in state government. He said the bill assumes that these upper middle-management jobs would be eliminated, and that the deputy commissioners would not simply move into new jobs at the agencies.

"I think in these times we have to look at ways to streamline and get more done with less overhead," he said.

The House State Government Finance Committee laid the bill over March 14 for possible inclusion in its omnibus finance bill.

Rep. Phyllis Kahn (DFL-Mpls) questioned why the bill would exempt the Veterans Affairs Department. She argued that if the Department of Corrections, which is a larger and more complex agency, needs only one deputy commissioner, that veterans affairs should be no different.

"Do you know so much about these departments to say that veterans services needs two and corrections needs one?" she said.

Sen. Ted Lillie (R-Lake Elmo) sponsors the companion, SF739, was held over for possible inclusion in an omnibus bill by the Senate State Government Innovation and Veterans Committee on March 14.

— N. BUSSE

### **'Human capital bonds' approved**

Supporters hope an innovative pay-for-performance program will provide a new model for how the state funds social services in the future.

Sponsored by Rep. Keith Downey (R-Edina), HF681 would create a pilot program for contracting out certain state services to private nonprofits. Using appropriation bonds, the state would establish

a pool of money out of which contractors would be paid based on documented savings they provide to the state.

The House Government Operations and Elections Committee approved the bill March 17 and referred it to the House State Government Finance Committee.

The concept is known as "human capital bonding." Downey said the pilot would be modeled after Twin Cities RISE! — a program that helps poor people and convicted felons find gainful employment. In that program, the state provides money to the group only when its clients find jobs and when they've had employer-provided health insurance for a year. Savings to the state come in the form of increased tax revenue and reduced costs for incarceration.

Steve Rothschild, the founder of Twin Cities RISE! and a former General Mills executive, said the cost of repaying the bonds would be recouped through savings provided by the service providers. He said the concept is a "win-win-win" for taxpayers, nonprofits and investors alike.

Rep. Ryan Winkler (DFL-Golden Valley) questioned whether service providers might try to game the system by influencing the standards that are used to measure their performance.

"You have to make sure that the outcomes you're measuring are the most important ones," Winkler said.

The bill includes a line for an appropriation for the bonds, but it does not include a dollar amount yet. Sen. Julie Rosen (R-Fairmont) sponsors the companion, SF434, which awaits action by the Senate State Government Innovation and Veterans Committee.

— N. BUSSE

## **Taxes**

### **Bill aims to help lower income earners**

The House Taxes Committee got its first look March 14 at the taxes portion of its omnibus bill (HF42), which over fiscal years 2012 and 2013 anticipates a \$2.96 billion General Fund reduction, and would provide breaks to those in the lower to middle tax brackets. However, with more testimony to come yet this week and the need to roll in the property tax and local tax division provisions, a lot could change before the committee acts on the bill, most likely March 19.

Sponsored by Committee Chairman Greg Davids (R-Preston), the bill would reduce the rate those in the lower and middle brackets

pay. Income taxpayers in the 5.35 percent bracket would see a 0.20 percent reduction over the biennium. Those in the 7.05 percent bracket would drop to 6.85 percent in 2012, but would not experience a reduction in 2013. The cost over the biennium would be \$221.3 million to the General Fund.

In response to the proposal, Gov. Mark Dayton said the bill would benefit higher income earners. According to information prepared by the Department of Revenue, a taxpayer with an income between \$30,000 and \$49,999 would see a tax cut of \$26 in 2012, while those with a federally adjusted gross income of \$250,000 to \$499,999 would see a cut of \$206.

Also of note, the bill:

- calls for \$7 million over the 2012-2013 fiscal biennium to establish a new Minnesota Science and Technology Fund to help funnel dollars to research and development programs through grants and a possible commercialized research program;
- would reduce the state general levy for commercial industrial property by \$49.9 million over the next biennium;
- would eliminate sales tax paid by communities for water used for public safety and the tax paid by consumers on ring tones; and
- would move to reinstate a reciprocity agreement with Wisconsin for those working in one state and living in the other.

Approximately \$18.2 million is expected to be generated over the biennium by adding to the tobacco definition "moist snuff," also known as dipping tobacco. The bill provides a separate tobacco products excise tax for moist snuff equal to \$1.45 per ounce. There would also be \$18.5 million over the biennium to the General Fund from federal tax conformity for tax year 2010 only.

The companion, SF27, sponsored by Sen. Julianne Ortman (R-Chanhassen), has been laid over by the Senate Taxes Committee for possible omnibus bill inclusion.

— L. SCHUTZ

### **Property tax changes keep changing**

Mayors expecting to testify on proposed local government aid reductions and a property tax freeze were caught off-guard when the bill containing the provisions took somewhat of a U-turn.

The House Property and Local Tax Division report in the form of HF481, rolled out on March 12, called for reductions to





PHOTO BY TOM OLMSCHEID

**Minneapolis Mayor R.T. Rybak, left, and St. Paul Mayor Chris Coleman answer questions March 16 from members of the House Property and Local Tax Division about the proposed Local Government Aid cuts to their cities.**

Local Government Aid that would lead to a phase-out of the program in 2014. It also proposed changes to the market value credit program, disparity reduction aid and payment in lieu in taxes.

But the March 16 morning's meeting was the start of several hours of testimony on the bill that was substantially altered by an amendment from its sponsor, Rep. Linda Runbeck (R-Circle Pines), the division chairwoman. The bill will most likely be rolled into the omnibus taxes bill (HF42).

Through her successful amendment, the property tax freeze provision was gone; the state's largest cities would be getting even less LGA than proposed; and some state mandates to counties, known as maintenance of effort requirements, would be suspended for 2012 and 2013, under certain conditions. Also, long-debated changes to the Green Acres and rural preserves legislation were now included; the reduction proposed to the renter's refund program was increased; and the homeowner property tax refund program would be restructured with fewer taxpayers being eligible.

"These are pretty significant changes to the previous (bill)," said Rep. Paul Marquart (DFL-Dilworth), who asked for more time to consider the changes so that amendments could be presented when the division reconvened.

St. Paul Mayor Chris Coleman said the bill "guts" the strong vitality of the state's largest

cities and "puts before us untenable choices."

He said he has prioritized public safety, and due to federal funds they have put more officers on the street. "I'm not here to prognosticate what the cuts will look like," he said.

Under the new provisions in Runbeck's bill: suburbs would retain their 2011 aid, but would see a 75 percent decrease in 2012; Minneapolis, St. Paul and Duluth would see in 2011 75 percent of the 2010 aid, and 50 percent of the 2010 aid in 2012; and Greater Minnesota would see no change to their aid formula.

Rep. Joe McDonald (R-Delano), a former mayor, said LGA is supposed to supplement and help fundamental services such as public works, fire and police. "If first class cities can't generate enough income to supplement just public safety, fire, police and public works then we have a problem."

— L. SCHUTZ

## Transportation

### Filing fee increase proffered

In an effort to help the state's deputy registrars cover their expenses, the state's filing fee for motor vehicle transactions, such as registration renewals and title transfers, could increase by \$1.50.

Sponsored by Rep. Larry Howes (R-Walker), HF347 was approved on a

split-vote March 14 by the House Transportation Policy and Finance Committee, and sent to the House Ways and Means Committee. A companion, SF368, sponsored by Sen. David Senjem (R-Rochester), awaits action by the Senate Finance Committee.

The current \$4.50 filing fee for renewals has not increased since 2001, and the \$8.50 fee for title transactions has not increased since 2005.

Of the state's 175 deputy registrars, about two-thirds exist where a county or city offers the service, and about one-third are private, such as at a jewelry store in Pine River. Registrars stock their own offices with necessary supplies and equipment, such as computers and faxes. Filing fees must cover all operational costs; there are no state subsidies.

While cities and counties can provide financial assistance to keep the public registrars open, the privates do not necessarily have that backup.

"Living in rural Minnesota, folks don't like to do it online or in the mail. ... They'd rather go to our local deputy registrars," Howes said. "They honestly, quite frankly, need this money to stay in business."

He said deputy registrars perform about 5 million transactions annually, while the state does about 800,000. "Imagine if they all went out of business. The state then would be doing all of them and I'm sure they'd be at this committee asking for more FTE's or more funding."

Without this increase, supporters said changes would likely include reduced staff, reduced hours or registrars closing. Many transactions, such as titling or transferring a vehicle, must be done in person.

People assume these are state offices or state employees, but they are not, said Jim Hirst, a lobbyist representing the Minnesota Deputy Registrar's Association. He said 65 percent of public registrars lost money last year; 38 percent of privates.

### Can't wait a week for your news from the House?

When something important happens on the House floor or in a committee meeting, you'll know about it by subscribing to Session Daily.

Subscribers receive daily e-mail alerts whenever new articles are posted.

Go to: [www.house.mn/hinfo/sdaily.asp](http://www.house.mn/hinfo/sdaily.asp)  
To subscribe, click on Subscribe to Session Daily e-mail updates. RSS is also available.

# BILL INTRODUCTIONS

MARCH 14 - 17, 2011

HOUSE FILES 1050 - 1197

## Monday, March 14

### HF1050-Hilty (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Regional Earl Ellens Park and Riverside Center as trailhead for the Willard Munger State Trail funding provided, bonds issued and money appropriated.

### HF1051-Lanning (R)

#### Environment, Energy & Natural Resources Policy & Finance

Buffalo-Red River Watershed District flood hazard mitigation grant funding provided, bonds issued and money appropriated.

### HF1052-Beard (R)

#### Environment, Energy & Natural Resources Policy & Finance

Energy customers permitted to seek exemptions from a utility's conservation investment program and clarifying changes made.

### HF1053-Downey (R)

#### Education Reform

Parents empowered to request school district intervention in a persistently low-performing school.

### HF1054-Abeler (R)

#### Health & Human Services Finance

Elderly and disabled individuals self-directed supports option modified.

### HF1055-Lenczewski (DFL)

#### Capital Investment

Old Cedar Avenue Bridge appropriations modified.

### HF1056-Davnie (DFL)

#### Education Finance

Targeted family outreach activities grant program created and money appropriated.

### HF1057-McDonald (R)

#### Health & Human Services Reform

Medical Assistance dental coverage expanded for adults.

### HF1058-McDonald (R)

#### Health & Human Services Finance

Critical access dental providers criteria and payment methods modified, and rulemaking prohibited for the critical access dental program.

### HF1059-Loon (R)

#### Taxes

Education tax credit equity and opportunity provided.

### HF1060-Beard (R)

#### Civil Law

"Personnel data" definition modified; data obtained for design-build transportation projects, adopt-a-highway program related data and mileage-based road users data classified; and traffic accident related data provisions modified.

### HF1061-Urdahl (R)

#### Legacy Funding Division

Legacy funds recipient reports required.

### HF1062-Urdahl (R)

#### Judiciary Policy & Finance

President and Congress urged to pardon Chaska.

### HF1063-Murray (R)

#### State Government Finance

Counties permitted to perform private audit meeting standards of state auditor.

### HF1064-Benson, J. (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Crow Wing State Park land purchase funding provided, bonds issued and money appropriated.

### HF1065-Mahoney (DFL)

#### Jobs & Economic Development Finance

St. Paul; summer youth employment program grants awarded and money appropriated.

### HF1066-Johnson (DFL)

#### Higher Education Policy & Finance

Science Education Center at Metropolitan State University funding provided.

### HF1067-Nelson (DFL)

#### Transportation Policy & Finance

Rail bank property prohibited activities provisions modified and misdemeanor penalty imposed.

### HF1068-Beard (R)

#### Transportation Policy & Finance

Trunk highway fund expenditures report required.

### HF1069-Downey (R)

#### Education Reform

Education boards created, and school boards allowed to reorganize as education boards.

### HF1070-Howes (R)

#### Taxes

Local government aid distribution modified.

### HF1071-Norton (DFL)

#### Health & Human Services Reform

Autism spectrum disorder coverage provided.

### HF1072-Cornish (R)

#### Public Safety & Crime Prevention Policy & Finance

Minnesota State Retirement System; employment position covered by correctional state employees retirement plan revised, vesting period modified for a retirement annuity for the correctional state employees retirement plan and service credit transfer permitted to the general state employees retirement plan by certain correctional employees.

### HF1073-Hansen (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Legislative Environment Commission established; Lessard-Sams Outdoor Heritage Council, Clean Water Council and Legislative-Citizen Commission on Minnesota Resources eliminated; water system improvement loan program eliminated; appropriations from outdoor heritage fund modified; and appointments provided.

### HF1074-Westrom (R)

#### Government Operations & Elections

Advisory Committee for Technology Standards for Accessibility and Usability expiration date extended, advisory committee codified and money appropriated.

### HF1075-Mack (R)

#### Health & Human Services Finance

Single public health care program plan recommendation required, eligibility and enrollment processes simplified, systems automated and report required.

### HF1076-LeMieur (R)

#### Jobs & Economic Development Finance

Administrative, rulemaking, enforcement and safety and health provisions modified.

### HF1077-Anderson, P. (R)

#### Education Finance

General education small school revenue component created.

### HF1078-Garofalo (R)

#### Education Finance

Perpich Center for Arts Education status changed from a state agency to a charter school.

### HF1079-Holberg (R)

#### Taxes

Tobacco product definition modernized.

### HF1080-Woodard (R)

#### Public Safety & Crime Prevention Policy & Finance

Metropolitan Council authorized to disqualify criminal offenders from becoming bus and light rail vehicle operators.

### HF1081-Lenczewski (DFL)

#### Taxes

Individual income tax rates reduced.

### HF1082-Beard (R)

#### Environment, Energy & Natural Resources Policy & Finance

Cold weather rule electronic notification authorized.

### HF1083-Runbeck (R)

#### Taxes

Homeowner property tax refund modified.

### HF1084-Davids (R)

#### Taxes

Wisconsin reciprocity agreement negotiation directed and its termination permitted only by law.

### HF1085-Mahoney (DFL)

#### Jobs & Economic Development Finance

Lifetrack Resources funding appropriated from the Workforce Development Fund.

### HF1086-McElfatrick (R)

#### Health & Human Services Finance

License recognition repealed for bordering states, fees established and technical changes made.

**HF1087-McElfatrick (R)**  
**Health & Human Services Reform**  
Nursing; criminal history record check required and money appropriated.

**HF1088-Draskowski (R)**  
**Government Operations & Elections**  
State agency natural disaster response provisions modified.

**HF1089-Stensrud (R)**  
**Taxes**  
Schedule of rates for individuals, estates and trusts rates reduced.

**HF1090-Stensrud (R)**  
**State Government Finance**  
Commissioner of Minnesota Management & Budget required to issue a proposal request and enter into a contract for dependent audit verification for state employee health plans.

**HF1091-Lanning (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Basin boards establishment and taxing authority authorized, money appropriated and rulemaking required.

**HF1092-Buesgens (R)**  
**Education Reform**  
Qualified individuals receiving a retirement annuity allowed to serve as a coach during a sports season.

**HF1093-Garofalo (R)**  
**Education Finance**  
School district or charter school required to spend at least 70 percent of its total general operating expenditures on direct classroom expenditures.

**HF1094-Shimanski (R)**  
**Transportation Policy & Finance**  
Disability motorcycle plate provided.

**HF1095-Hosch (DFL)**  
**Commerce & Regulatory Reform**  
Minnesota Comprehensive Health Association six-month preexisting condition limitation exception provided for children.

**HF1096-Hosch (DFL)**  
**Health & Human Services Finance**  
Family assets for independence grants money appropriated.

**HF1097-McNamara (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Land acquisition by exchange provided; peatland protection, recreational vehicle enforcement provisions, local recreation grant cash match requirement and Mineral Coordinating Committee modified; Blakeley State Wayside repealed and money appropriated.

**HF1098-Mullery (DFL)**  
**Agriculture & Rural Development Policy & Finance**  
Seized animal disposition requirements changed and penalty imposed.

**HF1099-Winkler (DFL)**  
**Government Operations & Elections**  
Campaign financing; contribution and expenditure report filing required.

**HF1100-Kriesel (R)**  
**Commerce & Regulatory Reform**  
Boiler inspection provisions modified.

**HF1101-Nornes (R)**  
**Higher Education Policy & Finance**  
Postsecondary education provisions modified and money appropriated.

**HF1102-Liebling (DFL)**  
**Health & Human Services Finance**  
Dental reimbursement for the Medical Assistance program modified.

**HF1103-Mullery (DFL)**  
**Public Safety & Crime Prevention Policy & Finance**  
Assault of utility or postal service employee or contractor gross misdemeanor created.

**HF1104-Howes (R)**  
**Capital Investment**  
Appropriations canceled and corresponding bond sale authorizations reduced.

**HF1105-Kiel (R)**  
**Transportation Policy & Finance**  
Pickup truck provisions modified.

**HF1106-Kiel (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Money appropriated from parks and trails fund.

**HF1107-Kiffmeyer (R)**  
**Taxes**  
Currency, coins and bullion exempted from sales and use tax.

**HF1108-Poppe (DFL)**  
**Higher Education Policy & Finance**  
Salaries and payments of bonuses in contracts limited, Minnesota State Colleges and Universities organizational efficiency study required, centers of excellence phased out and appropriation use clarified.

**HF1109-Smith (R)**  
**Public Safety & Crime Prevention Policy & Finance**  
DWI conviction driver's license revocation period provisions clarified and conformed.

**HF1110-Mahoney (DFL)**  
**Jobs & Economic Development Finance**  
Small business investment tax credit provisions modified.

**HF1111-Petersen, B. (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Coon Rapids Dam Commission established, appointments provided and Coon Rapids Dam improvements pre-design and design money appropriated.

**HF1112-Abeler (R)**  
**Health & Human Services Finance**  
White Earth Band of Ojibwe Indians authorized to provide human services and public assistance programs and money appropriated.

**HF1113-McFarlane (R)**  
**Taxes**  
Ramsey County; mortgage registry and deed tax expiration authority removed.

**HF1114-Anderson, P. (R)**  
**Agriculture & Rural Development Policy & Finance**  
Agricultural bioenergy grant funding provided and money appropriated.

**HF1115-Anderson, P. (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Wildlife Management Area; adopt-a-WMA program created.

**HF1116-Mack (R)**  
**Health & Human Services Finance**  
Human service public assistance fraud detection and business intelligence contract proposal request required.

**HF1117-O'Driscoll (R)**  
**Government Operations & Elections**  
Bond requirements for state depositories changed.

**HF1118-Eken (DFL)**  
**Education Finance**  
General education component created to support small school districts.

**HF1119-Kiffmeyer (R)**  
**Civil Law**  
Voter eligibility requirements conformed to constitutional requirements.

**HF1120-Anderson, S. (R)**  
**Taxes**  
Ring tone sales and use tax repealed.

**HF1121-Hamilton (R)**  
**Agriculture & Rural Development Policy & Finance**  
Terrestrial pesticide application regulating authority clarified.

**HF1122-Anderson, P. (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Terrestrial pesticide application regulating authority clarified.

**HF1123-Abeler (R)**  
**Health & Human Services Reform**  
Prematurity task force established.

**HF1124-Anderson, B. (R)**  
**Veterans Services Division**  
Rehabilitation presumption established through a person's honorable military service following a prior offense.

**HF1125-Howes (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Coon Rapids Dam renovation funding provided, bonds issued and money appropriated.

**HF1126-Persell (DFL)**  
**Jobs & Economic Development Finance**  
Deer River; regional community facility funding provided, bonds issued and money appropriated.

**HF1127-Hansen (DFL)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Water supply and groundwater degradation prevention provided and money appropriated from the Clean Water Fund.



**HF1128-Slawik (DFL)****State Government Finance**

Oakdale; veteran memorial funding provided, bonds issued and money appropriated.

**HF1129-Beard (R)****Government Operations & Elections**

Local government variance granting provided.

**HF1130-Nornes (R)****Higher Education Policy & Finance**

Student record and data use provided.

**HF1131-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Public safety service fee proceeds allocated.

**HF1132-Eken (DFL)****Government Operations & Elections**

Legislator salary authorization council established, Compensation Council composition changed and constitutional amendment proposed.

**HF1133-Vogel (R)****Higher Education Policy & Finance**

Undergraduate stable tuition rate provided.

**HF1134-Hoppe (R)****Commerce & Regulatory Reform**

Annuity product regulated, and National Association of Insurance Commissioners model regulation adopted relating to suitability in annuity transactions.

**HF1135-Anderson, D. (R)****Civil Law**

Marriage dissolution education program participation required in marriage dissolution or legal separation proceedings involving minor children.

## Wednesday, March 16

---

**HF1136-Rukavina (DFL)****Education Finance**

Regional library system maintenance of effort formula modified.

**HF1137-Rukavina (DFL)****Higher Education Policy & Finance**

Permanent university fund portion directed for a mining engineering program and forestry research.

**HF1138-Abeler (R)****Health & Human Services Reform**

Case management and personal care assistance appeals conference required.

**HF1139-Hancock (R)****Government Operations & Elections**

Public safety equipment single source acquisition and long-term leasing authorized.

**HF1140-Beard (R)****Transportation Policy & Finance**

Fixed guideway transit and rail line project requirements amended, governing capital requests requirements established and financial reporting amended.

**HF1141-Gunther (R)****Taxes**

Teleworking credit created and telework expenses sales tax exemption provided.

**HF1142-Kiffmeyer (R)****Health & Human Services Reform**

Health care provider requirements that are not required for federal compliance eliminated, and future reporting requirements sunset required.

**HF1143-Kiffmeyer (R)****Health & Human Services Finance**

Qualified Medical Assistance enrollees and all MinnesotaCare enrollees required to receive basic services through an enrolled provider network, and major medical coverage provided to these enrollees.

**HF1144-Cornish (R)****Government Operations & Elections**

Former employees in the state employee group insurance program specified notice required for termination of rights.

**HF1145-Lenczewski (DFL)****Transportation Policy & Finance**

I-35W/I-494 interchange funding provided, bonds issued and money appropriated.

**HF1146-Melin (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Central Iron Range Sanitary Sewer District money appropriated.

**HF1147-Hausman (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Como Park Zoo and Conservatory money appropriated.

**HF1148-Murdock (R)****Environment, Energy & Natural Resources Policy & Finance**

Landfill cleanup program modified.

**HF1149-Beard (R)****Transportation Policy & Finance**

Aeronautics activities money appropriated.

**HF1150-Loeffler (DFL)****Government Operations & Elections**

Classified employees duties and rights specified.

**HF1151-Eken (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Snowmobiles or all-terrain vehicles registered by an Indian tribal government to a tribal member exempted from registration with the state.

**HF1152-Sanders (R)****Commerce & Regulatory Reform**

Pawnbrokers pledged goods return and location restrictions regulated.

**HF1153-Slawik (DFL)****Education Finance**

Full-day kindergarten funding provided for qualified kindergarten programs.

**HF1154-Eken (DFL)****Government Operations & Elections**

Single member district office, executive officer, judge, senator or representative election by a majority of the votes cast at the general election for the office provided for, and constitutional amendment proposed.

**HF1155-Eken (DFL)****Health & Human Services Finance**

Mahnomen County; supplemental rate increased for group residential provider.

**HF1156-Eken (DFL)****Taxes**

Long-term care tax imposed to fund services.

**HF1157-Anderson, B. (R)****Agriculture & Rural Development Policy & Finance**

Public Utilities Commission required to submit proposed legislation establishing protocol for investigating complaints of stray voltage on dairy and livestock operations and task force created.

**HF1158-Peterson, S. (DFL)****Jobs & Economic Development Finance**

Startup business loan guarantee program developed, loan guarantee trust fund established, report required and money appropriated.

**HF1159-Drazkowski (R)****Government Operations & Elections**

State employee and elected official salary reduced by 6 percent.

**HF1160-Banaian (R)****Jobs & Economic Development Finance**

Boys and Girls Club grant funding provided and money appropriated.

**HF1161-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Education and program development requirements amended and certificates of compliance provisions amended.

**HF1162-Ward (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Nonnative species provisions modified, permits to control or harvest aquatic plants requirements modified and criminal and civil penalties provided.

**HF1163-Gunther (R)****Jobs & Economic Development Finance**

Accountant fees modified.

**HF1164-Murdock (R)****Jobs & Economic Development Finance**

JOBZ provisions modified.

**HF1165-Abeler (R)****Transportation Policy & Finance**

Ramsey Northstar Commuter Rail Station funding provided, bonds issued and money appropriated.

**HF1166-Gottwalt (R)****Health & Human Services Reform**

State permitted to contract with third-party administrators to provide Medical Assistance benefits, competitive request for proposal process required, and mandatory participation by health maintenance organizations repealed.

**HF1167-Smith (R)****Government Operations & Elections**

Cedarview Care Center and Traverse Care Center added to covered privatization list.

**HF1168-Smith (R)****Government Operations & Elections**

Municipal or independent nonprofit firefighting corporation contributions permitted in excess of the applicable funding requirements.

**HF1169-Downey (R)****Taxes**

Resale ticket purchase provisions modified.

**HF1170-Gunther (R)****Jobs & Economic Development Finance**

Worker classification regulation, penalties and fees modified.

**HF1171-Westrom (R)****Government Operations & Elections**

Nonprofit organizations receiving a grant or direct appropriation from the state conditions imposed.

**HF1172-Westrom (R)****State Government Finance**

Revenue provided for legislative public information publications and legislative media productions and money appropriated.

**HF1173-Brynaert (DFL)****Education Reform**

Probationary and continuing contract teachers professional development and evaluation requirements further clarified.

**HF1174-Hoppe (R)****Commerce & Regulatory Reform**

Private, nonprofit college on-sale liquor license provided with conditions.

**HF1175-Buesgens (R)****Transportation Policy & Finance**

Scott County; additional deputy registrar of motor vehicles authorized.

**HF1176-McFarlane (R)****Education Finance**

Alternative facility revenue uses modified.

**HF1177-Falk (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Community energy outreach and assistance promotion grants provided.

**HF1178-Loeffler (DFL)****Government Operations & Elections**

Unpaid leave job retention program created.

**HF1179-McFarlane (R)****Education Finance**

Pupil transportation provisions modified, Department of Education's role clarified in maintaining training programs, lift bus use included in the category or revenue authorized for reimbursement and actual contracted transportation costs included as a method for allocating pupil transportation costs.

## Thursday, March 17

**HF1180-Mullery (DFL)****Commerce & Regulatory Reform**

Homeowner loan modification request uniform process provided for use by lenders and mortgage lenders required to record proof of compliance prior to foreclosure.

**HF1181-Howes (R)****Transportation Policy & Finance**

School bus safety and standards provisions modified and standards abolished for type III vehicles used for transporting students.

**HF1182-Smith (R)****Public Safety & Crime Prevention Policy & Finance**

High-risk adult demonstration project continuation money appropriated.

**HF1183-Melin (DFL)****State Government Finance**

Central Iron Range Sanitary Sewer District wastewater treatment plant and sewer system improvements funding provided, bonds issued and money appropriated.

**HF1184-Anderson, S. (R)****Health & Human Services Reform**

Family day care requirements modified.

**HF1185-Abeler (R)****Health & Human Services Reform**

Contracting procedures between health care providers and health plan companies adjusted.

**HF1186-McElpatrick (R)****Health & Human Services Reform**

State health care program purchasing county roles and rights modified, county-based purchasing arrangements authorized and administrative reporting reduction process established.

**HF1187-Greiling (DFL)****Education Finance**

Early childhood and family, prekindergarten through grade 12 and adult education, including general education, education excellence, special programs,

facilities and technology, nutrition and accounting, libraries, early childhood education, prevention, self-sufficiency and lifelong learning, and state agencies provided for, rulemaking authorized and money appropriated.

**HF1188-Loon (R)****Education Reform**

Early childhood services and programs coordination provided to achieve full kindergarten readiness for all Minnesota children by 2020.

**HF1189-Beard (R)****Environment, Energy & Natural Resources Policy & Finance**

Conservation improvement program exemption provisions modified.

**HF1190-Greene (DFL)****Judiciary Policy & Finance**

Minors age 16 or older allowed to file petitions for orders for protection on their own behalf.

**HF1191-Abeler (R)****Health & Human Services Reform**

Social worker licensure provisions modified.

**HF1192-Beard (R)****Transportation Policy & Finance**

Airport runway preservation funding provided.

**HF1193-Beard (R)****Environment, Energy & Natural Resources Policy & Finance**

Municipalities and electric cooperative associations regulations amended with respect to energy conservation programs.

**HF1194-Crawford (R)****Education Reform**

Teacher due process procedures clarified.

**HF1195-Anderson, S. (R)****Commerce & Regulatory Reform**

Pay day lenders regulated and fees and charges authorized.

**HF1196-Holberg (R)****Transportation Policy & Finance**

Metropolitan area transportation sales and use tax funds allocated for transit operations.

**HF1197-Holberg (R)****Transportation Policy & Finance**

Temporary transfers authorized from the metropolitan livable communities fund accounts and the right-of-way loan acquisition fund for transit operating deficits; funding sources modified for metropolitan livable communities fund accounts.

## Frequently called numbers

Area code 651

**House Public Information Services**

175 State Office Building ..... 296-2146  
Toll-free ..... 800-657-3550

**Chief Clerk of the House**

211 Capitol ..... 296-2314

**House Index**

211 Capitol ..... 296-6646  
Meeting Call line, House ..... 296-9283

**House Research**

600 State Office Building ..... 296-6753

**Senate Information**

231 Capitol ..... 296-0504  
Toll-free ..... 888-234-1112

**Secretary of the Senate**

231 Capitol ..... 296-2344  
Voice mail/order bills ..... 296-2343

**Senate Index**

110 Capitol ..... 296-2887

**Senate Counsel and Research**

G-17 Capitol ..... 296-4791

**Governor's Office**

130 Capitol ..... 201-3400

# 2011-2012 Minnesota House of Representatives Members

| District | Member/Party              | Room* | Phone<br>651-296- | District | Member/Party             | Room* | Phone<br>651-296- |
|----------|---------------------------|-------|-------------------|----------|--------------------------|-------|-------------------|
| 48B      | Abeler, Jim (R)           | 479   | 1729              | 57A      | Kriesel, John (R)        | 451   | 4342              |
| 19A      | Anderson, Bruce (R)       | 365   | 5063              | 50A      | Laine, Carolyn (DFL)     | 287   | 4331              |
| 38A      | Anderson, Diane (R)       | 525   | 3533              | 9A       | Lanning, Morrie (R)      | 379   | 5515              |
| 13A      | Anderson, Paul (R)        | 445   | 4317              | 34A      | Leidiger, Ernie (R)      | 415   | 4282              |
| 43A      | Anderson, Sarah (R)       | 549   | 5511              | 12B      | LeMieur, Mike (R)        | 567   | 4247              |
| 3A       | Anzelc, Tom (DFL)         | 307   | 4936              | 40B      | Lenczewski, Ann (DFL)    | 317   | 4218              |
| 39B      | Atkins, Joe (DFL)         | 209   | 4192              | 66A      | Lesch, John (DFL)        | 315   | 4224              |
| 15B      | Banaan, King (R)          | 411   | 6612              | 30A      | Liebling, Tina (DFL)     | 357   | 0573              |
| 17B      | Barrett, Bob (R)          | 413   | 5377              | 55A      | Lillie, Leon (DFL)       | 281   | 1188              |
| 35A      | Beard, Michael (R)        | 417   | 8872              | 59A      | Loeffler, Diane (DFL)    | 335   | 4219              |
| 43B      | Benson, John (DFL)        | 289   | 9934              | 56A      | Lohmer, Kathy (R)        | 521   | 4244              |
| 30B      | Benson, Mike (R)          | 515   | 4378              | 42B      | Loon, Jenifer (R)        | 403   | 7449              |
| 37B      | Bills, Kurt (R)           | 533   | 4306              | 37A      | Mack, Tara (R)           | 557   | 5506              |
| 23B      | Brynaert, Kathy (DFL)     | 327   | 3248              | 67A      | Mahoney, Tim (DFL)       | 237   | 4277              |
| 35B      | Buesgens, Mark (R)        | 381   | 5185              | 65B      | Mariani, Carlos (DFL)    | 203   | 9714              |
| 45B      | Carlson Sr., Lyndon (DFL) | 283   | 4255              | 9B       | Marquart, Paul (DFL)     | 313   | 6829              |
| 58B      | Champion, Bobby Joe (DFL) | 329   | 8659              | 41B      | Mazorol, Pat (R)         | 581   | 7803              |
| 61A      | Clark, Karen (DFL)        | 277   | 0294              | 19B      | McDonald, Joe (R)        | 523   | 4336              |
| 24B      | Cornish, Tony (R)         | 437   | 4240              | 3B       | McElfatrick, Carolyn (R) | 545   | 2365              |
| 8B       | Crawford, Roger (R)       | 421   | 0518              | 53B      | McFarlane, Carol (R)     | 597   | 5363              |
| 17A      | Daudt, Kurt (R)           | 487   | 5364              | 57B      | McNamara, Denny (R)      | 375   | 3135              |
| 31B      | Davidson, Greg (R)        | 585   | 9278              | 5B       | Melin, Carly (DFL)       | 309   | 0172              |
| 62A      | Davnie, Jim (DFL)         | 215   | 0173              | 65A      | Moran, Rena (DFL)        | 227   | 5158              |
| 52B      | Dean, Matt (R)            | 459   | 3018              | 23A      | Morrow, Terry (DFL)      | 211   | 8634              |
| 52A      | Dettmer, Bob (R)          | 473   | 4124              | 58A      | Mullery, Joe (DFL)       | 387   | 4262              |
| 6A       | Dill, David (DFL)         | 273   | 2190              | 10B      | Murdock, Mark (R)        | 593   | 4293              |
| 47A      | Dittrich, Denise (DFL)    | 311   | 5513              | 64A      | Murphy, Erin (DFL)       | 345   | 8799              |
| 33B      | Doepeke, Connie (R)       | 579   | 4315              | 6B       | Murphy, Mary (DFL)       | 343   | 2676              |
| 41A      | Downey, Keith (R)         | 407   | 4363              | 27A      | Murray, Rich (R)         | 439   | 8216              |
| 28B      | Drazkowski, Steve (R)     | 401   | 2273              | 40A      | Myhra, Pam (R)           | 517   | 4212              |
| 2A       | Eken, Kent (DFL)          | 243   | 9918              | 46A      | Nelson, Michael V. (DFL) | 229   | 3751              |
| 16A      | Erickson, Sondra (R)      | 509   | 6746              | 10A      | Nornes, Bud (R)          | 471   | 4946              |
| 1A       | Fabian, Dan (R)           | 431   | 9635              | 29B      | Norton, Kim (DFL)        | 233   | 9249              |
| 20A      | Falk, Andrew (DFL)        | 239   | 4228              | 14A      | O'Driscoll, Tim (R)      | 369   | 7808              |
| 11B      | Franson, Mary (R)         | 429   | 3201              | 64B      | Paymar, Michael (DFL)    | 301   | 4199              |
| 26B      | Fritz, Patti (DFL)        | 253   | 8237              | 31A      | Pelowski Jr., Gene (DFL) | 295   | 8637              |
| 36B      | Garofalo, Pat (R)         | 537   | 1069              | 32A      | Peppin, Joyce (R)        | 503   | 7806              |
| 7B       | Gauthier, Kerry (DFL)     | 225   | 4246              | 4A       | Persell, John (DFL)      | 223   | 5516              |
| 15A      | Gottwalt, Steve (R)       | 485   | 6316              | 49B      | Petersen, Branden (R)    | 577   | 5369              |
| 60A      | Greene, Marion (DFL)      | 331   | 0171              | 45A      | Peterson, Sandra (DFL)   | 337   | 4176              |
| 54A      | Greiling, Mindy (DFL)     | 393   | 5387              | 27B      | Poppe, Jeanne (DFL)      | 291   | 4193              |
| 25A      | Gruenhagen, Glenn (R)     | 575   | 4229              | 29A      | Quam, Duane (R)          | 569   | 9236              |
| 24A      | Gunther, Bob (R)          | 591   | 3240              | 5A       | Rukavina, Tom (DFL)      | 303   | 0170              |
| 48A      | Hackbarth, Tom (R)        | 409   | 2439              | 53A      | Runbeck, Linda (R)       | 583   | 2907              |
| 22B      | Hamilton, Rod (R)         | 559   | 5373              | 51A      | Sanders, Tim (R)         | 449   | 4226              |
| 2B       | Hancock, David (R)        | 529   | 4265              | 54B      | Scalze, Bev (DFL)        | 259   | 7153              |
| 39A      | Hansen, Rick (DFL)        | 247   | 6828              | 22A      | Schomacker, Joe (R)      | 433   | 5505              |
| 66B      | Hausman, Alice (DFL)      | 255   | 3824              | 49A      | Scott, Peggy (R)         | 477   | 4231              |
| 61B      | Hayden, Jeff (DFL)        | 389   | 7152              | 18A      | Shimanski, Ron (R)       | 367   | 1534              |
| 46B      | Hilstrom, Debra (DFL)     | 261   | 3709              | 44A      | Simon, Steve (DFL)       | 279   | 9889              |
| 8A       | Hilty, Bill (DFL)         | 207   | 4308              | 55B      | Slawik, Nora (DFL)       | 245   | 7807              |
| 36A      | Holberg, Mary Liz (R)     | 453   | 6926              | 63B      | Slocum, Linda (DFL)      | 359   | 7158              |
| 34B      | Hoppe, Joe (R)            | 563   | 5066              | 33A      | Smith, Steve (R)         | 543   | 9188              |
| 60B      | Hornstein, Frank (DFL)    | 213   | 9281              | 42A      | Stensrud, Kirk (R)       | 553   | 3964              |
| 47B      | Hortman, Melissa (DFL)    | 377   | 4280              | 21A      | Swedzinski, Chris (R)    | 527   | 5374              |
| 14B      | Hosch, Larry (DFL)        | 349   | 4373              | 63A      | Thissen, Paul (DFL)      | 267   | 5375              |
| 4B       | Howes, Larry (R)          | 491   | 2451              | 51B      | Tillberry, Tom (DFL)     | 231   | 5510              |
| 7A       | Huntley, Thomas (DFL)     | 351   | 2228              | 21B      | Torkelson, Paul (R)      | 371   | 9303              |
| 67B      | Johnson, Sheldon (DFL)    | 217   | 4201              | 18B      | Urdahl, Dean (R)         | 571   | 4344              |
| 59B      | Kahn, Phyllis (DFL)       | 353   | 4257              | 13B      | Vogel, Bruce (R)         | 507   | 6206              |
| 26A      | Kath, Kory (DFL)          | 201   | 5368              | 62B      | Wagenius, Jean (DFL)     | 251   | 4200              |
| 28A      | Kelly, Tim (R)            | 565   | 8635              | 12A      | Ward, John (DFL)         | 221   | 4333              |
| 56B      | Kieffer, Andrea (R)       | 531   | 1147              | 38B      | Wardlow, Doug (R)        | 551   | 4128              |
| 1B       | Kiel, Debra (R)           | 423   | 5091              | 11A      | Westrom, Torrey (R)      | 443   | 4929              |
| 16B      | Kiffmeyer, Mary (R)       | 501   | 4237              | 44B      | Winkler, Ryan (DFL)      | 321   | 7026              |
| 50B      | Knuth, Kate (DFL)         | 323   | 0141              | 25B      | Woodard, Kelby (R)       | 539   | 7065              |
| 20B      | Koenen, Lyle (DFL)        | 241   | 4346              | 32B      | Zellers, Kurt (R)        | 463   | 5502              |



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

### Intern

Callie Chamberlain

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.
- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).
- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## Minnesota Roads and Traffic Collisions

|   |         |
|---|---------|
| Estimated number of registered motor vehicles in Minnesota, in millions .....                             | 4.8     |
| Estimated number of licensed Minnesota drivers, in millions .....   | 3.9     |
| Estimated number of miles driven annually in Minnesota, in billions .....                                 | 57      |
| Miles of interstate routes running the length of the state .....  | 914     |
| Percent of all Minnesota travel done on an interstate .....   | 22      |
| Between 1990 and 2004, percent increase of vehicle miles traveled on<br>Minnesota interstates .....       | 61      |
| Current speed limit for rural interstate highways .....   | 70      |
| Current speed limit for urban interstate highways .....   | 65      |
| Percent of goods exported annually from Minnesota by truck .....  | 69      |
| Percent of goods imported to Minnesota by truck .....   | 72      |
| Number of traffic crashes in state in 2009 .....  | 132,276 |
| Number of people involved in these crashes .....  | 180,849 |
| Percentage of drivers estimated to be wearing a seatbelt during an incident .....                         | 90      |
| Percentage of Minnesota drivers estimated to be wearing a seatbelt in 1986 .....                          | 20      |
| Between 2007 and 2009, percent of speed-related fatalities in Minnesota occurring<br>in rural areas ..... | 67      |
| Alcohol-related crashes in Minnesota in 2009 .....  | 3,931   |
| Number of Minnesotans killed in crashes classified as alcohol-related in 2009 .....                       | 141     |
| Percent of traffic accidents caused by distraction .....  | 25      |
| Fine for texting while driving in Minnesota .....   | \$300   |
| Estimated yearly deer/vehicle crashes in state .....  | 35,000  |
| Average repair cost of a car-deer collision .....   | \$2,800 |
| Miles per hour of Minnesota fastest speeding ticket issued .....  | 205     |
| Number of people who have died on Highway 14 since 2000 .....   | 25      |
| Percent of drivers who report seeing speeding vehicles all or most of the time .....                      | 60      |
| Percent of drivers who report feeling less safe on the road today than five years ago .....               | 52      |

— C. CHAMBERLAIN

Sources: USA Today, Minnesota Safe Driving, Department of Public Safety's Office of Traffic Safety, KARE 11, Minnesota Public Radio, Driving Laws Organization, Minnesota Interstate Fact Sheet, Department of Transportation, AAA Foundation

## Follow us on



facebook at: [www.facebook.com/MNHouseInfo](http://www.facebook.com/MNHouseInfo)



Twitter at: [twitter.com/MNHouseInfo](http://twitter.com/MNHouseInfo)



YouTube at: [www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo)



# SESSION WEEKLY



SIT BACK, THE 'OMNIFEST' BEGINS

SOUDAN SNOWBIRDS HEAD TO ST. PAUL

COLLEGE PROPOSAL GETS MIXED GRADES

NEXT GEN ACT COULD BE HISTORY

HF1198 - HF1297

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 12 • MARCH 25, 2011



# Flashback to 1991, 2006



PHOTO BY TOM OLMSCHIED

**Session Weekly March 30, 2006:** Zygi Wilf, Minnesota Vikings owner and Lester Bagley, Vikings vice president of public affairs/stadium development, explain the “Northern Lights” development project in Blaine, which would include a new Vikings stadium, during a March 17 informational hearing by the House Governmental Operations and Veterans Affairs Committee.

## Control over school vending machines

Is the debate over vending machine control in schools one of nutrition, money or both? HF532, sponsored by Rep. Linda Scheid (DFL-Brooklyn Park), would put some control of vending machines in the hands of the school food service. Scheid said that public schools should promote good nutrition by giving the school food-service control, at least during lunch hours. The House Education Committee approved the measure.

— Session Weekly March 29, 1991

## Delaying bonding projects

Gov. Arne Carlson has proposed that state spending for 23 capital improvement projects authorized by the 1990 Legislature — totaling \$46.4 million — be delayed to prevent the state from sliding further into debt. But the governor has also asked the Legislature to approve an additional \$133.5 million in new capital investment projects that he thinks are necessary.

The idea of putting last year’s session laws on hold while forwarding a new agenda drew cries of constitutional foul play from Rep. Bob Anderson (IR-Ottertail). He reminded Finance Commissioner John Gunyou during a House Appropriations Committee hearing that the Legislature provides budget directives that the administration is expected to carry out, adding that 1990 capital improvement plan was passed by overwhelming majorities in both the House and the Senate.

— Session Weekly March 29, 1991

## Contents

- FIRST READING:** Omnibus bills morph and change all along the way • 3-4
- AT ISSUE:** Mixed grades given to omnibus higher ed bill • 12
- AT ISSUE:** Committee approves policies for wild rice, state parks • 13
- AT ISSUE:** Education finance bill offers bold reforms, sponsor says • 14-15
- AT ISSUE:** Jobs and economic development bill sparks controversy • 16
- AT ISSUE:** Budget bill would restructure state government • 17
- AT ISSUE:** Next Generation Energy Act repeal awaits floor vote • 18-19
- FEATURE:** Soudan snowbirds come to St. Paul as citizen watchdogs • 20
- BILL INTRODUCTIONS:** HF1198-HF1297 • 21-23
- MINNESOTA INDEX:** A Minnesota Breakfast • 24

**On the cover:** Mira Silverman, a first-grader at Expo Elementary School, peeks through the railing of a packed hearing room March 21 when the House Education Finance Committee discussed its omnibus bill. Her mother, Monica Trent, a High 5 teacher at Whittier International Elementary School, came to testify against the proposal.

— Photo by Tom Olmscheid

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week’s news from the House. No fee.

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

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



# The long and winding road

Omnibus bills morph and change all along the way for a purpose, tax chair says

By LEE ANN SCHUTZ

**F**rom the time a committee chair lays over a bill for possible inclusion in an omnibus bill, it morphs and changes its way to the House floor and beyond. By the time the bill (in the form of a conference committee report) comes back to each body for final passage, it could have substantial changes.

House Taxes Committee Chairman Greg Davids (R-Preston) said the omnibus bill process is long, difficult and drawn out for a reason. "The only thing that is harder than passing laws is repealing laws. So we need to get it right the first time. You don't want to do these things on a whim; you want to take it very seriously."

The omnibus tax bill HF42, which he sponsors, was approved by the House Taxes Committee March 19, the House Ways

and Means Committee March 23 and moved to the House floor. The companion, SF27, sponsored by Sen. Julianne Ortman (R-Chanhassen), was scheduled to be voted upon March 25 by the Senate Taxes Committee.

The House bill is made up of roughly 40 separate bills heard in the House Taxes Committee or the House Property and Local Tax Division. At least 10 amendments have been incorporated so

far. And at the General Fund bottom line, the bill adds \$548 million largely through reductions to state aids and credits.

Here's a look at what is in the bill:

- directs the revenue commissioner to begin talks with Wisconsin with the goal of entering into a new reciprocity agreement that would be effective for tax year 2012;
- creates a Minnesota science and technology fund with \$1.5 million appropriated in fiscal years 2012 and 2013, and \$3.5 million in each fiscal year thereafter for grants to support initiatives;
- lowers the property tax refund from 19 percent to 12 percent of gross rent paid;
- approves imposition of a local sales and use tax by several cities and towns;
- extends eligibility for a market value exclusion benefit for the surviving spouse or approved family caretaker of certain disabled veterans;

First Reading continued on page 4



PHOTO BY ANDREW VONBANK

Members of the House Ways and Means Committee waded through bill copies and amendments on the committee table during the March 23 hearing.

### First Reading continued from page 3

- removes several county maintenance of effort provisions that do not reduce federal funds or automatically increase state spending;
- decreases payment in lieu of taxes payments to counties; and
- eliminates the political contribution refund.

### Amendments as teachable moments

Rep. Ann Lenczewski (DFL-Bloomington) offered many of the 20-some amendments debated by the House Taxes Committee. While most were not successful, she said they all had a point. Some were offered to educate the 16 new members of the 28-member committee on how the tax codes interact: “that cuts and shifts here generally mean higher taxes somewhere else.” Also, through amendments, she said, “It’s a chance for the minority to get their views of tax policy out there for discussion.”

An amendment she offered to do away with fiscal disparities fell into the former category.

The fiscal disparities program is a partial sharing of commercial-industrial property tax base among all jurisdictions within the Twin Cities metropolitan area. Lenczewski’s community shares this tax base heavily, and for years she has tried to repeal the program. She offered the amendment to help members understand how doing away with the program could affect the amount of local government aid rural communities receive. To her surprise, the amendment was approved. The provision was removed in the House Ways and Means Committee.

However, an amendment offered by House Ways and Means Committee Chairwoman Mary Liz Holberg (R-Lakeville) was approved to continue the current levy limits into the 2012-2013 biennium.

### LGA - the great divide

Arguably the tax bill is the most high-profile during a budget-setting session. As Lenczewski points out, it can both raise money through tax



PHOTO BY ANDREW VONBANK

**House Page Michael Mullen passes out amendments to the omnibus tax bill during the March 23 meeting of the House Ways and Means Committee.**

increases, and spend money through the use of credits, aids and tax cuts.

Both the House bill and the governor’s proposal do a mixture of both. But they are far apart on the mechanics.

For instance, the governor proposes to create a new tax tier that would raise taxes on the state’s highest earners. House Republicans would decrease the lower and middle individual income tax rates from their current levels of 5.35 percent, and 7.05 percent to 4.75 percent and 6.75 percent, phased in over three years. This could be paid for through several local government aid reductions, of note a phase-out of aid to Minneapolis, St. Paul and Duluth, while Greater Minnesota and the suburbs would be held at the 2010 levels.

Dayton vetoed an earlier bill that contained LGA cuts, and has said he would like to see LGA remain intact. Discussion over LGA reductions became heated in the House Taxes Committee.

The LGA phase-out provisions came from a bill sponsored by House Property and Local Tax Division Chairwoman Linda Runbeck (R-Circle Pines). She’s made no secret of her mission to reform the aid package that she says was designed to equalize basic services among the state’s municipalities. She and other Republicans questioned the spending patterns of the state’s two largest cities, calling some projects “frivolous.”

“We have to begin the discussion. ... The system is broken,” she said. “Local government spending has been enabled

### New name for new direction

To reflect the changes proposed to the Local Government Aid distribution, Rep. Diane Loeffler (DFL-Mpls) proposed an amendment to change the name in statute of LGA to Rural and Some Suburbs Government Aid or RSSGA.

“Since this bill revamps our major city funding program to one that first looks at what type of city you are, I think a new name is in order,” she said.

To that, Rep. Linda Runbeck (R-Circle Pines) proposed amending the amendment to rename LGA to Basic Aids for Services in Cities, or BASIC, to reflect the goal of having the program pay for basic services, not discretionary projects and programs.

Loeffler withdrew the amendment.

by LGA, and we are seeing increases in discretionary spending.”

But metro area lawmakers say the move is an all-out assault on the state’s first-class cities, and that it is political payback against the traditional DFL strongholds.

“This is blatantly political and mean-spirited,” said Rep. Michael Paymar (DFL-St. Paul). “Why don’t you cut the whole damn program if you don’t like LGA?”

DFLers say that as the bill stands now, it is a waste of time and will be vetoed.

Dauids calls the bill “serious business.” He hints, however, at the possibility of a veto. “I’m working on this bill such that if he (the governor) signs it, it will be a good bill for the people of this great state. If the governor decides to veto it, then we’ll get back to work.” 🐼

### What’s in the bill

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

**HF11 – Bills**  
**HF22 – Davids**  
**HF102 – Mahoney**  
**HF825 – Marquardt**  
**HF982 – Davids**  
**HF1003 – Stensrud**  
**HF1007 – Runbeck**  
**HF1045 – Runbeck**



# HIGHLIGHTS

MARCH 17 - 24, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held March 17-24. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Agriculture

### Omnibus bill includes 'cheeseburger'

In spite of concerns about the legal reach of the "cheeseburger bill," the House Agriculture and Rural Development Policy and Finance Committee voted 12-7 to approve the committee's omnibus finance bill March 23. It now goes to the House Ways and Means Committee.

The proposed policy, which is more formally called the "Personal Responsibility in Food Consumption Act," would make food and beverage establishments immune to being sued if a customer became overweight from consuming too much food or drink. Sponsored by Rep. Dean Urdahl (R-Grove City), the provision is included in HF1039, the omnibus agriculture and rural development finance bill, sponsored by Rep. Rod Hamilton (R-Mountain Lake).

"This bill underscores that people are responsible for their own actions, particularly where food is concerned. Legitimate lawsuits ... are still allowed under this," Urdahl said.

Rep. Andrew Falk (DFL - Murdock) said the provision deals with legal issues and does not belong in the agriculture bill. "It's much more than it appears on its face," Falk said. Rep. Terry Morrow (DFL-St. Peter) agreed, saying it sets a dangerous public policy that could have unintended consequences.

In another area of the bill, the committee approved an oral amendment to delete a proposed \$400 re-inspection fee when those who distribute or store ammonia or

anhydrous ammonia fertilizer have recurring or serious pollution violations. Hamilton said the Agriculture Department already has authority to recover inspection costs and he did not want the specified provision to be misconstrued as a new fee.

Morrow also successfully amended the bill to give a \$100,000 grant in 2013 to the Center for Rural Policy and Development, located in St. Peter.

In total, the bill would appropriate \$76.84 million from the General Fund — a 14 percent reduction from the forecasted base. Including all special funds and statutory appropriations, the bill would spend a total of \$172.88 million.

The department's first priority is the protection of the food supply, so the bill would increase funding to hire additional retail food handler inspectors to deal with a backlog of inspections. A progress report would be due to the Legislature by Feb. 1, 2013.

Section 13 of the bill would give county agricultural societies the ability to exchange

property, in addition to selling or leasing land for fairgrounds. Rep. Carolyn McElfrick (R-Deer River) said the provision would simplify an exchange to expand a county fair property in her district.

Many of the funding proposals in the bill include the same appropriations recommended by Gov. Mark Dayton, such as completing more than \$15 million in delinquent ethanol payments to qualified producers.

Areas where cuts are recommended include several grant programs, such as the Dairy Development and Profitability Enhancement Program, which uses a regional team approach to helping local farmers improve their profit margin. There are waiting lists for the business planning grants, according to David Weinand, project consultant with the department's Agriculture Marketing and Development Division. He said the dairy profit teams resulted in the addition of 839 new cows in Minnesota and created 16 new jobs in the dairy industry.

Hamilton said he hoped to preserve as much funding for agriculture literacy programs as possible because he deems such education important.

A companion bill, SF839, sponsored by Sen. Doug Magnus (R-Slayton), awaits action by the Senate Agriculture and Rural Economics Committee.

— S. HEGARTY

## FLOOD MITIGATION



PHOTO BY TOM OLMSCHIED

**John Finney, president of the Red River Watershed Management Board, testifies March 23 before the House Capital Investment Committee for project funding in his area. Ron Harnack, left, the board's project coordinator, also testified before the committee.**

## Bonding

### Central Corridor funding survives

The Central Corridor light rail project had a near miss in the House Capital Investment Committee March 22. However, the impact of a successful amendment from Rep. Steve Drazkowski (R-Mazeppa) still leaves the project in jeopardy.

The bill was passed as amended and sent to the House Ways and Means Committee. It has no Senate companion.

A provision to defund a \$42.8 million appropriation approved in the 2008 capital investment law for the line between downtown Minneapolis and downtown St. Paul was contained in HF1232, sponsored by Committee Chairman Larry Howes (R-Walker). But after several testifiers spoke of the signed contracts and the amount of

### What's in the bill

The following are selected bills that have been incorporated in part or in whole into the omnibus agriculture and rural development finance bill.

**HF264 - Urdahl**

**HF993 - McElfrick**



money spent on the project so far, it raised the question about the state's liability regarding the contractual agreements.

While Howes' motion to delete the provision to defund the Central Corridor project was approved, Draskowski's amendment could halt the project anyway.

It calls for a quick answer from the Federal Transit Administration as to whether it will fund the project as planned. If a new April 1 deadline is not met, all construction on the project must be halted. His amendment also calls for a supplemental environmental impact statement to address the loss of business revenues as an adverse impact to the rail line's construction. But it prohibits the Metropolitan Council from funding the study and puts that financial responsibility onto the federal government.

Ramsey County Commissioner Jim McDonough said the new April 1 deadline is too soon. "The comment period doesn't end until April 6. This is a blatant attempt to stop the project," he said. "The reality is this went forward with (former Gov. Tim) Pawlenty's support. It moved forward under the Bush administration, and with business and labor support. The reality is the state's share of the project is 10 percent."

Howes also amended the bill to remove a provision that would have pulled \$11 million from the Como Zoo; \$10.4 million in funds from regional trail development; and \$1 million for the Rock Island bridge park and trail. These projects were funded in the 2010 law.

Rep. Bev Scalze (DFL-Little Canada) called on the chairman to consider the impact of defunding projects that were recently approved.

"We are taking away their trust in state government. ... It is a black mark, and there are a lot of people who will be hurt. This just breaks my heart," she said.

— L. SCHUTZ

## Budget

### Dayton's budget plan revised

In a March 21 letter to legislative leaders, Minnesota Management & Budget Commissioner Jim Schowalter outlined proposed changes to Gov. Mark Dayton's original biennial budget plan. The revisions reflect updated revenue and spending projections from the February Economic Forecast.

The forecast, released Feb. 28 by MMB, showed the state's biennial budget deficit shrank from \$6.19 billion to \$5.03 billion. Dayton previously stated that he would alter his plan to accommodate the new figure.

Major changes, as outlined in the official MMB documents, include:

- eliminating a proposed 3 percent surtax on incomes over \$500,000;
- reinstating \$170.3 million in proposed health and human services spending; and
- adding a proposal to boost the research and development tax credit by \$21.8 million.

In total, Dayton's revised budget proposal would spend \$37.33 billion from the General Fund — an increase of \$235 million over his original plan. House Republicans are proposing to spend \$34.26 billion.

Under current law, forecasted base spending in fiscal years 2012 and 2013 is set at \$39.02 billion. The state is expected to receive \$33.33 billion in revenue during that time. A balance of \$663 million is projected for the end of the current biennium on June 30.

— N. BUSSE

### House budget resolution amended

The House's budget resolution was changed to move General Fund dollars out of transportation and other budget areas and into state government.

Members of the House Ways and Means Committee voted 17-13 March 23 to amend the House's budget resolution.

The resolution sets targets for the House's omnibus spending bills. It proposes spending a total of \$34.26 billion from the General Fund in fiscal years 2012-2013.

The amendment, successfully offered by Committee Chairwoman Mary Liz Holberg (R-Lakeville) changes a number of the individual targets, including:

- the omnibus transportation finance bill is reduced from \$120.16 million to \$41.76 million;
- the omnibus state government finance bill is raised from \$443.66 million to \$601.96 million;
- the omnibus capital investment finance bill is reduced from \$1.17 billion to \$1.16 billion; and
- funding for claims and other bills is reduced from \$75 million to \$5.1 million.

An updated spreadsheet is available online from the nonpartisan House Fiscal Analysis Department.

— N. BUSSE

## Business & Commerce

### House extends elevator fix timeline

House approval was given to a bill that would give residential and commercial building owners more time to comply with federal elevator upgrades required to be completed by Jan. 29, 2012, or the elevator will be taken out of service.

Owners would have three years to implement changes after submitting their work plan to the Department of Labor and Industry. Passed 128-0 by the House March 21, HF664 now goes to the Senate where Sen. James Metzen (DFL-South St. Paul) is the sponsor.

"If we're delaying this compliance with the code are we in any danger of creating safety issues?" said Rep. Tina Liebling (DFL-Rochester).

"We only have so many inspectors in the state of Minnesota," said Rep. Tom Hackbarth (R-Cedar), the bill sponsor. "We've only inspected a fraction of the elevators so far." He said the cities of Minneapolis and St. Paul employ elevator inspectors as does the Department of Labor and Industry.

— K. BERGGREN

## Civil Law

### Funding shifts to more 'core' services

The House Judiciary Policy and Finance Committee approved HF440 March 24.

Sponsored by Committee Chairman Steve Smith (R-Mound), it targets how \$726 million would be spent on the state's judicial system and support services for the 2012-2013 biennium.

The omnibus judiciary finance bill has no Senate companion. It was referred to the House Ways and Means Committee.

DFL members expressed concern that the budget, reduced from \$735 million in the previous biennium, would put an increased burden on a court system that has reason to see adequate funding.

Smith defended the appropriations, which he said continue to fund core and essential services of government's "third branch."

"With all due respect to some of my colleagues, the projected baseline represents the priorities of the previous Legislature to which we are not compelled to follow," Smith said.

Rep. John Lesch (DFL-St. Paul) said the appropriations, which would reduce funding for public defenders and the state's Guardian Ad Litem program, are based in unprecedented partisanship and represent a case of the "fiscal tail wagging this dog."

"Mr. Chair, I know you feel like you have done your best with what you have been given," Lesch said. "I think you should have been given more. And I think it's up to the members of your caucus to find a way to give you more."

The bill shifts the balance of funding to increase core services, but at a cost to other areas. It increases funds by \$6.7 million for the Supreme Court, Court of Appeals and district courts, while reducing funding for Civil Legal Services by \$4 million over the next two years. It also cuts about \$785,000 from the state Guardian Ad Litem program.

The program's leadership said the cuts will slow the "wheels of justice" for the most vulnerable children caught often caught up in court battles not of their own choosing.

"The Guardian Ad Litem is often the only voice of calm, objectivity and reason and are focused on what is truly in the best interest of the child at that moment in the courtroom," said Leslie Metzen, chair for the Guardian Ad Litem Board.

Committee Vice Chairman Ron Shimanski (R-Silver Lake) said that reductions in some areas in funding were necessary to offset increased funding to the courts system.

"(The Guardian Ad Litem Program) will be given the resources they need to carry out their statutory mission to provide services to victims of abuse and neglect, but the courts will need to be responsible and judicious in their requesting appointments," Shimanski said.

Also included in the bill is new language that protects juveniles involved in sex trafficking and prostitution crimes. Instead of prosecuting the juveniles for prostitution, minors would be protected under the definition of "sexually exploited youth."

#### What's in the bill

The following are selected bills that have been incorporated in part or in whole into the omnibus judiciary finance bill.

**HF 440 – Smith**

**HF 556 – Smith**

**HF 987 – Smith**

**HF 988 – Smith**

**HF 1023 – Smith**

## Health & Human Services

### Omnibus bill a 'work in progress'

When he first introduced HF927, Rep. Jim Abeler (R-Anoka) called the omnibus health and human services finance bill "a work in progress," and said there would still be time for input as it moved toward a House floor vote.

The bill may not be ready yet, but plenty of voices have chimed in with feedback.

More than 90 witnesses provided testimony during a March 23 House Health and Human Services Finance Committee hearing. Members listened and asked

questions for more than six hours, but intended to save much of their discussion on the bill and its targeted \$10.7 billion budget for March 24 when Abeler, chairman of the committee, said he expected a vote to take place.

As presented, the bill would cut \$1.6 billion in spending over the next two fiscal years. Much of the cost savings are expected to come from nursing home care reforms for the elderly and disabled and lower payments to HMOs that serve poor and disabled residents.

The bill also proposes a global Medicaid waiver that Abeler said would generate \$300 million in cost savings — an idea



PHOTO BY ANDREW VONBANK

Rep. Joe McDonald, foreground, listens to Finance Committee Chairman Jim Abeler go through the omnibus health and human services finance bill March 22 during a joint meeting of the House Health and Human Services Finance and Reform committees.



some testifiers and DFL members scoffed at. They pointed out that should the federal government reject the waiver request, the bill's alternative suggests cutting reimbursement rates to service providers.

If the implementation of the global waivers fails to generate the specified additional \$300 million, those savings will come out of provider rates, said Toby Pearson, vice president of advocacy for Care Providers of Minnesota, a trade organization representing more than 500 long-term care facilities.

Kurt Rutzen opposed what he said might seem like a small increase to co-pays for residents on Medical Assistance.

"When you are on a limited income like myself, it adds up quickly," said Rutzen, a Minneapolis resident and national board member for ARC, an advocacy group for people with intellectual and developmental disabilities.

Several witnesses, including those from organizations such as the Welfare Rights Committee and the Minnesota Catholic Conference, testified in opposition to a section of the bill that includes new restrictions on electronic benefit transfer card usage aimed at curbing wasteful spending.

Abeler told one witness he agreed with his sentiments that the EBT "proposal needs some work" for it to remain in the legislation.

Several testifiers praised aspects of the bill's contents.

"You really listened to the rehab community with regards to services that actually save money by keeping clients out of the hospital and as healthy and functioning as possible," said Maree Cook, administrator at Professional Rehabilitation Consultants, a St. Paul-based provider in specialized maintenance therapy.

Throughout the hearings, DFL members expressed concern about the process Republican committee leaders used in putting the bill together. They pointed to a lack of fiscal detail in the bill along with an aggressive timeline for approval before it is sent to the House Ways and Means Committee, where it is expected to be heard next week.

"The trajectory we are on here I think is very problematic," said Rep. Tina Liebbling (DFL-Rochester), adding that the bill was "half-baked" as it was presented.

"I respect your desire to think of new creative ways to do things," she said, "But we have to do that in a process that allows people to weigh in so that we actually know what we've got when we vote on it."

Abeler reminded members that more

fiscal details on the bill would be released as discussion continued and as the proposed legislation moved to its next stages.

The bill's companion, sponsored by Sen. David Hann (R-Eden Prairie), awaits action in the Senate Health and Human Services Committee.

— H. LONG

## Public Safety

### Tough penalty for harming police dog

Signed  
by  
the  
governor

A new law will increase the penalty for injuring public safety dogs and impose mandatory restitution on offenders who harm these animals.

Signed March 22 by Gov. Mark Dayton, the law will extend the current two-year felony for killing a public safety dog to offenses of causing "great or substantial bodily harm" to such animals, including those that cause permanent disfigurement of the animal or loss or impairment of a body organ. It also extends the gross misdemeanor offense of harming a public safety dog to cases where the dog suffers demonstrable bodily harm.

An offender shall pay restitution "for the costs and expenses resulting from the

crime. Costs and expenses include, but are not limited to, the purchase and training of a replacement dog and veterinary services for the injured dog."

Further, the law, which takes effect Aug. 1, 2011, creates a new offense whereby it is a misdemeanor to assault a public safety dog where the animal does not suffer "demonstrable bodily harm."

Rep. Tony Cornish (R-Good Thunder), who sponsors the law with Sen. Dan Hall (R-Burnsville), said the impetus for the law was Major, a German Shepherd stabbed Nov. 12 as Roseville police assisted Maplewood officers responding to a break-in.

After finding a suspect, officers heard Major crying in pain. He had been stabbed four times. He was rushed to the University of Minnesota Veterinary Medical Center for emergency surgery. While Major survived, he did not regain use of his back legs.

HF141\*/SF121/CH9

— M. COOK

### Omnibus bill gets committee OK

A funding reduction to the Department of Human Rights, changes to a retirement plan and where offenders serve the end of their sentence are all part of a \$1.2 billion omnibus public safety finance bill. It is about \$55 million below the



PHOTO BY TOM OLMSCHIED

Roseville Police Officer John Jorgensen and his K-9 partner, Major, watch as Gov. Mark Dayton signs into law March 22 a bill that will increase the penalty for injuring public safety dogs and impose mandatory restitution on offenders who harm these animals. Major, who was stabbed four times in the back and was paralyzed while on police duty, now uses a special wheeled harness to support his rear legs to get around. Sponsors and supporters of the new law standing behind Dayton are, from left, Sen. John Harrington, Sen. Dan Hall, Public Safety Commissioner Ramona Dohman, Rep. Tony Cornish and Sen. John Marty.





PHOTO BY ANDREW VONBANK

**Human Rights Commissioner Kevin Lindsey testifies before the House Public Safety and Crime Prevention Policy and Finance Committee March 22 during discussion of the omnibus public safety finance bill.**

governor's recommendation.

Sponsored by Rep. Tony Cornish (R-Good Thunder), HF853 was approved March 23 by the House Public Safety and Crime Prevention Policy and Finance Committee and sent to the House Ways and Means Committee. A companion, SF958, sponsored by Sen. Warren Limmer (R-Maple Grove), awaits action by the Senate Finance Committee.

"We did the best we could with what we had to work with," Cornish said. "It'll be argued from here to the Ways and Means to the floor to the conference committee to the governor, and I have no doubt these numbers and language will change this way, that way and every way. The target will probably change."

The committee needed to trim \$58 million in General Fund spending. Among the largest cuts are \$15.9 million from the Department of Corrections and \$12 million to the Office of Justice Programs.

Within the latter cuts, funding to battered women's programs can be reduced by no more than 11 percent of base funding.

However, the biggest controversy may be the \$4.34 million cut (65 percent) to the

Department of Human Rights. Further, it states that state dollars must be dedicated for enforcement of violations and nonstate funds may be used for education and outreach.

Even the number of enforcements could decrease. It would limit the number of businesses that need to be annually certified as compliant by increasing the threshold that requires a certificate from 40 to 50 employees, increasing the contract amount from \$100,000 to \$250,000, and extending the renewal period from two to five years.

"To sit and accept testimony from the acting commissioner of human rights, saying we're at a tipping point of being effective in dealing with discrimination, and then to gut the department by 65 percent clearly sends the signal to people in Minnesota that human rights and discrimination cases aren't important to the state," said Rep. Kerry Gauthier (DFL-Duluth).

The bill also transfers \$8.5 million from the Fire Safety Account to the General Fund.

The money, collected through a surcharge on homeowner and commercial fire insurance policies, is used for the Minnesota Board of Firefighter Training and Education, staffing and operations of the State Fire Marshal Division and fire-related regional response teams and other fire service programs that have the potential for statewide impact.

In recent years, some of the account balance has been used by legislators to help fund the state's deficit. In fiscal year 2010, \$6.9 million was transferred to the General Fund and \$3.6 million in fiscal year 2011.

Also sparking controversy is a provision that would remove various non-security positions from the correctional employees retirement plan. Opponents said that many of these people who would be affected work closely with inmates on a regular basis, such as mental health professionals and nursing staff.

Among the policy initiatives that relate to appropriations in the bill are:

- the prison inmate co-pay for a visit to a health care provider would increase to at least \$5;
- offenders with 60 days or less remaining on their sentence would serve that time

#### What's in the bill

The following are selected bills that have been incorporated in part or in whole into the omnibus public safety finance bill.

**HF6 - Cornish**

**HF1033 - Cornish**

**HF1034 - Cornish**

**HF1072 - Cornish**

**HF1161 - Cornish**

in a county jail or workhouse, rather than state prison;

- provides minimum and maximum sentences for persons proven to be predatory sex offenders;
- a task force would be established to look at issues related to juvenile justice reform; and
- establishes a sex offender policy task force to evaluate the state's sex offender policies and programs.

— M. Cook

#### Penalty for assaulting utility workers

A person who assaults a city water meter reader can be charged with a gross misdemeanor, but if a gas company technician or a postal carrier is assaulted in the course of their duties it is only a misdemeanor.

Sponsored by Rep. Joe Mullery (DFL-Mpls), HF1103 would expand the gross misdemeanor crime to include attacks against utility employees and contractors, as well as postal carriers while involved in carrying out their professional duties.

Approved March 17 by the House Public Safety and Crime Prevention Policy and Finance Committee, the bill was sent to



PHOTO BY ANDREW VONBANK

**Mail Carrier Pam Donato testifies before the House Public Safety and Crime Prevention Policy and Finance Committee March 17 in support of a bill that would create a penalty of gross misdemeanor for the assault of utility or postal service employee.**

the House Judiciary Policy and Finance Committee. It has no Senate companion.

“(Current law) doesn’t make sense because utility workers are even more required to get out to the property than some city workers,” Mullery said. “It’s only fair they be protected.”

Carl Crimmins, president of the Minnesota Pipe Trades Association, said the bill is a “backup” for workers who are out by themselves doing their job at all hours of the day. “They should have a little more comfort when they’re performing their duties.”

“Right now, we don’t have enough consequence for the carriers that are assaulted,” said Pam Donato, president of the National Association of Letter Carriers Branch 9 in Minneapolis. “While it is a federal crime to assault a postal employee in the performance of their duty, very rarely will the U.S. Attorney’s Office prosecute such a crime unless it involves a very horrific injury.”

— M. COOK

## Recreation & Tourism

### Charitable gambling change passes

House members voted overwhelmingly to approve a change that would make it easier for charitable gambling organizations to file financial reports.

Sponsored by Rep. Greg Davids (R-Preston), HF786 would simplify accounting regulations for charitable gambling. Under the proposed change, the state’s annual financial reporting requirements would match up more closely with federal requirements, eliminating the need for charitable organizations to report two different sets of numbers.

Davids said he is not aware of any opposition to the bill.

Passed 129-0 by the House March 21, it now awaits action by the Senate State Government Innovation and Veterans Committee. Sen. Ted Daley (R-Eagan) is the Senate sponsor.

— N. BUSSE

## State Government

### Short 2012 session possible

It’s possible that the 2012 legislative session could begin the first part of March, making it the latest start date since 2006. The proposal is contained in the House budget, approved by the House Rules and Legislative

Administration Committee March 21 and incorporated into the omnibus state government finance bill.

The second year of the biennium is traditionally shorter than the first year, and is usually focused on bonding of capital projects. Because of the proposed shorter session, the budget would reduce the cost of hiring “session-only”, or temporary, staff by 50 percent.

According to House Controller Jim Reinholdz, the \$56.26 million budget funds the administrative workings of the House of Representatives for the 2012-2013 biennium. This represents a \$2.9 million reduction to the General Fund base, and is \$6.6 million below the original 2010-2011 biennial budget.

Other budget components include:

- a reduction to member per diem from the current \$77 per day to \$66;
- a freeze (in place since 2008) on permanent employee salaries to current levels;
- an increase for member and employee health insurance of 7.7 percent in each year of the biennium;
- elimination of funding for tuition reimbursement;
- minimal funding for out-of-state travel, with speaker approval only; and
- funding committee budgets at a reduced level.

In a memo to the committee, Reinholdz wrote: “While the House of Representatives is making continuing reductions to the operations budget, it has a constitutional duty to perform its functions. This budget will fulfill those duties, but with noticeable reductions and change to current operations. The House needs to be wary of reductions that will diminish the capacity to perform its constitutional functions.”

— L. SCHUTZ

### State arts agency could close

The Perpich Center for Arts Education was established in 1987 by the Legislature not only as a statewide residential arts high school but a state agency. It also is a hub of professional development and research in the arts and arts education – and it could be dissolved or reformed as a charter school if HF1078 becomes law.

House Education Finance Committee Chairman Pat Garofalo (R-Farmington) sponsors the bill, which was laid over March 17 and included in the omnibus education finance bill. There is no Senate companion.

Those who have benefitted directly from Perpich programs and a parent testified about

the importance of the agency as a significant resource for schools, teachers and students.

RoAnne Elliott, director of curriculum and instruction with Mounds View Public Schools, told the committee the agency has been a key resource to help the district develop a middle school program called “STEAM,” a play on STEM (Science, Technology, Engineering and Math) which many districts are promoting.

“We’re adding the ‘A’ because of that infusion of the arts. We’re doing that based on lots of research,” she said. STEAM will incorporate creativity and creative problem solving, bringing science and math in new ways to more students.

Rep. Kathy Brynaert (DFL-Mankato), the mother of a Perpich graduate, called the agency and school “a Minnesota gem.”

Rep. Branden Petersen (R-Andover) wanted to know the rationale for the bill.

“Obviously the state is under financial pressure right now, and one of the things that we’re doing is defending a target that is unusual compared to other committees and we have to look at those priorities out there and what’s being funded,” Garofalo said.

The first-year cost saving to the state would be about \$4.7 million in severance costs for agency employees. If it became a charter school, the annual cost in the second and subsequent years would be about \$2.5 million in lease aid and start-up aid.

— K. BERGGREN

## Taxes

### Tax conformity changes now law

Signed  
by  
the  
governor

Minnesota taxpayers may now benefit on their 2010 state return from action taken by the governor to conform the state to recent federal tax code changes.

Sponsored by Rep. Greg Davids (R-Preston) and Sen. Julianne Ortman (R-Chanhassen), the new law, signed March 21, adopts most federal tax changes made for the 2010 tax year. Most notably, it conforms the state to the recently enacted federal Patient Protection and Affordable Care Act that allows the cost of health insurance coverage of dependents and adult children to age 26 to be excluded from federal taxable income. This provision is effective March 22, 2010.

Employers who have distributed 2010 W-2 statements that reported the amount of health coverage provided to adult

children under age 27 are not required to distribute a corrected tax year form.

The law also repeals a provision enacted in the 2010 special session that directed the commissioner of revenue to delay paying corporate franchise tax and sales tax refunds until fiscal year 2012. The positive General Fund balance now projected for fiscal year 2011 makes the delay of refunds unnecessary. This provision is also effective March 22, 2010.

In a release announcing the new law, Gov. Mark Dayton wrote: "This bill gives \$13 million in tax cuts to Minnesota college students and their parents, teachers, businesses and other taxpayers. I am also pleased the Legislature included my recommendation to resume our refunds to businesses for the sales tax exemption on their capital purchases. Those refunds will give Minnesota businesses money they can use to put more Minnesotans to work."

HF79\*/SF47/CH8

— L. SCHUTZ

### House passes Green Acres updates

With a May 1 deadline looming for agricultural landowners to enroll in the Green Acres program for 2012 taxable year, the House declared HF12 an urgent matter March 24 and voted 98-24 to amend the Green Acres law. It now moves to the Senate where Sen. Paul Gazelka (R-Brainerd) is the sponsor.

Sponsored by Rep. Mike LeMieur (R-Little Falls), HF12 would no longer require landowners to sign a covenant agreement with assessors and would terminate existing covenants.

Farmers voluntarily enroll in Green Acres to avoid paying higher property tax rates when untilled farmland is assessed at a higher rate due to rising land values.

A minimum of 10 acres must be enrolled, but the bill would also allow smaller contiguous properties beside tillable land to be enrolled.

Currently, when the land is transferred or sold, three years of the tax savings must be paid back.

Under the proposed changes, past enrollees or new applicants would be grandfathered in or have until May 1, 2012, to enroll under the condition that three years of tax savings must be paid back if they sell the land. Anyone who enrolls after that date would be required to pay back five years of tax savings when they sell or transfer the land.

Anyone enrolled from May 21, 2008, until

now who was removed from the program must be reinstated at the landowner's request, provided the request is made by Sept. 1, 2011.

The bill would also require stakeholders and taxing authorities to explore alternative taxing means for determining tillable and non-tillable land. A report would be due to the legislature by Feb. 15, 2012.

— S. HEGARTY

## Transportation

### Metro transit taking potential hit

The Metropolitan Council is taking a hard hit in the omnibus transportation finance bill.

Sponsored by Rep. Michael Beard (R-Shakopee), HF1140 was amended and approved March 23 by the House Ways and Means Committee, two days after it was approved by the House Transportation Policy and Finance Committee. It is expected to be on the House floor March 28. A companion, SF898, sponsored by Sen. Joe Gimse (R-Willmar), was scheduled to be acted upon March 24 by the Senate Transportation Committee.

Sparking the most controversy was a plan to transfer \$69.2 million from a fund designed for rail and bus rapid transit purposes and to use it to help fill a \$129.9 million General Fund reduction for the Metropolitan Council. That assistance was removed by the House Taxes Committee.

"CTIB sends operating subsidy money to Met Council now. This is nothing new. We're just telling them to send more and stop obligating us to railroad lines until we get through this economic urgency and support the bus system and rail system we have," Beard said. "I hope they'll come around to doing that on their own. That's where the issue will lie."

The \$69.2 million would have come from the Counties Transit Improvement Board, whose activities are funded with a quarter-cent sales tax in Anoka, Dakota, Hennepin, Ramsey and Washington counties.

Commissioners from Dakota, Hennepin and Ramsey counties told the House

Transportation Policy and Finance Committee that the fund-taking amounted to stealing by the state.

Beard countered that in dire economic times, all avenues need to be explored.

"I think it is a huge mistake, and I think it sends a terrible message to local government in terms of the precedent that the state is going to take it," said Rep. Frank Hornstein (DFL-Mpls).

However, Rep. Mary Liz Holberg (R-Lakeville), chairwoman of the House Ways and Means Committee, noted the transfer would not be unprecedented because the first \$30 million in the fund was provided to the Met Council for operating costs.

Saying she couldn't recall a bill affecting local option sales taxes bypassing the House Taxes Committee, Rep. Ann Lenczewski (DFL-Bloomington) unsuccessfully offered an amendment to send the bill there.

Holberg later successfully amended the bill by removing the CTIB fund transfer. However, she urged board and Met Council representatives to see if they can work together on a potential solution.

Other provisions in the bill include: driver's education would include instruction on carbon monoxide poisoning and a \$2 check-off would be placed on driver's license and state identification cards applications to go towards organ donation educational programs.

### Stay Informed

- Subscribe to Session Weekly or Session Daily: [www.house.mn/hinfo/subscribesw.asp#bymail](http://www.house.mn/hinfo/subscribesw.asp#bymail)
- Follow us on Twitter: [twitter.com/MNHouseInfo](http://twitter.com/MNHouseInfo)
- Like us on Facebook: [www.facebook.com/MNHouseInfo](http://www.facebook.com/MNHouseInfo)
- View our videos on YouTube: [www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo)
- For information on any of these services: 651-296-2146 or 800-657-3550

### Minnesota's U.S. Senators in Washington D.C.

#### Senator Amy Klobuchar (DFL)

302 Hart Senate Office Building  
Washington, D.C. 20510  
202-224-3244  
Fax: 202-228-2186

#### Senator Al Franken (DFL)

320 Hart Senate Office Building  
Washington, D.C. 20510  
202-224-5641  
Fax: 202-224-0044

### What's in the bill

The following are selected bills that have been incorporated in part or in whole into the omnibus transportation finance bill.

**HF650 – Kieffer**  
**HF808 – S. Anderson**  
**HF1140 – Beard**  
**HF1197 – Holberg**



# Mixed grades given to college proposal

Omnibus higher education bill gets mixed reception from members

By MIKE COOK

**T**he omnibus higher education finance bill puts protections in place for students, but leaves officials from the University of Minnesota and Minnesota State Colleges and Universities system very concerned.

Sponsored by Rep. Bud Nornes (R-Fergus Falls), HF1101 would decrease higher education funding by \$411 million, or a 14.1 percent base reduction. The total is 10.9 percent lower than the 2010-2011 total forecast. Gov. Mark Dayton's budget calls for a \$170.9 million cut to higher education.

Approved March 22 by the House Higher Education Policy and Finance Committee on an 8-6 vote, and March 24 by the House Ways and Means Committee, it is expected to be on the House floor sometime next week. A Senate omnibus bill, sponsored by Senate President Michelle Fishbach (R-Paynesville) awaits a hearing in the Senate Finance Committee.

"This bill probably does more damage to higher education than all of the time I've spent here," said Rep. Gene Pelowski Jr. (DFL-Winona), now in his 13th term. "If this gets to the governor's desk and he does sign it, it will mean an unfortunate transformation done with a bludgeon."

"I hear a lot of doom and doom here," said Rep. David Hancock (R-Bemidji). "I think you will find adversity will oftentimes produce a product that is far better in the long run. ... Let's keep our eye on what we want to do, not on how this is devastating us."

Nornes said the bill puts protections in place so that students do not bear the brunt of the institution's money woes.

"This bill fully funds the state grant program, and it also kind of backfills a couple of areas where we looked at cuts," Nornes said. "There will be no reduction to the work-study program as we previously thought or to the post-secondary child-care grants."

Further, the bill sets a maximum annual tuition cap of 4 percent for state university students and 2 percent for state college students.

Because of the university's autonomy, a cap cannot be placed on its tuition increases. However, the legislative expectation is that it will not exceed 5 percent either year.

"Systems are expected to make up about a third of the reduction in state appropriation by increasing tuition. They will also need to reduce spending and reform to live within their means," Nornes said.

Still, MnSCU Chancellor James McCormick said there is no way to put together a budget with the bill's funding levels "without

inflicting severe pain" on students. He urged the committee to let the MnSCU Board of Trustees set the tuition rate, but added he'd recommend no more than a 5 percent increase.

Edna Mora Szymanski, president of Minnesota State

University Moorhead, said system leaders have been planning for a 5 percent tuition increase for next year. She said faculty positions have already been cut assuming that funding level, and that this bill puts another 5-7 faculty positions in jeopardy.

"The cap means an extra \$400,000 a year that we don't have," she said.

Lake Superior College President Pat Johns said changes have already been put into motion to reduce operational costs, but he fears that capping tuition would limit what institutions can do to help students be successful. He noted things like reductions in class offerings and potential elimination of some academic programs.


"We've completely reorganized our administrative structure," he said. "We put into a motion an 11 percent non-personnel reduction which particularly cuts into our technical and trades programs."

University of Minnesota CFO Richard Pfitzenreuter said nobody is happy with the bill, and said it's a result of the target the committee was given. He said it rolls state funding for the university to 1998 levels.

"I see some very, very nasty decisions that are gonna have to be made, particularly by the MnSCU system, in order to balance their budget," said Rep. Tom Rukavina (DFL-Virginia).

A number of policy-related provisions are also in the bill, including:

- reversing a 2010 law by reducing the age to participate in the senior citizen higher education program — which, in part, provides free tuition if space is available — from 66 to 62;
- encouraging higher education systems to offer students a guaranteed tuition option that would eliminate any rate fluctuations when the student is in school;
- requiring MnSCU institutions to accept credits from other schools within the system, at the same number of credits, although they can be transferred as elective credits if the curriculum doesn't match up; and
- removing a mandate requiring campus bookstores, to the greatest extent possible, sell only American made clothing and apparel.

Rep. King Banaian (R-St. Cloud), the lone Republican to vote against the bill, said he couldn't stand in front of his college economics class and tell those students he made the best possible legislation. "I really think you did the best you could with a bad hand," he said looking at Nornes. "I wish I could help you." 

### What's in the bill

The following are selected bills that have been incorporated in part or in whole into the omnibus higher education finance bill.

**HF378 - Scott**  
**HF717 - Abeler**  
**HF821 - Nornes**  
**HF849 - Nornes**  
**HF1133 - Vogel**

# Wild rice study proposed

Committee approves policies for wild rice, state parks

By SUE HEGARTY

**R**ecent enforcement of a Pollution Control Agency rule that limits sulfate levels where wild rice grows commanded the attention of the House Environment, Energy and Natural Resources Policy and Finance Committee.

The conundrum involves balancing the long-term viability of the state grain against the pressures of one of the state's largest economic engines, mining.

Nearly four decades ago, the PCA ruled that sulfate levels where wild rice grows should not exceed 10 milligrams per liter, based on research conducted in the 1940s. By comparison, the drinking water standard is 250 milligrams per liter. The rule was rarely enforced until recently when a mining company came to the agency for a permit. High sulfate levels in the area proposed for mining alarmed environmentalists and others who fear the mining operation will endanger wild rice stands in nearby rivers and streams.

There's agreement that a new scientific study of sulfate's effect on wild rice is long overdue, but a proposal in a bill to raise the interim sulfate limit to drinking water standards was met with protests until Rep. David Dill (DFL-Crane Lake) offered a successful amendment to set the limit at 50 milligrams per liter. The study is expected to take up to two years to complete.

Mike Robertson, environmental policy consultant for the Minnesota Chamber of Commerce, said the chamber supports water quality standards for wild rice based on science. But until a new standard is set in rule, cities and industries will not want to spend \$4 million on new wastewater treatment facilities, unless they know what standard they will need to meet.

The issue is just one of many debated by committee members while drafting the

omnibus environment, energy and natural resources finance bill, HF1010, which was approved 10-7 along party lines March 23. The bill was approved in the House Ways and Means Committee March 24. It now awaits action on the House floor. Its sponsor, Committee Chairman Denny McNamara (R-Hastings), said the Senate bill, SF1003, sponsored by Sen. Bill Ingebrigtsen



PHOTO BY ANDREW VONBANK

**Matt Tyler, left, and Melinda Suelflow, ricing partners from Finland, testify before the House Environment, Energy and Natural Resources Policy and Finance Committee March 22 on wild rice standards.**

(R-Alexandria), differs, and details will likely be negotiated in a conference committee.

Article 4 of the bill allocates money from state lottery proceeds for Environment and Natural Resources Trust Fund projects, including the wild rice/sulfate study. There is \$3 million from the trust fund to prepare a master plan for the new Lake Vermilion State Park that was acquired last year and to begin to develop the park according to an approved plan.

The bill also contains a portion of the proposed \$8 million cost of acquiring 1,000 acres near Itasca State Park for the LaSalle Lake State Recreation Area. The sale of the LaSalle Lake property would be conducted by The Trust for Public Land with the intention of turning it over to the Department of Natural Resources.

Department officials warned legislators that budget cuts could result in limited hours of operation or the closing of several state parks.

Rep. Steve Drazkowski (R-Mazeppa) successfully amended the bill to raise money by harvesting and selling a portion of the valuable black walnut trees in Frontenac and Whitewater state parks.

Drazkowski also amended the bill to establish a new dedicated account that would be used to manage land owned by the DNR, called the Environment and Natural Resources Trust Fund Land Management Account. A recent audit of publicly owned lands revealed that the state is unable to properly manage all of the land it owns. Initial funding for the new management account would be derived by cutting \$1.6 million from acquisition funds for a Scientific and Natural Area and using it as startup funds.

Rep. Jean Wagenius (DFL-Mpls) said the bill was so "harsh" that the minority party was unable to "fix it" with amendments. The bill proposes huge rollbacks to the protection of air, land and water, she said. 🗽

# Education finance bill offers bold reforms

Quantity not as key as quality, says DFL

By Kris Berggren

**A** new majority caucus is approaching education reform boldly. The omnibus education finance bill proposes sweeping changes to longstanding funding categories that favor the urban districts, to provide new revenue for small districts and charter schools, and set up strict policies on teacher evaluation and limits to their tenure and bargaining rights.

HF934, sponsored by Committee Chairman Pat Garofalo (R-Farmington), was approved March 22 by the House Education Finance Committee, March 23 by the House Taxes Committee and 15-11 March 24 by the House Ways and Means Committee. Sen. Gen Olson (R-Minnetrista) sponsors the companion, SF1030, scheduled to be heard the Senate Taxes Committee March 25.

Republican House members are eager to move ahead with reforms they say are overdue and that will make education spending more effective, especially to close the troubling differences in academic performance between white students, students of color and those in poverty.

"It addresses the reality that we've been spending a great deal of money in programs that have not shown any improvement of the achievement gap," said Rep. Duane Quam (R-Byron).

His DFL counterparts agree with those broad goals but believe the bill ignores research-based policies, especially around teacher evaluation and student testing, and would dismantle painstaking work in those areas by policymakers in recent years.

"The bill confuses the volume of reform proposals with the quality of reform proposals," said Rep. Jim Davnie (DFL-Mpls).

Integration revenue, which has been around in some form since 1987, is intended

to promote school desegregation. Its purpose and funding uses have been unclear with little oversight, according to a 2005 report by the Office of the Legislative Auditor.

Rep. Sondra Erickson (R-Princeton) said that until recently, the program has been abused to an "unconscionable" level without achieving its original intent.

Under the bill, the program would be eliminated and its \$95 million repurposed as innovation revenue targeted to research-based methods to improve student achievement.

DFL members say the proposed changes are stacked against the high-need Minneapolis and St. Paul districts. There, the new innovation revenue would be funded through local levy only. Other districts would receive 70 percent aid and 30 percent levy equal to their 2011 integration revenue, except Duluth, which would be lowered to \$129 per pupil.

Rep. Mindy Greiling (DFL-Roseville)

said that cut, combined with a proposed freeze on special education funding and a proposed voucher program that would only apply to first-class city districts, would have a domino effect on the cities' schools and place an undue burden on their property taxpayers.

"I think that's a very ugly dynamic in this bill. I hope we can improve it a lot before the end of session," she said.

In a press release, the three black House members opposed the bill, saying the "unfair cuts would likely worsen the state's achievement gap."

"Instead of taking this opportunity to address the critical challenges facing many schools, this bill furthers inequities at the cost of our children," said Rep. Rena Moran (DFL-St. Paul).

### Teacher evaluation assessed

Other black education advocates support the bill's proposal to create a three-part teacher evaluation structure intended to establish teacher effectiveness on a scale and link outcomes, including student test scores, to pay and employment decisions.

"What we are asking is that we evaluate teachers — I don't know any other industry where employees are not evaluated — and that that evaluation informs both the improvement within the class and staffing decisions," said Sondra Samuels, chief executive officer of the Northside Achievement Zone, a North Minneapolis coalition of 60 organizations promoting education and family well-being.

Rep. Kathy Brynaert (DFL-Mankato) also supports comprehensive teacher evaluation, but said this proposal is a "sandcastle" built on a faulty foundation that would be difficult for school districts to actually use and for the Education Department to manage. "My greatest disappointment with this bill is that, particularly in education, what purports to be reform is not grounded in sound, broad-based and objective research."

Garofalo remains optimistic the bill will result in bipartisan measures the governor

### What's in the bill

The following are selected bills that have been incorporated in part or in whole into the omnibus education finance bill.

**HF88 – Doecke**  
**HF269 – Downey**  
**HF273 – Woodard**  
**HF339 – Kelly**  
**HF511 – Erickson**  
**HF535 – McFarlane**  
**HF558 – Downey**  
**HF669 – Loon**  
**HF945 – Petersen**  
**HF1078 – Garofalo**






PHOTO BY TOM OLMSCHIED

**Education Commissioner Brenda Cassellius testifies before the House Education Finance Committee March 21 on the possible effects of the committee's omnibus bill saying, "This bill creates winners and losers by capping special education revenue; eliminating integration aid; and increasing property taxes in cities of the first class."**

will support by session's end, and noted the House \$14.16 billion target and the governor's aren't too far apart.

"Conversation and dialogue on education has been occurring and continues to take place with the governor's office," Garofalo said.

Discussions could include the bill's other provisions, such as:

- prohibiting teachers' right to strike and requirement they accept a qualified economic offer from a school district;
- creating a new small schools revenue component at a cost of \$15.17 million for 2012-2013, and \$47.68 million for 2014-2015, applied to charter schools or districts with fewer than 1,000 pupil units;
- funding extended-time revenue at \$6 million;
- increasing basic per-pupil general education revenue annually from \$5,124 this year to \$5,255 in 2014;
- funding a child care quality rating system and early education scholarship program for low-income families. 

## Minnesota's U.S. Representatives in Washington, D.C.

### First District Tim Walz (DFL)

1722 Longworth House Office Building  
Washington, D.C. 20515  
202-225-2472  
Fax: 202-225-3433

### Second District John Kline (R)

2439 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2271  
Fax: 202-225-2595

### Third District Erik Paulsen (R)

127 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2871  
Fax: 202-225-6351

### Fourth District Betty McCollum (DFL)

1714 Longworth House Office Building  
Washington, D.C. 20515  
202-225-6631  
Fax: 202-225-1968

### Fifth District Keith Ellison (DFL)

1027 Longworth House Office Building  
Washington, D.C. 20515  
202-225-4755  
Fax: 202-225-4886

### Sixth District Michele Bachmann (R)

103 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2331  
Fax: 202-225-6475

### Seventh District Collin Peterson (DFL)

2211 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2165  
Fax: 202-225-1593

### Eighth District Chip Cravaack (R)

508 Cannon House Office Building  
Washington, D.C. 20515  
202-225-6211  
Fax: 202-225-0699

## No easy job

### Jobs and economic development bill sparks controversy

By Nick Busse

**C**utting budgets is never easy, but Rep. Bob Gunther (R-Fairmont) was given a particularly challenging task this year. As a committee chairman, he was instructed to cut state spending by 58.3 percent in an area of the budget that both parties agree is critical: jobs.

He fulfilled his mission, but not without a few bumps along the way.

HF1049, the omnibus jobs and economic development finance bill, would fund workforce, business development and housing-related programs in the state. It includes plans to cut General Fund spending for a number of agencies, including:

- 10.8 percent from the Housing Finance Agency;
- 7 percent from the Department of Labor and Industry, and
- 5.8 percent from the Department of Employment and Economic Development.

The bill also funds a number of smaller boards and agencies that receive minimal funding changes.

To meet the goal of a 58.3 percent reduction without making deeper cuts, the bill would use \$76.3 million in one-time revenues.

By doing so, it would whittle the 58.3 percent cut down to just 6.2 percent of actual reduced General Fund spending.

The bill would reprioritize funding to focus on programs that spur job growth

and those that serve mentally and physically disabled Minnesotans. Gunther said the bill makes the best of a difficult situation.

"This has not always necessarily been a labor of love, but we did this to attain our target, which we did," Gunther said.

***"I still am looking for ways that we can balance the budget of this committee without touching any funds from the range."***

— Rep. Bob Gunther  
R-Fairmont



government relations specialist for Metro Cities, thanked Gunther for including a \$1 million boost to the fund.

"I realize it's a difficult job putting a budget like this together," he said.

***"I think that you're stealing \$60 million of our local money."***

— Rep. Carly Melin  
DFL-Hibbing



Program, said a proposed \$1.17 million cut to the program will mean 150 fewer jobs for disadvantaged youth.

"The summer jobs programs provide meaningful work experience, and the chance

for a young person to learn the value of earning a paycheck," she said.

Not everyone is happy with the cuts, but at a March 22 meeting of the House Jobs and Economic Development Finance Committee, it was the \$76.3 million in one-time money that drew the ire of many DFL members.

The largest of the transfers — \$60 million — would come out of a special account called the Douglas J. Johnson Economic Protection Trust Fund. Money for the fund comes from Iron Range mining companies that pay a production tax in lieu of property taxes.

Between the \$60 million transfer and an \$892,000 cut to the Iron Range Resources and Rehabilitation Board, Commissioner Tony Sertich said the Iron Range is being asked to plug 70 percent of the bill's apparent budget gap.

"What you're asking is for 70 percent of the cut in the jobs area to come from about 3 percent of the state's population ... I think that is quite disproportionate," Sertich said.

DFLers argued it would be unfair to take money meant for one specific region of the state and use it to fix a statewide problem. During a sometimes heated exchange, they grilled Gunther on the provision.

"I think that you're stealing \$60 million of our local money," said Rep. Carly Melin (DFL-Hibbing).

Gunther said he regretted the inclusion of the provision, but that he had few other options given the size of the deficit.

"I didn't relish to see that that was on my plate in order to balance this committee's budget. I still am looking for ways that we can balance the budget of this committee without touching any funds from the range," Gunther said.

Other members supported the provision as a necessary measure.

"You say, 'Hey, this is our money. You're taking our money.' I'm saying we've got to balance this budget," said Rep. Ernie Leidiger (R-Mayer).

The committee approved the bill 12-9 and sent it to the House Ways and Means Committee. Sen. Geoff Michel (R-Edina) sponsors the companion, SF887, which awaits action by the full Senate. 🐼

# Betting on change

## Budget bill would restructure state government

By Nick Busse

**O**ne of this year's smallest budget bills could bring about some of the biggest and most transformative changes for state government.

HF577, the omnibus state government finance bill, would fund core state government operations for the next two fiscal years. It includes agencies like the Revenue Department, Minnesota Management & Budget and the Administration Department, as well as the Legislature, constitutional offices and nearly two dozen other state entities.

The bill would cut General Fund spending in these areas by 34.1 percent in the 2012-2013 biennium — one of the most aggressive cuts in any of this session's budget bills. It also contains provisions that would dramatically reduce the size of the state's workforce, consolidate agencies' services, establish performance pay initiatives and loosen restrictions on outsourcing.

Rep. Morrie Lanning (R-Moorhead), the bill's sponsor and committee chairman, said he intends to do more than just help balance the state's biennial budget. He wants to make structural changes that will lead to a leaner, more efficient executive branch.

"The bill has, we believe, many important reforms ... We can't just simply reduce budgets without reforming the way we do business," he told members of the House State Government Finance Committee March 22.

Nearly all agencies funded by the bill would have their operating budgets reduced by double-digit percentages. (Only the Departments of Military Affairs and Veterans Affairs would receive increases.)

To facilitate the reductions, the bill calls for a 12 percent cut in the size of the state's workforce, with another 3 percent to follow in fiscal years 2014-2015.

- Other significant reforms include:
- a "sunset commission" to find and eliminate duplicative state services;
  - a requirement for budget officials to use zero-based budgeting;
  - a program to reward agencies for finding cost savings;
  - performance pay incentives for state employees;
  - a reduction in the total number of deputy and assistant commissioners;
  - a pilot program using revenue bonds to pay nonprofits for social work;
  - consolidating all information technology services under one agency; and
  - freezing state worker pay for two years.

Rep. Keith Downey (R-Edina), who sponsors many of the reforms in the bill, said the state needs to fundamentally restructure its executive branch. With multi-billion dollar deficits predicted well into the foreseeable future, he said this year's reforms may be just the beginning.

"It's not bite-sized, certainly. It's a big bite of change and structural reform, but it's just positioning us for the real action here that comes down the road," he said.

Not everyone thinks such major reforms can be accomplished in just two years' time, however. Rep. Nora Slawik (DFL-

Maplewood) compared the bill to a "Christmas tree," decorated with "every type of reform on it at once." She argued that many of bill's provisions are unrealistic.

"We can't do it all," she said. "There is just no way that this Legislature can pass all of those items and make the state budget work."

Some state officials agree. Matt Massman, assistant commissioner for the Revenue Department, said the bill calls on the agency to bring in \$169.6 million in new tax revenue even as it absorbs a 15 percent budget cut. He doubted whether that is feasible, given the circumstances.


"If there is a substantial loss of our resources ... there's just simply going to be less tax revenue collected," Massman said at a March 23 hearing.

State Auditor Rebecca Otto testified that the 12.5 percent cut proposed for her office would result in less oversight of local government spending. Because of the way her office is funded, she said small but important programs like special investigations would bear the brunt of the reductions.

"It's the taxpayers that I'm here for, and they're the ones that will lose out," Otto said.

Slawik said the Legislature should take a more incremental approach to reforming government. She argued the traditional method is to change state programs one step at a time.

"I agree, in normal times that's the way legislatures work," Lanning replied. "But this is not a normal time."

Sen. Mike Parry (R-Waseca) sponsors the companion, SF604, which awaits action by the Senate State Government Innovation and Veterans Committee. 

### What's in the bill

Language from the following bills has been incorporated in part or in whole into the omnibus state government finance bill.

**HF2 - Banaian**  
**HF127 - McNamara**  
**HF192 - Downey**  
**HF299 - Quam**  
**HF681 - Downey**  
**HF756 - Stensrud**  
**HF1090 - Stensrud**

### Stay Informed

- Subscribe to Session Weekly or Session Daily: [www.house.mn/hinfo/subscribesw.asp#byemail](http://www.house.mn/hinfo/subscribesw.asp#byemail)
- Follow us on Twitter: [twitter.com/MNHouseInfo](https://twitter.com/MNHouseInfo)
- Like us on Facebook: [www.facebook.com/MNHouseInfo](https://www.facebook.com/MNHouseInfo)
- View our videos on YouTube: [www.youtube.com/user/MNHouseInfo](https://www.youtube.com/user/MNHouseInfo)
- For information on any of these services: 651-296-2146 or 800-657-3550



# Coal energy exemptions contested

Next Generation Energy Act repeal awaits floor vote

By SUE HEGARTY

**W**ords mean something is a familiar phrase echoed in the Capitol, but according to one legislator, words in the Next Generation Energy Act are ambiguous and should be repealed.

Enacted in 2007, the law was designed to help mitigate global warming and passed 125-9 in the House with broad bipartisan support. Goals were established to reduce greenhouse gas emissions below 2005 levels — 15 percent by the year 2015 and 80 percent by 2050.

The act prohibits large new coal facilities until a statewide plan to limit greenhouse gas emissions is adopted, which hasn't happened. However, the Public Utilities Commission may grant exemptions, which Rep. Mike Beard (R-Shakopee) called built-in "off-ramps." These off-ramps are why some legislators supported the legislation. But now, differing opinions about how to achieve these exemptions prompted Beard to introduce HF72, a bill to repeal a section of the Next Generation Energy Act.

For example, a utility seeking an exemption must show the commission how it will offset current carbon dioxide emissions equal to or greater than the proposed emissions. Some of the ways to offset emissions include reducing them at an existing facility or by purchasing carbon dioxide "allowances" from other states. The commission then determines whether the offsets are "permanent, quantifiable, verifiable, enforceable, and would not have otherwise occurred" before granting or denying an exemption.

Maple Grove-based Great River Energy requested offset exemptions to import electricity from the new Spiritwood Station coal plant near Jamestown, N.D., scheduled to open next year. In August 2010, GRE requested the commission's approval of its emissions offset plan, but environmental

groups, such as the Izaak Walton League, Fresh Energy and the Minnesota Center for Environmental Advocacy, objected on the grounds that some of the proposed offsets would have otherwise occurred.

"We expected we would be able to use these offsets when we chose to go forward with Spiritwood after the statute was passed in 2007, but no one can agree on what the statute's confusing offset provisions mean," said Eric Olsen, GRE vice president.

The commission decided it needed more

evidence and referred the matter to the Office of Administrative Hearings. A recommendation by an administrative law judge is anticipated by Sept. 19, 2011. Public comments are due in July and a final PUC decision is expected by December 2011.

Although the law is not an all-out ban on coal energy, Beard views it as a "virtual moratorium" and called it an "impediment to interstate commerce."

The House Commerce and Regulatory Reform Committee approved his bill 15-6 earlier this month. Sen. Julie Rosen (R-Fairmont) sponsors the companion, SF86. The bills await action by the full House and Senate.

If enacted, the bill could have implications on the current proceedings and on the state's energy policies, in general.

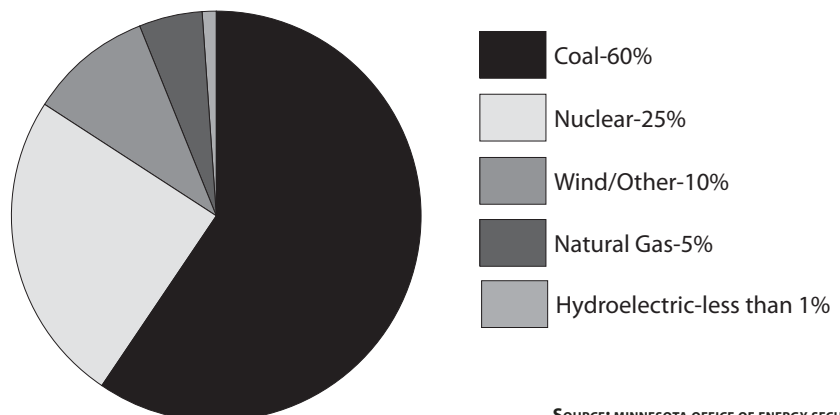
Rep. Bill Hilty (DFL-Finlayson) sponsored the 2007 legislation and said there are easier ways to resolve the GRE issue. The law only applies



***"Don't demand of renewables things that they can't deliver. The Next Generation Act depends only on fuels that are not quite ready for primetime."***

— Rep. Mike Beard  
R-Shakopee

## Minnesota's Electricity Sources



SOURCE: MINNESOTA OFFICE OF ENERGY SECURITY

This chart illustrates the percentage and types of electricity generated in Minnesota.



PHOTO BY ANDREW VONBANK

**Black Dog Plant is a coal- and gas-fired generating station located in Burnsville.**



***“If they decided they were only going to bring 49 of those (megawatts) into Minnesota there wouldn’t be a problem.”***

— Rep. Bill Hilty  
DFL-Finlayson

to facilities generating 50 or more megawatts. Although Spiritwood is a 99 megawatt facility, a portion of the electricity would remain in North Dakota.

“If they decided they were only going to bring 49 of those (megawatts) into Minnesota there wouldn’t be a problem,” Hilty said.

He believes the repeal may be part of a larger policy issue. “What I think this is really about is doing away with the requirement to come up with any kind of a plan to deal with carbon emissions,” said Hilty.

Office of Energy Security Deputy Commissioner Bill Grant said Minnesota has no need for more baseload electricity through the year 2024. “A single coal plant can undo and reverse positive trends toward reducing greenhouse gas emissions as the Next Generation Energy Act called for.” Grant is a former associate executive director of the Izaak Walton League.

But Rep. Joyce Peppin (R-Rogers) said federal projections indicate there will be a need for reliable, baseload energy by 2050. She and Senate Majority Leader Amy Koch (R-Buffalo) sponsor HF9/SF4\* a bill to lift the moratorium on nuclear energy construction, which is now in a conference committee to rectify differences between the House and Senate versions. Coal and nuclear energy are viewed as two baseload sources of electricity, unlike wind turbines that don’t generate electricity if the wind isn’t blowing.

“Don’t demand of renewables things that they can’t deliver,” said Beard. “The Next Generation Act depends only on fuels that are not quite ready for primetime.”

The commission is pursuing upgrades to existing nuclear power plants, hydro-electric power from Canada and a combination of renewable energy sources that are less expensive and have shorter lead time than coal power.

“The alternatives are simply faster and cheaper,” Grant said. “If we are serious about meeting the goals that the Next Generation Energy Act laid out, making sure that we are actually reducing carbon emissions as we move forward is critical to that progress. Otherwise it really makes something of a farce of the Next Gen Act.” 🗳️



# Soudan snowbirds

Retired miner, school teacher are citizen watchdogs

BY SUE HEGARTY

**Y**ou might not notice Bob and Pat Tammen sitting in the House hearing rooms. Bob, clothed in a crisp, pressed dress shirt and necktie, blends in with the lobbyists, deputy commissioners and expert testers. Pat sits next to her husband, alert to the day's agenda.

The Tammens are not on anybody's political payroll, nor are they required to hear or give testimony about proposed legislation, unlike most in the gallery. Yet there they sit, day after day.

"We've seen a couple of committees that have citizens sitting there with equal standing. Sometimes I believe those citizens represent our values better than our elected officials," Bob said.

On Pat's 74th birthday, March 22, they were in the House Environment, Energy and Natural Resources Policy and Finance Committee hearing by 8:15 a.m. for 90 minutes of testimony; then again as

testimony continued into the evening.

A retired couple from Soudan, the Tammens could spend the long, cold Minnesota winter anywhere. Instead, they pack up their 24-foot camper and drive to St. Paul, where they park in the Sears parking lot across from the State Office Building, so they can be close to all the legislative action.

"We like where we live, and when we talk about the quality of life in Minnesota, Soudan has it," Bob said.

They begin their mornings with a walk across the street to buy a newspaper and coffee in the State Office Building. After sitting through the morning hearings in the House or Senate,

they grab a bowl of soup at the Rathskeller, the State Capitol cafeteria. Afternoons may include more hearings or witnessing a rally in the Capitol Rotunda. In the evenings, they often drive their self-contained Winnebago to a bookstore where they share a sandwich. Pat scours the bookshelves while Bob uses the wireless Internet to check email.

They pay Sears a monthly parking fee of \$30. So far, no one has rattled their metal cage, but they do need to watch their step when the snowplow clears the lot. On weekends, they return home to do laundry, open the mail and repack for another week in St. Paul.

In the spirit of full disclosure, they say they are DFLers and lifelong union workers. Pat taught elementary school in the Ely area for 38 years. Bob was an electrician who worked in the mines and did contract electrical work at Xcel's nuclear power plant in Monticello. They pay dues to nearly every environmental group, but neither has ever held a board seat, they said.

Bob and Pat met after he returned from Vietnam in 1965.

Bob worked for several mining operations and for U.S. Steel, where he became familiar with mining's residual effect on the environment. "Most of us were pretty nonchalant about what we were doing. There were a few voices in our communities warning us about this, but most of us didn't listen," he said.

They don't always agree with some DFL legislators who say mining brings prosperity to a community.

"Look at Virginia. They are surrounded by taconite mines. You couldn't squeeze any more mines in there hardly. They're still losing population," Bob said.

Pat followed the alternative pathways for teacher licensure debate in the House education committees and believes it will weaken the classroom.

When the legislative session ends, they'll drive north again and park the camper on 20 acres of undeveloped land they own along 800 feet of shoreline. They'll drop their canoe in the water and pick up stray fishing bobbers to add them their collection. Enjoying a respite from the Capitol chatter, they'll hike through the new Lake Vermilion State Park near their house. No doubt, these citizen watchdogs will keep a watchful eye on how taxpayer dollars are being spent to develop the park that's been called the jewel of the state park system. 🐶



PHOTO BY ANDREW VONBANK

Pat and Bob Tammen leave their home in Soudan to come to St. Paul as citizen watchdogs.



# BILL INTRODUCTIONS

MARCH 21 - 24, 2011

HOUSE FILES 1198 - 1297

## Monday, March 21

### **HF1198-Mazorol (R)**

#### **Civil Law**

Uniform Interstate Family Support Act updated.

### **HF1199-Mullery (DFL)**

#### **Jobs & Economic Development Finance**

Neighborhood Development Center grant money appropriated.

### **HF1200-Persell (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Water quality enhancement pilot program money appropriated.

### **HF1201-Melin (DFL)**

#### **State Government Finance**

Hibbing; sewer extension funding provided, bonds issued and money appropriated.

### **HF1202-Greiling (DFL)**

#### **Education Reform**

Children early intervention criteria modified.

### **HF1203-Hayden (DFL)**

#### **Health & Human Services Reform**

Child well-being improvement plan required and annual child maltreatment report requirements modified.

### **HF1204-Murphy, E. (DFL)**

#### **Health & Human Services Reform**

Minnesota health benefit exchange created.

### **HF1205-Holberg (R)**

#### **Government Operations & Elections**

County park fee restriction modified.

### **HF1206-Hornstein (DFL)**

#### **Government Operations & Elections**

Month of April designated as Genocide Awareness and Prevention Month.

### **HF1207-Kahn (DFL)**

#### **Health & Human Services Reform**

Organ donation work group established to study sustainable programs to increase organ donation.

### **HF1208-Quam (R)**

#### **Transportation Policy & Finance**

Highway 52 sign placement required.

### **HF1209-Quam (R)**

#### **Transportation Policy & Finance**

Environmental impact statements completion required and money appropriated for right-of-way acquisition, design, construction and reconstruction of marked Trunk Highway 14.

### **HF1210-Quam (R)**

#### **Judiciary Policy & Finance**

Vehicle parking violation surcharge removed.

### **HF1211-Carlson (DFL)**

#### **Ways & Means**

State agency deficiency funding provided.

### **HF1212-Anderson, P. (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Melrose Public Utilities Commission membership increased from three to five members.

### **HF1213-Anderson, P. (R)**

#### **Education Finance**

City or county library maintenance of effort reduced by the same amount as its reduction in local government aid or credit reimbursement.

### **HF1214-Hortman (DFL)**

#### **Transportation Policy & Finance**

Child passenger restraint system provisions modified.

### **HF1215-Anderson, D. (R)**

#### **Health & Human Services Reform**

Children's mental health provisions modified regarding juvenile treatment screening.

### **HF1216-Downey (R)**

#### **Taxes**

"Tax expenditure" and "tax relief" definitions provided and applied.

### **HF1217-Smith (R)**

#### **Judiciary Policy & Finance**

Sex trafficking victim cause of action created.

### **HF1218-Fritz (DFL)**

#### **Health & Human Services Reform**

MFIP family cap repealed.

### **HF1219-Davids (R)**

#### **Taxes**

Taxation; technical, administrative and clarifying changes made relating to income, property, sales and use, insurance, minerals, gasoline and other various taxes and tax-related provisions; and tax-forfeited land provisions modified.

### **HF1220-Wardlow (R)**

#### **Civil Law**

Legislative enactments; erroneous, ambiguous and omitted text and obsolete reference corrections made; redundant, conflicting and superseded provisions removed; and miscellaneous corrections made to laws, statutes and rules.

### **HF1221-Howes (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Sustainable Forest Incentive Act provisions modified.

### **HF1222-Westrom (R)**

#### **Government Operations & Elections**

County officer appointment special authorizing laws repealed and elections required.

### **HF1223-Smith (R)**

#### **Transportation Policy & Finance**

Commissioner of transportation's duties regarding passenger railroads modified.

### **HF1224-Smith (R)**

#### **Transportation Policy & Finance**

Railroad employees counseling required following train accidents.

### **HF1225-Murphy, E. (DFL)**

#### **Health & Human Services Reform**

Health care advertising transparency required.

### **HF1226-Mullery (DFL)**

#### **Public Safety & Crime Prevention Policy & Finance**

Sex offender policy advisory task force established.

### **HF1227-Mullery (DFL)**

#### **Public Safety & Crime Prevention Policy & Finance**

Juvenile justice reform advisory task force established.

### **HF1228-Mullery (DFL)**

#### **Public Safety & Crime Prevention Policy & Finance**

Offender reentry and crime deterrence policy advisory task force established.

### **HF1229-Mullery (DFL)**

#### **Jobs & Economic Development Finance**

Unemployment insurance and taxation penalties provided, and additions to taxable income modified.

### **HF1230-Fabian (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Acquired lands valuation methods modified; state parks, state recreation areas, state forests and state wildlife management areas added to and deleted from; public and private sales of surplus state lands authorized.

### **HF1231-Paymar (DFL)**

#### **Rules & Legislative Administration**

Policy, technical, administrative, enforcement and other changes made to individual income, corporate franchise, estate, sales and use, property, insurance and other taxes and tax-related provisions, and conforming to Internal Revenue Code changes.

### **HF1232-Howes (R)**

#### **Capital Investment**

Appropriations canceled and corresponding bond sale authorizations reduced, and sale of refunding bonds required to achieve savings.

### **HF1233-Morrow (DFL)**

#### **Transportation Policy & Finance**

Minnesota Rural Road Safety Task Force created, appointments provided, development of strategy to reduce rural road fatalities and serious injuries required and money appropriated.

### **HF1234-Downey (R)**

#### **Government Operations & Elections**

Commissioner of administration required to issue a request for proposals and enter into a contract for strategic sourcing consulting services.

### **HF1235-Davids (R)**

#### **Health & Human Services Finance**

Minnesota Care provider taxes repealed.

**HF1236-Hamilton (R)**  
**Health & Human Services Reform**  
Pharmacy audit integrity program established.

**HF1237-Erickson (R)**  
**Education Reform**  
Education subtraction and credit expanded to broadband subscription expenses, and sales tax exemption provided for education-related broadband subscriptions.

**HF1238-Fabian (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Subsurface sewage treatment systems ordinance adoption delay extended.

**HF1239-Rukavina (DFL)**  
**Taxes**  
Mining taxation provided, and nonferrous ores, metals, minerals refined.

**HF1240-Rukavina (DFL)**  
**Rules & Legislative Administration**  
Postsecondary education provisions amended, definitions modified, SELF loan revenue bond provisions modified, safety officer survivor education benefit eligibility requirements changed, Minnesota collegesavings plan matching grant phased out, achieve scholarship program ended and money appropriated.

**HF1241-Shimanski (R)**  
**Government Operations & Elections**  
Legislative approval required for adoption of rules.

**HF1242-Doepke (R)**  
**Government Operations & Elections**  
Hennepin County; authority extended to impose a mortgage registry and deed tax.

**HF1243-McFarlane (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
White Bear Lake Conservation District authority modified.

**HF1244-Hackbarth (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Metropolitan Council regional park disproportionate reductions prohibited.

**HF1245-McFarlane (R)**  
**Public Safety & Crime Prevention Policy & Finance**  
Firearm possession by a minor included as unlawful for purposes of orders to enjoin gang activity.

**HF1246-Hilty (DFL)**  
**Taxes**  
Moose Lake; local sales and use tax authorized.

**HF1247-Beard (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Clean energy resource teams provided and money appropriated.

**HF1248-McFarlane (R)**  
**Commerce & Regulatory Reform**  
White Bear Township allowed to issue liquor licenses.

**HF1249-Hilty (DFL)**  
**Veterans Services Division**  
United States Congress and the President of the United States urged to reorder federal spending priorities.

**HF1250-Davids (R)**  
**Health & Human Services Finance**  
Health plan excess revenues transferred to the General Fund.

**HF1251-Gruenhagen (R)**  
**Civil Law**  
Health care program contract competitive bids and audits required.

**HF1252-Davids (R)**  
**Taxes**  
Nonprofit hospital in-lieu tax imposed and charity care credit provided.

**HF1253-Scott (R)**  
**Commerce & Regulatory Reform**  
Wineries allowed to have temporary on-sale licenses.

**HF1254-Bills (R)**  
**Civil Law**  
Residential property rights expanded and defined, and association vote and lien provisions of the Minnesota Common Interest Ownership Act modified.

## Tuesday, March 22

**HF1255-McElpatrick (R)**  
**Legacy Funding Division**  
Grand Rapids; Children's Discovery Museum funding provided for new exhibits and money appropriated.

**HF1256-Franson (R)**  
**Government Operations & Elections**  
Minnesota State Retirement System; legislative member and employer contribution rates modified.

**HF1257-Hayden (DFL)**  
**Jobs & Economic Development Finance**  
Nonprofit housing bonds issued for community land trusts.

**HF1258-Wagenius (DFL)**  
**Rules & Legislative Administration**  
Environment, natural resources and energy funding provided; fees and surcharges modified; accounts created; disposition of receipts modified; game and fish license requirements modified; permit requirements modified for harvest and control of aquatic plants; petroleum tank release cleanup provisions extended; and staff and administrative support of Environmental Quality Board transferred and money appropriated.

**HF1259-Drazkowski (R)**  
**Government Operations & Elections**  
Legislators, governor, lieutenant governor and agency heads salary and legislative per diem reduced.

**HF1260-Drazkowski (R)**  
**Education Finance**  
Public library maintenance of effort repealed.

**HF1261-Holberg (R)**  
**Taxes**  
Metropolitan area transit and paratransit capital expenditure additional financing provided and certain obligations issued.

**HF1262-Downey (R)**  
**Taxes**  
City and county general purpose aids reduced and new grant and loan programs established for local governments.

**HF1263-Hancock (R)**  
**Agriculture & Rural Development Policy & Finance**  
County seed and feed loan obsolete provisions repealed.

**HF1264-Hancock (R)**  
**Education Finance**  
Red Lake; Independent School District No. 38 facilities renovation and construction funding provided, bonds issued and money appropriated.

**HF1265-Mahoney (DFL)**  
**Rules & Legislative Administration**  
State government; money appropriated, fees and licensing, registration, and continuing education provisions modified and rulemaking required.

**HF1266-Hilstrom (DFL)**  
**Rules & Legislative Administration**  
Correctional facility in Faribault easement acquired and money appropriated for public safety, judiciary, corrections and human rights.

**HF1267-Hornstein (DFL)**  
**Rules & Legislative Administration**  
Transportation, Metropolitan Council and public safety activities money appropriated; fund transfers, general contingent accounts and tort claims provided for; various fees and accounts provided for.

**HF1268-Runbeck (R)**  
**Taxes**  
Tax amnesty period provided and money appropriated.

**HF1269-McFarlane (R)**  
**Government Operations & Elections**  
Campaign finance and public disclosure law definition of "public official" changed.

## Wednesday, March 23

**HF1270-McDonald (R)**  
**Public Safety & Crime Prevention Policy & Finance**  
E-charging expanded to include citations, juvenile adjudication and implied test refusal or failure.

**HF1271-Wardlow (R)**  
**Taxes**  
Research and development base percentage clarified.

**HF1272-McFarlane (R)**  
**Education Reform**  
High school transition plan proposed for students to successfully pursue postsecondary education and employment and money appropriated.

**HF1273-Melin (DFL)**  
**State Government Finance**  
Central Iron Range Sanitary Sewer District funding provided, bonds issued and money appropriated.

**HF1274-Wardlow (R)**  
**Commerce & Regulatory Reform**  
Limited liability company organization and operation regulated, revised uniform limited liability company act enacted and conforming changes made.

**HF1275-Drazkowski (R)****Civil Law**

Disclosure statement provisions clarified relating to purchaser's right to cancel.

**HF1276-Knuth (DFL)****Commerce & Regulatory Reform**

Brewpubs authorized to sell malt liquor to licensed wholesalers for distribution to other retail licensees without limit.

**HF1277-Swedzinski (R)****Environment, Energy & Natural Resources Policy & Finance**

Money recovered by the state from ethanol plants or cellulosic biofuel facilities disposition modified.

**HF1278-Franson (R)****Legacy Funding Division**

Todd County Historic Court House preservation funding provided and money appropriated.

**HF1279-Ward (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Minimum shoreland standard rules reauthorized.

**HF1280-Clark (DFL)****Jobs & Economic Development Finance**

Family homeless prevention and assistance program money appropriated to the Housing Finance Agency.

**HF1281-Clark (DFL)****Jobs & Economic Development Finance**

Family homeless prevention and assistance program money appropriated to the Housing Finance Agency.

**HF1282-Clark (DFL)****Health & Human Services Reform**

Cosmetology; use and possession of methyl methacrylate prohibited.

**HF1283-Hackbarth (R)****Environment, Energy & Natural Resources Policy & Finance**

Recreational vehicle operating provisions modified, dual registration of off-highway motorcycles provided and special vehicle use on roadways modified.

**HF1284-Beard (R)****Transportation Policy & Finance**

Train crews exempted from driver's license requirement.

**HF1285-Mullery (DFL)****Public Safety & Crime Prevention Policy & Finance**

Controlled substances schedule I list added to.

**HF1286-Loeffler (DFL)****State Government Finance**

Capitol site structural risk assessment money appropriated.

**HF1287-Hansen (DFL)****State Government Finance**

Phase 1 Capitol security and access improvements money appropriated.

**HF1288-Loeffler (DFL)****State Government Finance**

Phase I Capitol security and access improvements funding provided, bonds issued and money appropriated.

**Thursday, March 24****HF1289-Mack (R)****Transportation Policy & Finance**

Buses provisions modified authorizing the use of highway shoulders.

**HF1290-Hancock (R)****Transportation Policy & Finance**

Vehicle overweight permit renewal date required to be the same as for the vehicle's plate registration date.

**HF1291-Davids (R)****Public Safety & Crime Prevention Policy & Finance**

Disaster recovery grant program established, Department of Public Safety authorized to provide technical assistance to local governments in presidentially declared disasters and money appropriated.

**HF1292-Howes (R)****Capital Investment**

Capital improvement spending authorized to acquire and better public land and buildings and for other improvements of a capital nature, nonprofit housing bond authorization changes made.

**HF1293-Loon (R)****Education Finance**

Education tax credit modified.

**HF1294-McDonald (R)****Education Finance**

Rockford; Independent School District No. 833 one-time fund transfer authorized.

**HF1295-Koenen (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Montevideo; levee design and reconstruction funding provided, bonds issued and money appropriated.

**HF1296-Koenen (DFL)****Commerce & Regulatory Reform**

Restricted plumber license renewal period extended.

**HF1297-Koenen (DFL)****Jobs & Economic Development Finance**

Yellow Medicine County Agriculture and Transportation Museum electrical system upgrade funding provided, bonds issued and money appropriated.

**Constitutional Officers****Governor****Mark Dayton (DFL)**

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-201-3400  
800-657-3717  
Fax: 651-797-1850  
Website: [www.governor.state.mn.us](http://www.governor.state.mn.us)  
Email: [mark.dayton@state.mn.us](mailto:mark.dayton@state.mn.us)

**Lieutenant Governor****Yvonne Prettner Solon (DFL)**

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55115  
651-201-3400  
Fax: 651-797-1850  
Email: [ltgovprettnersolon@state.mn.us](mailto:ltgovprettnersolon@state.mn.us)

**Secretary of State****Mark Ritchie (DFL)**

Election Center  
Room 180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
651-215-1440  
877-600-8683 (VOTE)  
Business Services  
60 Empire Drive, Suite 100  
St. Paul, MN 55103  
651-296-2803  
877-551-6767  
Website: [www.sos.state.mn.us](http://www.sos.state.mn.us)  
Email: [secretary.state@state.mn.us](mailto:secretary.state@state.mn.us)

**Attorney General****Lori Swanson (DFL)**

Executive Offices  
Room 102  
State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

651-296-6196

800-657-3787

Website: [www.ag.state.mn.us](http://www.ag.state.mn.us)

Email: [attorney.general@state.mn.us](mailto:attorney.general@state.mn.us)

Consumer Division

1400 Bremer Tower

445 Minnesota St.

St. Paul, MN 55101

651-296-3353

800-657-3787

(TTY) 651-297-7206

(TTY) 800-366-4812

**State Auditor****Rebecca Otto (DFL)**

525 Park St.

Suite 500

St. Paul, MN 55103

651-296-2551

(TTY) 800-627-3529

Website: [www.osa.state.mn.us](http://www.osa.state.mn.us)

Email: [state.auditor@state.mn.us](mailto:state.auditor@state.mn.us)



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to: House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## A Minnesota Breakfast

|   |       |
|---|-------|
| Year Cream of Wheat moved from Grand Forks, N.D., to Minneapolis.....                               | 1897  |
| Year the company was acquired by Nabisco.....   | 1962  |
| Year Malt-o-Meal was founded in Owatonna.....   | 1919  |
| Year it moved to Ames Mill in Northfield.....   | 1927  |
| Year Minneapolis Milling Company was formed.....  | 1856  |
| Year the Washburn "A" Mill was built along the banks of the Mississippi River.....                  | 1874  |
| Bread loaves it produced daily, in millions.....  | 12    |
| Servings of cereal produced by General Mills annually, in millions.....                             | 60    |
| Year Cheerios – or Cheerioats, the original name – came along.....                                  | 1941  |
| Gallons of raw maple sap it takes to make 1 gallon of maple syrup.....                              | 40    |
| Gallons each tap yields of maple sap.....   | 10-12 |
| Minnesota's rank among states as an egg-producer.....   | 8     |
| Calories in a hard-boiled egg.....  | 90    |
| National ranking in table egg production of Sparboe Summit Farms Inc.<br>in Litchfield in 2009..... | 5     |
| U.S. table egg production during December 2010, in billions.....                                    | 6.83  |
| Dozens of eggs ordered weekly by Charlie's Café in Freeport.....                                    | 120   |
| Number of daily coffee drinkers, as estimate.....   | 175   |
| Year former Rep. Bud Heidegerken sold the long-time family business.....                            | 2007  |
| Dozens of eggs used weekly by Mickey's Diner in St. Paul.....                                       | 180   |
| Pounds of coffee used weekly.....   | 50    |
| Year the diner was placed on the National Register of Historic Places.....                          | 1983  |
| World coffee production for 2009 and 2010, in millions of bags.....                                 | 125.2 |
| Year McGarvey Coffee, owned by Superior Coffee and Foods, was started<br>in Minneapolis.....        | 1922  |
| Year Geo. A. Hormel & Co. established in Austin.....  | 1891  |
| Year SPAM was introduced.....   | 1937  |
| Year the billionth can of SPAM was sold.....  | 1959  |
| Year Little Sizzlers pork sausage was rolled out.....   | 1959  |

— L. SCHUTZ

Sources: General Mills; B&G Foods; Minnesota Maple Syrup Producers' Association; Jesse Job-Charlie's Café; Mickey's Diner, American Egg Board; Mill City Museum; St. Louis Park Historical Society.

## Follow us on



facebook at: [www.facebook.com/MNHouseInfo](http://www.facebook.com/MNHouseInfo)



Twitter at: [twitter.com/MNHouseInfo](http://twitter.com/MNHouseInfo)



YouTube at: [www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo)





# SESSION WEEKLY

**BUDGET BILLS MAKE FOR LONG HOURS  
CREATING A CIRCLE OF SUPPORT  
CHEERS! MINNESOTA BEERS AND BREWERIES  
PUTTING A STOP TO INVASIVES**

HF1298 - HF1350

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 13 • APRIL 1, 2011



# Flashback to 1991, 2001, 2006



PHOTO BY TOM OLMSCHIED

**Session Weekly April 7, 2006:** Lee Herold, owner of Herold Flags in Rochester, describes the Minnesota state flag to members of the House Governmental Operations and Veterans Affairs Committee. The committee rejected a proposal that would have created a task force to look into designing a new state flag.

## Transitioning from welfare to work

A measure that proponents say would promote employment for families on welfare was approved by the House Health and Human Services Committee.

The Minnesota Family Investment Plan (HF719) is an experimental welfare program that would consolidate the Aid to Families with Dependent Children, General Assistance for families and Food Stamps program. The plan would allow families to continue to receive benefits while earning up to 20 percent more money than is currently allowed under welfare regulations. The idea behind the measure, sponsored by Rep. Lee Greenfield (DFL-Mpls), is to ease the transition between welfare and full employment so that families can stay off of welfare.

## Session Weekly April 5, 1991

### Wine sales in grocery stores

Wine could be sold in grocery stores within the seven-county Twin Cities metropolitan area, under a bill approved by the Liquor Subcommittee of the House Commerce, Jobs and Economic Development Policy Committee. Opponents argued the bill would increase alcohol availability to youth and put additional costs on cities in order to have officers conduct required compliance checks. The sponsor of HF1205, Rep. Barb Sykora (R-Excelsior), said Minnesota would join 33 other states where wine is sold in grocery stores.

Later in the week, Sykora withdrew her bill under “aggressive” lobbying efforts, effectively killing the legislation for the year.

## Session Weekly April 6, 2001

## Contents

**FIRST READING:** Local option sales tax debate heats up as aid to cities decreases • 3-4

**RESOURCES:** A citizen's guide to understanding the numbers • 6-8

**AT ISSUE:** Direct sales food retailers may need handler license in some instances • 9

**AT ISSUE:** Omnibus education bill moves through the House • 10-11

**AT ISSUE:** House bill addresses wild rice, tree harvesting and closing state parks • 12

**AT ISSUE:** Collegiate concerns conveyed over higher ed bill • 13

**AT ISSUE:** Omnibus transportation bill tries to limit metro, rural transit cuts • 14-15

**AT ISSUE:** Tax bill debate highlights each party's priorities • 16

**AT ISSUE:** Decriminalizing youth exploited by prostitution • 17

**AT ISSUE:** A hand up in climb out of poverty • 18-19

**AT ISSUE:** Putting a stop to aquatic invasive species • 20

**AT ISSUE:** A two-for covers corrections, human rights and judiciary • 21

**BILL INTRODUCTIONS:** HF1298-HF1350 • 22-23

**MINNESOTA INDEX:** Cheers! • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

**On the cover:** House and Senate leadership, from left, Senate Majority Leader Amy Koch, Senate Deputy Majority Leader Geoff Michel, House Majority Leader Matt Dean, House Speaker Kurt Zellers huddle to confer as the House hears the omnibus higher education finance bill March 29. Most legislative action moved to the House and Senate chambers this week to pass out finance bills that would balance the budget for fiscal years 2012-2013.

— Photo by Tom Olmscheid



## All things local

Local option sales tax debate heats up as aid to cities decreases

By LEE ANN SCHUTZ

**L**anesboro's population can easily double on summer weekends. The town of 780 in southeastern Minnesota is known for its scenic beauty, bike trails and quaint downtown shopping area. However, there can be too much of a good thing. As a regional tourist destination, the thousands of annual visitors create wear-and-tear on the city streets, public buildings and parks; so much so that \$3.5 million in capital project needs are beyond the reach of the locals' pocketbook.

So, Julie Kiehne, executive director of the Lanesboro Area Chamber of Commerce and City Administrator Bobbie Vickerman came before the Legislature asking to implement a local option sales tax of 0.05 percent to help cover \$800,000 of the projects' costs.

They weren't alone with a request.

The House Property and Local Tax Division met with the Senate Taxes Committee earlier in session to hear sales tax requests from several communities, including: Fergus Falls, to pay for a new regional community ice arena; Marshall, for a training center for emergency first responders and an amateur sports center;

Medford, to repay loans received from the Minnesota Public Facilities Authority; Hutchinson, to help pay off debt incurred from improvements to a water treatment facility; and Rochester, to finance several projects.

While the requests, in some form or another, made it into HF42, the omnibus tax bill, which the House passed March 28, the debate continues over the appropriateness of the local sales tax. Some say it is a local decision and the Legislature should stay out of it. Others, however, think it increases disparities among communities and shouldn't be allowed at all.

### How it began

When the local government aid program was enacted in the early 1970s to equalize funding for services across the state, cities

**First Reading continued on page 4**



PHOTOS BY TOM OLMSCHIED

"Here we have a situation where the city of Rochester wants to raise \$161 million, over half paid for by people who don't live there. ... Yeah, leave it to local control; they know best how to get the money out of other communities."

Rep. Greg Davids and Rep. Tina Liebling went to the heart of the debate on the House floor over the use of local option sales taxes, during an exchange over Rochester's request. Some say these taxes should be purely a local decision. Others, however, think it increases disparities among communities and the taxes shouldn't be allowed at all.



"These projects were decided with citizen input and approval from the city council. This is about allowing our community to have its process respected, and allowing its citizens to vote on whether to extend the sales tax. ... This is really about local control."

were restricted from levying local sales and income taxes, which previous to that were an available but rarely used revenue stream. The only local sales taxes before 1971 were lodging and food and beverage taxes.

Despite the prohibition, a number of local sales taxes were authorized over the years, and in 1997, a sales tax advisory council recommended that the Legislature adopt

model statutory language for the imposition and administration of the local sales taxes. The goal was to create consistency and ease compliance.

That year, the Legislature enacted local sales tax rules. It added language in 1998 and 1999 that set standards for

authorizing new sales taxes, which included the need for legislative approval. Any jurisdiction asking for a sales tax must include to the Legislature information on the proposed tax rate, the amount of revenue to be raised, its intended use and the anticipated date when the tax would expire.

It wasn't until 1999 that the law required a local referendum before imposing the tax. The law also specifies that the revenue may only be used to fund certain capital improvements.

Before that time, the rules governing communities implementing taxes were open-ended.

For instance, Duluth was the first community, in 1973, to implement a tax. It

was at 1 percent, a half percent above the now standard 0.5 percent. With no expiration date, the money can be used for any city purpose approved by the city council.

The granting of local option sales tax requests is not a given. For instance none proposed from 2000-2004 were authorized, but a number were granted in 2005 and 2006, according to the nonpartisan House Research Department.

This year, Rochester's request was only partially met. This became the catalyst for a heated debate on the House floor over local control.

Rochester's 0.5 percent tax was authorized in 1983. It was initially enacted at 1 percent to raise \$16 million for a civic center and \$16 million for flood control. It has

been renewed three times, and extended in 2005 for an Olmsted County road project. This year, the city was before the Legislature again.

Rep. Tina Liebling (DFL-Rochester) pointed to the city's projects that, although requested, were not all included in the tax bill. She characterized the deletions as legislative interference.

"These projects were decided with citizen input and approval from the city council. This is about allowing our community to have its process respected, and allowing its citizens to vote on whether to extend the sales tax. ... This is really about local control; it is about allowing the community to vote yes or no, and not having it micromanaged by the Legislature."

Killing the Rochester sales tax was a promise that House Taxes Committee Chairman Greg Davids (R-Preston) made to his constituents, many of whom shop at the regional hub.

Why so heavy-handed? The sponsor of the omnibus tax bill said it goes to the argument of many who think local sales taxes only benefit communities with large commercial bases.

"Here we have a situation where the city of Rochester wants to raise \$161 million, over half paid for by people who don't live there. ... Yeah, leave it to local control; they know best how to get the money out of other communities," he said.

Rep. Paul Marquart (DFL-Dilworth) agrees. "It's a fairness issue." Those with good economic bases would benefit, while the majority of rural communities with little tax base would not, he said.

"Over time, you will see strong regional centers and all the other cities will be at a huge disadvantage," he said.

Over the years, 23 cities have imposed a general local sales tax of 0.5 percent. Hennepin County imposes a tax of 0.15 percent for Target Field and five counties in the Twin Cities metropolitan area impose a 0.25 percent tax for transit.

As local government aid stagnates for some localities and completely disappears for others, expect the debate on local option sales taxes to continue when the House and Senate conference their different omnibus tax bills. The Senate language (SF27) contains a provision that would allow cities, through a referendum, to impose local sales taxes up to 0.5 percent for selected capital improvement projects as an offset to local government aid.



## Minnesota's U.S. Representatives in Washington, D.C.

### First District

#### Tim Walz (DFL)

1722 Longworth House Office Building  
Washington, D.C. 20515  
202-225-2472  
Fax: 202-225-3433

### Second District

#### John Kline (R)

2439 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2271  
Fax: 202-225-2595

### Third District

#### Erik Paulsen (R)

127 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2871  
Fax: 202-225-6351

### Fourth District

#### Betty McCollum (DFL)

1714 Longworth House Office Building  
Washington, D.C. 20515  
202-225-6631  
Fax: 202-225-1968

### Fifth District

#### Keith Ellison (DFL)

1027 Longworth House Office Building  
Washington, D.C. 20515  
202-225-4755  
Fax: 202-225-4886

### Sixth District

#### Michele Bachmann (R)

103 Cannon House Office Building  
Washington, D.C. 20515  
202-225-2331  
Fax: 202-225-6475

### Seventh District

#### Collin Peterson (DFL)

2211 Rayburn House Office Building  
Washington, D.C. 20515  
202-225-2165  
Fax: 202-225-1593

### Eighth District

#### Chip Cravaack (R)

508 Cannon House Office Building  
Washington, D.C. 20515  
202-225-6211  
Fax: 202-225-0699



# HIGHLIGHTS

MARCH 24 - 31, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held March 24-31. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Civil Law

### Association records copied for a fee

Signed  
by  
the  
governor

People living in a condominium, townhouse or other common interest community generally belong to an association that pays for such things as lawn care and snow removal. The association financial records, membership, board minutes, contracts and other agreements are available for owner review, but not copies. Under a new law, signed by Gov. Mark Dayton March 29, that will change, but there could be a cost.

Effective Aug. 1, 2011, owners will be allowed to have copies of the documents and would permit the association to charge a fee for copies; however, no more than 25 cents per page could be charged for 100 or fewer pages of black and white copies. Excluded from access, however, will be records related to information that was the basis for closing a board meeting.

Rep. Phyllis Kahn (DFL-Mpls) and Sen. Larry Pogemiller (DFL-Mpls) sponsor the law. HF362\*/SF241/CH10

— L. SCHUTZ

## Game & Fish

### Bill would close DNR loophole

Several provisions in a game and fish bill vetoed last year by former Gov. Tim Pawlenty are back this year in HF984, with a few additions.

Testimony and amendments are expected to be taken April 5 in the House Environment, Energy and Natural Resources Policy and Finance Committee, which took no action on the bill March 31.

Highlights of the bill that Rep. Tom Hackbarth (R-Cedar) sponsors include: allowing two lines when fishing and adding

sandhill cranes to the list of game birds able to be hunted.

Another key provision would allow crop owners who experience elk damage to crops to also claim the cost of repairing fencing that surrounds the land damaged by elk.

In 2009, there were 16 reimbursement claims totaling \$70,501 in elk damages, a 10-year high. Last year, the Department of Natural Resources authorized the reduction of the elk population in herds that were causing the most damage. DNR officials said individual claims should slow down, although the cost of repairs keeps rising.

A new provision would close what the

DNR describes as a “loophole” in the law. It expands the definition of “wild animal” to include dead animals. It stems from an incident when an elk with valuable antlers died of natural causes and the property owner claimed it was rightfully his because a dead animal did not meet the statutory definition of a wild animal, that currently is defined as “living creatures.”

Sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), the Senate companion, SF943, awaits action by the Senate Environment and Natural Resources Committee.

— S. HEGARTY

### ROTUNDA TIME OUT



PHOTO BY ANDREW VONBANK

Pre-schoolers from the Wayzata Family Learning Center take a break in the Capitol Rotunda March 28. Along with staff, the students met with legislators to seek support for early childhood programs.



# State Budget 101

## A citizen's guide to understanding the numbers

By Nick Busse

**I**f you listen to lawmakers from different parties discuss the state budget, it's easy to be confused. Not only are they debating hugely complex programs in terms that are unfamiliar to most people, but they never seem to agree on the numbers.

For example, one legislator might say a \$34 billion budget would be an increase in state spending; another might argue it's actually a decrease. Who is right and who is wrong?

To understand the state budget, all you really need to keep in mind are just a few basic concepts. This guide will teach you some of the ins and outs of the budget process and help you understand how to do your own research on taxation and spending.

### Budget basics

Every two years, lawmakers and the governor must decide on the state's biennial budget — how much money the state will spend, and whether any changes are needed to the amount of revenue it collects from taxes and fees.

Under the state constitution, the Legislature is responsible for passing budget bills, sometimes called "appropriations bills" or "omnibus finance bills." The first year of a legislative biennium (the one right after an election) is devoted to passing a budget.

The budget is enacted when the governor signs all the bills. If changes need to be made later in the biennium, lawmakers can pass what are called "supplemental" appropriations bills to fill in any projected budget gaps.

### 'General Fund' vs. 'All Funds'

One key distinction to understand when talking about the budget is the difference between what's called the "General Fund"

budget and the "All Funds" budget.

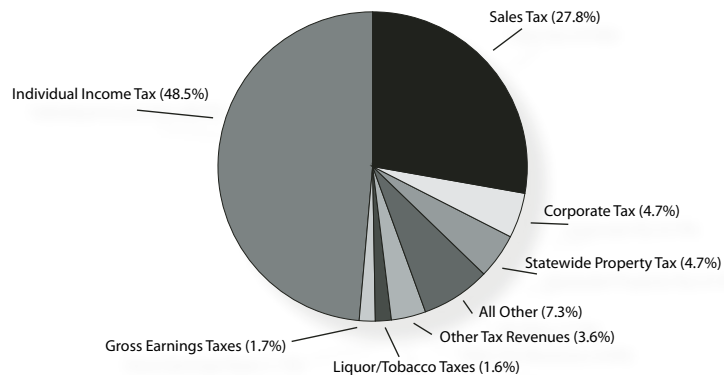
The majority of what the state spends comes out of a big pool of money called the General Fund. This is where your state income tax dollars go, as well as revenue from the state sales tax, the corporate tax and several others.

The General Fund gets the most attention when lawmakers are putting together the state budget. This is not only because it's the largest source of state spending, but also because they have control over what it pays for. The General Fund is used for what's known as "discretionary spending" — a fancy way of saying legislators can use the money for any purpose they choose.

The General Fund is only one part of the

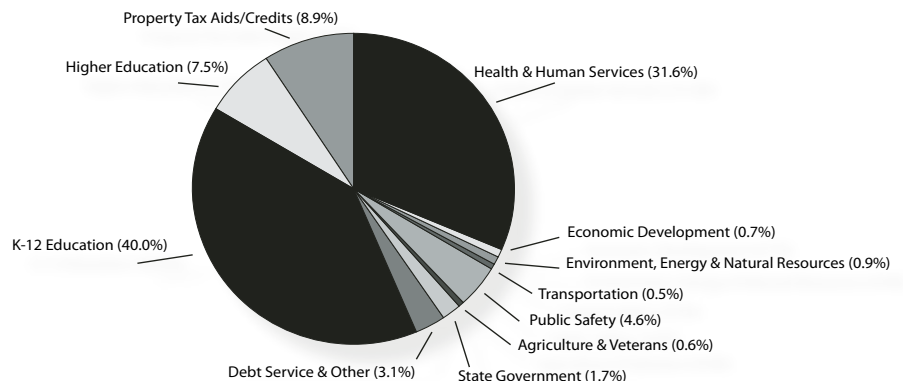
### 2012-13 General Fund - Forecasted

\$33.33 billion in revenue



### 2012-13 General Fund - Forecasted

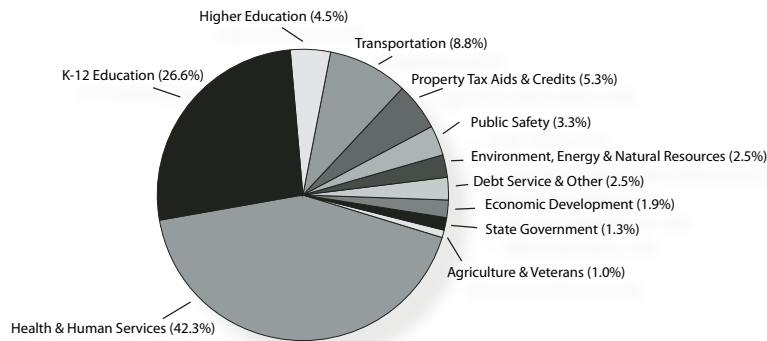
\$39.02 billion in spending



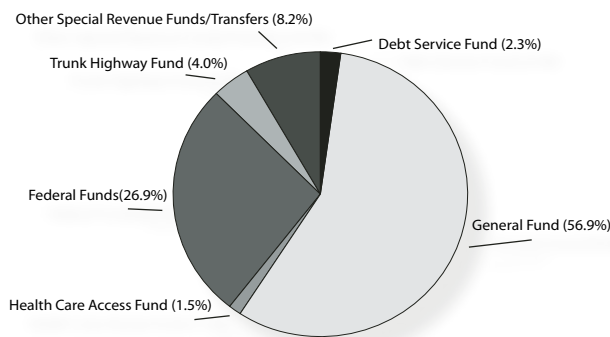
Source: Minnesota Management & Budget

## 2012-2013 All Funds - Forecasted

**\$65.66 billion in spending**



## 2012-2013 All Funds - Forecasted \$65.66 billion in spending, by fund type



Source: Minnesota Management & Budget

total budget, however. The state also has a number of smaller “dedicated funds” that can only be used for specific things. Often, these are paid for through special taxes and fees. In addition, the state receives money from the federal government that can only be used for specific programs like Medical Assistance or veterans programs.

The combined total of state spending from the General Fund, dedicated funds and federal funds is sometimes called the “All Funds” budget. Because the use of federal and dedicated funds is restricted by state and federal law, lawmakers typically spend less time debating them. But it’s important to remember that they’re a part of total state spending.

### Why does the budget grow?

Not all state spending goes to pay for services provided directly by the state. Most of the money the state spends ends up in the hands of school districts, hospitals, nursing homes, local governments and other programming.

Many things impact the cost of providing public services — the rising cost of health care, for instance. This impacts not only the cost of paying for public employees’ health insurance benefits, but also major state health care programs like MinnesotaCare. Other factors include inflation and growth in state programs due to increased eligibility.

There are different ways to measure growth in the budget. In terms of raw numbers, the state’s all-funds budget has grown from a little less than \$37 billion in 2000-2001 to \$59.6 billion in 2010-2011 — a 61.1 percent

### Borrowing from ourselves

It should be noted that lawmakers sometimes choose to take money out of dedicated funds and use it to shore up the General Fund during a time of deficit. Though legislators from both parties have used the practice, it remains a controversial one. Furthermore, not all special funds can be used in this way, especially those whose purpose is defined in the State Constitution.

## Glossary of Budget-Related Terms

**Omnibus** — refers to bills that contain provisions affecting many different programs, as in “omnibus appropriations bill” or “omnibus finance bill.”

**Fiscal Year** — the 12-month period beginning July 1 and ending June 30 that serves as the state’s basic accounting cycle.

**Fiscal Biennium** — two back-to-back fiscal years that together comprise the state’s two-year budget cycle.

**Base** — Also called “forecasted base.” The amount of money the state is projected to spend, based on current law and economic projections, in a future biennium.

**Change Item** — refers to changes from forecasted base spending. When the governor or legislative leaders propose a budget, they often include a document with a list of change items to make their budget plan more understandable.

**Direct Appropriation** — spending that lasts for the duration of a fiscal biennium, and no longer.

**Statutory Appropriation** — spending that remains ongoing from one fiscal biennium to the next unless lawmakers change it.

**Open Appropriation** — spending that remains ongoing and that is based on a program’s fiscal need rather than a fixed amount.

**Standing Appropriation** — spends a predetermined annual amount for a specified period of time or indefinitely.

**Economic Forecast** — a document produced each February and November by Minnesota Management & Budget that estimates expected revenues and expenditures.

increase. Yet, during that same time, the share of state and local government revenue as a percentage of personal income fell from 16.2 percent in 2000 to 15.3 percent in 2010. How is this possible? Personal income simply grew at a faster rate than government — not for each and every person, but collectively.

This is not to say that there is a right or wrong way to measure growth in the budget. The point is merely that those who think government should spend less and those who think it should spend more have different ways of making their case.

### Forecasted vs. actual spending

Lawmakers often argue over whether a particular budget proposal amounts to a cut or an increase in spending. This is because there are two ways of looking at a budget: one

is to weigh a budget proposal against current, or actual, spending; the other is to weigh it against what's called "forecasted" or "base" spending.

Imagine the state has a health care program that spends \$100 million in the current biennium. In the next biennium, budget officials predict that more people will become eligible for the program, raising its forecasted cost to \$120 million. If the Legislature funds the program at \$105 million in their next budget, is that a reduction or an increase?

The answer depends on your point of view. In terms of real dollars, \$105 million is obviously an increase over \$100 million. But if the forecasted base funding is \$120 million, an appropriation of only \$105 million might mean cutting services or tightening eligibility criteria so that fewer people can participate. If you depend on that program for your health care, you might consider it a \$15 million cut rather than a \$5 million increase.

When listening to legislators debate the budget, it's important to understand what they're referring to. Twice a year, Minnesota

Management & Budget releases an economic forecast that reflects both current spending levels as well as projected future spending and revenues. You can find the documents on the agency's website at [www.mmb.state.mn.us](http://www.mmb.state.mn.us).

### 'Legislative biennium' vs. 'fiscal biennium'

In the Legislature, the word "biennium" often refers to the two-year legislative cycle during which lawmakers serve out their term as elected officials. The term "fiscal biennium," however, refers to the state's two-year budget cycle. What's the difference?

The short answer is about six months. The current legislative biennium began in January of this year, and will end in December 2012. The next fiscal biennium, however, will begin on July 1 of this year and end June 30, 2013. The reason for this distinction is that when lawmakers talk about the state's biennial budget, they're referring to the fiscal biennium, not the legislative biennium.


If you're ever unsure of which is which, just remember that legislative biennia begin with an odd year (i.e. 2011-2012) and fiscal biennia begin with an even year (i.e. 2012-2013).

### Following the money

Sometimes the best way to figure out what's really going on in the budget is to see for yourself. Fortunately, there is a wealth of nonpartisan resources available to the public.

Starting with the Legislature, the House and Senate have nonpartisan fiscal analysis staff who provide regularly updated spreadsheets detailing budget bills as they move through the legislative process. These budget tracking spreadsheets can be found on the House and Senate websites. Visit [www.house.mn](http://www.house.mn) and [www.senate.mn](http://www.senate.mn) and click on the "Publications" tab near the top of the pages.

For even more detailed information on the budget, including economic forecasts and financial reports, MMB's website provides access to a wide variety of budget related documents. You can find them online at [www.mmb.state.mn.us](http://www.mmb.state.mn.us).

Also, if you ever have a question on budget-related activity in the Legislature, don't hesitate to call House Public Information Services at 651-296-2146 or toll-free at 800-657-3550. 

## MEET THE PRESS



PHOTO BY TOM OLMSCHEID

Prior to the March 28 floor session, House Minority Leader Paul Thissen holds a press briefing on the proposed omnibus bills that the House will be hearing during the week.



# More food inspectors

Direct sales food retailers may need handler license in some instances

By SUE HEGARTY

**W**hile many state government agencies brace for budget cuts, a Department of Agriculture food inspection program is anticipating a funding boost.

The additional \$490,000 would be a one-time appropriation over the next biennium to catch up with an estimated 40 percent backlog of inspections at convenience stores, grocers and other retail food handling outlets. It does not include retail restaurants, which are inspected by the Department of Health.

The accelerated inspections are proposed in the omnibus agriculture and rural development finance bill that was passed March 30 by the House. A conference committee is expected to iron out the differences between the House and Senate versions.

About 23 full-time equivalent inspectors currently check the cleanliness of retail food facilities, the temperature of walk-in coolers and freezers, employee handling methods, and steps taken to prevent cross-contamination of ingredients, among other things. Each averages about 300 inspections per year.

Sponsored by Rep. Rod Hamilton (R-Mountain Lake), HF1039/SF1016\* also would require a report by Feb. 1, 2013, on the department's progress to close the inspection gap.

The department also is being asked to cross-train inspectors wherever possible. For example, meat inspectors would also learn to inspect dairy facilities.

Members of the House Agriculture and Rural Development Policy and Finance Committee sought assurances that the reason for the inspection backlog wasn't because inspectors were licensing home parties, such as Tastefully Simple or Watkins product sales.

Kay Thibodeaux, founder of the Suburban Home-based Business Association and a team leader with Dove Chocolate Discoveries, said some sellers have been told they need a retail food handler's license to take orders at home

parties. Association members have been approached by inspectors and told that they can't sell, display or sample products in a public setting, such as a craft show, without a license.

"Our delinquency rate that we calculated is not based on those home businesses," said Heidi Kassenborg, director of the Agriculture Department's dairy and food inspection division. Rather, they include high-risk facilities, such as grocery stores, she said.

Retail food handler licenses cost \$50 when annual food sales are under \$15,000. The license fee for sales between \$15,000 and

\$50,000 is \$77. Fees have not been raised since 2003 and no one is suggesting a fee increase this year. Instead, the division will receive the funding boost to hire about three additional inspectors. Kassenborg said it takes about 18 months to train someone to conduct high-risk retail inspections. The appropriation is enough to decrease the backlog to a 25 percent delinquency rate by 2013.

Licenses are issued based on gross annual sales, so the division focuses on the larger grossing facilities first, she said.

However, the division does receive questions surrounding home-based businesses and parties. Direct sellers might store the product in their basement, garage or freezer. There is a fine line between stocking enough for a craft show and becoming a food warehouse.

"If they're storing a lot of product, they may need to be licensed because there are issues with rodents. Sometimes storing things in a home freezer where other things can be probably isn't the best idea. Those things we have to take on a case-by-case basis," Kassenborg said.

The division has worked on a home party policy with Tastefully Simple and Kassenborg said it does not include going into private residences to inspect or license home parties.

There are an estimated 10,000 independent sellers of products representing up to 14 different companies, according to Thibodeaux. Nationwide, such businesses account for \$16.1 million in direct sales and \$23.3 billion in retail sales, she said.

"I would like to see, if it's going to be enforced, that it needs to be fairly enforced across all people who are direct selling or not at all," Thibodeaux said.

Some types of sellers are exempt, such as home canners and farmers markets. Thibodeaux said some direct sellers are sales people and not the manufacturer of the product. She'd like to see the inspection and fee requirements stop at the manufacturing level and not charge a retail food handler license fee to those who sell pre-packaged food products. 🐷



PHOTO BY ANDREW VONBANK

**Rep. Rod Hamilton has the last word on the House floor before final passage of the omnibus agriculture and rural development finance bill March 30.**

# Changes in education

## House approves omnibus education finance bill

BY KRIS BERGGREN

**A**t a press conference before the House was scheduled to take up its omnibus education finance bill, HF934, its sponsor, Rep. Pat Garofalo (R-Farmington) recalled a point he made late last session.

“Change is coming and you can’t stop it,” he said. “Today, change is here.”

It arrived at about 2:30 a.m. March 30, when the House approved the bill 68-59. The Senate laid a companion on the table, but approved a different omnibus education bill, SF1030, sponsored by Sen. Gen Olson (R-Minnetrista) March 31, 36-25, then laid it on the table.

The bill would increase the basic revenue formula by \$131 per pupil through 2014; add back \$6 million of \$26 million in extended-time revenue cut in 2003; and create a new small schools revenue category for charter schools and districts with 1,000 or fewer pupils. It would cap, however, other revenue, including compensatory, and special education revenue, and cut integration revenue, all especially important to Minneapolis, St. Paul and Duluth.

Proposed policy changes include a school grading system and a teacher evaluation framework that put heavy emphasis on student test scores as a measure of teacher, school and district accountability; and performance-based pay and five-year renewable tenure for teachers.

“This bill really is the good, the bad and the ugly,” said Rep. Mindy Greiling (DFL-Roseville). “The good part was that we didn’t cut K-12 education as much as people expected.” The bad and the ugly are reflected in a slew of DFL amendments, most of which weren’t successful.

Nearly three hours of debate focused on a proposed “opportunity scholarship” program sponsored by Rep. Kelby Woodard (R-Belle Plaine) that would fund some low-income

students in low-performing schools in cities of the first class to attend nonpublic schools. DFL members questioned the proposal’s constitutionality, lack of proven effectiveness in closing the achievement gap and why it was limited to cities of the first class.

“No matter what you call it, it’s a school voucher program,” said Rep Tom Tillberry (DFL-Fridley), who unsuccessfully offered an amendment to delete the provision.

Rep. Tina Liebling (DFL-Rochester) said the state constitution prohibits public money being “appropriated or used” for sectarian schools, which many eligible students would be likely to choose. “That’s not some liberal doctrine; that is our Minnesota constitution ... that we all in this body took an oath to uphold.”

Garofalo and Woodard said the proposal is a pilot, focused on the largest cities because that’s where the achievement gap is the biggest problem.

“When you do this, it looks like you’re targeting the cities again. It looks a little bit like the LGA cuts,” said Rep. Ryan Winkler (DFL-Golden Valley). He unsuccessfully offered an

amendment to strike the application only to those cities.

“Our parents and our community have grown a little weary of people who don’t live in our community, who want us to be the provingground and the experimental ground for their latest ideas and brainstorm,” said Rep. Diane Loeffler (DFL-Mpls).

“Instead of picking on cities of the first class, I would say this is a benefit we’re providing to the families who can have a choice,” Woodard said.

Rep. Carlos Mariani (DFL-St. Paul) said the proposal is “bad public policy” that

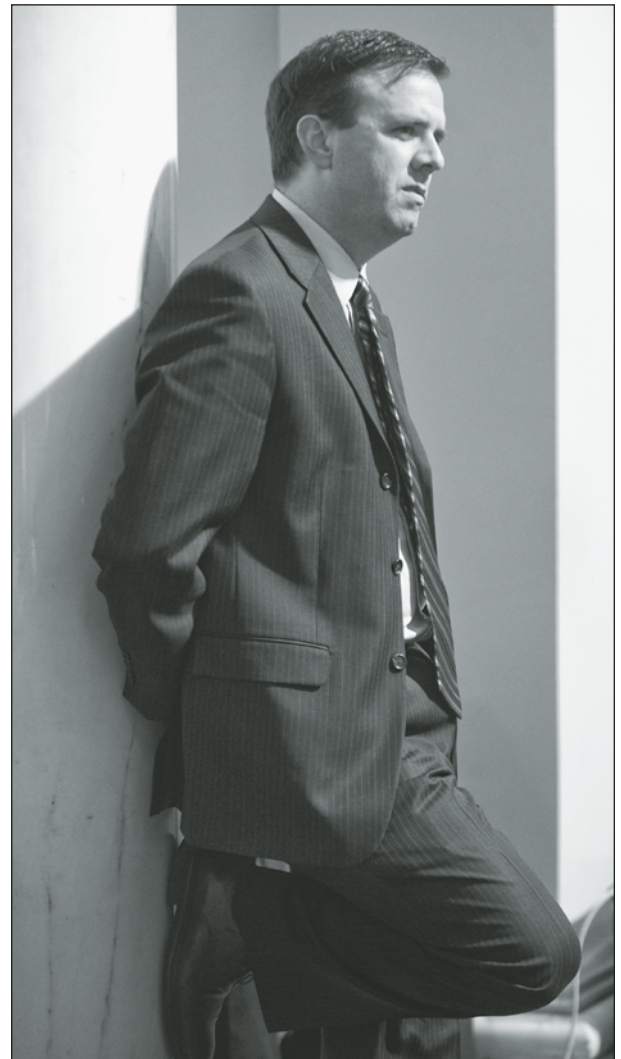


PHOTO BY TOM OLMSCHIED

**Rep. Pat Garofalo, chairman of the House Education Finance Committee, leans against a column at the back of the House Chamber while listening to a lengthy debate on an amendment to the voucher section of the proposed omnibus education finance bill March 29.**

could drain public dollars from high-need city students, and essentially create “two Minnesotas.”

“Everyone talks about the state fair as the ‘Great Minnesota Get-Together.’

No. The true great Minnesota get-together is our public K-12 system. It’s where we come together as a people. We’re going down the slippery slope of breaking apart that great Minnesota get-together.”



Rep. Erin Murphy (DFL-St. Paul) offered an amendment that would impose a sunset date and require a report on the demographics and academic performance of students who take the enrollment option, compared with similar public school students. The report portion was adopted, but not the sunset date.

Members on both sides sought further amendments.

Rep. Kathy Brynaert (DFL-Mankato) unsuccessfully proposed to modify a performance management system for teacher evaluation, sponsored by Rep. Branden Petersen (R-Andover). She said it counts students’ Minnesota Comprehensive

Assessment test scores too heavily in the teacher appraisal, given that those tests are not designed to be related to individual teachers’ effectiveness.

“Some of the best assessment experts in the

**“Clearly anything that’s going to become law is going to require the support of a DFL governor and a Republican Legislature. There’s a lot of great reform in this bill. I ask you to put kids first, no excuses, no exceptions.”**

— Rep. Pat Garofalo  
R-Farmington

bureaucratic creations.”

Petersen said Brynaert’s position “takes an overly cautious approach to teacher evaluation.”

Integration revenue would be eliminated and repurposed as innovation revenue. The integration revenue program has been criticized as unfocused, but many districts rely on the funds to support magnet schools and inter-district



**“This bill really is the good, the bad and the ugly. The good part was that we didn’t cut K-12 education as much as people expected.”**

— Rep. Mindy Greiling  
DFL-Roseville

collaborations intended to promote racial diversity. Rep. Rena Moran (DFL-St. Paul) successfully offered an amendment that would preserve the integration rule, though not the dedicated funding.

A \$1.75 million statewide expansion of the child care rating system Parent Aware, that sponsor Rep. Jenifer Loon (R-Eden Prairie) called “a Consumer Reports for parents,” was removed from the bill with a successful amendment offered by Rep. Mark Buesgens (R-Jordan).

“It sets up a whole new level of government meant to oversee our preschool programs,” he said. He was unsuccessful in his attempt to remove \$10 million proposed for early childhood education scholarships, which he proposed to maintain as cash for potential flood relief efforts.

Garofalo let others do most of the talking during the six-hour session, but concluded on an optimistic note.

“Clearly anything that’s going to become law is going to require the support of a DFL governor and a Republican Legislature. There’s a lot of great reform in this bill. I ask you to put kids first, no excuses, no exceptions.”

## Minnesota State Agencies

|                                 |              |
|---------------------------------|--------------|
| Administration.....             | 651-201-2555 |
| Agriculture .....               | 651-201-6000 |
|                                 | 800-967-2474 |
| Commerce.....                   | 651-296-4026 |
| Corrections.....                | 651-361-7200 |
| Education.....                  | 651-582-8200 |
| Employment and                  |              |
| Economic Development .....      | 651-259-7114 |
|                                 | 800-657-3858 |
| Enterprise Technology.....      | 651-296-8888 |
| Explore Minnesota Tourism ..... | 651-757-1845 |
|                                 | 800-657-3535 |
| Travel Info .....               | 888-868-7476 |
| Health.....                     | 651-201-5000 |
|                                 | 888-345-0823 |
| Higher Education Services.....  | 651-642-0567 |
|                                 | 800-657-3866 |

|                               |              |
|-------------------------------|--------------|
| Housing Finance Agency .....  | 651-296-7608 |
|                               | 800-657-3769 |
| Human Rights .....            | 651-296-5663 |
|                               | 800-657-3704 |
| Human Services .....          | 651-431-2000 |
| Iron Range Resources .....    | 218-735-3000 |
|                               | 800-765-5043 |
| Labor and Industry.....       | 651-284-5005 |
|                               | 800-342-5354 |
| Management & Budget.....      | 651-201-8000 |
| Mediation Services.....       | 651-649-5421 |
| Metropolitan Council.....     | 651-602-1000 |
| Military Affairs .....        | 651-268-8919 |
| Natural Resources .....       | 651-296-6157 |
|                               | 888-646-6367 |
| Pollution Control Agency..... | 651-296-6300 |
|                               | 800-657-3864 |

|   |              |
|---|--------------|
| Public Safety General Information ..... | 651-201-7000 |
| State Patrol .....                      | 651-201-7100 |
| Revenue                                 |              |
| General Information.....                | 651-296-3403 |
| Collections .....                       | 651-556-3003 |
|   | 800-657-3909 |
| Sales and Use Tax Line.....             | 651-296-6181 |
|   | 800-657-3777 |
| Taxpayer Helpline .....                 | 651-296-3781 |
|   | 800-652-9094 |
| Taxpayer self-service.....              | 651-296-4444 |
|   | 800-657-3676 |
| Withholding.....                        | 651-282-9999 |
|   | 800-657-3594 |
| Transportation .....                    | 651-296-3000 |
|   | 800-657-3774 |
| Veterans Affairs .....                  | 651-296-2562 |



# Environment bill reflects ‘priorities’

House addresses wild rice, harvesting timber and closing of state parks

By SUE HEGARTY

**T**he omnibus environment, energy and natural resources finance bill passed 72-57 by the House March 29 includes General Fund reductions to environmental agencies and doesn't allow fees to increase in dedicated funds, which DFLers said would be the same as raising taxes.

“In these tough times, this is a budget that brings forth the priorities of the Legislature—living within our means,” said Committee Chairman Denny McNamara (R-Hastings), the sponsor of HF1010.

One of these priorities includes shifting funds from some of the Legislative-Citizen Commission on Minnesota Resources recommended projects to emerging issues, such as invasive species, chronic wasting disease and a new scientific study of the effects of sulfates on wild rice.

The Senate amended the bill before passing it 36-28 March 31. A conference committee is expected to work out the differences. Sen. Bill Ingebrigtsen (R-Alexandria) is the Senate sponsor.

Overall, the bill would allocate \$195.7 million from the General Fund for the environment, including the Department of Natural Resources, Pollution Control Agency, Board of Water and Soil Resources, Public Utilities Commission, parks and zoos. It's about \$37 million less than the governor's recommended budget.

An amendment successfully offered by Rep. Tom Hackbarth (R-Cedar) stripped the bill of a provision to harvest black walnut timber in two state parks and use the money to help operate the parks. DNR officials have said budget cuts could result in up to 20 state park closings. Hackbarth called the DNR's assertion a “threat.”

McNamara said more discussion is needed about the future of two state forest nurseries

that have been operating at a loss and compete with the private sector. Although the House version does not include a provision to close the nurseries, the Senate's does, said Rep. Bill Hilty (DFL-Finlayson). Hilty's amendment to place a moratorium on the sale of state forest nurseries failed.



PHOTO BY ANDREW VONBANK

**Rep. Denny McNamara, chairman of the House Environment, Energy and Natural Resources Policy and Finance Committee, debates the omnibus environment, energy and natural resources finance bill with Rep. Ryan Winkler, foreground, on the House floor, March 29.**

A bill highlight is bipartisan support for a new scientific study on the effect of sulfates in wild rice waters. A 70-year-old study helped establish the current PCA standard to not exceed 10 milligrams of sulfate per liter of water. Wastewater treatment plants and mining operations are believed to contribute to higher-than-normal sulfate levels in rivers, lakes and streams where wild rice naturally grows. The proposed study is expected to take up to two years to complete.

The controversy centers on whether to raise the current PCA standard from 10 to 50 milligrams per liter during the interim period. During committee hearings, a 250-milligram standard was proposed. Rep. David Dill (DFL-Crane Lake) succeeded in amending the standard to 50 as a compromise. He said he now supports keeping the standard at 10.

There is also bipartisan support to set aside funds so the DNR can properly manage newly acquired land. Rep. Steve Drazkowski (R-Mazeppa) suggests that LCCMR environmental trust fund dollars kick-start a new land management account, which would include paying counties a payment in lieu of property taxes, commonly called PILT.

Although legislators support setting aside funds to manage land acquired by the DNR, some questioned using the trust fund to pay PILT. The fund is primarily state lottery receipts.

“I have two concerns. One is telling Minnesotans this money can pay PILT. ... We don't have any basis for believing that, either financially or constitutionally,” said Rep. Jean Wagenius (DFL-Mpls).

Minority members also criticized how environmental trust fund projects were removed from a previously approved LCCMR list and new projects inserted in their place. Several attempts to reinstate projects failed. Members also accused Republicans of cutting General Fund support for invasive species and supplanting those cuts with trust fund appropriations.



# Collegiate concerns conveyed

Omnibus higher education finance bill approved by House

By Mike Cook

**T**uition would go up, funding levels would drop to levels not seen in more than a decade and top officials' salaries could go down.

These are among the potential results of the omnibus higher education finance bill passed 69-60 by the House March 29.

Sponsored by Rep. Bud Nornes (R-Fergus Falls), HF1101 now goes to the Senate. Its omnibus bill, SF924, sponsored by Senate President Michelle Fischbach (R-Paynesville), was passed 36-27 March 29 and tabled. A conference committee is expected to work out the differences.

"Under the circumstances, this is the best we could do," Nornes said.

"The bill stinks," said Rep. Tom Rukavina (DFL-Virginia). "There's no highlights in here, just lowlights."

The bill would decrease higher education funding by \$411 million, or a 14.1 percent base reduction. The total is 10.9 percent lower than the 2010-2011 total forecast. Gov. Mark Dayton's budget calls for a \$170.9 million cut to higher education. Funding levels would reach late-1990s levels.

Nornes said protections would be put in place so students do not bear the brunt of the money woes: the bill would fully fund the state grant program, and there would be no reduction to the work-study program or to post-secondary child-care grants. "Gov. Dayton did not fully fund the state grant program in his budget," Nornes said. "He also had some reduction to the state

work-study program and the post-secondary child care grants; 35 percent cut to work study and child care 5 percent."

Further, the bill would set a maximum annual tuition cap of 4 percent for state university students and 2 percent for state college students in the Minnesota State Colleges and Universities system. Because of the University of Minnesota's autonomy, a cap cannot be placed on its tuition increases. However, the expectation is that it will not exceed 5 percent either year.

"Our goal of this bill was to ensure students didn't bear the brunt of these reductions by having increased tuition that was unreasonable," Nornes said.

Systems are expected to make up about a third of the state appropriation reduction by increasing tuition. They will also need to reduce spending and reform to live within their means, Nornes said.

"Maybe this bill will send the right message to the higher ed institutions that

they need to start controlling their costs," said Rep. Linda Runbeck (R-Circle Pines). "It's becoming unaffordable."

Rep. Gene Pelowski Jr. (DFL-Winona) successfully offered a pair of amendments to potentially reduce costs in the MnSCU system.

The first would limit future salary of the chancellor to that of the governor, and would prohibit bonus payments. Pelowski said Chancellor James McCormick's salary was \$360,000 this past year and he received a \$40,000 bonus. "To give a bonus for the leader of an educational system that has had record increases in tuition, record increases in debt and record cuts is repellent."

The other amendment would require a MnSCU internal evaluation of ways to evaluate efficiencies and effectiveness of delivering a postsecondary education. "It must recommend methods to refocus administration at the campus level and reduce or eliminate duplicative administration through central services."

Rep. Steve Drazkowski (R-Mazeppa) unsuccessfully sought to encourage the university's Board of Regents to lower the president's salary by \$250,000 per year. The Legislature can only recommend the university do certain things.

Rep. King Banaian (R-St. Cloud) successfully amended the bill to prohibit the use of state or federal funds to support human cloning. "This is simply concerned with the funding of research into this. It is not an outright ban. ... It does not ban a state institution doing it if it was able to find private funding to do so."

A number of DFLers, including Rep. Tim Mahoney (DFL-St. Paul) and Rep. Tina Liebling (DFL-Rochester), fear the amendment would force companies to leave for other states because research being done today would be prohibited.

"You still will not be able to do some of the stem cell researches that are going on today," Mahoney said. "It greatly affects the Mayo Clinic, greatly affects the University of Minnesota."



PHOTO BY ANDREW VONBANK

Rep. Bud Nornes presents the omnibus higher education finance bill on the House floor March 29. The bill was approved 69-60.



# Transit spending concerns

Omnibus transportation finance bill tries to limit metro; rural transit hurt

By MIKE COOK

**I**ts route wasn't as smooth as supporters would like, but the omnibus transportation finance bill was green-lighted March 28 by the House.

Sponsored by Rep. Mike Beard (R-Shakopee), HF1140 now goes to the Senate where Sen. Joe Gimse (R-Willmar) is the sponsor. The House vote was 70-61.

The bill increases funding for county and municipal state-aid highways by \$126 million to \$1.18 billion, and is forecasted to increase state highway funding by about \$120 million to

\$2.56 billion. Rural transit would increase by \$1 million from increases in the motor vehicle sales tax, even though the General Fund reduction is \$7.6 million for the biennium.

"Because of the slight uptick in the economy, gas tax revenues are coming up again, and we had an uptick in the motor vehicle sales tax, which is dedicated to transportation, 60 percent of it to roads and bridges. We are going

to see a significant increase, a 5 or 6 percent increase in funding for state highway projects next year," Beard said.

Opponents note that actual MVST revenue has fallen short of projections in nine of 10 years, often by tens of millions of dollars, which could lead to an actual decrease in Greater Minnesota transit funding. "To rely on that is to rely on money that probably isn't going to be there," said Rep. Kent Eken (DFL-Twin Valley).

Beard said the bill would decrease General Fund spending for Metropolitan Transit by \$130 million; however, increased MVST revenue and other factors put the total state funding decrease at closer to \$40 million.

"This bill represents about a 9 percent cut to



PHOTO BY TOM OLMSCHIED

House Transportation Policy and Finance Committee Chairman Mike Beard, *standing right*, presented the proposed omnibus transportation finance bill when the House took up the measure March 28.



Met Council transit funding on about \$400 million worth of state funds,” Beard said.

In a letter, Susan Haigh, the Met Council chairwoman, said that a \$120 million cut could mean a \$4 fare increase, a 50 percent ride loss and laying off approximately 550 employees.

Beard noted the numbers paint a worse-case scenario, and he questioned their reliability. “How does a 9 percent cut equal that massive a hit to the service of people who depend on transit in this state? I’m concerned about those numbers and how that math works.”

The bill permits the council to transfer uncommitted money in the Livable Communities fund — used to address affordable and lifecycle housing needs and provides funds to assist communities in carrying out their development plans, and the

amounts levied and collected under the right-of-way acquisition loan fund program — used to preserve right-of-way in rapidly growing areas — which could only be used to cover operating deficits for transit, paratransit, light rail and commuter rail services.

“This is with precedent,” Beard said, noting the same authorization was given two years ago.

Help for Metro Transit would also come from the suburban opt-outs that have agreed to transfer their \$4.2 million statutory increases to the Met

Council for regular route service and other transit operations.

Beard successfully amended the bill so that money from the Counties Transit Improvement Board may be allocated to the Met Council for transit purposes. Rep.

Ann Lenczewski (DFL-Bloomington) successfully amended the bill so that an allocation could only occur if approved by county voters.

Beard said the board, whose activities to improve transit are funded with a quarter-percent sales tax in five Twin Cities metropolitan area counties, has \$90 million in reserves. He said when the board was authorized in 2008, its first \$30 million went to the Met Council to help with an operating deficit.

Another successful Beard amendment would let the council transfer to its transit operating budget monies levied and collected used for government and public affairs, regional systems planning and growth strategy and local planning assistance.

Rep. Frank Hornstein (DFL-Mpls) unsuccessfully tried to amend the bill to reduce the reserves of the suburban opt-outs with that extra money transferred to the Met Council for transit operations. “These systems are almost \$18 million over the (legislative) auditor’s recommendation for needed reserves,” he said. 🐸

***The bill increases funding for county and municipal state-aid highways by \$126 million to \$1.18 billion, and is forecasted to increase state highway funding by about \$120 million to \$2.56 billion. Rural transit would increase by \$1 million from increases in the motor vehicle sales tax, even though the General Fund reduction is \$7.6 million for the biennium.***

## Minnesota House and Senate Members

|   |   |  |   |  |
|---|---|--|---|--|
| <b>1</b> A Rep. Dan Fabian-(R)<br>B Rep. Deb Kiel-(R)<br>Sen. LeRoy A. Stumpff-(DFL)            | <b>15</b> A Rep. Steve Gottwalt-(R)<br>B Rep. King Banaian-(R)<br>Sen. John Pederson-(R)      | <b>29</b> A Rep. Duane Quam-(R)<br>B Rep. Kim Norton-(DFL)<br>Sen. David Senjem-(R)          | <b>43</b> A Rep. Sarah Anderson-(R)<br>B Rep. John Benson-(DFL)<br>Sen. Terri Bonoff-(DFL)          | <b>57</b> A Rep. John Kriesel-(R)<br>B Rep. Denny McNamara-(R)<br>Sen. Katie Sieben-(DFL)            |
| <b>2</b> A Rep. Kent Eken-(DFL)<br>B Rep. David Hancock-(R)<br>Sen. Rod Skoe-(DFL)              | <b>16</b> A Rep. Sondra Erickson-(R)<br>B Rep. Mary Kiffmeyer-(R)<br>Sen. David Brown-(R)     | <b>30</b> A Rep. Tina Liebling-(DFL)<br>B Rep. Mike Benson-(R)<br>Sen. Carla Nelson-(R)      | <b>44</b> A Rep. Steve Simon-(DFL)<br>B Rep. Ryan Winkler-(DFL)<br>Sen. Ron Latz-(DFL)              | <b>58</b> A Rep. Joe Mullery-(DFL)<br>B Rep. Bobby Joe Champion-(DFL)<br>Sen. Linda Higgins-(DFL)    |
| <b>3</b> A Rep. Tom Anzelc-(DFL)<br>B Rep. Carolyn McElfratrick-(R)<br>Sen. Tom Saxhaug-(DFL)   | <b>17</b> A Rep. Kurt Daudt-(R)<br>B Rep. Bob Barrett-(R)<br>Sen. Sean Nienow-(R)             | <b>31</b> A Rep. Gene Pelowski Jr.-(DFL)<br>B Rep. Greg Davids-(R)<br>Sen. Jeremy Miller-(R) | <b>45</b> A Rep. Sandra Peterson-(DFL)<br>B Rep. Lyndon Carlson Sr.-(DFL)<br>Sen. Ann Rest-(DFL)    | <b>59</b> A Rep. Diane Loeffler-(DFL)<br>B Rep. Phyllis Kahn-(DFL)<br>Sen. Lawrence Pogemiller-(DFL) |
| <b>4</b> A Rep. John Persell-(DFL)<br>B Rep. Larry Howes-(R)<br>Sen. John Carlson-(R)           | <b>18</b> A Rep. Ron Shimanski-(R)<br>B Rep. Dean Urdahl-(R)<br>Sen. Scott Newman-(R)         | <b>32</b> A Rep. Joyce Peppin-(R)<br>B Rep. Kurt Zellers-(R)<br>Sen. Warren Limmer-(R)       | <b>46</b> A Rep. Michael V. Nelson-(DFL)<br>B Rep. Debra Hillstrom-(DFL)<br>Sen. Linda Scheid-(DFL) | <b>60</b> A Rep. Marion Greene-(DFL)<br>B Rep. Frank Hornstein-(DFL)<br>Sen. D. Scott Dibble-(DFL)   |
| <b>5</b> A Rep. Tom Rukavina-(DFL)<br>B Rep. Carly Melin-(DFL)<br>Sen. David Tomassoni-(DFL)    | <b>19</b> A Rep. Bruce Anderson-(R)<br>B Rep. Joe McDonald-(R)<br>Sen. Amy Koch-(R)           | <b>33</b> A Rep. Steve Smith-(R)<br>B Rep. Connie Doepeke-(R)<br>Sen. Gen Olson-(R)          | <b>47</b> A Rep. Denise Dittrich-(DFL)<br>B Rep. Melissa Hortman-(DFL)<br>Sen. Benjamin Kruse-(R)   | <b>61</b> A Rep. Karen Clark-(DFL)<br>B Rep. Jeff Hayden-(DFL)<br>Sen. Linda Berglin-(DFL)           |
| <b>6</b> A Rep. David Dill-(DFL)<br>B Rep. Mary Murphy-(DFL)<br>Sen. Thomas Bakke-(DFL)         | <b>20</b> A Rep. Andrew Falk-(DFL)<br>B Rep. Lyle Koenen-(DFL)<br>Sen. Gary Kubly-(DFL)       | <b>34</b> A Rep. Ernie Leidiger-(R)<br>B Rep. Joe Hoppe-(R)<br>Sen. Julianne Ortman-(R)      | <b>48</b> A Rep. Tom Hackbarth-(R)<br>B Rep. Jim Abeler-(R)<br>Sen. Michael J. Jungbauer-(R)        | <b>62</b> A Rep. Jim Davnie-(DFL)<br>B Rep. Jean Wagenius-(DFL)<br>Sen. Patricia Torres Ray-(DFL)    |
| <b>7</b> A Rep. Thomas Huntley-(DFL)<br>B Rep. Kerry Gauthier-(DFL)<br>Sen. Roger Reinert-(DFL) | <b>21</b> A Rep. Chris Swedzinski-(R)<br>B Rep. Paul Torkelson-(R)<br>Sen. Gary Dahms-(R)     | <b>35</b> A Rep. Michael Beard-(R)<br>B Rep. Mark Buessgens-(R)<br>Sen. Claire Robling-(R)   | <b>49</b> A Rep. Peggy Scott-(R)<br>B Rep. Branden Petersen-(R)<br>Sen. Michelle Benson-(R)         | <b>63</b> A Rep. Paul Thissen-(DFL)<br>B Rep. Linda Slocum-(DFL)<br>Sen. Ken Kelash-(DFL)            |
| <b>8</b> A Rep. Bill Hilty-(DFL)<br>B Rep. Roger Crawford-(R)<br>Sen. Tony Lourey-(DFL)         | <b>22</b> A Rep. Joe Schomacker-(R)<br>B Rep. Rod Hamilton-(R)<br>Sen. Doug Magnus-(R)        | <b>36</b> A Rep. Mary Liz Holberg-(R)<br>B Rep. Pat Garofalo-(R)<br>Sen. Dave Thompson-(R)   | <b>50</b> A Rep. Carolyn Laine-(DFL)<br>B Rep. Kate Knuth-(DFL)<br>Sen. Barbara Goodwin-(DFL)       | <b>64</b> A Rep. Erin Murphy-(DFL)<br>B Rep. Michael Paymar-(DFL)<br>Sen. Richard Cohen-(DFL)        |
| <b>9</b> A Rep. Morrie Lanning-(R)<br>B Rep. Paul Marquart-(DFL)<br>Sen. Keith Langseth-(DFL)   | <b>23</b> A Rep. Terry Morrow-(DFL)<br>B Rep. Kathy Brynaert-(DFL)<br>Sen. Kathy Sheran-(DFL) | <b>37</b> A Rep. Tara Mack-(R)<br>B Rep. Kurt Bills-(R)<br>Sen. Chris Gerlach-(R)            | <b>51</b> A Rep. Tim Sanders-(R)<br>B Rep. Tom Tillberry-(DFL)<br>Sen. Pam Wolf-(R)                 | <b>65</b> A Rep. Rena Moran-(DFL)<br>B Rep. Carlos Mariani-(DFL)<br>Sen. Sandra Pappas-(DFL)         |
| <b>10</b> A Rep. Bud Nornes-(R)<br>B Rep. Mark Murdock-(R)<br>Sen. Gretchen Hoffman-(R)         | <b>24</b> A Rep. Bob Gunther-(R)<br>B Rep. Tony Cornish-(R)<br>Sen. Julie Rosen-(R)           | <b>38</b> A Rep. Diane Anderson-(R)<br>B Rep. Doug Wardlow-(R)<br>Sen. Ted Daley-(R)         | <b>52</b> A Rep. Bob Dettmer-(R)<br>B Rep. Matt Dean-(R)<br>Sen. Ray Vandever-(R)                   | <b>66</b> A Rep. John Lesch-(DFL)<br>B Rep. Alice Hausman-(DFL)<br>Open seat                         |
| <b>11</b> A Rep. Torrey Westrom-(R)<br>B Rep. Mary Franson-(R)<br>Sen. Bill Ingebrigtsen-(R)    | <b>25</b> A Rep. Glenn Gruenhagen-(R)<br>B Rep. Kelby Woodard-(R)<br>Sen. Al Dekruif-(R)      | <b>39</b> A Rep. Rick Hansen-(DFL)<br>B Rep. Joe Atkins-(DFL)<br>Sen. James Metzen-(DFL)     | <b>53</b> A Rep. Linda Runbeck-(R)<br>B Rep. Carol McFarlane-(R)<br>Sen. Roger Chamberlain-(R)      | <b>67</b> A Rep. Tim Mahoney-(DFL)<br>B Rep. Sheldon Johnson-(DFL)<br>Sen. John Harrington-(DFL)     |
| <b>12</b> A Rep. John Ward-(DFL)<br>B Rep. Mike LeMieur-(R)<br>Sen. Paul Gazelka-(R)            | <b>26</b> A Rep. Kory Kath-(DFL)<br>B Rep. Patti Fritz-(DFL)<br>Sen. Mike Parry-(R)           | <b>40</b> A Rep. Pam Myhra-(R)<br>B Rep. Ann Lenczewski-(DFL)<br>Sen. Dan Hall-(R)           | <b>54</b> A Rep. Mindy Greiling-(DFL)<br>B Rep. Bev Scalze-(DFL)<br>Sen. John Marty-(DFL)           |  |
| <b>13</b> A Rep. Paul Anderson-(R)<br>B Rep. Bruce Vogel-(R)<br>Sen. Joe Gimse-(R)              | <b>27</b> A Rep. Rich Murray-(R)<br>B Rep. Jeanne Poppe-(DFL)<br>Sen. Dan Sparks-(DFL)        | <b>41</b> A Rep. Keith Downey-(R)<br>B Rep. Pat Mazorol-(R)<br>Sen. Geoff Michel-(R)         | <b>55</b> A Rep. Leon Lillie-(DFL)<br>B Rep. Nora Slawik-(DFL)<br>Sen. Charles Wiger-(DFL)          |  |
| <b>14</b> A Rep. Tim O'Driscoll-(R)<br>B Rep. Larry Hosch-(DFL)<br>Sen. Michelle Fischbach-(R)  | <b>28</b> A Rep. Tim Kelly-(R)<br>B Rep. Steve Drazkowski-(R)<br>Sen. John Howe-(R)           | <b>42</b> A Rep. Kirk Stensrud-(R)<br>B Rep. Jenifer Loon-(R)<br>Sen. David Hann-(R)         | <b>56</b> A Rep. Kathy Lohmer-(R)<br>B Rep. Andrea Kieffer-(R)<br>Sen. Ted Lillie-(R)               |  |

# Handcuffs or opportunity

Omnibus tax bill's debate highlights each party's priorities

BY LEE ANN SCHUTZ

**T**he omnibus tax bill sets the financial boundaries for the omnibus bills to follow, but its debate on the House floor March 28 gave both parties the chance to showcase their priorities.

"Having the tax bill done first, we'll have the numbers that we need to move forward, and I'm excited about that, so people can see where we're at," said House Taxes Committee Chairman Greg Davids (R-Preston), the sponsor of HF42. Its focus is creating jobs, putting money into the private sector for job creation and back into taxpayers' pockets, he said.

Passed 73-59 by the House, the bill now moves to the Senate, where Sen. Julianne Ortman (R-Chanhassen) is the sponsor. The Senate omnibus tax bill, SF27, which she sponsors, differs from the House version, so a conference committee is expected to work out the differences.

House Minority Leader Paul Thissen (DFL-Mpls) said the bill's provisions "are the handcuffs that chain us into awful choices ... with real consequences." He added that it would substantially raise property taxes.

The bill's cornerstone provision would decrease lower and middle individual income tax rates from

their current levels of 5.35 percent and 7.05 percent to 4.75 percent and 6.75 percent, phased in over three years.

The proposed phase-out of local government aid to Minneapolis, St. Paul and Duluth had one DFLer warning rural members that this bill would end the LGA program, and have a substantial impact on communities with low tax bases.

"This bill is a decoy for rural members. It will end LGA as we know it ... about 35 percent of the residents of the state will not benefit from LGA. That is an erosion," said Rep. Paul Marquart (DFL-Dilworth).

But the provision's architect, Rep. Linda Runbeck (R-Circle Pines), the House Property and Local Tax Division chairwoman, said rural communities and suburbs are protected from reductions, and that LGA was designed to equalize basic services among the state's municipalities, not to fund discretionary projects. She challenged the spend-

ing patterns of the state's two largest cities, calling some projects "frivolous."

Bill provisions would:

- direct the revenue commissioner to begin talks with Wisconsin with the goal of entering into a new reciprocity agreement that would be effective for tax year 2012;
- create a Minnesota science and technology fund with \$1.5 million appropriated in fiscal years 2012 and 2013, and \$3.5 million in each fiscal year thereafter for grants to support initiatives;
- lower the property tax refund from 19 percent to 12 percent of gross rent paid;
- approve imposition of a local sales and use tax by several cities and towns;
- extend eligibility for a market value exclusion benefit for the surviving spouse or approved family caretaker of certain disabled veterans;
- remove several county maintenance of effort provisions that do not reduce federal funds or automatically increase state spending;
- decrease payment in lieu of taxes payments to counties; and
- eliminate the political contribution refund.

In a unique procedural move, the DFL attempted throughout the nearly seven-hour debate to have an amendment from Rep. Lyle Koenen (DFL-Clara City) act as a conduit for several DFL provisions. This offered the DFL the opportunity to talk about increasing the renter's credit, restoring market value credit and conforming the state tax code to the federal code as it relates to married couples. While the latter provision was accepted, it ultimately went down when Koenen's amendment was withdrawn.


The bill is made up of approximately 40 separate bills heard in the House Taxes Committee or the House Property and Local Tax Division. At the General Fund bottom line, the bill adds \$548 million, largely through reductions to state aids and credits. 



PHOTO BY TOM OLMSCHIED

**Rep. Linda Runbeck, chairwoman of the House Property and Local Tax Division, explains the property tax section of the proposed omnibus tax bill March 28 on the House floor.**

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

# Creating a 'Safe Harbor'

Wide-ranging support for bill to decriminalize juveniles exploited by prostitution

By HANK LONG

**H**eather Boyum is 31. She says she was deprived of the last 15 years of her life after a man she initially considered her boyfriend exploited her and led her to a lifestyle of many "false promises and broken dreams."

Boyum delved into prostitution at age 16, and for much of her life as a young adult she saw multiple "johns" every day of the week. She was passed between three different pimps and admits her situation was not only traumatizing, but left emotional scars as she became isolated from family and friends. But last fall she found Breaking Free, a St. Paul-based organization that provides education and support services to victims of prostitution and sex trafficking.

"Had I known 15 years ago what I know now, that there are programs like Breaking Free available for women in prostitution, that there is a safe place to go and we are not going to be treated like criminals, especially when it's something we have been forced into, my life would have been significantly different," Boyum told the House Judiciary Policy and Finance Committee March 15.

As many as 14,000 young women and girls become victims of prostitution and sex trafficking every year in the United States, said Lisa Gagnier, who left a life of prostitution she began as a young adult. Although New York and California see the highest number of sex trafficking cases, the number of cases in Minnesota is growing, she said.

"Sometimes we find ourselves in situations that we don't quite know how to get out of," she said. "And some, even when they are arrested, don't speak out in fear of retaliation."

"We need to show our youth out there that there are people out there who care and love for them and are fighting for their well being."

### 'Safe Harbor' legislation

Sponsored by Rep. Steve Smith (R-Mound), HF556, known as the "Safe Harbor" bill, is included in the omnibus public safety and judiciary finance bill, SF958.

It aims to resolve a conflict between state law and child protection statutes where juveniles can be prosecuted for crimes related to prostitution while at the same time be declared in need of child protection services, said Jeff Bauer, director of public policy at The Family Partnership, a Minneapolis-based child advocacy organization.

The bill also triples fines for those found guilty of adult prostitution services and dedicates revenue from increased penalties to help fund the work of the arresting and prosecution agencies and crime victim services. It also directs the Public Safety and Human Services departments to create a victim-centered counseling model

for juvenile victims of sex trafficking and prostitution, if sufficient outside funding is donated.

### Bill mirrors some metro policies


In February, county attorneys from around the Twin Cities metropolitan area, along with a number of representatives from law enforcement agencies, announced changes they would make to their own policies for how they handle children exploited for prostitution. Those changes are reflected in HF556, said Dakota County Attorney James Backstrom.

"We established in the metro area, by policy, exactly what this bill will establish statewide," Backstrom said, "which is to seek to treat these exploited young women as the victims they rightfully are and not as criminals under our system of justice."

Currently, juveniles prosecuted for prostitution-related crimes are offered rehabilitation programs like Breaking Free as a condition of parole or reduced sentencing. Rep. John Lesch (DFL-St. Paul) asked how the "Safe Harbor" bill would affect teens that don't consider themselves victims and don't want to participate in such programs.

"We can certainly initiate a child protection proceeding and intervene to protect that child and accomplish, I believe, the same goals in terms of getting them the services they need and to address some of those issues even though at that time they may be unwilling to participate," Backstrom said.

Rep. Tina Liebling (DFL-Rochester) said she supports the legislation that would "treat children as children" and give them the protection they need.

"Too often we criminalize the behavior of children and pretend they are just little adults, and they are not," she said. 



# A hand up in climb out of poverty

Bipartisan initiative looks to fund expansion of 'Circles of Support' program

By HANK LONG

**H**ow does one define poverty? Many technical formulas include factors ranging from income level to measuring the regularity of access to food.

Xavier Bell believes poverty is measured by more than just a lack of basic tangible needs.

“(Living in poverty) also includes a lack of meaning and a lack of relationships,” said Bell, a program manager for Community Action Duluth, a nonprofit agency with an admittedly lofty goal of engaging the community to help find solutions that will end poverty. “We realize social isolation is a problem for many low-income people,” he said, “and it is one barrier that keeps people in poverty.”

Community Action Duluth is one of several organizations across the state that has made an effort to dissolve that barrier with implementation of Circles of Support, a volunteer-based program that focuses on helping low-income people develop social assets as tools to achieve economic independence. Other communities that use program include Marshall, Grand Rapids and Little Falls.

Now in its sixth year, the Duluth chapter of Circles of Support has utilized volunteers to serve as “allies” for individuals and families looking for a hand up out of a life of struggling to meet their basic needs. Allies meet with participants at least once a month for 1-2 years to help them develop social assets across class and, oftentimes, racial barriers, Bell said. The majority of the program’s participants are single mothers trying to hold down a job and/or further their education. Allies inside the participant’s “circle” often serve as mentors and may help them with a job application, proofread an essay for school or help out with minor household tasks. The larger goal, proponents say, is for

participants to develop a social network that they might not otherwise have because of their current station in life.

“I think what we are seeing with Circles is an example of how we can bridge the gap between those barriers that exist between people who have those social assets and those who don’t,” Bell said. “The volunteer aspect is critical to our success.”

## Funding expansion

The effectiveness of the Circles of Support program, as it has been implemented in communities across the state, has not gone unnoticed.

Rep. Morrie Lanning (R-Moorhead) witnessed the success of similar programs in his hometown and believes Circles of Support is one of the better community-based models out there.

He sponsors HF77, which would appropriate grants for expansion of the Circles of Support program to other

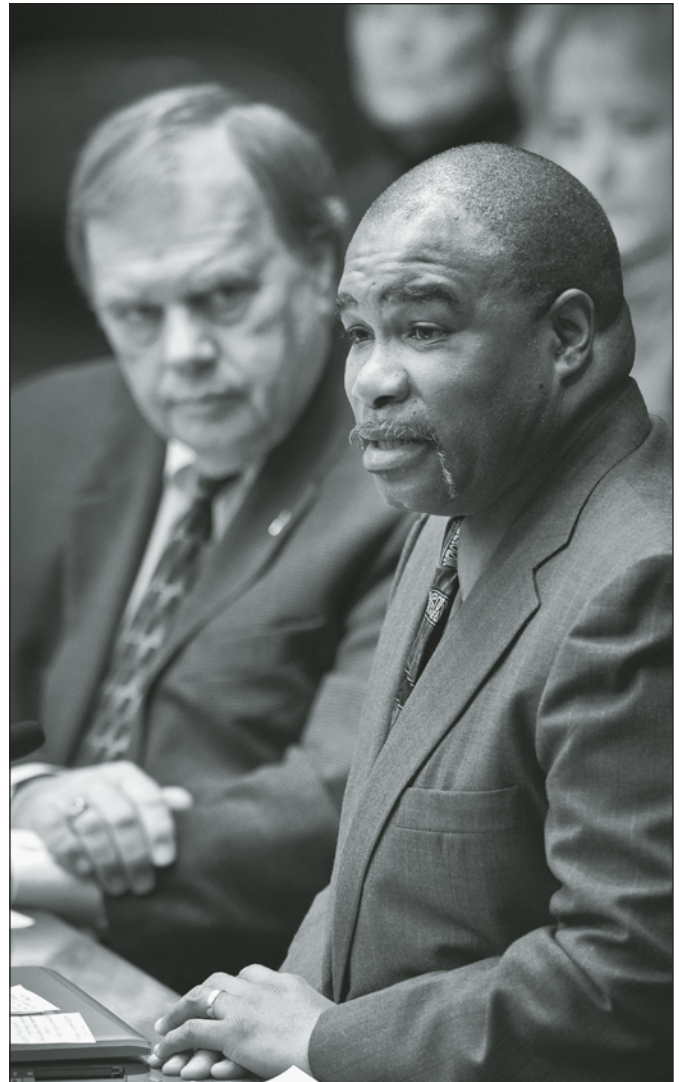


PHOTO BY ANDREW VONBANK

Xavier Bell, a program manager at Community Action Duluth, testifies before the House Health and Human Services Finance Committee March 8 in support of a bill that would provide healthy community and circle of support initiative grant program funding.

community action organizations throughout the state. The House omnibus health and human services finance bill contains \$400,000 for the program in the 2012-2013 biennium.

Sen. Mike Jungbauer (R-East Bethel) sponsors the Senate companion, SF110. It awaits action by the Senate Health and Human Services Committee.

Also included in the bill is \$200,000 for Northern Connections, another Minnesota-based social asset development program that the Ladder Out of Poverty Task Force concluded is a "best-practice model."

The bill was borne out of recommendations from the Ladder Out of Poverty Task Force as it toured the state last summer in an effort to find models for success in helping low-income individuals and families move towards economic independence.

Lanning said the programs highlighted in HF77 exemplify the idea that a "hand up and not a handout" is the best way to work toward eliminating poverty, a bipartisan goal developed by the Legislature in 2006.

"There are times when people do need direct financial assistance support if they are not able to take care of their basic needs," Lanning acknowledged, "but that's not the way you eliminate poverty. You do it by

helping them improve their education, their training, their social assets and financial assets."

### **Spirit of bipartisanship**

Rep. Patti Fritz (DFL-Faribault), a task force member who also sponsors HF77, said she was impressed by the spirit of bipartisanship the group displayed in its work throughout the summer as it toured communities across the state.

"I looked around at the other legislators working on this task force and I just thought 'Good, they think like I do,'" Fritz said. "I believe the ideas we developed have been well thought out and are ideas that we can work on now and in the future."

In one of its stops, the task force visited Ruth's House of Hope, a transitional home for women in Faribault. Fritz said such visits were vital to the work of the task force as it developed legislative initiatives to tackle issues related to poverty.

"(The task force) not only heard from those who were helping to run these community resources, but we heard from the clients living in the house at the time," Fritz said. "That's an important perspective to have when we are working on these issues."

Allowing people who are working to get


themselves out of poverty to come to the table and be a part of the solution was probably the most important aspect of the task force, said Amy Brenengen, director for the Office on the Economic Status of Women.

"It was very eye opening to hear from the participants themselves just how programs, like Circles of Support, have aided them," said Brenengen. "Listening to their stories was probably our number one priority."

The possibility of funding the expansion of programs like Circles of Support to other communities across Minnesota leaves Bell with a sense of optimism in the state's effort to end poverty by 2020, an admittedly lofty goal, but one he said becomes more attainable as more people get involved.

"(Circles of Support) is really about engaging volunteers in this issue of poverty," he said, "and allowing them to see how it impacts not just the people who are in poverty, but the community as a whole."

For more on Circles of Support go to: <http://www.communityactionduluth.org/circles.html>.

For more information on the Ladder Out of Poverty Task Force and its goals go to: <http://www.commissions.leg.state.mn.us/ladder/ladder.html> 

## **Constitutional Officers**

### **Governor**

#### **Mark Dayton (DFL)**

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-201-3400  
800-657-3717  
Fax: 651-797-1850  
Website: [www.governor.state.mn.us](http://www.governor.state.mn.us)  
E-mail: [mark.dayton@state.mn.us](mailto:mark.dayton@state.mn.us)

### **Lieutenant Governor**

#### **Yvonne Prettner Solon (DFL)**

Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55115  
651-201-3400  
Fax: 651-797-1850  
E-mail: [ltgovprettnersolon@state.mn.us](mailto:ltgovprettnersolon@state.mn.us)

### **Secretary of State**

#### **Mark Ritchie (DFL)**

Election Center  
Room 180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
651-215-1440  
877-600-8683 (VOTE)  
Business Services  
60 Empire Drive, Suite 100  
St. Paul, MN 55103  
651-296-2803  
877-551-6767  
Website: [www.sos.state.mn.us](http://www.sos.state.mn.us)  
E-mail: [secretary.state@state.mn.us](mailto:secretary.state@state.mn.us)

### **Attorney General**

#### **Lori Swanson (DFL)**

Executive Offices  
Room 102  
State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

651-296-6196

800-657-3787

Website: [www.ag.state.mn.us](http://www.ag.state.mn.us)

E-mail: [attorney.general@state.mn.us](mailto:attorney.general@state.mn.us)

Consumer Division

1400 Bremer Tower

445 Minnesota St.

St. Paul, MN 55101

651-296-3353

800-657-3787

(TTY) 651-297-7206

(TTY) 800-366-4812

### **State Auditor**

#### **Rebecca Otto (DFL)**

525 Park St.

Suite 500

St. Paul, MN 55103

651-296-2551

(TTY) 800-627-3529

Website: [www.osa.state.mn.us](http://www.osa.state.mn.us)

E-mail: [state.auditor@state.mn.us](mailto:state.auditor@state.mn.us)

# Putting a stop to aquatic invasive species

Broader enforcement, stiffer penalties proposed for violators

By SUE HEGARTY

**A**side from the state's budget woes, invasive species is the biggest issue facing the Department of Natural Resources, according to policy and government relations director Bob Meier.

Rep. John Ward (DFL-Brainerd) is taking aim at combating aquatic invasive species such as Asian carp, Eurasian water-milfoil, Zebra mussels and the spiny waterflea.

Endorsed by the DNR, HF1162, which Ward sponsors, would significantly change recreation rules on and off Minnesota waters. It is the culmination of meetings with angling associations, cabin owners and the DNR.

"Some people will tell you it doesn't go far enough; some people will tell you it goes too far, but we need to be proactive on these issues," Meier told the House Environment, Energy and Natural Resources Policy and Finance Committee March 24.

Approved by the committee on a split-voice vote, the bill's next stop is the House Public Safety and Crime Prevention Policy and Finance Committee. Sen. Tom Saxhaug (DFL-Grand Rapids) sponsors a companion, SF847, which awaits action by the Senate Environment and Natural Resources Committee.

Boaters would be required to obtain a free AIS decal from distribution points and attach it in plain sight on the watercraft prior to launching. The decal would contain the new rules associated with AIS prevention tactics.

The provisions, if enacted would become effective in time for the 2011 fishing opener, which would make educating the public a quick lesson in new water recreation laws.

Recommended changes include increased authority for boat inspections, stiffer penalties for AIS violations, required training for lake service providers, required education for watercraft owners and operators and streamlined permitting for AIS plant management activities. Current law applies to boating-related equipment. The definition would expand to "water-related" equipment,

such as docks, rafts, vehicles and other equipment that comes in contact with water and could harbor invasive species.

Last year, a new law required boaters to drain water from live wells and bilges by pulling the drain plug prior to transporting boats. That law would be broadened to include draining water from portable bait buckets, too.

"I would think the bait buckets themselves could be an education tool," said Committee



PHOTO BY ANDREW VONBANK

**Vern Wagner, vice president of Anglers for Habitat, testifies before the House Environment, Energy and Natural Resources Policy and Finance Committee March 24 in support of a bill that would modify non-native species provisions.**

## Test Your Knowledge

**True or False: It is against the law to pull a boat on public roads with the drain plug left in place.**

Answer: True.

Chairman Denny McNamara (R-Hastings).

Nets or other equipment used to harvest bait minnows from AIS-infested waters would not be allowed for use on any other water body. A tag would need to be affixed to the net to identify its limited use.

"If you're using nets in Mille Lacs to harvest bait in the spring, you cannot take them to un-infested waters in the future. (You) will have to have a second set of nets," said Luke Skinner, invasive species program supervisor with the DNR.

Trained inspectors would be allowed to inspect watercraft for aquatic invasive species anywhere. Officers also could pull someone over for hauling watercraft on public roads with the drain plug still engaged, which could result in a misdemeanor offense.

Rep. Dan Fabian (R-Roseau) is concerned about "heavy-handed" conservation officers. "You have a tremendous obligation at this point, if this bill passes, to do everything that we can to make sure that people are educated," he told DNR officials. "I want to make sure that we allow people to make an honest mistake and not get the book thrown at them."

Fines would double from last year to between \$100 and \$500. Rep. Jean Wagenius (DFL-Mpls) said the fines were low in comparison to the great amount of harm that invasive species can do to a lake and the cost to eradicate. "It's really not a lot (of money)," she said.

The DNR tracked 2010 enforcement operations and said of 7,053 people approached, 1,060 people received verbal or written warnings and 128 were cited for violations. Only one of the citations was for a criminal offense, said Maj. Rodmen Smith, DNR enforcement operations manager.



# Two omnibus bills merged into one

### DFL legislators oppose cuts to Department of Human Rights, Civil Legal Services

By HANK LONG

**T**he House passed a two-for-one public safety and judiciary omnibus bill March 31 along party lines after discussion where the DFL categorized the proposed cuts as “extreme,” but Republicans termed them necessary “tough choices.”

The House voted 71-59 March 31 to approve HF440/SF958\*, which includes \$728 million for judicial system and support services and \$1.2 billion for public safety and corrections. The bill as amended now returns to the Senate. A conference committee is expected to work out the differences.

One day earlier, the House Ways and Means Committee incorporated the omnibus public safety and judiciary finance bills into the Senate’s combined version. The Senate passed its omnibus bill for public safety and courts funding 36-28 March 29.

DFL members who lined up against the House bill criticized its inclusion of what they called “substantial” reductions to the Department of Human Rights and Civil Legal Services along with other public safety and Department of Corrections spending. They also criticized the transfer of \$8.5 million from the Fire Safety Account to the General Fund.

House Majority Leader Matt Dean (R-Dellwood) countered that the bill looks at protecting the courts and public safety in the context of tough budget targets. “Sometimes you have to live within your means. Sometimes that means making tough choices and moving ahead. That’s what this bill does.”

Rep. John Lesch (DFL-St. Paul) said the legislation represents a “stinky, ugly foot that we are trying to shoehorn into this shoe that don’t fit because of the budget targets” the majority put in place.

The bill’s language outlines a 65 percent funding reduction for the Department of Human Rights, which amounts to a \$4.34 million cut to services that Rep. Tony

Cornish (R-Good Thunder) said go beyond the department’s core mission. Cornish chairs the House Public Safety and Crime Prevention Policy and Finance Committee.

Rep. Carlos Mariani (DFL-St. Paul) said the proposed reduction “eviscerates” the Department of Human Rights budget, which he said would have “very real negative impacts on our communities of color in the state of Minnesota.”



PHOTO BY TOM OLMSCHIED  
**Rep. Tony Cornish listens as House members debate the combined omnibus public safety and judiciary finance bills.**

“It’s pretty clear what the values are before us, members,” he said. “Our GOP majority today believes that what Minnesota values in terms of our value of human rights are not important and are not a priority.”

“To say that I don’t care about human rights, that was just hurtful,” Cornish countered. He added that education and outreach efforts for the department should come from federal funding.


Also a point of contention in the bill is a 16.9 percent (\$4 million) reduction in funding for Civil Legal Services. That represents about half of the \$8 million reduction in funding for the judicial system and support services budget from the previous biennium. DFL members said the cuts will put an even heavier burden on Civil Legal Services to aid the state’s poorest residents who use those services to help them determine whether to pursue legal recourse.

“Our state and nation are based on the premise of justice for all, and this bill means justice will only be for those who can afford it,” said Rep. Tina Liebling (DFL-Rochester).

House Judiciary Policy and Finance Committee Chairman Steve Smith (R-Mound) pointed out that only one-third of Civil Legal Services funding comes from the state and that the bill does not attempt to restrict any non-state use of funding.

“We could have taken the easy route and just put in the existing numbers,” Smith said, “yet our responsibility of our fiscal committee goes well beyond simply filling in number in a spreadsheet. We faced many decisions that were not easy, but our task and our responsibility was to put the resources we have on the table and put them to their best and most appropriate use.”

Among the initiatives in the bill are:

- offenders with 60 days or less remaining on their sentence would serve that time in a county jail or workhouse, rather than state prison; and
- provides minimum and maximum sentences for persons proven to be predatory sex offenders. 

# BILL INTRODUCTIONS

MARCH 28 - 31, 2011

HOUSE FILES 1298 - 1350

## Monday, March 28

### HF1298-Smith (R)

#### Judiciary Policy & Finance

District judge disposition monthly review authorized for compliance with 90-day disposition requirement.

### HF1299-Murray (R)

#### State Government Finance

Albert Lea; water and sewer project funding provided, bonds issued and money appropriated.

### HF1300-Anderson, P. (R)

#### Agriculture & Rural Development Policy & Finance

Feedlot pasture exemption requirement modified.

### HF1301-Torkelson (R)

#### Health & Human Services Reform

Hybrid nursing home and assisted living pilot project established and money appropriated.

### HF1302-Kahn (DFL)

#### Commerce & Regulatory Reform

International model code incorporation provided.

### HF1303-Garofalo (R)

#### Commerce & Regulatory Reform

Revenue-based filing fee gradually adjusted beginning in fiscal year 2014.

### HF1304-Huntley (DFL)

#### Rules & Legislative Administration

Governor's budget established for health and human services; changes made to continuing care, chemical and mental health, children and family services, licensing, health care, Department of Health and health-related boards; funding provided for the Departments of Health and Human Services and other health-related boards and councils; forecast adjustments made; rulemaking authorized; reports required; and money appropriated.

### HF1305-Davids (R)

#### Transportation Policy & Finance

United States Fish and Wildlife Service state land conveyance provided.

### HF1306-Morrow (DFL)

#### Transportation Policy & Finance

Commissioner of transportation granted subpoena power.

### HF1307-Mullery (DFL)

#### Jobs & Economic Development Finance

Minneapolis; summer youth employment program grants awarded and money appropriated.

### HF1308-Kahn (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Utility recovery of costs related to a new nuclear power plant allowed.

### HF1309-Kahn (DFL)

#### Rules & Legislative Administration

State government finance; amount billed by the commissioner of management and budget for statewide services provided changed, General Fund budget reserve maximum amount set, additional forecast balance allocated, which fund bond proceeds are credited to specified, Environmental Quality Board technical changes made, Enterprise Real Property Technology System funds availability extended and money appropriated.

### HF1310-Shimanski (R)

#### Transportation Policy & Finance

Overweight vehicle permit provisions modified, provision governing medical waiver to operate commercial vehicle in intrastate commerce modified, obsolete language removed and clarifying changes made.

### HF1311-Eken (DFL)

#### Rules & Legislative Administration

Agriculture and the Board of Animal Health money appropriated, and requirements, programs and provisions changed.

### HF1312-Torkelson (R)

#### Environment, Energy & Natural Resources Policy & Finance

New Ulm; flood hazard mitigation funding provided, bonds issued and money appropriated.

### HF1313-Hayden (DFL)

#### Health & Human Services Reform

HIV transmission public education program provided.

### HF1314-Torkelson (R)

#### Environment, Energy & Natural Resources Policy & Finance

Springfield; flood hazard mitigation funding provided, bonds issued and money appropriated.

### HF1315-Torkelson (R)

#### Environment, Energy & Natural Resources Policy & Finance

Minnesota River Basin Area II flood hazard mitigation funding provided, bonds issued and money appropriated.

### HF1316-Davids (R)

#### Taxes

Income, withholding, estate, property, sales and use, mortgage registry, lodging and other various taxes and tax-related provisions policy, technical, administrative and clarifying changes made; aids

and delinquent tax liabilities provisions changes made.

### HF1317-Gruenhagen (R)

#### Commerce & Regulatory Reform

Separate insurance risk pool provided for employers that have between 51 and 100 employees.

### HF1318-Erickson (R)

#### Education Reform

Commissioner of education prohibited from adopting common core standards.

### HF1319-Mack (R)

#### Jobs & Economic Development Finance

Minnesota housing tax credit provided.

## Tuesday, March 29

### HF1320-Abeler (R)

#### Health & Human Services Reform

Sex offender civil commitment petition screening panel established for purposes of determining whether the civil commitment of certain sexual offenders is appropriate, county payment of expenses required, identification and development of alternative treatment facilities provided, reduction in custody petitions provided for patients in alternative programs or assisted living units, implementation of the statewide judicial panel required for commitment proceedings regarding sexual psychopathic personalities and sexually dangerous persons, consideration of alternatives provided to commitment or alternative treatment programs and stay of commitment governing provisions included.

### HF1321-Woodard (R)

#### Education Reform

Charter school provisions clarified.

### HF1322-Hoppe (R)

#### Transportation Policy & Finance

Travel in left-hand lanes requirements amended, driver's manual modified, technical changes made and money appropriated.

### HF1323-Hoppe (R)

#### Transportation Policy & Finance

Online motor vehicle insurance verification system established and money appropriated.

### HF1324-Crawford (R)

#### Jobs & Economic Development Finance

Braham publicly owned infrastructure funding provided, bonds issued and money appropriated.

### HF1325-Melin (DFL)

#### Jobs & Economic Development Finance

Floodwood business development public infrastructure funding provided, bonds issued and money appropriated.

### HF1326-Atkins (DFL)

#### Commerce & Regulatory Reform

Bed and breakfast allowed to serve Minnesota beer.

### HF1327-Anderson, B. (R)

#### Veterans Services Division

Veteran-owned small business set-aside program changed, veteran-owned small business county set-aside programs authorized and reporting requirements changed.

### HF1328-Kahn (DFL)

#### Commerce & Regulatory Reform

Tanning salon customer protection state laws strengthened.

### HF1329-Kahn (DFL)

#### Health & Human Services Reform

Tanning facilities and their use regulated.

### HF1330-Kahn (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Research bear notification to hunters required.

### HF1331-Benson, M. (R)

#### Government Operations & Elections

State agencies required to enter into contracts to provide consulting services for improvements to state-operated systems and services.

## Wednesday, March 30

### HF1332-Hansen (DFL)

#### Government Operations & Elections

Legislative auditor governing provisions modified.

### HF1333-Nelson (DFL)

#### Transportation Policy & Finance

Transportation construction manager/general contractor contracts provided.

### HF1334-Mack (R)

#### Health & Human Services Reform

Chiropractor scope of practice modified.

### HF1335-Quam (R)

#### Capital Investment

Bond sale premiums amended.

### HF1336-Swedzinski (R)

#### Environment, Energy & Natural Resources Policy & Finance

Ramsey Park funding provided and money appropriated.



**HF1337-Banaian (R)**  
**Jobs & Economic Development Finance**

St. Cloud Civic Center funding provided, bonds issued and money appropriated.

**HF1338-McFarlane (R)**  
**Government Operations & Elections**

White Bear Lake and White Bear Lake Volunteer Fire Department Relief Association; use of special actuarial work authorized in determining the 2009 and 2010 special fund financial requirements and minimum municipal obligations.

**HF1339-Abeler (R)**  
**Health & Human Services Reform**

My Life, My Choices Task Force established.

**HF1340-Hilty (DFL)**  
**Environment, Energy & Natural Resources Policy & Finance**

Pine County; public and private sales of tax-forfeited lands bordering public waters permitted.

**HF1341-McDonald (R)**  
**Health & Human Services Reform**

Health services to children under Minnesota public health care programs fiscal information reporting required.

**Thursday, March 31**

**HF1342-Falk (DFL)**  
**Environment, Energy & Natural Resources Policy & Finance**

Coyote management option provided for counties.

**HF1343-Dettmer (R)**  
**Civil Law**

Immunity provided in cases involving the use of school facilities for recreational activities.

**HF1344-Torkelson (R)**  
**Environment, Energy & Natural Resources Policy & Finance**

Procedure required for an entity using state money to acquire land for designation as a wildlife management area or a scientific and natural area.

**HF1345-Champion (DFL)**  
**Transportation Policy & Finance**

Highway construction projects contract bid preference provisions modified.

**HF1346-Nelson (DFL)**  
**Environment, Energy & Natural Resources Policy & Finance**

Aitkin County; private sale of lands authorized.

**HF1347-Anderson, P. (R)**  
**Agriculture & Rural Development Policy & Finance**

Dairy Research, Teaching and Consumer Education Authority established, and duties and procedures specified.

**HF1348-Beard (R)**  
**Transportation Policy & Finance**

Railroad property exempted from storm sewer or storm water utility assessments, levies or charges.

**HF1349-Hamilton (R)**  
**Commerce & Regulatory Reform**

State Building Code residential program definition added.

**HF1350-Kath (DFL)**  
**Legacy Funding Division**

Waseca Art Center funding provided and money appropriated.

**Follow us on**



facebook at: [www.facebook.com/MNHouseInfo](http://www.facebook.com/MNHouseInfo)



Twitter at: [twitter.com/MNHouseInfo](http://twitter.com/MNHouseInfo)



YouTube at: [www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo)

**PEEKING THROUGH**



PHOTO BY ANDREW VONBANK

**Katelyn Doyle, from left, Amanda Severson and Emma Johansen, pre-schoolers from the Wayzata Family Learning Center, peek through the marble columns to get a better view of the Capitol Rotunda March 28.**



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

• To have Session Weekly mailed to you,  
subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call  
651-296-2146, 800-657-3550.

• Session Weekly Online is available at  
[www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

• If you enjoy Session Weekly, please  
consider helping to defray production  
and mailing costs with a voluntary  
donation for the 2011 session.

Make your check payable to Minnesota  
House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public  
Information Services at 651-296-2146 or  
800-657-3550.

# MINNESOTA INDEX

## Cheers!

|   |           |
|---|-----------|
| Number of breweries in Minnesota in 2010 .....  | 24*       |
| In 2000 .....   | 27        |
| In 1990 .....   | 8         |
| In 1980 .....   | 4         |
| In 1875, at the state's peak .....  | 123       |
| Number of breweries currently in the planning stage .....   | 20        |
| Total number of breweries that have existed in the state's history, as approximate .....                              | 290       |
| Number of those founded before Prohibition, as approximate .....  | 250       |
| Year the Volstead Act, named after Minnesota Congressman Andrew Volstead,<br>was enacted to enforce Prohibition ..... | 1919      |
| Year Prohibition was repealed by Congress .....   | 1933      |
| Number of breweries that opened or re-opened following repeal .....   | 24        |
| State rank in number of breweries per capita in 2008 .....  | 29        |
| In gallons, per capita beer consumption by Minnesotans age 21 or older in 2009 .....                                  | 29        |
| National rank .....   | 32        |
| Year Bavarian native Anthony Yoerg established the state's first brewery in St. Paul .....                            | 1849      |
| Year August Schell Brewing Co. was founded in New Ulm .....   | 1860      |
| Current rank among oldest family-owned breweries in the United States .....   | 2         |
| Year St. Paul's Summit Brewing Company opened the state's first new brewery<br>since World War II .....               | 1986      |
| Year the state's number of brewing operations surpassed the level last reached<br>during the Great Depression .....   | 1997      |
| Year the state's first brewpub, Taps Waterfront Brewery, opened in Minneapolis .....                                  | 1989      |
| Year Taps closed .....  | 1991      |
| Between 2005 and 2010, money spent on lobbying by the Minnesota Beer<br>Wholesalers Association .....                 | \$502,500 |
| By the Minnesota Licensed Beverage Association (i.e. liquor stores, bars<br>and restaurants) .....                    | \$397,500 |
| By the Minnesota Municipal Beverage Association (i.e. city-owned<br>liquor stores) .....                              | \$360,000 |
| In the Capitol's Rathskeller cafe, number of German sayings painted on the walls related to<br>beer or drinking ..... | 11        |

— N. BUSSE

\*Granite City Food & Brewery, which has five retail locations in the state, is counted as one brewery.

Sources: Doug Hoverson, "Land of Amber Waters: The History of Brewing in Minnesota";  
Minnesota Craft Brewers Guild; Beer Institute; Brewers Association; Minnesota Historical  
Society; Minnesota Campaign Finance and Public Disclosure Board



# SESSION WEEKLY



**DNA - IT'S ALL IN THE FAMILY**

**IMAGES IN BLACK AND LIGHT**

**NORTHERN PIKE AND MUDDY WATERS**

**BUDGET BILLS MOVE ON**

HF1351 - HF1413

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 14 • APRIL 8, 2011



# Flashback to 1991, 2001, 2006

## Rainy day fund and stormy budget

The House adopted its 1991-1993 budget resolution on a vote of 69-62. The plan uses higher taxes and more of the rainy day fund to remedy the state's \$1.1 billion fiscal problem.

The plan calls for boosting state spending to \$15.3 billion over the next budget cycle, a \$340 million increase over Gov. Arne Carlson's earlier proposals.

To pay for the extra spending, the plan would raise \$201 million in taxes and use \$150 million more from the budget reserve than Carlson had called for. The \$500 million budget reserve would be tapped to fund \$300 million in programming.

**Session Weekly April 12, 1991**

## Wear a helmet or pay up

People under age 18 would be required to wear bicycle helmets or face a \$25 fine, under a bill sponsored by Rep. Ron Erhardt (R-Edina). Students from Mounds Park Academy came to him with the idea. The requirement would also apply to a passenger in a restraining seat that is attached to the bicycle or in a trailer towed by the bicycle.

**Session Weekly April 7, 2006**



**Session Weekly April 6, 2001:** The possibility of long-term funding for natural resources got a high-five from the House Environment and Natural Resources Policy Committee. Former Minnesota Twin and avid outdoorsman Kent Hrbek testified in support of HF1671, a bill that would create a constitutional amendment to dedicate sales tax revenue for the environment.

## Contents

**FIRST READING:** Familial DNA could help solve criminal cases, but at what cost? • 3-4

**HIGHLIGHTS:** Preference for veterans; pawnshops near casinos • 5-9

**AT ISSUE:** Omnibus health bill aims for reform, supporters say • 10-11

**FEATURE:** Images in black and light • 12-13

**AT ISSUE:** Finance bill heralds changes for state government • 14-15

**AT ISSUE:** Northern pike regulations stir muddy waters • 16

**AT ISSUE:** Omnibus game and fish bill pushes hot-button issues • 17

**AT ISSUE:** Providing care for underserved communities • 18-19

**AT ISSUE:** Little enthusiasm for 'jobless jobs bill' • 20

**RESOURCES:** Come to the Capitol • 21

**BILL INTRODUCTIONS:** HF1351-1413 • 22-23

**MINNESOTA INDEX:** State demographics • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

**On the cover:** Sun Young Um of South Korea reads a Capitol self-guided tour brochure in the corridor just inside the front doors of the building while waiting April 1 to take the guided Historical Society Tour. Historical Society tours serve 113,450 total visitors a year, more than 63,000 of which are part of education groups, as well as visitors from every state and about 100 countries.

— Photo by Tom Olmscheid



## DNA - It's all in the family

Familial DNA could help solve criminal cases, but at what cost?

By MIKE COOK

**I**magine a scenario where someone has broken a window to enter a home in the middle of the night, and the parents wake up the next morning to find their child gone.

Blood is found on the glass and that evidence is taken to the Hennepin County Sheriff's Office or Bureau of Criminal Apprehension labs for DNA extraction.

"That DNA profile is run against the BCA database for convicted felony offenders to see if there is an identical match," said Hennepin County Sheriff Rich Stanek. "Right now, if there's not an identical match, that's it.

Investigators have nowhere else to go once they've exhausted all other investigative leads and that case remains unsolved."

However, forensic sciences and new technology allow scientists to use familial DNA as a tool.

Familial DNA is the use of family members' DNA to identify a closely related suspect in jurisdictions where large DNA databases exist, but no exact match has been found. The process involves using the DNA found at the scene of the crime to determine if part of the profile matches existing DNA in the criminal database, presumably from a blood relative of the yet unknown suspect. This would allow authorities to focus on a potential suspect, and possibly get the first break in a case that has otherwise provided no leads.

### All in the family

The success of identifying a lead to a suspect of an unsolved crime using familial DNA would depend upon a parent, child or sibling of the suspect having previously provided a DNA sample.

"Familial DNA searches do not authorize the collection of additional DNA from people just because they are family members of a convicted felon," Stanek said. "Law enforcement is still taking evidence from a crime scene and running it against the convicted offender database."

Familial DNA has been successfully used in two California cases. Authorities in Santa Cruz last month linked a suspect to a 2008 robbery and sexual assault when DNA from a relative of the suspect matched DNA taken from the crime scene. Familial DNA also led

Family photo courtesy of the Minnesota Historical Society; fingerprint image courtesy of Photo8.com

authorities to the so-called "Grim Sleeper," a Los Angeles man accused of 10 murders from 1985 to 2007.

Rep. Tony Cornish (R-Good Thunder) sponsors HF981 that would authorize the use of familial DNA searches in certain law enforcement investigations when certain criteria are met:

- no identical match to DNA collected from a crime scene in a database of DNA samples;
- the case in question is a first- or second-degree murder, first- or second-degree criminal sexual conduct, kidnapping, missing persons or other case that involves an imminent threat to public safety; and
- all other reasonable investigative leads have been exhausted.

**First Reading continued on page 4**

Heard March 17 by the House Public Safety and Crime Prevention Policy and Finance Committee, the bill was held over for possible omnibus bill conclusion. It has no Senate companion.

"Technology has evolved to the point now where we would be remiss if we didn't take advantage of it," said Dave Bjerga, acting superintendent of the BCA. "This is a very small number of cases per year that we anticipate. ... It's time for Minnesota to take a lead in this."

The bill would direct the BCA to establish rules governing the process and provide an annual report to the Legislature on the number of familial DNA searches requested, conducted, number of familial matches found as a result of the search and the status of any case where a familial match is found.

"This is a pretty complex area of science and that's why we believe the specifics about how this would be implemented, putting in place processes and procedures, should be done through the BCA superintendent rulemaking process," Stanek said.

### What about privacy rights?

Rich Neumeister, a self-described "leading advocate on privacy and civil liberties and open government for almost 30 years," said the Legislature needs to take the lead and provide direction to ensure accountability and transparency.

"There is no public input or the opportunity for lawyers, civil libertarians, anybody to make comment about the proposed rules," he said. "Let's have a full public discussion."

Stanek said a number of other states, including New York, Florida and Texas are using the science in some capacity, although not all have formal policies developed. California and Colorado are the only states with legislative rules to conduct such searches.

"Superintendent Bjerga and I have worked a number of cases over the years, and we can tell you story after story after story where this might have been very useful here in Minnesota," Stanek said. "The time has come



PHOTO BY ANDREW VONBANK

**A laboratory technician tests samples at the BCA.**

to take a hard look at this, a policy look at this."

Critics say the search technique could infringe on privacy, unfairly target innocent people and disproportionately affect minority populations.

Christine Funk is a criminal defense attorney who has worked on DNA evidence and forensics since 1995 and has served on many state and national task forces, including a White House subcommittee on ethics, education and training for forensic scientists. She said the FBI doesn't do familial searches, and that familial searches have a 90 percent failure rate. "This is not going to open the floodgates on convictions in unsolved cases," she said.

"Please keep in mind this is a convicted offender database that they're searching," Cornish said. "If it only solves two cases ... I'm sure if one of those cases was your missing child, you'd take quite a bit different look at it."

Funk expressed great concern that the use of DNA matching would lead to "the investigation of innocent people." Further, she said the use of familial searches will disproportionately affect minority communities. "Because African-Americans

are disproportionately in the database, the number of family members who will be subject to genetic surveillance is significantly higher," Funk said.

Carolyn Jackson, the lobbying coordinator for the American Civil Liberties Union of Minnesota, said the organization opposes the bill not only because of the racial and privacy concerns, but there is no crisis that necessitates the proposed legislation. "Crime is dropping. We have a crime rate of 1967," she said.

The organization also has Fourth Amendment concerns.

"Being related to someone who once committed a felony is not a reasonable suspicion of a crime," according to written testimony given to the committee. "Using the DNA database to identify relatives of felons as suspects in a crime will subject innocent people to police scrutiny and all the collateral consequences which arise from criminal investigations."

Rep. Ernie Leidiger (R-Mayer) doesn't understand the opposition. "This bill opens up another tool for law enforcement to use, and I would think that the ACLU would want to support something like this." 🐼



# HIGHLIGHTS

MARCH 31 - APRIL 7, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held March 31-April 7. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Budget

### More left on the bottom line

The state could have a little more money for flood relief and other purposes, after members of the House Ways and Means Committee updated the House's budget resolution April 4.

The resolution, which sets the General

Fund spending targets for all House omnibus finance bills, was amended to provide slightly less than \$30 million for "claims and other bills" — a catch-all category that can be used for settling claims against the state and other purposes. Previously, the target had been set at \$5.1 million.

Asked whether the money might go to pay for flood relief, Committee Chairwoman Mary Liz Holberg (R-Lakeville) replied, "That would be one possible use for the money."

According to Holberg, the House omnibus tax bill and omnibus education finance bill both came in slightly under target — by approximately \$3 million and \$1.8 million, respectively. Another \$20.1 million was subtracted from the health and human services budget target, for a total of \$24.9 million to add to the bottom line.

The House's overall General Fund spending target of \$34.26 billion, representing a 12.2 percent cut from forecasted base spending, remains unchanged.

Here are the updated budget targets, including their percentage change from forecasted spending levels:

- \$14.16 billion for K-12 education (-9.4 percent);
- \$10.69 billion for health and human services (-13.4 percent);
- \$2.96 billion for tax aids and credits (-15.8 percent);
- \$2.51 billion for higher education (-14.1 percent);
- \$1.16 billion for capital investment (-5.7 percent);
- \$1.03 billion for public safety (-2.8 percent);

## WIRED UP

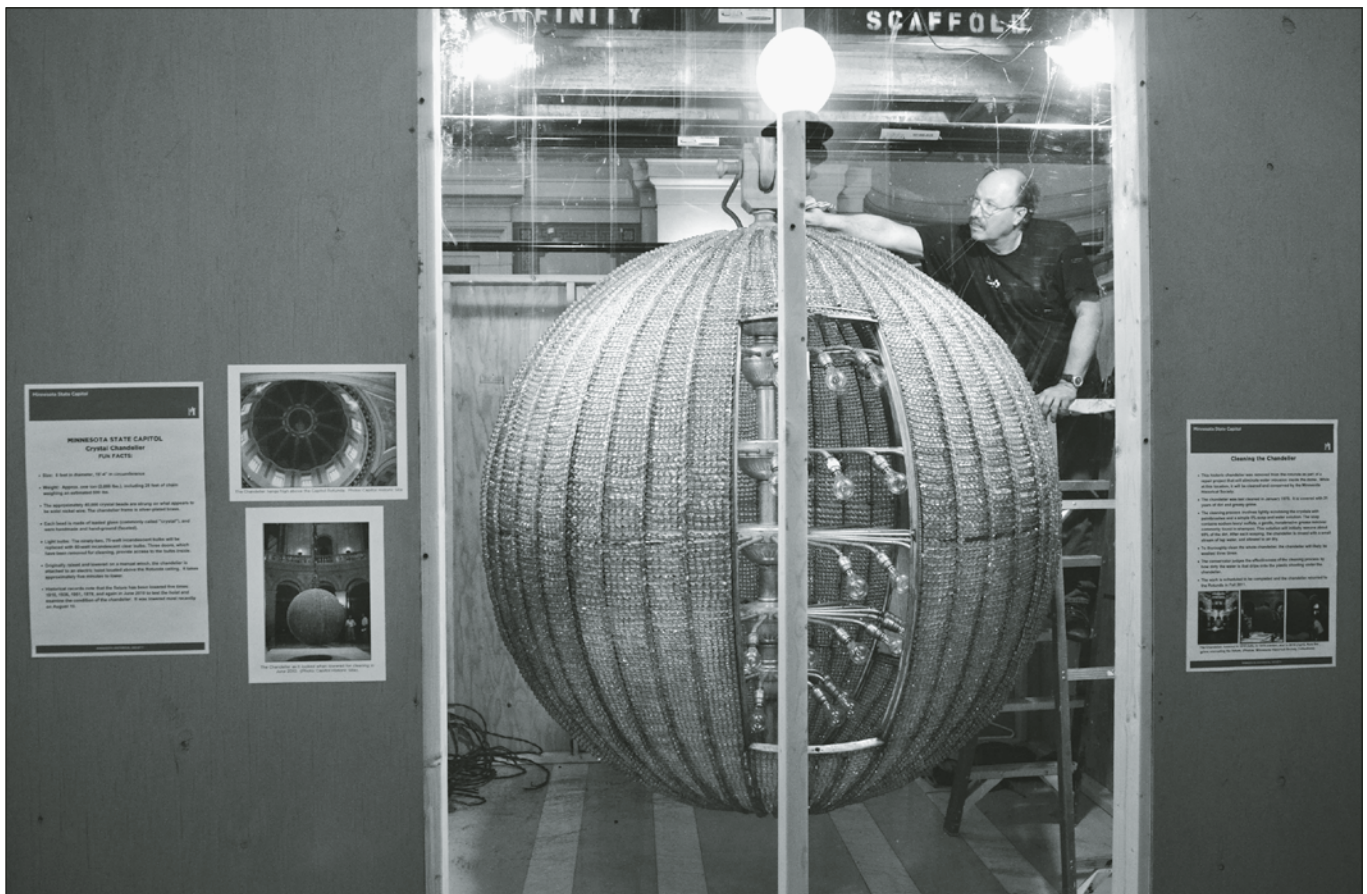


PHOTO BY TOM OLMSCHIED

Bob Eller of APi Electric works in the chandelier display area in the Capitol's North Corridor April 5 as he begins wiring a harness to the main wire of the fixture and then winding the cord through the heavy support chain before the chandelier is returned to its home in the dome of the Capitol Rotunda.



- \$726.8 million for judiciary (0 percent);
- \$602 million for state government (-34.1 percent);
- \$228.1 million for environment, energy and natural resources (-22.3 percent);
- \$81.6 million for jobs and economic development (-51.5 percent);
- \$76.8 million for agriculture (-14 percent);
- \$41.8 million for transportation (-76.8 percent); and
- \$30 million for claims and other bills (0 percent).

An updated spreadsheet is available online from the nonpartisan House Fiscal Analysis Department.

— N. BUSSE

## Business & Commerce

### Locating pawnshops near casinos

Under current law, a pawnshop can't be located closer than 10 driving miles of a casino, unless it was in operation before April 1996. That could change to 1,500 feet under a bill sponsored by Rep. Tim Sanders (R-Blaine).

Approved by the House Commerce and Regulatory Reform Committee April 4, HF1152 was sent to the House floor, but not before receiving a commitment from Sanders that the issues of concern would be worked through. The bill's companion, SF955, sponsored by Sen. David Brown (R-Becker), awaits action by the Senate Commerce and Consumer Protection Committee.

Because casinos are located on tribal lands, and the change could position pawnshops there, this could bring up issues regarding tribal sovereignty, said Rep. Tom Anzelc (DFL-Balsam Township). "These relationships can be complicated," he said, urging Sanders to consult with the tribes before the bill moves forward.

As the minority lead on the House Government Operations and Elections Committee, Rep. Mike Nelson (DFL-Brooklyn Park) said the bill would also impact local governments and ordinance making. He encouraged Sanders to bring the bill to that committee for review.

The bill would also extend from 22 days to 31 days that a pawnbroker who purchases goods not involved in a pawn transaction, is permitted to sell the goods.

"Anytime we make changes to pawn regulations there is some anxiety out there" because of law enforcement issues, said Anne Finn, assistant intergovernmental relations

director for the League of Minnesota Cities. She pointed to language that could give city attorneys "heartburn" because it proposes setting state standards that could make it difficult for localities to implement ordinances regarding pawnshops.

Pawnbrokers are not licensed directly by the state, but abide by a set of laws that local governments may enact, according to the nonpartisan House Research Department.

— L. SCHUTZ

### House approves broker pricing bill

A "broker price opinion," or a market value analysis of a property's likely selling price, is usually considered part of the package of services included in the real estate agent's commission. It is not the same as a full appraisal.

A bill was approved 131-0 by the House April 4 that would allow those preparing a broker price opinion to charge and collect a fee. However, the fee would not apply to a typical home seller or buyer, but to third parties interested in obtaining price opinions, such as banks handling foreclosed properties.

Sponsored by Rep. Joe Hoppe (R-Chaska), HF323\*/SF167 awaits action by the full Senate. Sen. Chris Gerlach (R-Apple Valley) is the Senate sponsor.

The bill would also permit more than one exclusive agreement for representation for different real estate services. For example, if a property stays on the market for months, the seller may simultaneously try to lease it. Those services could be performed by different companies or individuals. The bill would also clarify that a broker price opinion is not an appraisal for mortgage loan purposes.

— K. BERGGREN

### Beer and baseball could be on tap

For the second year, Willmar will join many communities in hosting Northwoods League summer baseball games.

Rep. Bruce Vogel (R-Willmar) and Sen. Joe Gimse (R-Willmar) sponsor HF829/SF551\* that would allow a city to issue an on-sale wine and an on-sale malt liquor license to owners of the teams or the concessionaires.

Vogel told the House Commerce and Regulatory Reform Committee April 4 of the bill's urgency. The law currently allows for the sale of 3.2 percent beer, and "in its inaugural season, too much beer was ordered," by the Willmar concessionaire, he said. The team owners don't want to make the same mistake again, but since the order

is for the full season, it has to be placed soon.

The bill would allow sales on all days of the week to people attending a game at the park or stadium.

Approved by the committee, the bill awaits action by the full House. It was passed by the Senate 53-8 on March 24.

— L. SCHUTZ

## Consumers

### No need to add home fire sprinklers

Installing fire sprinklers in new home construction can add between \$1.60 and \$8 per square foot to the cost.

Keeping housing affordable is the main concern of Rep. Joyce Peppin (R-Rogers). She sponsors HF460, which would prevent state building code, fire code or other subdivision codes from requiring installation of sprinklers. Approved 90-40 by the House March 31, it now awaits action by the Senate Judiciary and Public Safety Committee. Sen. Warren Limmer (R-Maple Grove) is the Senate sponsor.

Affordability is also the concern of Rep. Morrie Lanning (R-Moorhead) who said that requiring sprinklers could price border communities out of new housing, when compared with states such as North Dakota and South Dakota.

Rep. Kerry Gauthier (DFL-Duluth) said the bill is opposed "by just about every fire department in the state," the state fire marshal and the Department of Labor and Industry, and that sprinklers are known to save lives, property and the environment.

"Clearly this bill is for the benefit of contractors and not the benefit of public safety," he said.

Peppin said the National Fire Protection Association has calculated there is a 99.45 percent chance of surviving a house fire if a hard-wired smoke alarm with a back-up battery is installed, as is now required. She also said the bill does not prohibit anyone from installing a sprinkler in their home.

The issue would be better decided by experts through the rulemaking process, not House members, said Rep. Tim Mahoney (DFL-St. Paul).

"The resort community (is) very fearful that in the rulemaking process they will be thrown under the bus on this issue," said Rep. David Dill (DFL-Crane Lake), noting that he'd received "dozens and dozens" of calls from mom-and-pop resort and rental cabin owners about the issue.

## VERTICAL CHALLENGE



PHOTO BY ANDREW VONBANK

Workers inspect the condition of the marble façade on the State Capitol April 6.

Dill said the rocky landscape in his district makes drilling and accessing good water flow difficult for them.

— K. BERGGREN

## Elections

### Campaign finance board appointment

It's not something they get to do often, but on April 4 members of the House voted to confirm a gubernatorial appointment.

On a voice vote, the House voted to confirm David P. Swenson to the Minnesota Campaign Finance and Public Disclosure Board. Swenson was appointed to the board by former Gov. Tim Pawlenty on Dec. 15, 2010.

Swenson, who works as an attorney at Robins, Kaplan, Miller & Ciresi LLP, was chosen to replace Felicia Boyd, and will complete her four-year term. That term will end Jan. 2, 2012.

According to its website, the board is responsible for campaign finance registration and disclosure, public subsidy administration, lobbyist registration and disclosure, and economic interest disclosure in Minnesota. Under state law, appointments to the board must be confirmed by a three-fifths vote of the House and Senate, acting independently.

Most appointments to executive branch agencies in the state require a confirmation by the Senate, but not the House.

— N. BUSSE

## Game & Fish

### Vet's preference for license lotteries

The Department of Natural Resources would be required to give first preference to qualified military service members in drawings for hunting and fishing licenses, under a bill approved April 4 by the House Veterans Services Division.

Sponsored by Rep. Tim O'Driscoll (R-Sartell), HF836 would expand the eligibility preference to anyone awarded a Purple Heart medal and any service member or veteran who has a 100 percent service-connected disability. Such provisions are currently at the discretion of the DNR.

Peter Skwira, a DNR section manager, said there are about 1,200 anglers who would qualify and an unknown number of hunters.

The bill was amended into HF984, the House omnibus game and fish bill, which awaits action by the House Government



Operations and Elections Committee.

The Senate omnibus environment, energy and natural resources bill, SF1029, is sponsored by Sen. Paul Gazelka (R-Brainerd). It was passed March 29 by the Senate and laid on the table.

— S. HEGARTY

## Housing

### Pole barn skylights to bear weight

A 47-year-old father of seven died recently after falling through a skylight on a pole barn roof.

The accident happened in the district of Rep. Mike LeMieur (R-Little Falls), who hopes such a tragedy won't happen again in Minnesota. He sponsors HF529, which would direct the state building code to require that skylight panels used with corrugated roofing materials, such as those used in pole barns, to have the same load-bearing capacity as the roof surrounding them. It does not apply to skylights with curbs.

The House approved the bill 124-8 April 4.

It awaits action by the Senate Jobs and Economic Growth Committee. Sen. Doug Magnus (R-Slayton) is the Senate sponsor.

"These are preventable injuries. This is a preventable accident," LeMieur said.

Rep. Tim Mahoney (DFL-St. Paul) said he would vote for approval, but said such code changes would better be recommended by Department of Labor and Industry building professionals, for example through an advisory board, rather than on the House floor.

— K. BERGGREN

## Local Government

### Elected vs. appointed debate

A proposal to make certain Kittson County offices appointed briefly resurrected a longstanding debate on the House floor April 4.

Sponsored by Rep. Dan Fabian (R-Roseau), HF954 would give the Kittson County Board of Commissioners authority to make two offices appointed rather than elected: auditor-treasurer and recorder.

Under current law, these offices can be made appointive only if voters approve the change in a referendum. The bill would give the county

board the authority to make that decision; however, voters could petition for a reverse referendum to keep the offices elective.

The House passed the bill 68-64. It now goes to the Senate, where Sen. LeRoy Stumpf (DFL-Plummer) is the sponsor.

According to Fabian, more than two dozen counties have been given similar authority in statute. He said the county board has requested the change to help facilitate a streamlining of county services.

"This is a bill that has been very carefully thought about within their community. They have a lot of support, according to their commissioners," Fabian said.

The bill would require that county officials go through a process that would involve posting public notice in the local newspapers, offering opportunity for public comment and giving residents the chance to oppose the change by offering a petition signed by at least 10 percent of voters in the county.

As with previous bills to make county offices appointive, some House members argued it is wrong to take the power to choose local officials away from voters. Rep. Torrey Westrom (R-Elbow Lake) urged his fellow lawmakers to vote against the measure.

"I think it's time to stop the trend of taking away local county elections," he said.

Westrom unsuccessfully offered an amendment that would have offered residents more opportunities to express opposition to the change. He said switching local offices from elective to appointive runs "opposite the spirit of our state's original constitution."

— N. BUSSE

### Easing zoning variance restrictions

A 2010 court decision made it next to impossible for cities and townships to grant variances, except in rare circumstances. The House passed a bill 79-52 April 4 that would allow greater latitude to grant zoning variances.

Sponsored by Rep. Joyce Peppin (R-Rogers), HF52 now goes to the Senate, where Sen. Gen Olson (R-Minnetrista) is the sponsor.

The bill is designed as a response to a Minnesota Supreme Court decision. In *Krummenacher v. City of Minnetonka*, the court interpreted state law to say that cities cannot grant variances to property owners if their properties could be put to reasonable use without a variance.

Supporters say the bill would merely clarify the current law so that local governments can go on using the same standards that have been in place for decades.

"The Krummenacher case actually took what was in practice here for a number of years in the state of Minnesota and made it illegal," said Rep. Tim O'Driscoll (R-Sartell). He added that \$45 million in construction projects in the state are being held up because of the decision.

Opponents said the bill does not have support from key stakeholders like the League of Minnesota Cities, who argue the bill's language creates disparities in the relative authority of cities, counties and townships to grant variances. They argue the legislation would trigger more court cases.

"What we should be doing is actually getting the compromise worked out... creating a bill that's 'peace in the valley,'" said Rep. Ryan Winkler (DFL-Golden Valley).

Rep. Mike Beard (R-Shakopee) said the relevant interest groups are negotiating a compromise. He said the plan is to incorporate their agreement into the Senate version of the bill, which would then be sent back to the House for approval.

— N. BUSSE

## Military & Vet. Affairs

### Veteran-owned business preference

The Department of Transportation would be required to give qualifying small-business owners who are veterans contracts for state-funded construction projects, under a bill approved by the House Veterans Services Division April 4.

HF1327 now moves to the House Transportation Policy and Finance Committee. Rep. Bruce Anderson (R-Buffalo Township) sponsors the bill, which has no Senate companion.

The bill would strengthen current law by making it mandatory for MnDOT to implement a set-aside program for veteran-owned small businesses, similar to programs for targeted groups such as women and minorities.

There are an estimated 500 veteran-owned businesses in Minnesota, according to Jerry Kyser, vice chair of United Veterans Legislative Council.

The bill would also allow local governments to implement a similar bid preference program for veteran-owned small businesses.

In both state and local government projects, up to 6 percent of the bid amount could be subtracted from the veteran-owned bid for purposes of determining which company is the low bidder. If the veteran-



owned contractor became the low bidder under this formula, the contractor would still receive the full bid amount, including the percentage that had been deducted for determining the low bidder.

— S. HEGARTY

### **'Knucklehead bill' to forgive veterans**

A violation for underage drinking can be waived to allow someone to enter the military, but it can prevent that same person from getting a public sector job after being honorably discharged from duty.

Known as the "knucklehead bill," HF1124 would forgive veterans who made "a dumb and stupid move" in their youth and give them a presumptive certificate of rehabilitation, similar to what is available to some criminal offenders, according to the bill's sponsor, Rep. Bruce Anderson (R-Buffalo Township).

Trista Matascastillo, chair of Minnesota Women Veterans Initiative Working Group, said after returning from military duty, her own husband applied to be a personal care assistant for the couple's special needs child. He was denied due to a youthful indiscretion.

John Baker, a retired Marine and attorney, said there is a 15 percent unemployment rate of Iraq and Afghanistan war veterans. He seeks to add an honorable military service discharge to the list of ways those seeking employment can receive a presumptive certificate of rehabilitation.

The bill was approved April 4 by the House Veterans Services Division and forwarded to the House Judiciary Policy and Finance Committee. Sen. Linda Higgins (DFL-Mpls) sponsors its companion, SF878, which awaits action by the Senate State Government Innovation and Veterans Committee.

— S. HEGARTY

## **Transportation**

### **Speeding without a record**

Fewer speeding violations could end up on state driving records.

Under current law, a ticket does not appear on someone's driving record if the person was driving up to 10 mph over the speed limit in a 55 mph zone, or 5 mph over the limit in a 60 mph zone.

Sponsored by Rep. Dean Urdahl (R-Grove City), HF537 would add the 10

mph threshold to the 60 mph limit.

"If you speed, you are still breaking the law and may be punished," Urdahl said. "This simply gives a break on driving records. It doesn't change state penalties." He emphasized the bill has nothing to do with raising speed limits, it's only about not recording infractions to the state and that insurance companies will not up the rates.

Approved April 5 by the House Transportation Policy and Finance Committee, the bill was sent to the House Public Safety and Crime Prevention Policy and Finance Committee. It has no Senate companion.

Enacted in 1986, the "Dimler amendment," named for its sponsor, former Rep. Chuck Dimler (R-Chanhassen), governs which speeding violations are recorded on a driving record maintained by the Department of Public Safety.

State Patrol Maj. Ken Urquhart said he'd hate to see someone stopped for going 90 mph able to plea bargain down to the point where the infraction would not go on their record.

Erik Rudeen, state legislative liaison for the Department of Transportation, said the increase would send the message that it is OK to speed. "When speeds are higher than the predominant design speed fatalities do increase. ... Increasing that differential could certainly lead to more severe traffic accidents, which is a concern for the department."

"Is the fear of increased insurance rates an actual deterrent to speeding?," said Jeff Nachbar, public policy director for the Brain Injury Association of Minnesota.

Urdahl said he wouldn't proffer the bill if he believed it would cause more injuries and deaths. "I'm convinced there is no evidence that indicates that changing this law is going to cause these things to happen."

— M. COOK

### **Disability tag changes proffered**

The required placement of disability tags in a vehicle could change, as could the exemption for using them far after their expiration date.

Under current law, a disability certificate must be hung from a vehicle's rearview mirror. If there is no rearview mirror or the certificate holder's disability precludes them from placing the certificate on the mirror, the certificate must be displayed on the driver's side dashboard.

Sponsored by Rep. May Kiffmeyer (R-Big

Lake), HF721 would allow the certificate to be placed anywhere on the dashboard.

A man whose wife has a disability brought the idea to Kiffmeyer. "Frequently the certificate lying on the dash would fly out the car door and they would scramble to find it. With her disability that was a real problem, a real hassle," she said. Further, the certificate's reflection in the window hinders driver visibility.

The bill would also amend an exemption from conviction of a violation of disability parking restrictions.

"Right now in current statute no matter how long you have your certificate, even if it is expired and it's been a long time, you're able to have this situation where the violation is waived," Kiffmeyer said. Under the bill, if a certificate is expired by more than 90 days that would no longer be the case.

"This issue was brought to us by members of the disability community who were having some frustration with the inability to find enough handicapped parking spaces in our ramps and other places," said Pierre Willette, government relations representative for the City of Minneapolis. "What we found out after some more intense enforcement is there were an awful lot of expired handicap certificates being used, and a lot of those violations were being dismissed at the violations bureau because of the ability through the old statute to dismiss them regardless of how old the certificate was."

The bill also requires surrendering of a permit if it's more than 90 days expired.

Approved April 5 by the House Transportation Policy and Finance Committee, the bill was sent to the House Public Safety and Crime Prevention Policy and Finance Committee. A companion, SF430, sponsored by Sen. David Brown (R-Becker) awaits action by the Senate Transportation Committee.

— M. COOK

### **Follow us on**



facebook at: [www.facebook.com/MNHouseInfo](http://www.facebook.com/MNHouseInfo)



Twitter at: [twitter.com/MNHouseInfo](http://twitter.com/MNHouseInfo)



YouTube at: [www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo)

# Aiming for reform

House approves omnibus health and human services finance bill

By HANK LONG

**H**ouse Republicans fit the final piece of legislation into their omnibus budget puzzle early Thursday. But DFL members didn't like the picture that was coming into view.

After seven hours of discussion on the omnibus health and human services finance bill, the House approved HF927/ SF760\* 70-62. Sponsored by Rep. Jim Abeler (R-Anoka) and Sen. David Hann (R-Eden Prairie), the bill now returns to the Senate. A conference committee is expected to be called to work out the differences.

The \$10.65 billion budget for health and human services represents the second largest area of state spending, trailing only K-12 education.

The bill would cut \$1.7 billion in projected General Fund health and human services spending over the next two fiscal years. Republicans pointed out that the bill would still spend \$500 million more on health and human services than the current biennium, but DFL members called the methods outlined in the bill used to make the cuts nothing more than shifts, tricks and gimmicks.

As the bill received its

third reading shortly after 1:30 a.m., Rep. Tina Liebling (DFL-Rochester) said much is still unknown about the bill's impact on spending and services for the most vulnerable

Minnesotans, an approach to budgeting she called "dishonest."

Abeler said the bill enacts real reforms and "makes a great effort to focus on our priorities, live within our means, have a sustainable program that will survive for the next decade or longer as we care about the needs of the most vulnerable, seniors in nursing homes and people disabled keeping that safety net intact."

The cost savings are expected to come from nursing home care reforms for the elderly and disabled and lower payments to HMOs that serve poor and disabled residents. Two major pieces include a federal global Medicaid waiver request that proponents believe will save \$300 million, and a repeal of early Medicaid enrollment for adults without children whose income is less than 75 percent of the federal poverty guidelines. The majority of the \$200 million in cost savings generated from that repeal would be used to reduce cuts made to elderly and disabled waived service.

## Contention over savings

DFL members pointed out a letter Department of Human Resources Commissioner Lucinda Jesson wrote to the House this week that said \$750 million of the bill's projected cuts, including the estimated savings on the global waiver and repeal of early MA enrollment, were unsubstantiated. The letter also states that the initiatives would result in Minnesota losing out on \$1.3 billion in federal dollars over the next three years.

Rep. Thomas Huntley (DFL-Duluth) said the global waiver request is savings "that is never going to be there because some people in this room don't have the guts to actually say what a cut is."

Huntley pointed to Gov. Mark Dayton's proposed health and human services budget that would cut \$800 million in spending. He used a borrowed term from the governor to call the House Republican plan "Fantasy Island."



PHOTO BY ANDREW VONBANK

**Rep. Jim Abeler presents the omnibus health and human services finance bill on the House floor April 6.**





PHOTO BY ANDREW VONBANK

**Lobbyists and visitors in the hearing room gallery view amendments to the omnibus health and human services finance bill during a packed meeting of the House Ways and Means Committee April 5.**

### Who makes the cuts?

Abeler said he believes the federal government will grant Minnesota the waiver, although a provision in the bill says that if the \$300 million in savings is not realized, the health commissioner would be instructed to outline the cuts.

DFL members rejected the notion and said that it irresponsibly delegates authority away from the Legislature.

"Members, I want to know how many of you wanted to come down to St. Paul so a commissioner can make decisions for you?" said Rep. Larry Hosch (DFL-St. Joseph).

Rep. Nora Slawik (DFL-Maplewood) unsuccessfully offered an amendment that would have the governor consider calling a special session so the Legislature could address any budget gaps should the Medicaid waiver request be rejected or its savings come under projections. Republicans called the amendment useless.

"We do both agree that the governor can call us back to special session under whatever language passes under this bill, whatever the outcomes of waiver request are. ... Your amendment can't compel him to do it," said Rep. Torrey Westrom (R-Elbow Lake).

Abeler said he believes his plan will work one way or another to reduce spending without cutting rates.

"I am suggesting to this body and this state that we can find a better way to avoid these kind of rate cuts that are going to hamper the services we so want to provide," Abeler said.

### Building a bill on the House floor

Twenty amendments were offered to the bill — 11 came from Republicans, which prompted House Minority Leader Paul Thissen (DFL-Mpls) to accuse the majority of constructing a bill on the floor with amendments that were never heard in committee.

"I just don't get the urgency of having to do this right now, and kind of building a bill as we go on the fly doesn't seem to be the best process," Thissen said.

Rep. Steve Gottwalt (R-St. Cloud) pointed out that it is not unprecedented to bring policy amendments to omnibus finance bills on the House floor.

Of the nine DFL amendments put forth, one unsuccessfully offered by Rep. Patti Fritz (DFL-Faribault) would have stricken language that would repeal nursing home equalization rates, a subject of contention when it was introduced in the House Health and Human Services Finance and Reform committees earlier in session.

Some of the amendments approved on the House floor include:

- "Freedom of Choice in Health Care Act," sponsored by Rep. Glenn Gruenhagen (R-Glencoe), to declare Minnesota's constitutional sovereignty from the federal government as it relates to the Patient Protection and Affordable Care Act;
- an exemption for nursing homes from taxes on vacant beds in nursing home facilities, offered by Westrom;
- a banning of synthetic marijuana, offered by Rep. John Kriesel (R-Cottage Grove); and
- making it illegal to use EBT cards to purchase cigarettes or alcohol. The amendment, offered by Rep. Kurt Daudt (R-Crown), is a scaled-back version of a bill he proposed earlier in the session that was heard in the House Health and Human Services Finance and Reform committees.







Ten-year-old Logan Moore of Columbus looks over the railing from the third floor of the Rotunda in the west wing of the Capitol.



Nick Riley, intergovernmental relations specialist at Ramsey County, stands in a beam of light outside the House Chamber to use his cell phone.

# Black and Light

“As the sun gets higher in the sky in early spring, the light in the Capitol building is truly beautiful. The beams of light streaming from the Capitol’s dome windows, the French doors and the entrances of the building can make some of the best images. I like to think Cass Gilbert, when he designed the Capitol, knew all about the light and the way it would play throughout the state’s magnificent structure.”

— Tom Olmscheid  
Chief House Photographer



As the House is about to convene for its April 5 floor session, Wendy Underwood, St. Paul’s director of government relations, keeps a watchful eye outside the House Chamber for any members she would like to talk with.



**Wayne Norris, manager of the Department of Transportation's Metro District North Area, is silhouetted by a beam of light in the Rotunda from one of the dome windows as he waits to speak with Rep. Alice Hausman March 31.**

**Adam Chelseth, director of government affairs for the Minnesota Trucking Association, works as he waits at the top of the cantilever staircase on the third floor during his day at the Capitol April 5.**



**Jan Alswager, chief lobbyist for Education Minnesota, passes through a bright beam of light in front of the House Chamber as the House is scheduled to hear the proposed omnibus education finance bill March 29.**

# Beyond budget cuts

Finance bill heralds big changes for state government

By NICK BUSSE

**T**he House's new Republican majority began the session promising fundamental reforms to state government. On April 6, the House voted 72-61 to deliver on that promise.

HF577/SF1047\* is the omnibus state government finance bill. Sponsored by Rep. Morrie Lanning (R-Moorhead) and Sen. Mike Parry (R-Waseca), it would cut spending on state government by more than one-third, downsize the state's workforce and enact a package of wide-ranging reforms to change the way the state does business.

Not everyone supports the overhaul of state government proposed in the bill. Many DFLers say the bill ignores fiscal realities and unfairly targets state employees for draconian cuts. But Lanning said it's not enough to cut spending; the state needs to make fundamental changes

in order to be successful in the future.

"I believe this bill has more government reform proposals than we've probably seen in any other bill in a long time," he said.

Passed by the House, the bill now returns to the Senate, where a different version passed 36-29 on March 30. A conference committee is expected to work out the differences.

The bill would fund core state government operations for the 2012-2013 fiscal biennium. This includes agencies like the Revenue and Administration departments, Minnesota Management & Budget, the Legislature and the state's constitutional offices. It also covers the Military Affairs and Veterans Affairs

### Selected policy provisions in the bill:

- a "sunset commission" to find and eliminate duplicative state services and agencies;
- zero-based budgeting, allowing legislators to prioritize state spending based on measurable goals and performance indicators;
- a pilot program using revenue bonds to pay nonprofits for social work based on measurable return on investment to the state;
- consolidating all state agencies' information technology services under the Office of Enterprise Technology;
- a reduction in the total number of deputy and assistant commissioners in the executive branch;
- allowing counties to use private accounting firms for their audits instead of the Office of the State Auditor; and
- a plan to simplify and reduce the number of job classifications in state agencies.

departments, which are the only two agencies that would receive a budget increase.

In addition to cutting most agencies' operating budgets by 8 to 15 percent, the bill includes plans for \$169.6 million in new revenues. It would also ask MMB to cut \$94.8 million from executive branch spending by implementing a variety of reforms specified in the bill — everything from reducing the number of state workers to loosening restrictions on outsourcing.

During nearly six hours of floor debate, members sparred over whether the reforms would save as much money as supporters claim. Rep. Nora Slawik (DFL-Maplewood) said Republicans are deliberately ignoring fiscal notes from MMB that show much smaller savings than what the bill anticipates.

Slawik specifically challenged the assumption of \$169.6 million in new revenues. Officials from the Revenue Department testified in committee hearings that the bill's provisions are unlikely to generate anywhere near that level of savings. Slawik said the bill is "structured around a fantasy."

"I thought you came here to make cuts. Now you're booking revenue that doesn't exist," Slawik said.

But supporters said state agencies are often biased in favor of the status quo. They said MMB's fiscal notes focus only on the cost of implementing reforms, and ignore the savings they would achieve.

"A lot of these reforms, if you're a state employee, you might not want them to



PHOTO BY ANDREW VONBANK

Rep. Morrie Lanning responds to a question on the House floor during the April 6 debate on the omnibus state government finance bill.





PHOTO BY TOM OLMSCHIED

**The St. Paul Fire Department Honor Guard leads an April 4 march of groups representing the labor, faith, nonprofit, rural, environmental and progressive community from the Cathedral of St. Paul to a rally at the State Capitol to call for an end to attacks on working people and focus on passing a budget that protects middle-class families.**

occur... and you might have some bias," said Rep. Mary Liz Holberg (R-Lakeville).

Lanning added that officials still haven't produced a fiscal note on a key provision in the bill: a tax analytics program that is expected to generate \$133 million.

"There comes a point where we have to make some judgments ourselves... and my best judgment says that this bill is in balance," Lanning said.

### A smaller workforce

The bill would impact state workers in several ways. A 15 percent reduction is called for in the total number of state employees by 2015 — 12 percent in the next biennium and another 3 percent in the following one.

Rep. Keith Downey (R-Edina), who sponsored the provision, said the reduction in the workforce combined with other changes would lead to a more productive, more efficient executive branch.

"We can fund our priorities and not the bureaucracy," Downey said.

A 15 percent reduction would translate into

approximately 5,000 fewer state jobs. Downey said most of the reductions would likely be achieved through regular attrition and early retirement incentives rather than layoffs.

Other provisions would freeze state workers' pay for two years and create various incentives for employees to look for cost savings. The bill would also lift restrictions on outsourcing, and require agencies to contract out with private vendors if they can provide a service at a lower cost than state workers. State employee unions could compete with private companies to bid for the work.

"There's no reason that our state workforce, if properly challenged and properly empowered, can't achieve the productivity gains achieved in the private sector," Downey said.

Opponents said the bill amounts to a thinly veiled attack on state workers and their collective bargaining rights. They also questioned whether the 15 percent reduction would leave agencies with enough staff to fulfill their missions.

"This bill clearly is unfair to state employees,"

said Rep. Kerry Gauthier (DFL-Duluth).

Rep. Ryan Winkler (DFL-Golden Valley) said state employee compensation accounts for only 8 percent of the state's total budget. He argued the bill would harm state services while only creating minimal savings.

"You're making government less effective, and you're not managing to save any meaningful money," Winkler said.

The workforce reduction would apply collectively to all state agencies, but would not necessarily entail across-the-board reductions. Some agencies might receive smaller reductions than others.

Despite all the controversy, Rep. King Banaian (R-St. Cloud) urged his colleagues to support the bill. He said the fiscal uncertainties inherent in some of the provisions shouldn't prevent lawmakers from following through on their promise to reform government.

"We're trying to do something new. We're trying to do something different here," Banaian said.



# Slot limits: more or less

### Northern pike regulations stir muddy waters

By SUE HEGARTY

**P**ublic sentiment is as clear as muddy waters regarding how best to manage northern pike, a common fish found in thousands of Minnesota lakes that is the prize meal sought by anglers and spearers.

During the 1980s the Department of Natural Resources began to study why the number of big fish was declining in Minnesota lakes. The department sought public input and later imposed slot limits, which required the release of northern pike caught between varying lengths on at least 60 lakes. These experimental regulation lakes were then monitored. A few years later, interested parties once more got together to see how the experiment was working. As a result, the DNR put a self-imposed cap on the number of experimental management lakes at 125.

A University of Minnesota study found that anglers and spearers were split on whether to increase or decrease the number of designated lakes with slot limits. Anglers can remove a hook and return a fish to the water, but those who spear a fish inside a slot limit don't have that option. If they accidentally do, they may be inclined to discard the fish to avoid getting caught by conservation officers.

The DNR has northern pike slot limits on an estimated 119 of 3,300 lakes. Some think that's too few, while others believe it's too many.

Rep. Tom Hackbarth (R-Cedar) sponsors HF984, the omnibus game and fish bill, which would reduce that number to no more

than 60 lakes at one time. The lakes would be designated as experimental and special management lakes for 10 years, at which time the DNR would determine, based on scientific study, whether to discontinue the designation. The House Environment, Energy and Natural Resources Policy and Finance Committee approved the bill April 5 and sent it to the House Government Operations and Elections Committee.

Rep. Tom Rukavina (DFL-Virginia) sponsors HF107 that would eliminate northern pike spearing slot limits altogether because spearers who catch a fish within the slot limit are unable to release the fish. He said spearers aren't out to abuse fishing privileges, "they're out there to catch a fish and eat it. Maybe there's a way to allow a change or something where you get one fish in the slot if you do it by accident."

DNR officials said they can't think of a fair way to reduce lakes from the management program. "There is no fair or reasonable way to drop that number or cut it in half," said Dirk Peterson, a DNR fisheries program manager. "It would probably result in a number of

unhappy citizens across the state."

Some of those would be members of the Minnesota Fish and Wildlife Legislative Alliance, according to Jim Lilienthal, alliance board chair. Lilienthal helped establish northern pike regulations before he retired from the DNR in 2008. He said the program is working and that three-fourths of spearers in central Minnesota reported spearing on regulated lakes, despite the slot limits.

But Roger Goeschel, a Minnesota Darkhouse and Angling Association member, disagreed. "When this regulation came out, we were behind this," he said because it originally pertained to about 60 lakes. "Darkhouse guys don't go to these lakes. If they're out there fishing, they're angling for something else. They're not spearing pike because there's nothing to take when you have a 24 to 36 (inch) slot," Goeschel said.

Last year, a DNR report concluded that slot regulations resulted in larger fish on some lakes. Tim Spreck, president of the MDAA, said the DNR "cherry-picked" the lakes that showed improvement in order to show that slot limits work. "The DNR needs to be held to the fire and they need to justify that they're seeing results on these lakes," Spreck said. "Part of what they've been doing ... is basically catering to lake associations that don't want people on their lakes."

In a related, but separate section of the bill, the DNR would be required to lift a spearing ban that's been on Cass Lake since 1988. American Indians are still allowed to spear on the lake but others can't.

DNR officials said lifting the ban would result in temporary spearing of big fish, but without a protected slot on the lake, the size of the northern pike would decline.

The ban's original purpose was to protect muskellunge from being

accidentally speared.

Muskies are similar in shape and appearance to northern pike.



The northern pike state record, according to the DNR, is 45 pounds, 12 ounces, caught in Basswood Lake May 16, 1929.

NORTHERN PIKE IMAGE COURTESY OF THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



# Omnibus game and fish bill approved

Deer hunting, two-line fishing provisions push people's buttons

By SUE HEGARTY

**T**he omnibus game and fish bill contains more than 60 proposed new or amended provisions to the state's fishing and hunting laws, some of which are hot-button issues.

For example, expanding the number of lakes where anglers can drop in two lines is one of the more controversial provisions contained in HF984, sponsored by Rep. Tom Hackbarth (R-Cedar). Currently, two lines may be used only for ice fishing and along border waters, such as Lake Superior, Lake Pepin and Big Stone Lake.

As amended and approved by the House Environment, Energy and Natural Resources Policy and Finance Committee on a 10-4 vote April 5, the bill would no longer allow anglers to troll these lakes when fishing with two lines because boats would need to be anchored. The bill awaits action by the House Government Operations and Elections Committee.

The Department of Natural Resources opposes two-line fishing. Dirk Peterson, DNR fisheries chief, said it would likely result in increased mortality rates for fish caught and released and a decline in the size of fish harvested over time. Angling groups agreed.

"If we double the lines, we double the mortality. Scientists tell us this is not a good idea," said Lance Ness, president of the Fish and Wildlife Legislative Alliance.

Two lines are favored by some legislators who view it as a competitive edge for states that allow two lines.

"We have it in Minnesota already. You can fish in the winter time with two lines, so it's a pretty weak argument that we shouldn't allow this. Every state around us does allow

two-line fishing," Hackbarth said.

Last year, two-line fishing was in a bill that passed the House and Senate but was vetoed by former Gov. Tim Pawlenty because of a different controversial provision, Hackbarth said.

Another fishing change could include cutting in half the number of lakes that can be designated as experimental and special management waters. The provision would reduce the current number of experimental lakes from 119 to 60. Several angling organizations objected to the proposed changes and Peterson said there is no fair way to choose which lakes to drop from the list.

Several proposed game regulations are also ruffling feathers. The bill would prohibit the DNR from adopting antler point restrictions on deer harvested in the southeastern part of the state, known as the Series 300 area. Several people representing hunting organizations spoke against the provision, saying it circumvents years of stakeholder input. Supporters said it makes poachers out of hunters who accidentally shoot deer and leave them in the woods to avoid violations.

In 2010, the first sandhill crane hunt in more than 100 years was permitted in Minnesota. The hunt was done by DNR rule, rather than legislative authority, and therefore had little public input, according to Audubon Minnesota. This bill would authorize hunting of sandhill crane in law. Hunting grounds would be limited to the

northwest corner of the state. Last fall, the DNR offered permits because populations had increased to about 500,000 birds, above the population goal of 349,000. It issued 1,900 permits and had about 750 active hunters, according to Ed Boggess, DNR Fish and Wildlife Division director.

"The mid-continent population is hunted by all the states of the central flyway ... except Nebraska. The total harvest is between 20,000 and 30,000 and (Minnesota) took about 700," Boggess said.


Rep. Kate Knuth (DFL-New Brighton) said she wants to ensure that hunting sandhill cranes won't impact the protection of the whooping crane, which hunters might shoot by mistake.

Audubon Minnesota issued a list of steps it would like the DNR to implement, including educating hunters to prevent the accidental shooting of the federally and state endangered whooping crane.

The bill also includes language that would:

- allow a motorist who kills a deer with a vehicle to have the first right to keep the carcass;
- include compensation to farmers for fences damaged by elk;
- allow spearing on Cass Lake; and
- enable counties to offer bounties for coyotes.

Rep. Rick Hansen (DFL-South St. Paul) voted against the bill, saying many of the proposals are based on political pressure, rather than scientific evidence. For example, offering bounties on coyotes has not been proven to significantly reduce coyote populations. He also said the Department of Agriculture is worried that compensating farmers for fences damaged by elk will quickly deplete the funding appropriated for the crop damage compensation program.

Sen. Bill Ingebrigtsen (R-Alexandria) sponsors the companion bill, SF943, which awaits action by the Senate Environment and Natural Resources Committee. 



# Care for underserved communities

Community paramedic program is a 'first of its kind' proponents say

By HANK LONG

**D**r. Michael Wilcox knows the joys and the struggles associated with providing health care to a rural community. After 40 years of practice in southern Minnesota, he believes he's found an innovative way to utilize often underused resources to care for often underserved populations.

They are called "community paramedics." Currently, only a handful are working in the state.

Almost two years ago, about a dozen paramedics from the Mayo Clinic, North Memorial Health Care and the Mdewakanton Sioux EMS completed a pilot course that provided 150-200 hours of classroom along with 28 hours of on-the-job training under the supervision of a mentor.

The community paramedics would focus on service for populations with regular health care needs who don't have regular health care access. Under the guidance of an ambulance medical director, the paramedics would be able to monitor and provide some treatment to patients with chronic disease and perform minor procedures intended to prevent ambulatory or emergency room services.

Wilcox, the medical director for the Scott County-based team that includes community paramedics, a public health nurse and nurse practitioner, hopes the pilot program can serve as a model for expanded use of community paramedics to other rural and underserved populations throughout the state.



"We have a problem in access to health care in our rural communities," Wilcox told the House Health and Human Services Reform Committee in February. "And this access to health care is becoming especially more problematic as we age and as we have more immigrant folks and culturally diverse folks that tend to gravitate to these rural areas, along with a large number of folks who are uninsured."

## Legislation curbs 'frequent flyers'

Program advocates say it also helps address the ever present problem of "frequent flyers," a term coined by those in the emergency medical services industry to describe people who inappropriately use ambulance services

and hospital emergency room resources by calling on them often, many times when they may not be needed.

"The community paramedic can come out and sit down with the person, do an interview, find out what's going on

and assess the situation, which sometimes ends up not being a true emergency," said O.J. Doyle, a lobbyist for the Minnesota Ambulance Association. "What these

community paramedics can do is help plug these 'frequent flyers' into the local public health setting. They are working to plug their fingers in the holes of the health care delivery system dike."

Sponsored by Rep. Tara Mack (R-Apple Valley) and Sen. Julie Rosen (R-Fairmont), HF262/SF119\* would create a new statewide "community paramedic" definition that would aim to curb the problem that advocates say is burdening precious ambulatory and hospital emergency room resources across the state, especially in smaller communities.

The bill, awaiting gubernatorial action, would allow experienced paramedics in communities to undergo 120 additional hours of training to become certified by the Emergency Medical Services Regulatory Board as "community paramedics." The Minnesota State Colleges and Universities system recently approved the accredited training program that would teach and certify paramedics as "community paramedics" at its various schools.

The legislation would require the human services commissioner, in consultation with representatives of emergency medical service providers, physicians and local public health agencies, to determine specified services and payment rates for community paramedics. Services provided by community paramedics would be covered by Medical Assistance.

## First of its kind

Program proponents call it an innovative approach in health care reform, saying it represents a first-of-its-kind legislation that actually provides a funding mechanism and incentive for providers to use the model in their health care services.

Various forms of the pilot program used in Scott County are also being used in other states, including Colorado, North Carolina, Wisconsin and Nebraska, but Minnesota would be the first state to have an official "community paramedic" definition and an accredited certification program, said Buck McAlpin, a lobbyist for North

***"This is not something meant to be in opposition to nurses or other groups providing care. It's meant to provide a very necessary piece of the puzzle to help people live healthier in rural communities."***

— Rep. Steve Gottwalt  
R-St. Cloud

## A call for help

The community paramedics would focus on service populations with regular health care needs who don't have regular health care access. Under the guidance of an ambulance medical director, the paramedics would be able to monitor and provide some treatment to patients with chronic disease and perform minor procedures intended to prevent ambulatory or emergency room services.



Memorial Health Care, who also serves on the Minnesota Ambulance Association.

"The ambulance association supports this program and we decided that we wanted to formalize the community paramedic role," said McAlpin, a longtime paramedic. "We wanted to be sure our people were certified, that they completed their training so that the EMS board can formally regulate the certification process."

An obvious benefit of the program is the MA reimbursement for community paramedic services that providers would receive, which in turn would help an EMS industry that struggles to stay financially healthy in rural communities, Doyle said. He estimates that between two and three rural

ambulance services close every year around the state because of inefficiency in the health care delivery system.

## Concerns over expanded role

The Minnesota Nurses Association has expressed concern about how the integrated role of community paramedics would impact the services that nurses provide to patients in clinics and emergency rooms.

Association President Linda Hamilton said the position is "public health nursing without the nursing license."

The association is concerned that community paramedics will not have "adequate training and background to do chronic disease monitoring and treatment," she said, which could pose a threat to the practice of nursing and a risk to patient safety.

"We believe that chronic disease monitoring is outside this role of a community paramedic and it should be further studied," she said.

Rep. Steve Gottwalt (R-St. Cloud) praised the legislation as an appropriate measure for getting basic care in rural areas where people are "crying for more and better primary care."

"This is not something meant to be in opposition to nurses or other groups providing care," he said. "It's meant to



***"Nurses have expressed concerns, and I share their concerns, about paramedics in this role regarding their educational preparation. But I also have concerns about the availability of health care providers in rural and underserved Minnesota."***

— Rep. Erin Murphy  
DFL-St. Paul

"Nurses have expressed concerns, and I share their concerns, about paramedics in this role regarding their educational preparation," said Rep. Erin Murphy (DFL-St. Paul). "But I also have concerns about the availability of health care providers in rural

and underserved Minnesota."

Murphy, who supports the bill, said she hopes work ahead on the issue includes conversation about increasing resources for public health nurses in rural communities.

Wilcox said the community paramedic program makes logical sense for all players involved in the health care system.

"We talk about utilization of our health care resources within our communities, and there is absolutely no reason at all why these EMS providers, between 911 calls, why they couldn't actually go out and do health care for folks who are in need.

"This program is looking at a different way we can utilize our resources we have to their fullest extent."

## Minnesota State Agencies

|                                |              |                               |              |  |              |
|--------------------------------|--------------|-------------------------------|--------------|--|--------------|
| Administration.....            | 651-201-2555 | Housing Finance Agency.....   | 651-296-7608 | Public Safety General Information..... | 651-201-7000 |
| Agriculture.....               | 651-201-6000 |                               | 800-657-3769 | State Patrol.....                      | 651-201-7100 |
|                                | 800-967-2474 | Human Rights.....             | 651-296-5663 | Revenue                                |              |
| Commerce.....                  | 651-296-4026 |                               | 800-657-3704 | General Information.....               | 651-296-3403 |
| Corrections.....               | 651-361-7200 | Human Services.....           | 651-431-2000 | Collections.....                       | 651-556-3003 |
| Education.....                 | 651-582-8200 | Iron Range Resources.....     | 218-735-3000 |  | 800-657-3909 |
| Employment and                 |              |                               | 800-765-5043 | Sales and Use Tax Line.....            | 651-296-6181 |
| Economic Development.....      | 651-259-7114 | Labor and Industry.....       | 651-284-5005 |  | 800-657-3777 |
|                                | 800-657-3858 |                               | 800-342-5354 | Taxpayer Helpline.....                 | 651-296-3781 |
| Enterprise Technology.....     | 651-296-8888 | Management and Budget.....    | 651-201-8000 |  | 800-652-9094 |
| Explore Minnesota Tourism..... | 651-757-1845 | Mediation Services.....       | 651-649-5421 | Taxpayer self-service.....             | 651-296-4444 |
|                                | 800-657-3535 | Metropolitan Council.....     | 651-602-1000 |  | 800-657-3676 |
| Travel Info.....               | 888-868-7476 | Military Affairs.....         | 651-268-8919 | Withholding.....                       | 651-282-9999 |
| Health.....                    | 651-201-5000 | Natural Resources.....        | 651-296-6157 |  | 800-657-3594 |
|                                | 888-345-0823 |                               | 888-646-6367 | Transportation.....                    | 651-296-3000 |
| Higher Education Services..... | 651-642-0567 | Pollution Control Agency..... | 651-296-6300 |  | 800-657-3774 |
|                                | 800-657-3866 |                               | 800-657-3864 | Veterans Affairs.....                  | 651-296-2562 |

# It's a tough job, but...

Little enthusiasm expressed for 'jobless jobs bill'

By Nick Busse

**I**f the omnibus jobs and economic development finance bill could be summed up in one sentence, it might be "making the best of a bad situation." For some, it isn't good enough.

Sponsored by Rep. Bob Gunther (R-Fairmont) and Sen. Geoff Michel (R-Edina), HF1049/SF887\* would cut spending on jobs and housing programs, while attempting to protect certain priorities like helping small businesses grow new jobs.

"We prioritized our spending to focus on workforce development programs that are needed to help Minnesotans get back to work," Gunther said.

The bill also seeks to protect programs that help the physically and mentally disabled — although some members said it falls short in that goal.

"Some of the housing programs that are cut serve the most vulnerable — the poorest of the poor," said Rep. Karen Clark (DFL-Mpls).

Passed 70-60 by the House on April 5, the bill now returns to the Senate, where a different version passed 36-28 on March 28. A conference committee will likely work out the differences.

Overall, the bill would fund housing, workforce and economic development programs for the 2012-2013 fiscal biennium. It proposes General Fund reductions to several agencies, including:

- 10.8 percent to the Housing Finance Agency;
- 7 percent to the Department of Labor and Industry; and

- 5.8 percent to the Department of Employment and Economic Development.

Funding for DEED and HFA goes to support a range of programs, many of which would have their funding reduced in the bill. Opponents spoke out against cuts to the Minnesota Trade Office, the Extended Employment Program and Advocating Change Together, to name a few.

"Everyone knows how tough this job market is, and I'm very disappointed that we're not doing more in what is supposed to be a 'jobs session,'" said Rep. Diane Loeffler (DFL-Mpls).



PHOTO BY ANDREW VONBANK

**Rep. Bob Gunther listens to discussion on the House floor April 5 during debate on the omnibus jobs and economic development finance bill.**

Far from defending the bill's appropriations, Gunther agreed that the proposed cuts are unfortunate. He noted that funding for jobs and workforce programs has been reduced fairly consistently in recent years.

"We've had quite a few years of what we could honestly call a jobless jobs bill," Gunther said. "I was dealt a rotten hand this time, and I didn't enjoy it a bit."

### Rankled rangers

During the more than four-hour floor debate on the bill, it was not the budget cuts, but rather a proposed transfer from an Iron Range trust fund that took center stage.

In order to prevent deeper cuts to state agencies, the bill utilizes \$76.3 million of one-time money. This includes \$60 million from the Douglas J. Johnson Economic Protection Trust Fund, which is paid by a production tax that mining companies pay in lieu of property taxes.

Members of the state's Iron Range delegation said taking money from the fund is tantamount to stealing local property tax dollars. They decried the provision as an unfair attack on the range, which has historically been considered a DFL stronghold.

"This is a targeting of people because of where they live and who they are and how they vote," said Rep. Tom Rukavina (DFL-Virginia).

Rep. Tim Mahoney (DFL-St. Paul) unsuccessfully offered an amendment that would have taken the trust fund transfer out of the bill, resulting in an additional \$60 million cut in spending. Supporters of the amendment said Republicans are not being honest about the need for new revenue in the state's budget.

"When you need to find \$60 million of one-time revenue to pay for your spending, you're admitting that it's a revenue problem, not a spending problem," said Rep. Paul Marquart (DFL-Dilworth).

Rep. Steve Gottwalt (R-St. Cloud) accused DFLers of "misdirection," saying the amendment was just a way to distract from the billions of dollars in tax increases they would prefer to pass to balance the budget.

"Don't be fooled for a minute. The GOP majority is doing the responsible thing," he said. 🐻



# Come to the Capitol

*Directions, Parking, Visiting the Legislature, Tours, Dining*

## Directions

The State Capitol Complex is north of Interstate 94, just minutes from downtown St. Paul. It is accessible from the east and west on I-94, and from the north and south on Interstate 35E.

- I-94 eastbound: Exit at Marion Street. Turn left. Go to Aurora Avenue and turn right.
- I-94 westbound: Exit at Marion Street. Turn right. Go to Aurora Avenue and turn right.
- I-35E northbound: Exit at Kellogg Boulevard. Turn left. Go to John Ireland Boulevard and turn right.
- I-35E southbound: Exit at University Avenue. Turn right. Go to Rice Street and turn left.

## Parking

Public metered parking is available in Lot Q, north of the Capitol at Cedar Street and Sherburne Avenue; Lot AA, across Rice Street from the State Office Building on Aurora Avenue; Lot F, directly behind the Transportation Building; Lot H, west of the Veterans Service Building; Lot K, across from the Armory on Cedar Street (enter from 12th Street); Lot L, east of the Judicial Center; in the 14th Street Lot at the corner of North Robert Street and 14th Street; and on the orange level of the Centennial Office Building Ramp at Cedar Street and Rev. Dr. Martin Luther King Jr. Boulevard. During the interim there are a few metered parking spots in front of the Capitol along Aurora Avenue.

Capitol Security personnel will issue tickets for expired meters.

All-day parking permits are available from Plant Management on the ground floor of the Administration Building at 50 Sherburne Ave., north of the Capitol, across University Avenue. Cash or checks are accepted. For more information, call 651-201-2300.

Outdoor disability parking is available in most public lots within the State Capitol Complex. However, most spots can be found in Lot N and Lot F. Disability parking is also available on the orange level of the Centennial Office Parking Ramp and in the 14th Street Lot.

The main disability entrance to the Capitol is on the northwest side of the building just off Lot N. There also are drop-off entrances on the south side under the front steps on the south side and on the northeast side of the building.

## Visiting the Legislature

During session, all House and Senate floor sessions are open to the public. No pass is required for spectators to sit in the galleries of either chamber. The House usually meets at 3 p.m. Monday and Thursday, and the Senate generally meets at 11 a.m. Monday and Thursday during the first few weeks of session. As the session nears the end, however,

both bodies may meet several times a week, often into the night.

Visitors interested in observing these sessions may call House Public Information Services at 651-296-2146 or Senate Information at 651-296-0504 with questions.

Committee meetings are open to the public, as well. Visitors wanting to attend a committee meeting can access committee information through the Legislature's website at [www.leg.mn](http://www.leg.mn). House meeting schedules are available by calling 651-296-9283.

If group members want to meet with their individual legislators or testify before a committee, arrangements should be made at least a week in advance.

For information on reserving a room for group conferences, call the State Office Building room scheduler at 651-296-0306 or the Capitol room scheduler at 651-296-0866.

## Tours

Tours of the Capitol are offered through the Capitol Historic Site Program of the Minnesota Historical Society.

Tour guides lead the 45-minute tours on the hour Monday through Friday between 10 a.m. and 2 p.m.; Saturday between 10 a.m. and 3 p.m. (last tour leaves at 2 p.m.); and Sunday between 1 p.m. and 4 p.m. (last tour leaves at 3 p.m.). The tours begin at the Capitol information desk. Brochures in about 20 foreign languages also are available there.

Tour rates vary. Generally, 45-minute tours for drop-in visitors to the Capitol are free of charge.

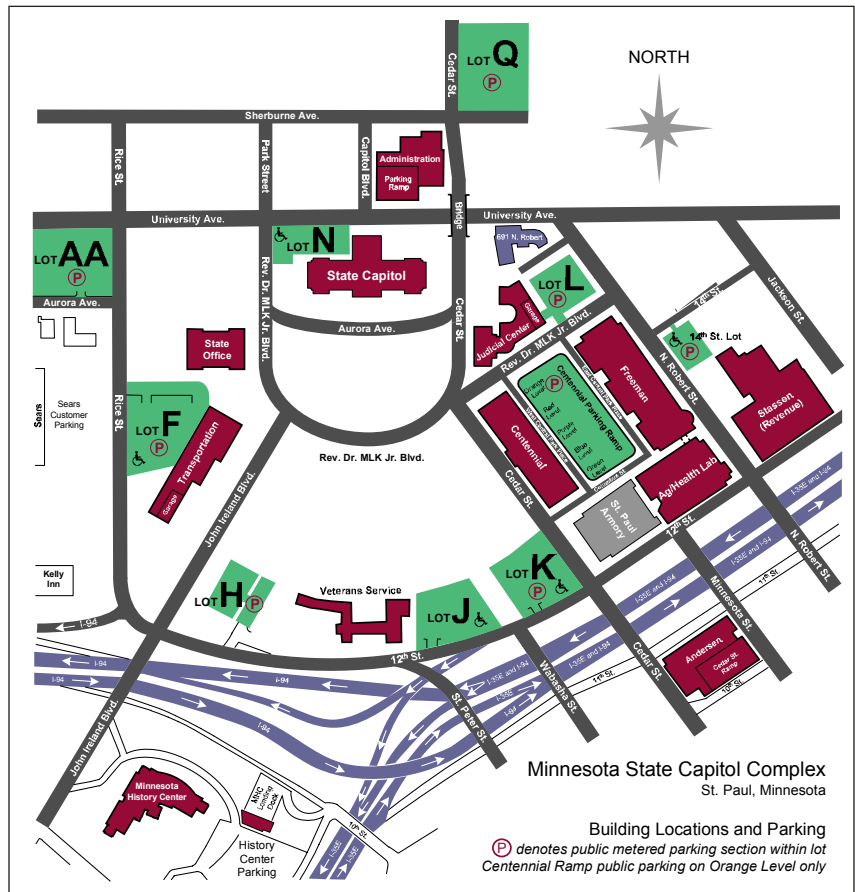
The society offers a number of specialized tours for educational groups ranging from pre-school students to high school seniors. Also, special tour events are scheduled throughout the year. A special events guide is available upon request.

For more information about the tours and fees or to make a reservation, call the Capitol Historic Site Program at 651-296-2881.

## Dining

Year-round cafeterias can be found on the ground floor of the Transportation, Centennial and Stassen buildings, as well as the Judicial Center.

The Rathskeller in the State Capitol is open only when the Legislature is in session.



Edited map courtesy Minnesota Department of Administration, Plant Management Division

# BILL INTRODUCTIONS

APRIL 4 - 7, 2011  
HOUSE FILES 1351 - 1413

## Monday, April 4

---

### HF1351-Swedzinski (R)

#### Health & Human Services Reform

Health care freedom of choice provided, state policy related to the Patient Protection and Affordable Care Act specified, state of Minnesota and political subdivisions prohibited from enforcing, implementing or funding provisions of the act.

### HF1352-Gunther (R)

#### Jobs & Economic Development Finance

State lottery authorized to establish gaming machines, gaming machine revenue tax imposed, powers and duties provided to the director, and a Minnesota future fund and an industry improvement fund established.

### HF1353-Dittrich (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Minnesota's permanent school trust lands independent authority created to manage, supervise and administer.

### HF1354-Lesch (DFL)

#### Government Operations & Elections

St. Paul Teachers Retirement Fund Association; postretirement adjustment procedures revised, refund interest rate reduced, interest payments on reemployed annuitant savings accounts terminated and deferred annuity augmentation rate lowered.

### HF1355-Rukavina (DFL)

#### Commerce & Regulatory Reform

State lottery director authorized to establish video lottery terminals, duties and powers provided to director of the state lottery, video lottery revenues use provided, lawful gambling taxes modified and clarifying, conforming, and technical changes made.

### HF1356-Kahn (DFL)

#### Health & Human Services Reform

Remaining embryos or gametes choice of disposition information required to be provided to patients seeking in vitro fertilization therapy or donating gametes.

### HF1357-Kahn (DFL)

#### Commerce & Regulatory Reform

Direct-to-consumer genetic testing disclosures required.

### HF1358-Kahn (DFL)

#### Government Operations & Elections

Neighborhood revitalization program termination and transition activities in a city of the first class provided.

### HF1359-Barrett (R)

#### Public Safety & Crime Prevention Policy & Finance

Stimulants and hallucinogens added as Schedule I controlled substances.

### HF1360-Torkelson (R)

#### Environment, Energy & Natural Resources Policy & Finance

Environmental Quality Board modified and duties eliminated and reassigned.

### HF1361-Buesgens (R)

#### Transportation Policy & Finance

Public impound lot definition modified.

### HF1362-Kieffer (R)

#### Commerce & Regulatory Reform

Workers' Compensation Advisory Council recommendations adopted.

### HF1363-Scalze (DFL)

#### Government Operations & Elections

Metrodome Task Force established.

### HF1364-Hornstein (DFL)

#### Taxes

Plug-in electric drive vehicles exempted from sales tax on motor vehicles.

### HF1365-Loon (R)

#### Transportation Policy & Finance

Electric vehicles allowed to use HOV lanes.

### HF1366-Schomacker (R)

#### Taxes

Alternative fuel infrastructure credit provided.

### HF1367-Banaian (R)

#### Transportation Policy & Finance

Mississippi River bikeway trail established, Veterans Memorial Highway description modified, left turns regulated and commissioner of transportation authorized to pursue federal financing and local government participation for rail service improvement.

### HF1368-Drazkowski (R)

#### Education Finance

Congress of the United States memorialized to not reauthorize the No Child Left Behind Act.

### HF1369-Hamilton (R)

#### Agriculture & Rural Development Policy & Finance

Agricultural offense penalties and remedies imposed.

### HF1370-Paymar (DFL)

#### Judiciary Policy & Finance

Law enforcement data sharing permitted.

### HF1371-Mullery (DFL)

#### Public Safety & Crime Prevention Policy & Finance

Law enforcement incident data permitted to be submitted to a federal database and local law enforcement agencies prohibited from submitting incident information to the federal government.

## Tuesday, April 5

---

### HF1372-Woodard (R)

#### Education Reform

Charter school law clarified.

### HF1373-Gottwalt (R)

#### Health & Human Services Reform

Maternal and Child Health Advisory Task Force extended.

### HF1374-Garofalo (R)

#### Transportation Policy & Finance

Farmington; deputy registrar and driver's license agent appointment governed.

### HF1375-Scott (R)

#### Environment, Energy & Natural Resources Policy & Finance

Renewable energy standard compliance rate impact information required.

### HF1376-Leidiger (R)

#### Government Operations & Elections

E-verify use required by state contractors.

### HF1377-Murphy, M. (DFL)

#### Government Operations & Elections

Duluth; Seaway Port Authority of Duluth employees included in Public Employees Retirement Association general retirement coverage, and purchase of allowable service credit for prior Seaway Port Authority of Duluth employment authorized.

### HF1378-Buesgens (R)

#### Transportation Policy & Finance

Transportation project alternative financing and investment provided.

### HF1379-Hausman (DFL)

#### Health & Human Services Reform

Public health care program state contracting required with health care providers instead of insurance plans.

### HF1380-Hornstein (DFL)

#### Veterans Services Division

United States Congress and the President of the United States urged to reorder federal spending priorities.

### HF1381-Erickson (R)

#### Education Reform

Pre-kindergarten through grade 12 education policy provided, including general education, education excellence, special programs, facilities and technology, early childhood education and student transportation.

### HF1382-Abeler (R)

#### Health & Human Services Reform

Health board licensing provisions changed.

### HF1383-Abeler (R)

#### Health & Human Services Reform

Alcohol and drug counselor licensure requirements modified.

### HF1384-Davids (R)

#### Civil Law

Charitable or religious organization transfers excluded from the fraudulent transfers act.

## Wednesday, April 6

---

### HF1385-Buesgens (R)

#### Environment, Energy & Natural Resources Policy & Finance

Personal watercraft operational requirements modified.

**HF1386-Bills (R)****Commerce & Regulatory Reform**

Unfair business practices prevented by credit and debit card companies.

**HF1387-Mahoney (DFL)****Jobs & Economic Development Finance**

Beacon Bluff Business Center funding provided, bonds issued and money appropriated.

**HF1388-Mullery (DFL)****Taxes**

Employers who employ qualified ex-felons allowed a credit.

**HF1389-Poppe (DFL)****Higher Education Policy & Finance**

Board of Regents and the selection of regents requirements modified.

**HF1390-Beard (R)****Government Operations & Elections**

Metropolitan Council powers modified in providing sewage treatment services.

**HF1391-Downey (R)****Government Operations & Elections**

State agency program designation authorized as performance-based organizations.

**HF1392-Davids (R)****Public Safety & Crime Prevention Policy & Finance**

Disaster recovery grant program established, Department of Public Safety authorized to provide technical assistance to local governments in a presidentially declared disaster and money appropriated.

**HF1393-Davids (R)****Taxes**

State general levy reduced on commercial-industrial property.

**HF1394-Hoppe (R)****Commerce & Regulatory Reform**

Continuing education requirements, pharmacy benefit managers, insurance coverages, adjusters and appraisers regulated.

**HF1395-Loon (R)****Commerce & Regulatory Reform**

Uninsured and underinsured coverages, medical benefits, arbitration and marketing practices regulated; automobile medical fraud reduced.

**HF1396-Gunther (R)****Jobs & Economic Development Finance**

Unemployment insurance and workforce development provisions modified.

**HF1397-Gruenhagen (R)****Commerce & Regulatory Reform**

Group Insurance Portability Act enacted; state law conformed on continuation employers group health coverage to the federal COBRA law, and access provided to a GAP policy as an alternative.

**HF1398-Persell (DFL)****State Government Finance**

Bemidji; veterans facility funding provided, bonds issued and money appropriated.

**HF1399-Lesch (DFL)****Civil Law**

Public nuisance acts specified.

**HF1400-Champion (DFL)****Jobs & Economic Development Finance**

Minneapolis; Nicollet Mall Phase I renovation funding provided, bonds issued and money appropriated.

**HF1401-Beard (R)****Transportation Policy & Finance**

Saturation patrols and sting operations prohibited to apprehend seat belt violators, and POST Board review of agency compliance required.

**HF1402-Beard (R)****Environment, Energy & Natural Resources Policy & Finance**

Conservation improvement program obligations modified.

**HF1403-Beard (R)****Transportation Policy & Finance**

Metropolitan transportation planning modified, metropolitan transportation board created and board designated as the metropolitan planning organization for purposes of federal transportation law.

**Thursday, April 7****HF1404-Franson (R)****Health & Human Services Reform**

Gager's Law enacted and standards adopted that govern outdoor activity at licensed child care facilities.

**HF1405-Daudt (R)****Commerce & Regulatory Reform**

Claims processing regulated for insurance on portable electronics products, and automated claims processing system use permitted to requirements and safeguards.

**HF1406-Hamilton (R)****Health & Human Services Reform**

Continuing care provisions amended, telephone equipment program changed, disability service provisions changed, comprehensive assessments and case management services reformed, nursing facility provisions changed and technical and conforming changes made.

**HF1407-Sanders (R)****Government Operations & Elections**

Vacancies in nomination procedures and requirements changed.

**HF1408-Sanders (R)****Government Operations & Elections**

Vacancies in nomination procedures and requirements changed.

**HF1409-Davids (R)****Commerce & Regulatory Reform**

Auto body repairs regulated, registration requirement imposed and money appropriated.

**HF1410-O'Driscoll (R)****Commerce & Regulatory Reform**

Workers compensation self-insurance groups permitted to substitute an insurance policy for a security deposit to ensure payment of claims.

**HF1411-Kahn (DFL)****Government Operations & Elections**

Geospatial advisory council provisions changed and expiration date extended.

**HF1412-Murray (R)****Transportation Policy & Finance**

Electric-assisted bicycle operation requirements and regulation amended.

**HF1413-Fritz (DFL)****Education Finance**

Independent School District No. 656, Faribault, lease levy authorized for administrative space.

**Minnesota's Representatives  
in Washington, D.C.****Senator Amy Klobuchar (DFL)**

302 Hart Senate Office Building

Washington, D.C. 20510

202-224-3244

Fax: 202-228-2186

**Senator Al Franken (DFL)**

320 Hart Senate Office Building

Washington, D.C. 20510

202-224-5641

Fax: 202-224-0044

**First District Tim Walz (DFL)**

1722 Longworth House Office Building

Washington, D.C. 20515

202-225-2472

Fax: 202-225-3433

**Second District John Kline (R)**

2439 Rayburn House Office Building

Washington, D.C. 20515

202-225-2271

Fax: 202-225-2595

**Third District Erik Paulsen (R)**

127 Cannon House Office Building

Washington, D.C. 20515

202-225-2871

Fax: 202-225-6351

**Fourth District Betty McCollum (DFL)**

1714 Longworth House Office Building

Washington, D.C. 20515

202-225-6631

Fax: 202-225-1968

**Fifth District Keith Ellison (DFL)**

1027 Longworth House Office Building

Washington, D.C. 20515

202-225-4755

Fax: 202-225-4886

**Sixth District Michele Bachmann (R)**

103 Cannon House Office Building

Washington, D.C. 20515

202-225-2331

Fax: 202-225-6475

**Seventh District Collin Peterson (DFL)**

2211 Rayburn House Office Building

Washington, D.C. 20515

202-225-2165

Fax: 202-225-1593

**Eighth District Chip Cravaack (R)**

508 Cannon House Office Building

Washington, D.C. 20515

202-225-6211

Fax: 202-225-0699



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribe.asp](http://www.house.mn/hinfo/subscribe.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## State Demographics

|   |            |
|---|------------|
| According to the 2010 census, state's population.....   | 5,303,925  |
| New state residents between 2001-2010 .....   | 348,446    |
| Percent growth from 2000 .....  | 7.8        |
| State population in 1990 .....  | 4,375,099  |
| In 1980 .....   | 4,075,970  |
| In 1960 .....   | 3,413,864  |
| Counties that grew in population by at least 30 percent between 2000 and 2010 .....                           | 4          |
| Counties whose percent increase was at least 10 percent .....   | 18         |
| Percent increase for county with the greatest increase (Scott).....   | 45.2       |
| Counties that decreased in population between 2000 and 2010 .....   | 37         |
| Counties whose percent decrease was at least 10 percent .....   | 6          |
| Percent decrease for county with the greatest decrease (Swift).....   | 18.2       |
| Minnesotans per square mile in 2010 .....   | 66.6       |
| National average.....   | 87.4       |
| State density rank.....   | 33         |
| Percent of state residents who are white .....  | 85.3       |
| Percent who are black.....  | 5.2        |
| Percent who are Hispanic or Latino.....   | 4.7        |
| Percent who are Asian .....   | 4.0        |
| Percent who are American Indian .....   | 1.1        |
| Persons of color, as percent of state and United States population in 2009.....                               | 15.2, 34.9 |
| Percent of state, U.S. in 2000 .....  | 11.7, 30.6 |
| Percent of state, U.S. in 1980 .....  | 3.9, 16.9  |
| Population of member with largest House district (Rep. Mike Beard – 35A).....                                 | 59,872     |
| Second largest (Rep. Joe McDonald – 19B) .....  | 59,068     |
| Population of member with smallest House district (Rep. Andrew Falk – 20A).....                               | 32,187     |
| Second smallest (Rep. Joe Mullery – 58A) .....  | 32,902     |
| Per 10,000 population, Minnesotans in 2009 who were homeless .....  | 18.4       |
| Number in 2006.....   | 15.0       |
| Number in 2000 .....  | 15.6       |
| Percent of homeless people in 2009 who were located in the seven-county<br>Twin Cities metropolitan area..... | 67         |
| State rank in median household income .....   | 13         |
| State rank in 2006.....   | 10         |
| Percent of Minnesota children under age 18 living in poverty in 2009.....                                     | 13.7       |
| National percentage.....  | 19.7       |
| State percent in 2007.....  | 12         |

— M. Cook

Sources: State Demographic Center, including Minnesota Milestones 2011, Department of Administration; U.S. Census 2010; Minnesota Compass

# SESSION WEEKLY



**BREAK TIME**

**RANGERS STICK TOGETHER**

**TEACHERS RIGHT TO STRIKE**

**MINNESOTA'S CIVIL WAR ROLE**

HF1414 - HF1494

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 15 • APRIL 15, 2011



# Flashback to 1991, 2001



PHOTO BY TOM OLMSCHIED

**Session Weekly, April 12, 1991:** Commuters on University Avenue got a chance to see a bigger-than-life rendition of the controversial portrait of former Gov. Rudy Perpich and his wife, Lola. This was part of a successful campaign to have this be the first official governor's portrait to hang in the State Capitol to include the first lady.

## Final Four rejection

A \$500,000 pledge by former Gov. Rudy Perpich, offered as an enticement to bring the NCAA Final Four men's basketball tournament to the Metrodome in 1992, was rejected by lawmakers April 18.

The proposal was shot down by the House Appropriation Committee's State Government Division. Chairwoman Phyllis Kahn (DFL-Mpls) said upholding the constitutionality of how public funds are allocated is more important than offending the NCAA.

Although the commitment came without legislative approval, it helped the state ultimately land the tournament.

## Session Weekly April 19, 1991

### Stadium debate

A bill that would have provided a \$140 million loan to the Minnesota Twins to help build a new stadium was tabled by the House Local Government and Metropolitan Affairs Committee. In its original form, HF2214, sponsored by Rep. Harry Mares (R-White Bear Lake), would require that one-half of the stadium costs be financed by the Twins or other private sector contribution. The bill originally had the state contributing a \$100 million interest-free loan.

## Session Weekly April 13, 2001

## Contents

**FIRST READING:** Iron Range lawmakers stick together at the Capitol • 3-4

**HIGHLIGHTS:** Conference committees, Surly brewing, online driver's ed. • 5-18

**PHOTO FEATURE:** Minnesota's role in the Civil War • 19

**FEATURE:** Illegal action changed teacher bargaining; a new debate rises over right to strike • 20-21

**BILL INTRODUCTIONS:** HF1414-HF1494 • 22-23

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

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

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

**On the cover:** History Center staff, from left, Flag Conservator Doug Beeke, Project Manager Aaron Novodvorsky, Textile Conservator Anne Frisina and Curator Matt Anderson move the Civil War flag of the 3rd Minnesota Volunteer Infantry Regiment's - 35-Star National Flag into one of the four flag cases in the Rotunda April 8.

— Photo by Tom Olmscheid



# Rangers in a strange land

Iron Range lawmakers stick together at the Capitol

By Nick Busse

**N**o one can accuse Rep. Tom Rukavina (DFL-Virginia) of going down without a fight. When a proposal was made to strip \$60 million out of an Iron Range trust fund to help balance the state's budget, he resisted it every step of the way.

"This is an outright theft of money from people that don't deserve this," he told members of the House Ways and Means Committee on March 28. He demanded to know whose idea the fund transfer was. "Who's the moochers here?" he snapped.

Two days later, Rukavina pressed his case in the House Taxes Committee, again to no avail. When the offending bill was finally brought up for a floor vote April 5, he made sure to let everyone know just who they were taking money from.

"We're proud people," he began. "I'm proud. I'm so proud to be a ranger, every time I turn that corner in Midway, that little suburb of Virginia ... and see those big pits kickin' out that ore, I am proud to be who I am."

The Iron Range delegation, as the eight state lawmakers from Minnesota's mining region are collectively known, are a

unique and indelible fixture at the Capitol. Known for their fierce independent streak and their loyalty to each other — and in some cases, their distinct northern Minnesota accents — the group has earned a distinguished reputation at the Capitol.

"The range has got a lot of colorful people there — very colorful legislators," said Rep. Bob Gunther (R-Fairmont).

It was Gunther who sponsored the controversial \$60 million fund transfer (included in the omnibus jobs and economic development finance bill); it was he who had to bear the brunt of the rangers' fury. In spite of the friction this has caused, he said he counts many rangers, both past and present, as close personal friends. He also said the fund transfer wasn't his idea.

"I identify very much with who they are and what they do and what they protect," he said.

With its deep roots in the labor movement, the Iron Range is a major power base for the DFL, and the rangers' emphatically pro-union politics rankle many Republicans. At the same time, rangers are also known for their libertarian streak, and aren't afraid to break with their own party on key issues. All this would seem to put them at odds with colleagues from both parties, but the group's spirited personalities have earned them friends on both sides of the aisle.

"My experience here in 25 years is, people hate to love us, but they do," Rukavina said.

## Holes in the earth

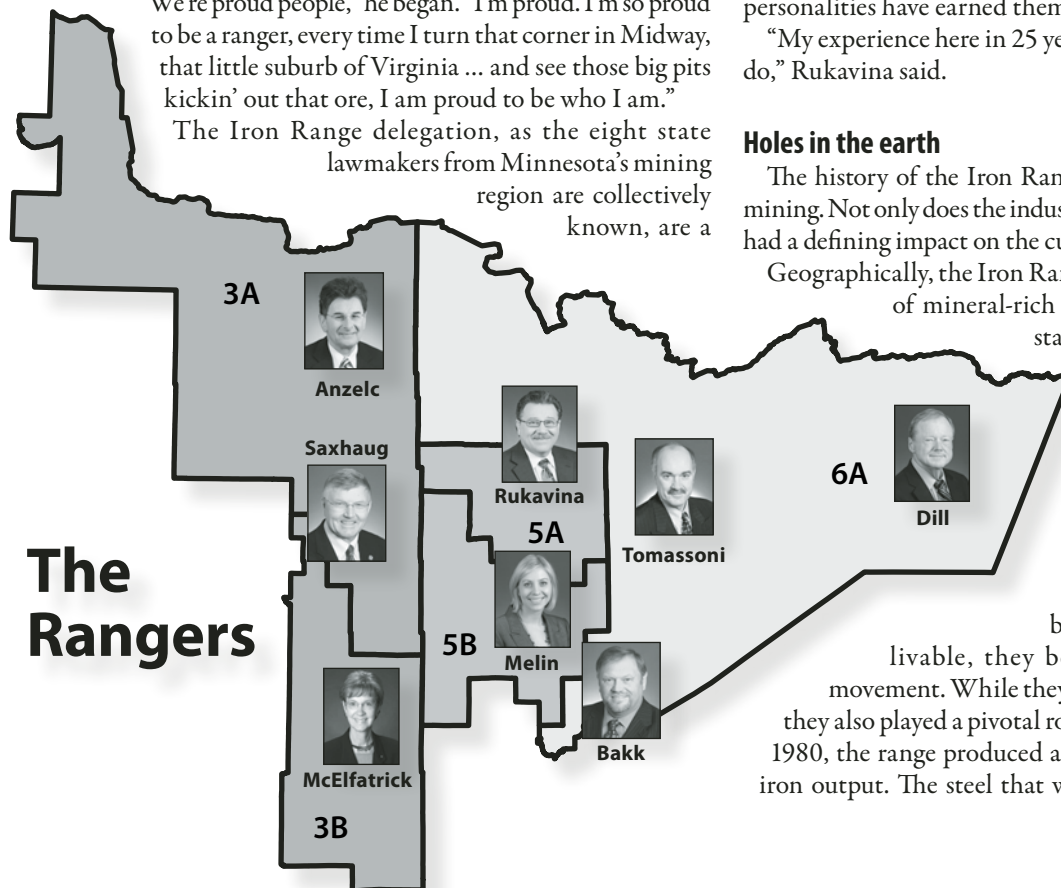
The history of the Iron Range is inseparable from the history of mining. Not only does the industry anchor the region's economy; it has had a defining impact on the culture and politics of the people there.

Geographically, the Iron Range consists of a 100-mile wide swath of mineral-rich land in the northeast corner of the

state. The people who live there largely descend from the working-class families who immigrated from all over Europe to help mine iron ore beginning in the late 19th century.

Mining is difficult, dirty, dangerous work, and as the miners fought to make their work conditions better and their communities more

livable, they became a focal point of the labor movement. While they struggled for their rights as workers, they also played a pivotal role in U.S. history. Between 1900 and 1980, the range produced about 60 percent of the nation's total iron output. The steel that was made from Minnesota's iron ore



First Reading continued on page 4

built skyscrapers and battleships, and was a key component of American industrial and military power.

“The history of the range is really magnificent,” said Rep. Carolyn McElfatrick (R-Deer River), the delegation’s lone Republican. “I have a tremendous respect for what the Iron Range has done — not just for our people there, but for our country.”

Beginning in the 1950s, deposits of high-grade ore became depleted. Scientists developed a process to refine lower-grade ore called “taconite,” which is now the range’s biggest export.

Today, many on the range seek a more diversified economy, and there has been some success toward that end. Companies like Delta Dental, Blue Cross Blue Shield of Minnesota and Delta Airlines now employ hundreds of residents. But Rep. Tom Anzelc (DFL-Balsam Township) believes the area’s abundant natural resources will always be its lifeblood.

“We dig holes in the earth to extract minerals; we cut trees to make toilet paper and two-by-fours; and we’ve got those beautiful lakes and forests,” Anzelc said.

Because of the uniqueness of their economy within the state, range lawmakers tend to vote together on issues of significance to their region. As Rukavina puts it, “We fight together down here. We don’t always agree, but we don’t disagree publicly.”

The proposed \$60 million transfer from the Douglas J. Johnson Economic Protection Trust Fund is a prime example. The fund, which is paid for through a production tax on mining, is used to fund economic development projects on the range. The goal is to help smooth out the boom-and-bust cycle of mining by promoting a diversified economy.

“Right now we’re lucky enough that our taconite mines are at full production. In 2009, they were all shut down, and there was 3,600 people out of work,” said Rep. Carly Melin (DFL-Hibbing). Like the other rangers, she believes the Douglas Johnson fund is needed “so we have some room to fall back on when we’re not at full production.”

***“We’re proud people. I’m proud. I’m so proud to be a ranger, every time I turn that corner in Midway, that little suburb of Virginia... and see those big pits kickin’ out that ore, I am proud to be who I am.”***

— Rep. Tom Rukavina  
(DFL-Virginia)

“Rep. Melin’s generation.” They see Melin as not just the newest and youngest member of the group, but as the beginning of a new chapter in the range’s history.

“She definitely is gonna be the future of the range,” Rukavina said. “Hopefully as us old timers get old, we’ll get replaced by the same quality people.”

Melin replaced former Rep. Tony Sertich, whom Gov. Mark Dayton appointed to serve as commissioner of the Iron Range Resources and Rehabilitation Board. But the other new member of the delegation, McElfatrick,



PHOTO BY ANDREW VONBANK

Rep. Carly Melin, Rep. Tom Anzelc and Rep. Tom Rukavina pose in front of an enlarged photo of the MinnTac taconite facility that hangs on the wall in Rukavina’s office. Together with Rep. David Dill and Rep. Carolyn McElfatrick, they comprise the House’s Iron Range delegation.

## Changing times

At the age of 25, Melin represents a new generation of Iron Rangers. But like those who came before her, she’s ready to take up the cause of the range and its people.

“There’s no other area in the state of Minnesota that has an economy like we do, and that relies on the minerals and resources like we do. ... That’s why we stick together down here,” Melin said.

On the floor and in committee, the older rangers have taken to referencing

arrived somewhat unexpectedly, having defeated 14-term veteran Rep. Loren Solberg.

Though her priorities fall mostly in line with those of other Republicans, McElfatrick voted “no” with the other Iron Rangers on the transfer from the Douglas Johnson fund. It was a hard decision, but she said she agrees with the DFL rangers that the fund is important for the region’s future.

“This is important for our today, but it’s also important for our tomorrow. I am asking that that be respected,” she said on the House floor.

McElfatrick said the last election shows that people on the range are eager for some change, but only time will tell if the conservative shift will stick. Either way, she said the DFL rangers have welcomed her to the group with open arms.

“They have been very gracious to me, and I appreciate that, because I am a little bit out of the mold,” McElfatrick said. 🙏

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

# HIGHLIGHTS

APRIL 7 - 14, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held April 7-14. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Agriculture

### House passes Ag bill

The omnibus agriculture and rural development finance bill conference committee approved HF1039/SF1016\* as amended April 11 and the House passed the report 107-20 April 14.

Overall, the bill appropriates \$76.8 million from the General Fund.

Among its provisions, it takes \$280,000 from the Agricultural Utilization Research Institute's \$5.6 million biennial budget to increase anhydrous ammonia inspections.

The Senate had proposed a surcharge and re-inspection fee as part of the plan to beef up inspections of the agricultural fertilizer, but

the House preferred to support the program with General Fund dollars.

Other provisions in the bill include a one-time increase in funding to hire more retail food handler inspectors. The Agriculture Department estimates it has a 40 percent backlog of inspections.

The House's appropriation for Ag in the Classroom programs, which neither the Senate nor the governor recommended funding, was spared the knife and would receive a \$200,000 biennial appropriation.

Conferees discussed at length a Senate provision that may require a pesticide application permit if a site being sprayed includes public waters, such as lakes or streams. The Pollution Control Agency said the definition was too narrow and wants the statute to include "waters of the state," which is more broadly defined. Fearing that farmers would be required to obtain a permit to spray low-lying areas in fields that may be temporarily under water, conferees objected and deleted the controversial language.

Rep. Rod Hamilton (R-Mountain Lake), who sponsors the bill with Sen. Doug Magnus (R-Slayton), said the policy issue

### Legislature to take a break

#### No Session Weekly on April 22

The Legislature will be on a Passover/Easter break with no committee meetings or sessions scheduled from 3 p.m. April 18 through April 25. There will be no Session Weekly on April 22 but we will resume publication the following week. However, look for posts on Session Daily, Twitter, Facebook and YouTube next week when news from the House warrants.

House offices will remain open except on Friday, April 22.

will be revisited in the House Agriculture and Rural Development Policy and Finance Committee, where he serves as chairman.

— S. HEGARTY

### Legislature passes Green Acres report

The House passed a conference committee report 102-27 April 11 that would revise the Green Acres and Rural Preserve programs.

Sponsored by Rep. Mike LeMieur (R-Little Falls) and Sen. Jeremy Miller (R-Winona), HF12\*/SF222 was passed 45-15 by the Senate April 14. It now heads to the governor.

In 2008, legislators created a dual tax classification system for productive (2a) and non-productive (2b) agricultural land and provided that, in the future, non-productive (2b) agricultural land would no longer be allowed in the Green Acres program. In 2009, the Legislature created a new program called Rural Preserve for non-productive (2b) land with tax benefits similar to Green Acres. In order for land to be enrolled in Rural Preserve, a farmer was required to develop a conservation plan and sign a covenant that the land would not be developed or farmed for a period of years.

As amended, the bill would no longer require farmers to develop a conservation plan or sign a covenant agreement to enroll in Rural Preserve. It would also grant farmers who removed land from the Green Acres program as a result of 2008 and 2009 changes a chance to reapply for either program this year with their respective counties by Aug. 1, 2011. After that, the annual enrollment deadline would return to May 1. Conferees said that will give counties extra time to explain the program changes to the farmers.

The bill includes a recommendation by



PHOTO BY TOM OLMSCHEID

During an April 11 conference committee, Rep. Rod Hamilton, *left*, chairman of the House Agriculture and Rural Development Policy and Finance Committee, waits as Sen. Doug Magnus, *top center*, chairman of the Senate Agriculture and Rural Economies Committee talks with Senate staff, Greg Knopff, *right*, and Daniel Mueller to get their reaction to a motion to accept a House section of the bill.



Rep. Kurt Daudt (R-Crown) to remove a 10-acre minimum requirement to enroll in Rural Preserve (class 2b). It was replaced with a requirement that the property, of any size acreage, be contiguous to property enrolled in Green Acres (class 2a) and under the same ownership.

House conferees accepted Senate language that would require, as part of the application process, an aerial photograph or satellite image of the property enrolled. Forms would need to warn enrollees about the claw back consequences of terminating the Rural Preserve program.

Covenants that had already been signed would be terminated and no longer required. Also, interested parties would work together to explore an alternative method for determining the taxable value of enrolled agricultural land. A report would be due by Feb. 15, 2012.

— S. HEGARTY

## Bonding

### Accountability for bonded projects

Hundreds of millions of dollars are annually expended on bonds for public capital investment projects, and some representatives think more needs to be done to quantify actual return on the state's investment.

The House Capital Investment Committee laid over two bills April 12 that would move the project selection process toward one that could include a return on investment analysis and a report on the number of jobs created.

Rep. Sarah Anderson (R-Plymouth) sponsors HF194 that would require Minnesota Management & Budget to report by Sept. 1 of each odd-numbered year on the jobs created or retained as a result of capital project funding during the previous biennium.

She said that during bonding hearings supporters talk about the number of jobs to be created or retained, but those numbers are never quantified. Her bill would help lawmakers get "a better picture of the jobs generated, so that the left hand knows what the right hand is doing as far as the outcome, especially on the projects we authorize."

Sponsored by Rep. King Banaian (R-St. Cloud), HF369 would encourage completion of a return on investment form as part of the project application.

Information sought would include a comprehensive description of the project's statewide value and a 10-year look at cost of ownership, revenue projections and the

net jobs impact to the state. Banaian said the information would help the committee determine which projects to fund.

However, Rep. Morrie Lanning (R-Moorhead) raised a concern over a one-size-fits-all approach to measuring the value of projects.

Rep. Tom Rukavina (DFL-Virginia) questioned how emergency projects would be dealt with, such as flooding or, in a situation like the city of Aurora, where a sewage plant blew up.

Banaian said that if the bill was to move forward, he would need to "clearly address emergency situations," adding that his intent is to have the form only as a tool and not as a requirement to have a project bonded.

The companion to Anderson's bill, SF535, is sponsored by Sen. Chris Gerlach (R-Apple Valley), and the companion to Banaian's bill is SF500, sponsored by Sen. John Pederson (R-St. Cloud). Both await action by the Senate Capital Investment Committee.

— L. SCHUTZ

## Budget

### Budget numbers in dispute

Republican leaders disputed an April 12 letter from Gov. Mark Dayton's administration saying their budget plans fall roughly \$1.2 billion short.

The letter, signed by Minnesota Management & Budget Commissioner Jim Schowalter and Revenue Commissioner

Myron Frans, states that current House and Senate budget proposals are out of balance by \$1.2 billion and \$1.16 billion, respectively.

At a press conference, House Speaker Kurt Zellers (R-Maple Grove) said the administration is underestimating the savings from Republicans' government reform proposals. He said not all the proposals are easily quantified because they've never been done before.

"Just because you don't like the idea doesn't mean that these savings cannot be realized," Zellers said.

The letter states that the budget bills include reductions that are "unspecified" and "unworkable." It says many of the reforms being proposed are already in effect within executive branch agencies. The commissioners state that planned savings from cuts to the state's workforce are counted twice in different budget bills.

Additionally, a \$750 million savings from federal health and human services waivers is called "unobtainable" in the letter, which states that federal officials are unlikely to sign off on the plan.

Sen. David Hann (R-Eden Prairie) denies that claim, and called on Dayton to use his political clout to help obtain the waivers.

"We have put forward a proposal that is entirely defensible. It does depend on the governor's willingness to work with us," Hann said.

The leaders played down the apparent difference between the administration's numbers and their own. Zellers said the



PHOTO BY TOM OLMSCHIED

**House Speaker Kurt Zellers reacts April 12 to a letter from Gov. Mark Dayton's administration that implies the Republican budget-balancing plan will fall about \$1.2 billion short. Senate Majority Leader Amy Koch and Sen. David Hann, chairman of the Senate Health and Human Services Committee, joined Zellers to respond to the letter.**

actual amount of savings in the budget bills will be debated and agreed to during the course of normal budget negotiations. He said he hopes to engage commissioners in the conference committee process and pass bills the governor will sign.

"Both the House and Senate have established their positions. Now is the time to negotiate and make sure we've got a good product that comes out of the conference committees," Zellers said.

— N. BUSSE

## Business & Commerce

### Small business loan guarantee

A plan to spur lending to small businesses by having the state guarantee certain loans cleared its first committee hurdle April 12.

Rep. Bob Gunther (R-Fairmont) sponsors HF611, which would establish a small business loan guarantee program. His goal is to thaw credit markets that have been frozen during the recent economic crisis.

"Lack of access to capital continues to be a major barrier to growth of small businesses," he told the House Jobs and Economic Development Finance Committee.

Under the proposal, the state would guarantee up to 70 percent of loans made by qualified gap lenders — organizations that provide subordinate loans in conjunction with larger loans made by commercial financial institutions. The total guarantee amount would be capped at \$1.5 million per loan.

One example of a qualified gap lender under the bill's provisions is the Minnesota Community Capital Fund. Scott Martin, its president and CEO, said the fund helps grow small businesses in Greater Minnesota by giving them leverage to obtain the financing they need.

"We know that with the 70 percent loan guarantee, the money will begin to flow again through us to the business borrowers in Minnesota," Martin said.

The bill specifies a number of criteria and requirements for businesses to qualify for the program. Basic requirements include having 500 or fewer employees and using the money for specified business purposes exclusively in the state.

The bill would establish a loan guarantee trust fund within the Department of Employment and Economic Development. Its language includes an unspecified appropriation from the General Fund.

Rep. Bev Scalze (DFL-Little Canada)

questioned whether there is enough money left in the General Fund to establish the trust fund. Gunther replied that there currently is not, but that he's hoping to find some.

The committee approved the bill and sent it to the House Commerce and Regulatory Reform Committee. Sen. John Sterling Howe (R-Red Wing) sponsors the companion, SF803, which was laid over for possible omnibus bill inclusion by the Senate Jobs and Economic Growth Committee on March 16.

— N. BUSSE

### Liquor license could be college buzz

Private colleges could more easily add buzz to alumni parties, donor dinners or other catered events — namely, bubbly, beer or other alcoholic beverages.

HF1174, sponsored by House Commerce and Regulatory Reform Committee Chairman Joe Hoppe (R-Chaska), would allow municipalities to grant liquor licenses to private, nonprofit colleges with a caterer's permit or that contract with a licensed caterer for on-site events.

The committee laid the bill over April 12 for possible inclusion in an omnibus liquor bill. Sen. Chris Gerlach (R-Apple Valley) sponsors a companion, SF918, which awaits action by the Senate Commerce and Consumer Protection Committee.

The bill is not intended to help campuses open a pub or bar. A University of St. Thomas neighborhood advisory group whose concerns squashed a similar effort on its St. Paul campus last year voted in February to support the bill, according to Doug Hennes, the university's vice president for university and government relations. He said they did so in good faith that the university would negotiate such conditions as hours of sale, and that there would be no bar on campus.

The law could apply to 17 colleges in the state, said Scott McMahon, director of government relations and community affairs for the Minnesota Private College Council. Of those, several have indicated they would pursue a license, others may want to explore the possibility with their municipality and still others do not want any alcohol on campus.

Hennes said colleges can already contract with caterers for such events, but having their own license makes it more efficient and much less expensive to do so. The university's Minneapolis campus has a license, as does Augsburg College.

— K. BERGGREN

### Jobs bill is brewing

A jobs bill is brewing. HF703, sponsored by Rep. Jenifer Loon (R-Eden Prairie), would allow microbreweries in Minnesota to open on-site taprooms where they could hold tasting events and sell their own beer.

Loon admits she isn't much of a beer drinker, but is eager to help entrepreneurs like Omar Ansari, founder and president of Brooklyn Center-based Surly Brewing Company, grow their businesses and create jobs.

Ansari told the House Commerce and Regulatory Reform Committee April 13 that he has plans to build a new facility to accommodate his expanding business, which has grown from 1,600 kegs sold in 2006, its first year of operation, to 24,000 last year. He would like to open a taproom where he could sell varieties of Surly and hold events. The bill could help him and other specialty breweries promote their product, create brand awareness, generate cash flow and even capital for expansion.

The committee laid the bill over for possible inclusion in an omnibus liquor bill. Sen. Linda Scheid (DFL-Brooklyn Park) sponsors a companion, SF416, which awaits action by the full Senate.



PHOTO BY TOM OLMSCHIED

**Omar Ansari, right, founder and president of Surly Brewing Company, reacts as a member of the House Commerce and Regulatory Reform Committee talks about Surly products during the committee's April 13 hearing. Rep. Jenifer Loon, left, sponsors a bill that would allow brewery license holders to have on-facility sales of their product.**



The bill could help microbreweries increase local demand and even become tourist destinations in a booming segment of the hospitality industry, said supporters, including Ryan Petz, founder of Fulton Brewing Company in Minneapolis. He said states such as Oregon, Colorado, Washington and California, with laws allowing similar business activity, have experienced significant industry growth.

Scott Pampuch, owner of Corner Table, a Minneapolis restaurant, said what is being proposed makes him “technically” the microbreweries’ competitor, but that as an entrepreneur himself, he fully supports the bill.

“In our business environment right now we want to do everything we can to encourage business. ... We want to encourage the possibility of people succeeding and lifting themselves up and running their own business,” he said.

— K. BERGGREN

## Civil Law

### Support collections go international

With jobs sometimes requiring one parent in a split family to live overseas, child support laws need to be updated to match this new global reality.

The Uniform Interstate Family Support Act, through standardization of processes, makes it easier for states to recover owed child support payments from a parent who has moved to another state. HF1198, sponsored by Rep. Pat Mazorol (R-Bloomington), would do the same for collection efforts internationally through the proposed federal Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The bill’s language would make the necessary amendments to the UIFSA to support the new treaty effort.

“If we have a child in Minnesota, it will make it easier to collect child support from someone in Germany,” said Mark Ponsolle, director of the Ramsey County Attorney’s Office Human Services Division.

As amended, the House Civil Law Committee approved the bill April 11 and moved it to the House Judiciary Policy and Finance Committee. It has no Senate companion.

Harriet Lansing, a Minnesota Court of Appeals judge who serves on the Uniform Laws Commission, said once the treaty is acted on by Congress, there will be a two-

year deadline for states to sign on, or face a financial penalty. The legislation has been introduced in several states, with six or seven already enacting the changes. She said that the collection efforts would only be enforceable with countries that have signed the treaty.

— L. SCHUTZ

### Mother seeks help to get child support

A divorced mother of two is asking for the Legislature’s help in her pursuit of child support for her children. Her problem? Their father lives in Bermuda.

Minnesota does not have a child support services reciprocity agreement with the British island territory located 640 miles east of the North Carolina coast, which means as long as Heidi Shea’s ex-husband lives there, Minnesota does not have jurisdiction to make sure he pays child support.

Shea contacted her legislator in hopes of solving her problem.

As a result, Rep. Joe Hoppe (R-Chaska) sponsors HF795, which would require the human services commissioner to initiate procedures to enter into a child support enforcement reciprocal agreement with Bermuda under authority granted by federal law. Nine other states currently have a similar reciprocal agreement with Bermuda.

Shea said her ex-husband owns a successful contracting business and can afford child support. He stopped paying once he realized that Minnesota currently is not granted jurisdiction to enforce child support payment laws on him while he resides in Bermuda.

Because of her situation she was unable to pursue any legal action until a judge recently ordered county child support services to take her case. Even then, there was little workers could do to aid in her pursuit of legal action.

“It has really been quite a frustrating journey for me in trying to support our children,” Shea told the House Judiciary Policy and Finance Committee April 12.

The committee approved the bill and sent it to the House floor. Its companion, SF639, sponsored by Sen. Julianne Ortman (R-Chanhassen), awaits action by the Senate Judiciary and Public Safety Committee.

— H. LONG

## Education

### Clock ticks on charter school agents

The clock is ticking on charter school authorizing agents to re-apply for Education

Department approval this year. Authorizers may be a college or university, school district, or certain nonprofit organizations, and must have a \$2 million fund balance and be located in Minnesota, among other criteria.

On April 11, the House Education Reform Committee approved HF134/SF55\*, sponsored by Rep. Kelby Woodard (R-Belle Plaine) and Sen. David Hann (R-Eden Prairie), which would extend the deadline to be re-approved by one year, to June 30, 2012. It goes next to the House Civil Law Committee.

Charter school statutes were amended in 2009 and 2010 to require that authorizers and the schools with whom they contract demonstrate their financial, governance and management accountability. Some authorizers have been rejected because they haven’t met new standards and goals. If an authorizer’s reapplication is not approved, a charter school must seek a new one or close.

The proposed extension could help erase a bottleneck of reapplications and new applications created by the current timetable, said David Hartman, acting supervisor of the department’s charter school center.

The bill would reiterate that the education commissioner may terminate an authorizer’s ability to charter a school for specific reasons listed or “for any good cause shown.”

Assistant Education Commissioner Rose Hermodson said the language would “protect students and ensure appropriate use of taxpayer dollars” by giving the department some leeway to use its best judgment in certain situations that recently have come to her attention, including loans to charters that aren’t approved.

“I do think there’s need for us to have a little broader authority and to be able to use it in a way that does not negate our work with charters, and in order to work with them to be the best that they can be,” Hermodson said.

— K. BERGGREN

### Mandate relief in sight

School boards could see some mandate relief and also could have some fund transfers approved by the education commissioner rather than the Legislature.

Giving school boards more flexibility to transfer approximately \$2 billion in available funds “could provide some relief for our school boards as they deal with these tough economic times,” said Rep. Sondra Erickson (R-Princeton), who sponsors HF381/SF56\* with Sen. Dave Thompson



## AMERICORP INNOVATION



PHOTO BY TOM OLMSCHIED

**Members of the House Education Reform Committee listen as, from left, Bill Adams, principal at Chatfield Elementary School in Belle Plaine, Sarah Dixon, president and CEO of Minnesota Alliance With Youth, and Audrey Suker, CEO of ServeMinnesota, testify April 12 for a bill sponsored by Rep. Kelby Woodard, right, that would align AmeriCorp Innovation to federal law.**

(R-Lakeville). The House passed the bill 69-60 April 11, and the amended version now returns to the Senate for concurrence. The original was passed 36-29 by the Senate Feb. 10.

The bill would lift a Jan. 15 contract deadline and the \$25 per pupil penalty imposed on districts where a contract isn't signed; and a requirement that the school board identify vendors of 403 (b) retirement savings plan in which its employees would invest; a maintenance of effort requirement and set-aside of the Safe Schools Levy; a requirement that school boards of districts with a population less than 10,000 hire a licensed community education director; and for 2012 and 2013 only, the requirement that 2 percent of a district's general revenue be used for staff development.

Other provisions would allow school boards to hold meetings via interactive technology with audio and visual links; require the education commissioner to receive legislative authority before making substantive special education rule changes and before adopting social studies standards revisions planned. The revisions would also be delayed a year until 2014-15, instead of 2013-14 as scheduled now.

DFL members objected to the provisions, including the repeal of the maintenance of

effort in the safe schools level and the Jan. 15 deadline, plus the delay in implementing social studies standards.

Rep. Mindy Greiling (DFL-Roseville) said the deadline and penalty have "been very effective in eliminating, almost down to zero, strikes in our state."

— K. BERGGREN

### Teacher tenure law tweaked

Proposed changes to teacher and principal contract statutes could add time to some educators' probationary periods, but could help some teachers with specialty qualifications keep their jobs amidst layoffs due to declining enrollment and finances.

The House Education Reform Committee approved HF575, sponsored by Committee Chairwoman Sondra Erickson (R-Princeton) April 12. It now goes to the House floor. Sen. Dave Thompson (R-Lakeville) sponsors a companion, SF768, which awaits action by the Senate Education Committee.

The bill would lengthen the probationary period of teachers to three consecutive years in a district, with at least 120 teaching days per year, and require the teacher be evaluated three times throughout each year. Another three-year probationary period would be required for teachers moving into a new district.

A two-year probationary period would apply to a licensed teacher who moves into a principal or assistant principal job within a district, while retaining their continuing contract status, or tenure, if not promoted after the probationary period.

The bill would allow school boards to exempt certain teachers from seniority rules during layoffs due to financial constraints or downsizing, including those in Montessori or language immersion programs; who teach advanced placement courses; or hold a K-12 instrumental vocal license and are a choir, band or orchestra director, if they "meet a unique need in delivering curriculum."

Rep. Kory Kath (DFL-Owatonna) unsuccessfully offered an amendment outlining a professional development and evaluation plan all districts would adopt, including specified evaluation procedures, peer review and coaching.

"This amendment was offered during the education omnibus bill hearing and it was voted down by the body," said Rep. Branden Petersen (R-Andover).

"While it's true that the majority may have spoken on this issue already, at the end of the day, this body's going to have to arrive at accord with the executive branch in order to enact law," said Rep. Carlos Mariani (DFL-St. Paul), adding that the governor has indicated the plan outlined in the amendment would be closer to his preference.

Erickson said she would keep the amendment available as the conference committee process moves forward.

— K. BERGGREN

### Full-service school zones created

With a few exceptions, such as in high-traffic, -crime or -drug areas, elementary school students aren't eligible for transportation to and from their school, if they live within a mile of their school and high school students within two miles.

Rep. Rena Moran (DFL-St. Paul) sponsors HF563, which would allow school boards to add another exception by creating "full-service school zones" in areas with socioeconomic challenges and where a school there offers on-site community services such as health and dental care, mentoring and other supports intended to engage parents and keep children healthy and in school.

The House Education Reform Committee approved the bill April 14. It goes next to the House floor. Sen. John Harrington (DFL-St. Paul) sponsors a companion, SF372, which

awaits action by the full Senate.

A neighborhood near Dayton's Bluff Elementary is an example of a community that could benefit. The "Achievement Plus" school has erased the achievement gap over the past decade thanks in part to offering holistic family services, according to Andrew Collins, the school's former principal, now St. Paul Public Schools assistant superintendent and director of turnaround schools.

Collins said some students who live close to the school might like to attend, but parents fear for their child walking even a few blocks to school, and sometimes choose other options.

The bill would allow students attending a school in such a zone to be transported to school even if they live within a mile from the school. It would also add to the list of approved locations where students could be dropped off by school buses after school. Besides their home, a relative's home, or a licensed day care facility or after-school program, the bill would allow parents to choose another location such as a park and recreation board location or a Boys and Girls Club site.

— K. BERGGREN

### **K-12 conference committee underway**

A conference committee on the omnibus education finance bills has begun its work, with meetings held April 12 and 14 to review side-by-side comparisons of House and Senate provisions.

HF934\*/SF1030 is sponsored by Rep. Pat Garofalo (R-Farmington) and Sen. Gen Olson (R-Minnetrista).

Both bodies have a target of approximately \$14.16 billion but would prioritize different programs. Both bills would increase the basic formula amount by \$50 in 2012 to \$5,174 per pupil unit. The House would increase it by another \$36 in 2013 and by \$45 in 2014. The Senate would increase it by \$50 in 2013, but not at all in 2014.

Both bodies propose to cut the Education Department budget: 30 percent in the House version and about 15 percent in the Senate proposal.

Some House provisions not in the Senate bill are a scholarship program for low-income students to attend nonpublic schools; increases in extended time revenue; a new category of small schools revenue; converting the Perpich Center for Arts Education from a state agency to a charter school; a school grading system; and \$10 million for early childhood scholarships.

Similarities include that both bodies would repeal a Safe Schools levy set-aside and a Jan. 15 deadline and aid penalty for districts that don't settle their teacher contracts, and would eliminate the integration aid revenue category and repurpose funds for innovation revenue, in the case of the House, and growth aid and proficiency aid in the case of the Senate.

Both versions would prohibit teacher strikes. The Senate proposes to freeze teacher wages including cost of living increases, through June 30, 2013. The House would require they accept a qualified economic offer, essentially limiting them to an increase proportional to any basic formula increase.

Both would also link teacher evaluations more heavily to student test scores, though the Senate proposal is a broader directive allowing school boards to determine the evaluation methods, while the House proposal prescribes specific ratings and an appraisal framework districts would use.

— K. BERGGREN

## **Elections**

### **Fiscal concerns over voter ID**

A proposal to require all Minnesota voters to show photo identification at their polling place was green-lighted after opponents' fiscal concerns were partially addressed.

Members of the House State Government Finance Committee voted 12-8 to approve HF210. The bill now goes to the House Transportation Policy and Finance Committee. Sponsored by Rep. Mary Kiffmeyer (R-Big Lake), the bill would require voters to present a valid photo ID before voting. Other parts of the bill include a provisional balloting system and optional electronic polling place rosters.

During a hearing April 7, DFL committee members asked that the bill be laid over because the fiscal note estimating its cost was outdated. A new fiscal note was presented, and Kiffmeyer successfully amended the bill to include \$4.5 million in General Fund appropriations that she said would fully fund the bill's provisions.

Opponents raised concerns that the new fiscal note did not cover the additional costs that would be incurred by local units of government. Rep. Phyllis Kahn (DFL-Mpls) tried unsuccessfully to amend the bill to require the state to reimburse any locally incurred costs.

"I do think we owe some assurance to the local units of government that they're

not going to get hit with a bill that they are unable to pay," Kahn said.

Committee Chairman Morrie Lanning (R-Moorhead) said a new fiscal note on the bill's local impact is currently being drafted, and that he hopes a way can be found for the state to reimburse local governments. He said the issue would be addressed at a future hearing.

Public testimony was taken at the April 7 hearing. Opponents argued the legislation is costly and could push certain groups of voters out of the polling place. Supporters denied this, and argued the cause of election integrity is worth the price.

The bill's companion, SF509, sponsored by Sen. Warren Limmer (R-Maple Grove), awaits action by the Senate Judiciary and Public Safety Committee.

— N. BUSSE

## **Employment**

### **Air carrier workers may trade shifts**

**Signed  
by  
the  
governor**

Air carrier employees are now exempt from overtime requirements under the state's Fair Labor Act.

A new law, signed by Gov. Mark Dayton April 7 and effective the next day, allows air carriers such as Delta Airlines, which employs 12,000 people in Minnesota, to permit employees to trade shifts with other employees even if they would work more than 48 hours a week.

Normally, work weeks over 48 hours require overtime pay under the state's Fair Labor Act. The ability to trade shifts to balance work and family or other responsibilities is a longstanding practice at Delta and is considered a perk.

Rep. Leon Lillie (DFL-North St. Paul) and Sen. Ted Daley (R-Eagan) sponsor the law. HF571/SF488\*/CH11

— K. BERGGREN

### **Employers could safeguard tips**

It can be to a server's advantage to have a restaurant owner safeguard gratuities, Rep. Sarah Anderson (R-Plymouth) told the House Commerce and Regulatory Reform Committee April 7. For example, a restaurant could keep tips collected after an employee leaves when their shift is over, or help administer a tip-sharing plan.

The committee approved a bill she sponsors, HF809, which would remove a restriction against employer participation



## HOT ROD CAPITOL



PHOTO BY ANDREW VONBANK

**The State Capitol dome is seen through the windshield of a 1941 Buick. About two-dozen vintage cars were on display on the Capitol Mall April 12 as part of the annual Minnesota Street Rod Association's Day on the Hill.**

in gratuity sharing agreements. It goes to the House floor. There is no Senate companion.

The bill would allow employers to record the tips received for accounting or tax reporting purposes and, at the employees' request, safeguard and disburse tips according to a sharing agreement. Employees could not be coerced by employers to share gratuities.

Rep. Joe Atkins (DFL-Inver Grove Heights) said he is aware that tip sharing is already common practice in restaurants and that the bill would help employers to stay within legal requirements for tax purposes. He sought assurance from Anderson that if the bill reaches the House floor, she would not support any possible efforts to amend it with a proposal such as a "tip credit."

A tip credit could allow employers, such as restaurants, to pay less than minimum wage to employees who also receive tips, under the assumption that the employees make up for lower hourly pay through tip income.

"My request of you is that if it comes up are you going to say, that's not what this bill is about? The employers obviously want it so they're safe and sound relative to the law. Can you give me some peace of mind relative to the tip credit issue and other controversial kinds of things?" Atkins said.

"It's not my intent to do anything other than what we have before us today," Anderson said.

— K. BERGGREN

## Energy

### Hydropower at St. Anthony Falls

A skirmish over a proposed hydropower plant at St. Anthony Falls in Minneapolis has prompted legislation that would require the Minneapolis Park and Recreation Board to consent to the project, which it opposes.

The Crown Mill Hydro Electric Project would produce and sell electricity by harnessing water from the Mississippi River at the historic falls location and use a system of existing tunnels under park board land.

HF1440, sponsored by Rep. Mike Beard (R-Shakopee), would require the park board to issue all necessary permits and authorizations by May 31, 2011, for the project to move forward.

"It's sustainable common sense energy," Beard told the House Environment, Energy and Natural Resources Policy and Finance Committee.

The committee approved the bill April 13 and sent it to the House Government Operations and Elections Committee. Sen. Gen Olson (R-Minnetrissa) sponsors the companion, SF1191, which awaits action by the Senate Energy, Utilities and Telecommunications Committee.

Rep. Jean Wagenius (DFL-Mpls) said

the bill could cause a breach of contract between Crown Hydro and the park board. In a Federal Energy Regulatory Commission letter dated Oct. 1, 1998, Crown Hydro acknowledged its project might endanger the historic site and agreed it would not take any steps that would endanger the area without complete agreement from the park board. HF1440 is a step in that direction, Wagenius said. She wants the bill to go to the House Civil Law Committee.

Representing Crown Hydro, Todd Guerrero said the park board is placing the virtues of aesthetics for nearby residents over the production of renewable energy. Guerrero said he has a power purchase agreement with Xcel Energy to buy the hydropower, if it becomes available.

Brian Rice, attorney for the park board, said the site falls within a national historic district and receives 1.2 million visitors a year. The original federal license issued to Crown Hydro was for a location within the former Crown Roller Mill Building. Rice said FERC has since denied amendments and extensions to the proposal.

MPRB President John Erwin said the project has completely changed since the FERC license was issued and that it could negatively impact future development.

— S. HEGARTY

### New plan for Iron Range plant

For the past seven years, Excelsior Energy has been gathering permits and holding public hearings to build an integrated gasification combined cycle (clean coal) plant on the Iron Range. It received millions of dollars from the Renewable Development Fund, the Iron Range Resources and Rehabilitation Board and the federal government toward the project. To date, construction has not begun and a few key permits are still needed.

The plan originally included just IGCC facilities; the new plan is to build a natural gas burning facility to power an IGCC plant that converts coal into a synthetic gas. The natural gas facility would later be converted into a second IGCC plant as demand necessitates.

In HF618, Excelsior Energy is seeking legislation that would extend the life of the IGCC permits already granted, so the permits don't expire before the conversion can occur.

The company also wants to waive future possibilities for contested case hearings before an administrative law judge because those have already been done on the IGCC



model. Opponents say the switch from IGCC to a natural gas facility should start the clock over.

Sponsored by Rep. Mike Beard (R-Shakopee), the bill was laid over April 12 for possible inclusion in the House Environment, Energy and Natural Resources Policy and Finance Committee's omnibus energy policy bill. Sen. David Tomassoni (DFL-Chisholm) sponsors SF417, a companion that awaits action by the Senate Energy, Utilities and Telecommunications Committee.

Rep. Andrew Falk (DFL-Murdock) said what's currently proposed is not the same project that was permitted.

"You're changing it from an integrated coal carbon capture project to a very standard run-of-the-mill natural gas plant. Obviously these things are different, so why shouldn't the public be allowed to go and have their comments heard?"

Excelsior Energy attorney Tom Osteraas said there would still be opportunities for public hearings on the natural gas facility, just not contested hearings before an administrative law judge because those have already happened.

The project, designated as an innovative energy project site, has received exemptions and waivers not normally afforded private companies. Ronald Rich, an environmental and air quality consultant, said if a natural gas facility is built instead of an IGCC system, it should no longer be considered an "innovative energy project."

The preferred site chosen for the plant is on 1,260 acres near Taconite, with an alternative site located near Hoyt Lakes. The company plans to use water from nearby mine pits as its main source of cooling water.

Excelsior Energy CEO Julie Jorgensen said the environmental impact statement issued last March laid the groundwork for acquiring the remaining state permits needed to begin construction. One of those permits is to identify a buyer for the power.

— S. HEGARTY

### How much do renewables cost?

Analyzing the cost impact on utility rates from complying with the state's renewable energy standard would be required of utilities under a bill held over April 13 by the House Environment, Energy and Natural Resources Policy and Finance Committee for possible omnibus bill inclusion.

Sponsored by Rep. Peggy Scott (R-Andover), HF1375 is an attempt to

determine whether the standards impact consumer rates. The standard requires that 25 percent of the state's electricity comes from renewable energy sources by 2025.

The bill has bipartisan support, but committee members disagree on the scope of the process. Rep. Andrew Falk (DFL-Murdock) said the analysis should include all electric transmission costs, including capital expenses. Rep. Jean Wagenius (DFL-Mpls) said less renewable energy would result in increased health costs from air pollution and should be part of the analysis.

Linda Taylor, clean energy director for Fresh Energy, said the report should only include rate-making information and not the utilities' integrated resource plans. Taylor also said the report should be uniform between utilities, so that the information is being gathered and reported in the same manner. She also asked that language regarding the protection of trade secrets be added to the bill.

Sara Rummel, legislative director for the Service Employees International Union of Minnesota, also wants the health savings noted as well as the jobs created as a result of the renewable energy standard.

Sen. Michelle Benson (R-Ham Lake) sponsors a companion, SF1093, which awaits action by the Senate Energy, Utilities and Telecommunications Committee.

— S. HEGARTY

## Env. & Natural Resources

### Division ponders Legacy funding

House Legacy Funding Division Chairman Dean Urdahl (R-Grove City), gave members homework to complete during the Easter/Passover break. He asked them to find a solution to two issues regarding HF1061, the Legacy funding bill, which he sponsors.

The funds are revenue generated from the voter-approved three-eighths of 1 percent sales tax that will continue through June 2034. The \$450.4 million pot is divided into four dedicated funds.

There is inconsistency in how much each fund manager or their recipients want to take off the top for administrative costs. The bill would allow three of the four fund managers to use up to 5 percent of their allocated funds for administrative costs, and for indirect costs and overhead charges. The Outdoor Heritage Fund, managed by the Lessard-Sams Outdoor Heritage Council, does not

allow reimbursement for indirect costs or overhead.

The division is expected to hear amendments to the bill April 26.

Also facing the division is what formula to use when splitting the Parks and Trails Fund three ways between the Metropolitan Council regional parks system, the Department of Natural Resources and local government grants. A 40/40/20 percent split is recommended in the bill.

Rep. Marion Greene (DFL-Mpls) unsuccessfully attempted to amend the bill to a 42/42/16 percent split. Rep. Mary Murphy (DFL-Hermantown) said, due to the increase of available funds, the 40 percent allocations to the regional parks and the DNR would still equate to more funding than the previous 42 percent level. Adding another 4 percent to the grants programs would help spread the funds even further. Administered by the DNR, the grant program allocated 60 grants totaling \$8.5 million over the past biennium, according to DNR officials.

In addition to granting \$45.7 million to the Pollution Control Agency and more than \$54 million to the Board of Water and Soil Resources for various technical projects, some of the more significant projects that would be funded in the bill include:

- \$7.8 million toward acquiring and managing land adjacent to LaSalle Lake to be used as a new state recreation area;
- \$5.4 million for phase 3 of the Forests for the Future acquisition and easement program;
- \$5 million to provide loans for agriculture best management practices; and
- \$2 million for grants to the state's four children's museums.

New spending includes creation of an account to pay for ongoing maintenance of forest land easements. The Forests for the Future conservation easement account would cover the costs associated with its program. It also would create a State Capitol Preservation Commission to serve as stewards of the building. As another new funding recipient, county fair boards could apply for arts grants from the Department of Agriculture to enhance, preserve and promote the state's agricultural heritage.

— 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.

## Health & Human Services

### HHS conferees confer

Conferees began work April 13 on the omnibus health and human services finance bill (HF927/SF760\*) by reviewing a side-by-side comparison in revenues and expenditures among the House and Senate versions. Each calls for about \$1.6 billion in cuts from projected General Fund spending in the next biennium.

Although there are differences, the target numbers are close, and the two bodies should be able to resolve their differences in a productive way, said Sen. David Hann (R-Eden Prairie), who chairs the Senate Health and Human Services Committee.

The House version contains a \$300 million global Medicaid waiver that is not contained in the Senate's proposal.

The Senate outlines \$921 million in savings from elimination of Medical Assistance eligibility for adults without children that would take effect by Oct. 21, 2011. The House version shows \$457 million in savings for the same program at a later date.

Conferees are expected to meet April 18, before the Legislature takes a weeklong break, said Rep. Jim Abeler (R-Anoka), who chairs the House Health and Human Services Finance Committee.

The governor's appointed health and human services commissioners and their

staff are expected to be included in the discussion throughout the conference committee process. Department of Human Services Commissioner Lucinda Jesson told conferees that the governor will refrain from negotiating on the bill until after the House and the Senate have worked out their differences.

One of the governor's biggest concerns on the bill is the budget targets placed by the House and Senate, Jesson said.

"But while there are significant differences between Gov. Dayton's proposal and those made in your health and human services bill there are certainly also areas of agreement, and I remain confident that we will find numerous areas for cooperation and agreement," she said.

— HANK LONG

### Health benefit mandates evaluated

Mandated health benefits are a boon to some but a burden to others, including the self-insured and small-business owners who must weigh costs against the benefits of providing employees with insurance.

HF926, sponsored by Rep. Steve Gottwalt (R-St. Cloud), would require any new proposed health benefit mandates be evaluated by the commerce commissioner within 30 days of a request. It would apply only to health benefits in statute or included in bills, not in amendments or likely to be introduced in a bill.

The House Commerce and Regulatory Reform Committee approved the bill April 7. A companion, SF880, sponsored by Sen. Michelle Benson (R-Ham Lake), awaits action by the Senate Commerce and Consumer Protection Committee.

Gottwalt said the bill is intended to ensure that any new health care mandates are necessary. He said Minnesota has the second largest number of health care mandates in the nation.

The bill also would direct the commissioner to examine existing state benefit mandates in light of federally defined essential health benefits within 180 days after they are promulgated.

Rep. Joe Atkins (DFL-Inver Grove Heights) introduced, and later withdrew, two amendments related to a state health insurance exchange that could benefit individuals and small employers. One was HF497, which Gottwalt sponsors, awaiting action by the House Health and Human Services Reform Committee.

"I simply want to make sure we pass an exchange bill this year so that we don't leave it up to the federal government to impose a health insurance exchange on Minnesota," Atkins said.

Gottwalt said he was working with those who wanted further input. "We'll address it in our own time and way." He said Jan. 1, 2013, is when the federal government will evaluate state exchange planning, and Jan. 1, 2014, is when they would step in to implement a federal plan if a state plan isn't in the works.

— K. BERGGREN

### Greater independence

People with disabilities should be able to live with minimal constraints instead of minimal freedoms. That's the principle behind proposed legislation that would establish a state task force to help create a new system of supports for individuals with a disability.

Sponsored by Rep. Jim Abeler (R-Anoka) HF1339 would create the My Life, My Choices Task Force to study issues related to helping individuals with a disability achieve greater independence and then propose legislation that helps enact reforms.

The House Health and Human Services Reform Committee approved the bill April 12 and sent it to the House Government Operations and Elections Committee. Its companion, SF1101, sponsored by Sen. David Hann (R-Eden Prairie), awaits action



PHOTO BY ANDREW VONBANK

During an April 12 conference committee, Rep. Jim Abeler, left, and Sen. David Hann listen to a side-by-side comparison of revenues and expenditures among the House, Senate and governor's versions of the omnibus health and human services finance bill.





PHOTO BY ANDREW VONBANK

**Mark Peterson, president and CEO of Lutheran Social Services, testifies April 12 before the House Health and Human Services Reform Committee in support of a bill that would establish a My Life, My Choices Task Force.**

by the Senate Health and Human Services Committee.

"We thought that it was quite important to help the state imagine a new system of supports for persons with disabilities that would put the person with disabilities at the center of the work, that would consolidate funding streams and allow a person with disabilities themselves to decide what services would be provided by whom and under what conditions," said Lutheran Social Services CEO Mark Peterson.

"It's an exciting hallmark that we have even come to a time to have a bill with this title with this subject," said Rep. Mary Kiffmeyer (R-Big Lake). "I remember when it used to be 'my institution, no choices.'"

Rep. Diane Loeffler (DFL-Mpls) wants to see more people with disabilities on the task force. The bill's current language states that one person with a disability and two people who are family members of an individual with a disability would be appointed to the task force.

Abeler said he plans to work with Loeffler to draft amended language that reflects her concerns.

Other members of the task force would include the lieutenant governor,

a representative from the Department of Human Services and representative from the business community and several professionals who work to advocate for persons with disabilities.

— H. LONG

### **'When in doubt, sit them out'**

Kayla Meyer has played hockey since she was 3 years old. Now 15, the effects of two concussions that weren't treated properly kept her home from school for 68 days during the past two years with headaches and other symptoms that have persisted 16 months.

The New Prague Senior High School ninth-grader told the House Education Reform Committee April 8 that her coaches even suggested that she "put on a helmet and skate through it." After a couple of weeks off, she still had symptoms.

"Players today have their mindset that 'I'm tough and strong' whether they're a girl or a guy. ... Coaches, teammates, players, parents, team trainers and doctors need more information about concussions and brain injuries, to help people not go through what I'm going through.



PHOTO BY TOM OLMSCHEID

**Kayla Meyer of New Prague points to the spot where she struck her head on the ice while playing hockey, as she testifies April 8 before the House Education Reform Committee for a bill that would establish policies for youth athletic activities when a youth athlete suffers a concussion.**

"When in doubt, sit them out," Meyer summarized.

That's the goal of Rep. Rod Hamilton (R-Mountain Lake), who sponsors HF905, which would require a coach or official to remove athletes who show signs of a concussion from games or practices until a medical professional determines they're recovered.

The committee approved the bill and sent it to the House Health and Human Services Reform Committee. Sen. Michelle Benson (R-Ham Lake) sponsors a companion, SF612, which awaits action by the Senate Education Committee.

The bill would also require organizers of fee-based youth athletics, including schools, cities and nonprofit organizations, to provide all parents, athletes, coaches and officials with Centers for Disease Control information about signs and symptoms of a concussion, and protocols if one is suspected. Annual training for coaches and officials would be required.

A concussion has different effects on different people, but tends to be worse in young people, and "can be catastrophic," even fatal, in some youth who have had more than one, said Michael Bergeron, a professor of pediatrics at the Sanford School of Medicine at the University of South Dakota, and a member of the sports medicine advisory committee for the National Federation of State High School Associations.

— K. BERGGREN

## **Housing**

### **Accurate water bills in home parks**

People who live in manufactured home parks should pay for the water they actually use instead of subsidizing neighbors' use.

That's why Rep. Tim Sanders (R-Blaine) sponsors HF562, which would permit sub-metering in these home parks, at the park owner's expense, so residents pay only for what they use, rather than an amount rolled into their monthly rent.

Passed 115-14 by the House April 11, it awaits action in the Senate. Sen. Warren Limmer (R-Maple Grove) is the Senate sponsor.

Sanders said the bill "promotes equity, cost savings and conservation" and has the support of the League of Minnesota Cities and the Minnesota Manufactured Housing Association.

Rep. Melissa Hortman (DFL-Brooklyn



Park) asked if it would be possible that landlords could inflate the monthly rent to include an upcharge for water.

"We do not believe so; we believe we've put some of the consumer protections in place," Sanders said. For example, the bill would require that landlords break down billing on a statement to reflect actual water usage.

— K. BERGGREN

## Public Safety

### Sex offender residency restrictions

A young girl was molested by her next door neighbor. The juvenile offender received treatment as part of a plea bargain and was released to his family. The victim's family asked for a residency restriction order, but were told by the judge hearing the case that nothing could be done to prevent the offender from living next door upon his completion of the treatment.

Apparently the judge was wrong. Rep. Keith Downey (R-Edina) sponsors HF229 that would authorize a court to bar a juvenile found guilty of a sex crime from residing within 1,000 feet, or three city blocks, of the victim.

The bill was approved April 12 by the House Judiciary Policy and Finance Committee and sent to the House Public Safety and Crime Prevention Policy and Finance Committee. Its companion, SF76, sponsored by Sen. Geoff Michel (R-Edina), awaits action by the Senate Judiciary and Public Safety Committee.

Downey said the bill would insert permissive language to ensure the court system fully understands that a judge has the option to issue such restraining orders in cases similar to the one he described.

"As part of the plea bargaining, the family really was most interested in gaining their daughter some separation from the offender," Downey said. "But they were almost flat-out told it wasn't possible in the court of jurisdiction they were in."

The bill says that the offender would have to be over age 15 and that the residency restriction could be ordered for all or part of the time that the offender is under court jurisdiction.

Rep. Tina Liebling (DFL-Rochester) questioned the need for the legislation because it simply offers a "sign post" to judges for something they can already do. "I wonder if every time a prosecutor or judge

misunderstands what's available to them if we are going to put it in the statute book."

Rep. John Lesch (DFL-St. Paul), who supported the measure, said that in certain instances statutory sign posts can be worthwhile.

— H. LONG

### Inmate gardening program proffered

Tomatoes, cucumbers, radishes and green peppers could help prisoners learn a new skill and help the Corrections Department's bottom line.

Sponsored by Rep. Glenn Gruenhagen (R-Glencoe), HF467 would direct the department to establish a gardening program at state correctional facilities where space exists.

Approved April 12 by the House Public Safety and Crime Prevention Policy and Finance Committee, the bill was sent to the House Agriculture and Rural Development Policy and Finance Committee. It has no Senate companion.

Gruenhagen said gardening would be good for an inmate's work ethic, would teach horticulture skills and help lower violence by reducing inmate idleness.



PHOTO BY ANDREW VONBANK

**Corrections Commissioner Tom Roy, left, testifies before the House Public Safety and Crime Prevention Policy and Finance Committee April 12 in support of a bill that would permit the Corrections Department to implement an inmate gardening program at state correctional facilities. Rep. Glenn Gruenhagen, right, sponsors the bill.**

"People doing time should be productive in their course of doing time," said Corrections Commissioner Tom Roy.

It would also help the bottom line because produce grown would be intended for inmate consumption. In states where programs already exist, Gruenhagen said "it has saved thousands, and in some cases, millions of dollars in terms of food costs for the correctional facilities."

Excess crop could be donated to food shelves and other charities located near the prison. Produce that cannot be donated may be sold. Rep. Bill Hilty (DFL-Finlayson) unsuccessfully tried to amend the bill to remove the selling provision.

"I would highly doubt we'll produce enough crops for sale," said Roy. "I know how hungry our inmates are usually."

Rep. Sheldon Johnson (DFL-St. Paul) raised concern about a thinly stretched guard staff having to do more by overseeing inmates working in a garden.

"Inmates involved in this activity would be our honor inmates that might not need real close scrutiny as they go about their day," Roy said. "There would not necessarily be these operations initially in our very high security prisons."

Paul Hugunin, program coordinator for Minnesota Grown, said some small farmers have expressed concern about having the state prison system become another competitor when it comes to marketing crops.

"I would hardly believe that we could force that much competition out of the state prisons that would hurt the market, and we already put out products from MINNCOR in competition with other folks, so it's not like we're breaking new ground here," said Committee Chairman Tony Cornish (R-Good Thunder).

— M. COOK

### Disaster relief technical changes

Lessons learned from last year's emergency flood relief efforts are the basis for a bill sponsored by Rep. Steve Drazkowski (R-Mazeppa).

HF1088 contains a package of proposed changes to laws that govern how the state conducts relief operations for natural disasters. The House Government Operations and Elections Committee approved the bill April 13 and sent it to the House Transportation Policy and Finance Committee.

The provisions are largely technical, and have to do with how different state

agencies are allowed to spend disaster relief appropriations.

Kris Eide, director of Homeland Security and Emergency Management, said she and others involved in drafting last fall's special session flood relief bill realized the law was in need of updating.

"Those of us that were working on the disaster relief bill realized that there were needs of the communities identified that weren't adequately addressed in the current (law)," she said.

Examples of changes proposed in the bill include:

- allowing the Health Department to waive the 60-day written notice requirement regarding layaway of nursing home beds;
- restricting the use of money from the Minnesota Investment Fund to address physical damages only;
- allowing certain state funds to be used for demolition and design purposes for reconstruction projects; and
- allowing the Public Safety Department to use flood relief appropriations to help coordinate long-term recovery activities.

Sen. Mike Parry (R-Waseca) sponsors the companion, SF1044, which was laid over April 5 by the Senate Judiciary and Public Safety Committee.

— N. BUSSE

## State Government

### Strategic sourcing proposed

Rep. Keith Downey (R-Edina) thinks private consultants can save the state money on its purchasing activities, but a state official said they're already doing some of the work themselves.

Downey sponsors HF1234 that would direct the Department of Administration to seek proposals for "strategic sourcing" consulting services. Under the plan, a private company would look for efficiencies in the state's procurement operations and take a percentage of whatever savings result.

The House State Government Finance Committee approved the bill April 13 and referred it to the House Ways and Means Committee.

Downey said the state is estimated to spend between \$2 billion and \$4 billion of its budget on various products and services. He said more efficient purchasing could lead to a 5 to 10 percent savings, based on the experiences of companies in the private sector.

Rep. King Banaian (R-St. Cloud) praised the bill, and said it helps bring an outside perspective to government operations.

"People inside government try as hard as they can to do the best job; they just simply don't know everything. And there are folks outside that know something that's valuable," he said.

But Kent Allin, the state's chief procurement officer, said the Department of Administration has used strategic sourcing for years. He said many cost savings have already been achieved and questioned how much could be gained by using an outside consulting firm.

"That's not to say there's not room for improvement, but clearly any low-hanging fruit has been picked," Allin said.

Moreover, he said the consultants' percentage-based fee has led to lawsuits in other states, where the consultants disagreed with state officials on how much money was actually saved.

Rep. Phyllis Kahn (DFL-Mpls) suggested the consulting firm should have to pay for an independent third party to determine the actual savings recouped by the state.

Sen. John Carlson (R-Bemidji) sponsors the companion, SF908. Both Downey's and Carlson's bills have been incorporated into the respective House and Senate versions of the omnibus state government finance bill (HF577/SF1047\*).

— N. BUSSE

## Taxes

### Donations sought for General Fund

In February, Gov. Mark Dayton received a \$1,677.97 check from a resident with direction that the money go toward reducing the state deficit. The donor calculated the amount as their share of the deficit.

In an effort to make it easier to make contributions to the state coffers, Rep. Greg Davids (R-Preston) sponsors HF247 that would authorize tax filers to make additional contributions to state government either through designating a portion of their refund or adding an amount to their tax liability.

Approved by the House Taxes Committee April 13, the bill was amended to set a \$10 minimum donation. As approved, it now moves to the House floor. Its companion, SF872, sponsored by Sen. Julianne Ortman (R-Chanhassen), awaits action by the Senate Taxes Committee.

Monetary gifts to the state's General

Fund are not common, according to Minnesota Management & Budget. While the department is not required to maintain a list of the gifts for historical purposes, it must maintain the gift acceptance forms for four years; then the records are destroyed.

Current department records show the largest donation was a December 2008 check for \$22,685 "to help the needy and sick."

There were three donations in 2009:

- \$83.42, 10 percent of the donor's state tax refund designated to "General Fund for state expenses";
- \$53 gift as "overpayment of income tax to be applied to state debt"; and
- three \$100 bills in an unmarked envelope with the enclosure: "Money I believe I owe the State of Minnesota."

In 2010 the state received \$12,087.29 from the Minnesota Historical Society as the balance from unspent donations made to the Minnesota Sesquicentennial Commission.

— L. SCHUTZ

### Gov's tax bill gets taxing hearing

The time allotted for the House Taxes Committee's deliberation of Gov. Mark Dayton's tax proposals was only long enough to get through three of the 42 testifiers ready to weigh in.

Sometimes contentious, with one audience member having to be removed because of continued outbursts, the April 13 meeting showcased the policy push-pull between Dayton and his proposed income tax increases and the Republicans' stand that new taxes would not be part of the fix to solve the state's \$5.1 billion deficit.

Sponsored by Rep. Michael Paymar (DFL-St. Paul), HF1231 lays out the governor's new 10.95 percent tax rate on the state's highest income earners; a new state property tax on homes and seasonal recreation property valued at more than \$1 million; increased income subject to corporate tax; and various other tax and sales tax provisions.

Committee Chairman Greg Davids (R-Preston) held the bill over for further discussion sometime after Easter. However, with the House and Senate discussing their tax positions in conference committee, it is likely the governor's proposals will be part of the mix.

"We all recognize that we have to make some painful cuts, and we are prepared to work with you in a fair and balanced way that does not harm our state," Paymar said. He referenced the omnibus finance bills passed by the House and Senate and a recent analysis by Minnesota





PHOTO BY TOM OLMSCHEID

**Invest in Minnesota Outreach Coordinator Leah Gardner wears a "Raise Revenue Fairly" shirt as she listens to testimony on Gov. Mark Dayton's tax plan during the April 13 meeting of the House Taxes Committee.**

Management & Budget and the Department of Revenue showing the bills out of balance by \$1.2 billion in the House and \$1.16 billion in the Senate. He said the Republican approach "doesn't get the job done."

Revenue Commissioner Myron Frans described the governor's position as a balanced approach. "It is the governor's belief that we need to provide increased revenue, over time, to deal with the fact that we do not generate enough revenue on a yearly basis to fund the level of government the citizens of Minnesota have come to expect."

"The governor's proposal expands state government by 22 percent," said Rep. Steve Gottwalt (R-St. Cloud). He said that income tax revenue is "unstable," and questioned adding revenue at a time when businesses and individuals are experiencing flat revenue. "I don't find that balanced or responsible."

Rep. Sarah Anderson (R-Plymouth) questioned Frans' contention that the governor's proposal would make Minnesota more competitive. "In reality, he is making Minnesota one of the highest taxed states in the nation," she said.

The bill's companion, SF925, sponsored by Sen. John Marty (DFL-Roseville), awaits action by the Senate Taxes Committee.

— L. SCHUTZ

### **Tax proposal differences**

The House, Senate and governor can agree on one thing when it comes to taxes — downloadable ringtones should not be

taxed. "We are in complete agreement that there is one thing we can agree on," said Senate Taxes Chairwoman Julianne Ortman (R-Chanhassen). The provision to bring the state in line with the national Streamlined Sales Tax Agreement is a small piece of the tax provisions that the House and Senate need to agree on before the bill HF42\*/SF27 can move forward.

The conferees got their first official look at the each other's proposals April 14. The House proposes to reduce the amount of tax revenue available by \$330.7 million in the 2012-2013 biennium, while the Senate figure is around \$154.8 million.

This difference could pose a problem for smooth negotiation going forward, said Rep. Greg Davids (R-Preston), who chairs the House Taxes Committee. However, he expects quick agreement on provisions that have little or no cost that are contained in the bill.

Major differences include a provision by the House to reduce income tax rates for lower and middle brackets at a cost of \$221 million in fiscal years 2012-2013. The Senate does not support the provision. Local Government Aid proposals differ as well, with the House proposing a phase-out of aid to cities of the first class, which is not among the Senate's priorities.

Both the House and Senate support local government redesign initiatives that would have a cost to the General Fund.

Overall cost savings from all tax aids

and credit proposals for the upcoming biennium are \$877 million in the House and \$729 million in the Senate.

Davids said the committee will most likely begin meeting in earnest April 26. Besides conferees, also seated at the table were the governor's negotiating team of Commissioner of Revenue Myron Frans and Assistant Commissioner Matt Massman.

— L. SCHUTZ

## **Transportation**

### **Collector vehicles with lights**

Parades sometimes feature antique or collector public safety vehicles like fire trucks and ambulances with working red or other colored emergency lights.

While it is OK to drive the vehicles in the parade or classic car show, technically it is illegal to drive them to the event.

"The lights on these vehicles are nonconforming to current legal standards for who can display blue lights and red lights and where they have to be actually on the vehicle," said Bill Strusinski, representing the Minnesota Fire Chiefs and the Minnesota Street Rod associations. "These are not used for general transportation; they're not being driven on the street everyday as personal drivers or for work."

Sponsored by Rep. Deb Kiel (R-Crookston), HF922 would allow the vehicles to be driven on streets provided a proper collector or classic car license plate is displayed.

Approved April 11 by the House Transportation Policy and Finance Committee, the bill was sent to the House Public Safety and Crime Prevention Policy and Finance Committee. A companion, SF532, sponsored by Sen. Ray Vandever (R-Forest Lake), awaits action by the Senate Transportation Committee.

Kiel said an amendment would be proposed in the public safety committee that the emergency lights on the vehicles cannot be used when travelling to or from an event.

— M. COOK

### **Instructional permit eligibility**

To be eligible for an instructional permit, a person under age 18 must now complete the classroom phase of driver's training.

A bill sponsored by Rep. Bruce Anderson (R-Buffalo Township) would lower the eligibility.

Held over April 11 by the House Transportation Policy and Finance



Committee for possible omnibus bill inclusion, HF867 would allow permit issuance to someone who has yet to complete the classroom portion of driver's education if they are:

- enrolled in a concurrent driver education program that utilizes simulation or behind-the-wheel instruction as approved by the Department of Public Safety;
  - completes 15 hours of classroom instruction; and
  - completes one behind-the-wheel lesson with an instructor before driving with any other licensed adult age 21 years or older.
- There is no Senate companion.

John Palmer, a professor of health and safety at St. Cloud State University, said national standards for driver education and training indicate that "states should ensure that instruction of novice teens is completed using concurrent, integrated classroom and in-car instruction where the bulk of the classroom instruction occurs close in time to the in-car instruction to ensure maximum transfer of skills."

He said Minnesota is the only state that prohibits this practice. "In statute you cannot teach an integrated program of classroom and behind-the-wheel," Palmer said. "We believe that the language that is in Rep. Anderson's bill carves out a reasonable ground for that by requiring 15 hours of classroom and at least one behind-the-wheel lesson prior to the student being able to go out and practice with an adult."

— M. Cook

### Designation to remember deputy

It's been nearly 15 years since Rice County Sheriff Deputy John Liebenstein was killed in the line of duty.

Rep. Patti Fritz (DFL-Faribault) sponsors HF459 that would designate a portion of Interstate 35 through Rice County as "Deputy John W. Liebenstein Memorial Highway." The bill was held over April 13 by the House Transportation Policy and Finance Committee for possible omnibus bill inclusion.

Former Rice County Sheriff Richard Cook said that on May 3, 1996, law enforcement officers were pursuing a suspect in a stolen vehicle south on Interstate 35 through Rice County near Dundas and Northfield.

"Deputy Liebenstein positioned his patrol car at the top of an off-ramp of I-35 at County Road 1 in an attempt to stop the suspect's vehicle being pursued," Cook said.

"However, the suspect's vehicle intentionally struck the deputy's squad car, accelerating up the ramp in a Lincoln Town Car to a speed of 90 mph in an intentional and vicious act. As a result Deputy Liebenstein suffered fatal injuries and died at the scene at the age of 40." He left behind a wife and three young children.

The bill identifies four locations for memorial signs to be placed, including near where the northbound and southbound off-ramps to County Road 1 where Liebenstein was killed. Signage costs would come from non-state sources.

Cassandra Isackson, assistant traffic engineer with the Department of Transportation, said the department is concerned about the number of signs and the proposed locations, but vowed to work with the local community to honor Liebenstein. She recommends putting the signs in a nearby rest area, as is the case with the "Theodore Foss Memorial Highway" along Interstate 90 in southeastern Minnesota.

A companion, SF330, sponsored by Sen. Mike Parry (R-Waseca), was scheduled to be heard April 14 by the Senate Transportation Committee.

— M. Cook

### Online driver's education

Of all the things teenage students can learn online, they cannot take driver's training.

A bill sponsored by Rep. Mark Buesgens (R-Jordan) would change part of that.

HF615 would allow the 30-hour classroom portion of driver's education to be Internet-based, provided the program has been approved by the Department of Public Safety. Behind-the-wheel instruction would still be done in the traditional way.

"This really is about allowing one other option on the menu for how kids can get their driver's training," Rep. Steve Simon (DFL-St. Louis Park) told the House Transportation Policy and Finance Committee April 11. Simon sponsored a similar bill in previous years.

Approved two days later by the committee, the bill awaits action by the House Public Safety and Crime Prevention Policy and Finance Committee. A companion, SF499, sponsored by Sen. John Sterling Howe (R-Red Wing), was held over April 12 by the Senate Transportation Committee for possible omnibus bill inclusion.

DriversEd.com founder and COO Gary Tsifrin said the course proffered by his

company benefits students who live a long distance from a training program, families that struggle transporting a learner to and from a driving program and students who want to take a full class load during the school day and take driver's education at a more convenient time.

"Students learn in all kinds of different ways. The thing that is probably the greatest disservice we can do to a child is to try and fit 30 different shaped pegs through the same square hole," Buesgens said.

Among concerns addressed by opponents were that online training does not provide for different scenarios, such as weather conditions, and that a classroom offers more opportunity for discussion, practical demonstrations, guest speakers, local tailoring, interaction with other students and accountability for every student. "Our major concern is that the safety of teens is being compromised for convenience," said Cindy Thienes, secretary/treasurer of the Minnesota Driving School Association. "Generally, teens are easily distracted and they tend to look for the easiest way out. ... Sometimes safety requires inconvenience."

"The real backstop here is the test," Simon said. "No kid in Minnesota is going to get his or her driver's permit unless they pass that multiple-choice test."

A 2009 study by the Department of Public Safety concluded there is "no evidence that students taking an online course fared any worse or better on exit exams," Tsifrin said.

— M. Cook

### Stay Informed

- Subscribe to Session Weekly or Session Daily: [www.house.mn/hinfo/subscribesw.asp#ymail](http://www.house.mn/hinfo/subscribesw.asp#ymail)
- Follow us on Twitter: [twitter.com/MNHouseInfo](https://twitter.com/MNHouseInfo)
- Like us on Facebook: [www.facebook.com/MNHouseInfo](https://www.facebook.com/MNHouseInfo)
- View our videos on YouTube: [www.youtube.com/user/MNHouseInfo](https://www.youtube.com/user/MNHouseInfo)
- For information on any of these services: 651-296-2146 or 800-657-3550

### Moving?

Please help save postage costs by keeping us informed of address changes.  
Call 651-296-2146 or 800-657-3550.



# 150th Anniversary of the Civil War

**I**n April 1861, Minnesota became the first state to offer up soldiers for the Union effort in the launch of the Civil War. News of Confederate forces firing upon Fort Sumter, S.C., traveled to Minnesota Gov. Alexander Ramsey, who was in Washington, D.C. The governor telegraphed Lt. Gov. Ignatius Donnelly

to gather volunteers across the state to establish the First Minnesota Infantry Regiment.

On April 9 at the State Capitol, actors dressed in uniform as part of a Civil War Flag Day event hosted by the Minnesota Historical Society.

PHOTOS AND STORY BY KRISTIN SCHUE



**Top photo:** Actors play the drum and fife on the Capitol steps while soldiers stand near during the Civil War reenactment.

**Left Photo:** Tom Gall is dressed in a 3rd Regiment Corporal uniform for the April 9 event.

**Right Photo:** Ted Whitten suited in a Private sac coat and forge cap.



# Historic St. Paul walkout

Illegal action changed teacher bargaining; a new debate rises over right to strike

By KRIS BERGGREN

**O**vercrowded classrooms. Deteriorating school buildings. Inadequate school funding. A business community resisting tax increases.

That could be a contemporary laundry list of school problems — but they were the reasons for a 1946 teachers strike in St. Paul, the first such strike in the nation.

The St. Paul Federation of Teachers locals — the women's local 28 was formed in 1918, and men's local 43 in 1919 — had a history of activism, having won tenure and pension rights. A walkout was unprecedented and illegal, but working conditions had become intolerable.

Many school buildings were poorly maintained or inadequate. One elementary school had just one bathroom and sink for 180 students. Many schools lacked toilet paper, soap and towels. Some classrooms were heated by a single coal stove. Snow blew through window cracks in others. Some buildings were condemned by fire or public safety officials.

St. Paul teachers were paid less than any similar sized city except Birmingham, Ala. Textbooks weren't supplied, and teachers often paid for books for poor students.

"How can one teacher with a class of 49 teach first-graders to learn to read and give each one individual attention?"

said Helen Conway, a school principal quoted in the St. Paul Pioneer Press on Nov. 27, 1946, who picketed with the teachers. "Since you can't put kids in cold storage, the problem of good teachers and good facilities might as well be met head-on."

## This is now

Depending on this session's outcome, teacher strikes could again become illegal, or they could merely remain untenable because of penalties and deadlines in current law or community's will to avoid them.

"This is not 1946. My sense is the situation now is very different," said Rep. Dan Fabian (R-Roseau) a high school teacher and union

member who's been the lead negotiator for two contracts in his home community.

Fabian said labor negotiations in cities like St. Paul are as likely to be conducted by lawyers as teachers, but in towns like his, the people on the other side of the table are people with whom he plays golf, attends church, even his former students. He can't imagine they would impose conditions that would be so intolerable they'd warrant a strike, which can leave deep, divisive imprints on a small community.

Teachers today are as likely to bargain for such workplace conditions as professional development and site-based evaluation as they are for more compensation. There hasn't been a school strike since a contract deadline and district penalty was imposed in 1995, except for strikes in International Falls, Red Wing and Crosby-Ironton between 2001 and 2005, when the deadline was temporarily lifted.

This year's omnibus education finance bill, HF934, sponsored by Rep. Pat Garofalo (R-Farmington), would prohibit teachers from striking. Collective bargaining would be limited to certain months of the year and teachers would be required to accept a qualified economic offer from districts if it included an increase at least equivalent to any increase in basic revenue formula. Changes are proposed to tenure laws and the teacher evaluation process. Some DFL members see the proposals as riding a national wave of union-busting.

"Through a series of portions of this bill we pull a full 'Walker' on the teachers and other education employees in the state of Minnesota," said Rep. Jim Davnie (DFL-Mpls) during floor debate on the bill March 30. He sees the ability to organize and strike as a civil right as well as a time-honored way to make changes to unjust labor practices or statutes.

"Some people — on both sides — want us to be like Wisconsin," said Rep. Kurt Bills (R-Rosemount), a high school teacher and member of Education Minnesota. The tensions and differences that surface in the



Photo courtesy of the Minnesota Historical Society

**"Strike for Better Schools" read placards carried by striking teachers and community supporters near Markfield Elementary School, November 1946.**



## Legislators/teachers reflect on strikes

**Depending on this session's outcome, teacher strikes could become illegal, or they could merely remain untenable because of penalties and deadlines in current law or community's will to avoid them.**



Rep. Dan Fabian (R-Roseau), a high school teacher and union member, has been the lead negotiator for two contracts in his home community. "This is not 1946. My sense is the situation now is very different."



Rep. Jim Davnie (DFL-Mpls), a former social studies teacher, sees the ability to organize and strike as a civil right as well as a time-honored way to make changes to unjust labor practices or statutes.



Rep. Kurt Bills (R-Rosemount) is a high school teacher and member of Education Minnesota. "For me personally there's no way I would walk out on the kids."

Rosemount High School teachers lounge and across bargaining tables across the state are simply part of the profession, he said. "Teachers are animated, and sometimes we raise our voices, but we always come back and eat together."

Bills questions whether teachers, if truly hard pressed, would obey a strike ban. "We have always been a fairly outspoken and confident group of people."

"For me personally there's no way I would walk out on the kids."

### That was then

The St. Paul teachers in 1946 didn't want to walk out either, but they concluded, after years of attempts to follow legal channels, that only a strike would make their urgent point.

In 1946 the city had no board of education to oversee school funding or policy. Schools competed with streets, sewers, water and other services for funding from a \$30 per capita property tax limit established in 1912.



Photo by Philip C. Dittes courtesy of the Minnesota Historical Society

**The 1946 St. Paul teachers strike lasted five weeks from Nov. 25 to Dec. 27, during a particularly cold winter.**

Originally \$6 per capita was dedicated to schools, but in 1919 the city charter was amended so that all funds went into the same pool. Any change required approval by 60 percent of St. Paul voters.

But city officials, backed by well-funded opposition to raising taxes by the St. Paul Chamber of Commerce and the St. Paul Real Estate Board, repeatedly put off demands to put the question to citizens.

Finally the teachers, fed up with intransigence by the city council, the St. Paul Charter Commission and the mayor, called a strike to begin Nov. 25, 1946. Only 25 of the union's 1,165 teachers crossed the picket lines to work. The strike lasted until Dec. 27. After numerous delays, the city finally agreed to put a charter amendment to the ballot, and the union suspended the strike. Voters eventually approved the amendment increasing per capita spending to \$42, with \$18 dedicated to schools. It took until 1965 for the city to establish a school board and create Independent School District 625.

Teachers enjoyed grassroots support. A ministers' association wrote to city officials: "[W]e believe that a way must be found that will deal fairly with the members of a profession to whom is entrusted the training of our children who are the future citizens of our democracy."

Maxine Dickson, then a first-grader at

Ames Grade School, recalled in a 2003 article in "Ramsey County History" that her family circled the block in their 1938 Chevrolet in support of picketing teachers. "Dad would honk our horn in chorus with the other supporters in their autos. We rolled down our windows in the cold air, pointed out and called to our teachers walking the picket line. They smiled, held up their signs, and waved back."

Harvey Mackay, the envelope business magnate, motivational author and syndicated columnist, was a 14-year-old ninth-grader at St. Paul Central High School in 1946. He remembers serving coffee to his teachers on the picket line – and playing a lot of basketball at the Jewish Community Center in the long weeks without classes. He said St. Paul Central was better off than many city schools with less affluent families, but there was "no question the classrooms were crowded."

Mainly what Mackay recalls 65 years later is the value of his public school education.

"The major perception on the part of all of us that go to all the reunions is how lucky we were to have gone to St. Paul Central, and have been able to go on to higher education."

The 1946 strike he witnessed may have been his teachers' last resort, but it was a giant step towards putting schools and students first. 🏠

# BILL INTRODUCTIONS

APRIL 11 - 14, 2011

HOUSE FILES 1414 - 1494

## Monday, April 11

### HF1414-Melin (DFL)

#### Transportation Policy & Finance

Transportation state aid to cities provisions modified.

### HF1415-Melin (DFL)

#### Government Operations & Elections

Fire and police department aid; relief associations extension provided for submitting reports.

### HF1416-Gruenhagen (R)

#### Veterans Services Division

Military affairs; nonpublic employees reemployment rights protections extended.

### HF1417-Marquart (DFL)

#### Health & Human Services Finance

Special event recreational camping areas fees modified.

### HF1418-Woodard (R)

#### Civil Law

Successor corporation asbestos-related liabilities limited.

### HF1419-Kriesel (R)

#### Commerce & Regulatory Reform

Card clubs allowed to conduct banked high-stakes card games.

### HF1420-Sanders (R)

#### Commerce & Regulatory Reform

Residential contractors' provision of goods and services regulated and enforcement provided.

### HF1421-Norton (DFL)

#### Health & Human Services Reform

Medical Assistance coverage modified to include consultations with psychologists, and Medical Assistance reimbursement rate increased for critical access mental health services.

### HF1422-Simon (DFL)

#### Commerce & Regulatory Reform

Professional athlete drug and alcohol testing provisions modified.

### HF1423-Gottwalt (R)

#### Health & Human Services Reform

Child safety and permanency reform provided, including adoptions of children under guardianship of the commissioner and criminal penalties provided.

### HF1424-Anderson, S. (R)

#### Redistricting

Metes and bounds district description code requirement in Minnesota Statutes eliminated.

### HF1425-Anderson, S. (R)

#### Redistricting

Legislative districting plan for use in 2012 and thereafter adopted.

### HF1426-Anderson, S. (R)

#### Redistricting

Congressional districting plan for use in 2012 and thereafter adopted.

### HF1427-Anderson, S. (R)

#### Redistricting

Congressional and legislative districting plans for use in 2012 and thereafter adopted.

### HF1428-Westrom (R)

#### Public Safety & Crime Prevention Policy & Finance

Emily's law established, and age of extended jurisdiction juvenile prosecution for violent offenses lowered.

### HF1429-Hortman (DFL)

#### Transportation Policy & Finance

Safer routes to school program established and funded, bonds issued and money appropriated.

### HF1430-Slawik (DFL)

#### Commerce & Regulatory Reform

Manufactured home park lot rentals new administrative remedy established for violations.

### HF1431-Hilty (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Transmission projects report provisions modified.

### HF1432-Hilty (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Energy Conservation Information Center relieved from data-gathering responsibilities.

### HF1433-Hilty (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Utility report filing, weatherization programs and public utility commission assessment technical changes made and provisions modified; obsolete and redundant language removed; and reporting requirements provided.

### HF1434-Gauthier (DFL)

#### Transportation Policy & Finance

Working capital loan to small businesses provided to secure contracts with government agencies.

### HF1435-Erickson (R)

#### Commerce & Regulatory Reform

State lottery director authorized to adopt rules for video lottery ticket dispensing machines.

### HF1436-Loon (R)

#### Taxes

Income-producing property valuation provisions modified.

### HF1437-Carlson (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Taiwan supported as a part of the global community.

### HF1438-Kahn (DFL)

#### Government Operations & Elections

Health insurance benefits required to be made available to domestic partners of state employees if they are also made available to spouses.

### HF1439-Westrom (R)

#### Environment, Energy & Natural Resources Policy & Finance

Zebra mussel pilot project funding provided and money appropriated.

### HF1440-Beard (R)

#### Government Operations & Elections

Hydroelectric facility municipal approval exception provided.

### HF1441-Lanning (R)

#### Government Operations & Elections

National Football League stadium in Minnesota funding provided, site selection process established, Minnesota Stadium Authority provided, Metropolitan Sports Facilities Commission abolished, imposition of taxes authorized, bonds issued and money appropriated.

### HF1442-Erickson (R)

#### Environment, Energy & Natural Resources Policy & Finance

Recycled water use standards provided and providing for natural pools.

### HF1443-Scott (R)

#### Civil Law

Residential tenant definition clarified.

### HF1444-Erickson (R)

#### Environment, Energy & Natural Resources Policy & Finance

Lake Ogechie wild rice project expenditure prohibited until legal analysis is completed.

## Thursday, April 14

### HF1445-Liebling (DFL)

#### Health & Human Services Reform

Body art technician provisions changed.

### HF1446-Nornes (R)

#### Commerce & Regulatory Reform

TCF Bank Stadium liquor license conditions eliminated.

### HF1447-Melin (DFL)

#### Environment, Energy & Natural Resources Policy & Finance

Military personnel on leave resident hunting licenses provided.

### HF1448-McFarlane (R)

#### Commerce & Regulatory Reform

Credit or criminal history reliance modified for employment requirements.

### HF1449-Urdahl (R)

#### Government Operations & Elections

Uniform Faithful Presidential Electors Act enacted and conforming changes made.

### HF1450-McNamara (R)

#### Government Operations & Elections

Long-distance phone records of state officials approved.

### HF1451-McNamara (R)

#### Environment, Energy & Natural Resources Policy & Finance

Shallow lakes management report required.

### HF1452-Dettmer (R)

#### Veterans Services Division

Tax credit for past military service eligibility modified.

### HF1453-Kahn (DFL)

#### Commerce & Regulatory Reform

Health insurance required to cover routine health care received while participating in a qualified clinical trial under certain circumstances.

### HF1454-Hansen (DFL)

#### Government Operations & Elections

Political party inclusion on the income tax form and property tax refund return qualification requirements modified and candidate filing periods modified.

### HF1455-Urdahl (R)

#### Legacy Funding Division

State Capitol Preservation Commission established and money appropriated.

**HF1456-Hornstein (DFL)**  
**Transportation Policy & Finance**  
Lake Street Transit Station funding provided, bonds issued and money appropriated.

**HF1457-Morrow (DFL)**  
**Civil Law**  
Municipalities' fire and rescue equipment donation civil immunity extended.

**HF1458-Kiel (R)**  
**Legacy Funding Division**  
Minnesota film projects reimbursement program created.

**HF1459-Lanning (R)**  
**Commerce & Regulatory Reform**  
Minnesota State University, Moorhead alcohol license restrictions modified.

**HF1460-Slocum (DFL)**  
**Education Reform**  
School district-sponsored collaborative charter school designed to enhance student achievement option created.

**HF1461-Abeler (R)**  
**Health & Human Services Reform**  
Human services licensing provisions changes made, data practice provisions changed, Maltreatment of Vulnerable Adults Act amended and Human Services Background Studies Act amended.

**HF1462-Howes (R)**  
**Commerce & Regulatory Reform**  
Residential written performance guidelines required to be provided to subcontractors.

**HF1463-Anderson, P. (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Waste Management Act modified.

**HF1464-Brynaert (DFL)**  
**Education Reform**  
Paraprofessionals licensure requirements modified for those using restrictive procedures.

**HF1465-Scott (R)**  
**Public Safety & Crime Prevention Policy & Finance**  
Counties permitted to use surplus law library money for court facility costs; licensing requirements eliminated for temporary detention facilities and detoxification centers; appointment of counsel for a party in a paternity proceeding made permissive; sheriffs authorized to determine the appropriate level of staff needed to operate county jails; and reports eliminated on interception of electronic and wireless communications, county maintenance of a detoxification facility and an administrative rule establishing staffing requirements for jail.

**HF1466-Scott (R)**  
**Civil Law**  
Data practices technical changes made.

**HF1467-Cornish (R)**  
**Public Safety & Crime Prevention Policy & Finance**  
Human services commissioner directed to report mental health commitment information to the National Instant Criminal Background Check System for the purpose of facilitating firearms background checks, reporting requirements created, time period extended for renewal of permit to purchase a pistol from a federally licensed dealer, annual background check provided, courts required to report certain data to the National Instant Criminal Background Check System for the purpose of firearms background checks, authority of public officials clarified and delimited to disarm individuals at any time, law on use of force in defense of home and person clarified, Minnesota's self-defense and defense of home laws codified and extended, common law duty to retreat in cases of self defense outside the home eliminated, boundaries of dwelling expanded for purposes of self-defense, presumption created in case of a person entering a dwelling or occupied vehicle by stealth or force, available rights extended to a person in that person's dwelling to a person defending against entry of that person's occupied vehicle, and Minnesota recognition provided of other states' permits to carry a pistol within and under the laws of Minnesota.

**HF1468-LeMieur (R)**  
**Public Safety & Crime Prevention Policy & Finance**  
Forfeited firearms sale by law enforcement agencies authorized at auction to federally licensed firearms dealers.

**HF1469-Persell (DFL)**  
**Legacy Funding Division**  
Nijiji Broadcasting new programming money appropriated.

**HF1470-Stensrud (R)**  
**Government Operations & Elections**  
State government resource recovery program changes made.

**HF1471-Hortman (DFL)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Electronic device recycling requirements modified.

**HF1472-O'Driscoll (R)**  
**Commerce & Regulatory Reform**  
Property management practices provisions modified and remedies provided.

**HF1473-Hoppe (R)**  
**Commerce & Regulatory Reform**  
Insurance definitions modified, life insurance and title insurance reserves modified, accounts and funding agreements regulated, obsolete and conflicting provisions repealed and conforming changes made.

**HF1474-Anderson, D. (R)**  
**Government Operations & Elections**  
Judicial election districts created, mandatory judge retirement date amended, optional retirement dates created and partial forfeiture of annuity imposed if elected retirement date results in governor appointment.

**HF1475-Lanning (R)**  
**Health & Human Services Reform**  
Children and family services provisions technical and policy changes made, MFIP and child care assistance program changes made, MFIP and diversionary work program simplified and child support provision changed.

**HF1476-Scott (R)**  
**Commerce & Regulatory Reform**  
Prevailing wage provisions modified.

**HF1477-Anderson, B. (R)**  
**State Government Finance**  
Veterans home permitted fund use expanded.

**HF1478-Kiffmeyer (R)**  
**Health & Human Services Reform**  
Minnesota sex offender program provisions modified.

**HF1479-Murdock (R)**  
**Jobs & Economic Development Finance**  
Wadena; street and utility improvement funding provided, bonds issued and money appropriated.

**HF1480-Gunther (R)**  
**Commerce & Regulatory Reform**  
Racing commission powers provided and persons permitted to place certain wagers.

**HF1481-LeMieur (R)**  
**State Government Finance**  
Veterans homes special revenue account provisions modified.

**HF1482-Hornstein (DFL)**  
**Transportation Policy & Finance**  
Driver's license acceptable methods of payment provided and surcharge imposed.

**HF1483-Hamilton (R)**  
**Health & Human Services Reform**  
Dental practice provisions changed.

**HF1484-Kelly (R)**  
**Education Reform**  
Adult education tracking system modified.

**HF1485-Kriesel (R)**  
**Commerce & Regulatory Reform**  
Lawful gambling tax rates modified, linked bingo and electronic pull-tabs provided for, and clarifying, conforming and technical changes made.

**HF1486-Dittrich (DFL)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Permanent school fund fire suppression costs portion that may be assessed against permanent school trust lands limited.

**HF1487-Myhra (R)**  
**Education Reform**  
Statewide literacy initiative formulated to ensure students succeed in achieving grade-level reading proficiency by the end of grade 3, and data provided to improve student outcomes.

**HF1488-Quam (R)**  
**Transportation Policy & Finance**  
Municipal state aid to cities formula modified.

**HF1489-Kelly (R)**  
**Government Operations & Elections**  
Voting status notices required, affirmative defense provided, duties and requirements eliminated and working group created.

**HF1490-Erickson (R)**  
**Education Reform**  
Response to intervention model created and rulemaking required.

**HF1491-Fabian (R)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Environmental review and solid waste land disposal facility permits rulemaking required.

**HF1492-Lohmer (R)**  
**Health & Human Services Reform**  
State Advisory Council on Mental Health member added.

**HF1493-Cornish (R)**  
**Commerce & Regulatory Reform**  
Distilled spirits primary source law created.

**HF1494-Hortman (DFL)**  
**Environment, Energy & Natural Resources Policy & Finance**  
Recyclable beverage container refund placement required, beverage container labeling required, account established, reports provided and money appropriated.



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

• To have Session Weekly mailed to you,  
subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call  
651-296-2146, 800-657-3550.

• Session Weekly Online is available at  
[www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

• If you enjoy Session Weekly, please  
consider helping to defray production  
and mailing costs with a voluntary  
donation for the 2011 session.

Make your check payable to Minnesota  
House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public  
Information Services at 651-296-2146 or  
800-657-3550.

# MINNESOTA INDEX

## Moral support: Religion in Minnesota

|   |          |
|---|----------|
| Percentage of Minnesotans attending worship services weekly or more.....                                | 38       |
| Attending up to twice a month.....  | 39       |
| Attending seldom or never.....  | 23       |
| Percentage who believe government is too involved in morality.....                                      | 54       |
| Percentage who believe government should do more to protect morality.....                               | 37       |
| Percentage of Americans who say religion is very important in their life.....                           | 56       |
| Percentage of Minnesotans who say religion is very important,<br>rank among states.....                 | 52, 31   |
| Percentage of Mississippians, rank.....   | 82, 1    |
| Percentage of those in New Hampshire/Vermont, rank.....   | 36, 46*  |
| Minnesota clergy, annual mean wage.....   | \$44,870 |
| For directors of religious activities and education.....  | \$53,270 |
| For other religious workers.....  | \$36,980 |
| Mainline Protestants, as percent of the state population.....   | 31       |
| Evangelical Lutheran Church in America members in Minnesota.....  | 800,000  |
| ELCA congregations in Minnesota.....  | 1,145    |
| Catholics, as percent of the state population.....  | 28       |
| Number of Catholics in the 12-county Archdiocese of St. Paul and Minneapolis.....                       | 800,000  |
| As percentage of metropolitan area population.....  | 25       |
| Number of Catholic parishes in archdiocese.....   | 217      |
| Year diocese established by Vatican.....  | 1850     |
| Evangelical Protestants, as percent of state population.....  | 21       |
| Religiously unaffiliated, as percent of state population.....   | 13       |
| Buddhist, Jewish, Muslim, historically black Protestant, each,<br>as a percent of state population..... | < 1      |
| Muslim population in Minnesota, estimated.....  | 150,000  |
| Jewish population in Minnesota, estimated.....  | 42,000   |
| Year first Jewish congregation formed in Minnesota.....   | 1856     |

— K. BERGGREN

**\*States with sample sizes that are too small to analyze are combined. As a result, the lowest ranking is 46.**

**SOURCES: Archdiocese of St. Paul and Minneapolis; Islamic Center of Minnesota; Jewish Virtual Library; Pew Forum on Religion and Public Life; U.S. Department of Labor Bureau of Labor Statistics; Evangelical Lutheran Church in America.**



# SESSION WEEKLY



**A LEGACY WHERE LESS MEANS MORE**

**SPECIALTY BREWS BREW UP JOBS**

**THIRD GRADE WARNING: READ OR REPEAT**

HF1495 - HF1616

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 23, NUMBER 16 • APRIL 29, 2011



# Flashback to 1991, 2001



PHOTO BY TOM OLMSCHIED

**Session Weekly April 20, 2001:** Entertainer and civil rights activist Harry Belafonte spoke in the Capitol Rotunda in support of a bill that would allocate funding for pre-design and planning of a new Roy Wilkins Center in St. Paul. A portrait of Wilkins, the longtime head of the National Association for the Advancement of Colored People, was on display as Belafonte spoke.

## Closing of Waseca campus

The University of Minnesota Board of Regents voted to close the Waseca campus as part of an institution-wide reallocation program. The House Education Committee's Higher Education Division approved a study (SF1402) to find an alternative use for the facility before it's shut down in January 1992. Rep. Richard Anderson (IR-Waseca) said it would be "a logical transition" for the Waseca facility to join another state higher education system, such as the state university system or the technical or community college system. The bill was amended to allow for non-collegiate use of the campus as well.

**Session Weekly April 19, 1991**

## Tax system is broken

IR legislators say that Minnesota's property tax system is broken and that raising the sales tax to buy down property taxes is not the way to fix it. That, in a nutshell, was the debate over the House DFL tax package in the House Taxes Committee April 24.

The plan proffered by Rep. Paul Ogren (DFL-Aitkin) called for an increase in the sales tax to 6.5 percent from 6 percent. A provision in the bill would give counties the local option to levy 2 cents of the 6.5-cent tax, which they could then use to hold down local property taxes.

**Session Weekly April 26, 1991**

## Contents

**FIRST READING:** Some Legacy parks and trails appropriations increase • 3-4

**HIGHLIGHTS:** Ag bill signed, parental rights, electric-assisted bicycles • 5-11, 14-20

**AT ISSUE:** Specialty brewers seek license to sell onsite beer • 12

**AT ISSUE:** Third-graders could repeat if they can't read • 13

**MINNESOTA INDEX:** Outdoor Heritage Fund • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

**On the cover:** A gust of wind catches the umbrella of a person about to enter the Capitol April 26 on the west end of the carriage entrance.

— Photo by Tom Olmscheid



# Less means more

Some Legacy recipients may see increases despite drop in appropriation percentages

By SUE HEGARTY

**F**or Rep. Dean Urdahl (R-Grove City) it's all about trying to find some middle ground as he tries to satisfy recipients of the Parks and Trails Fund, one of the four main appropriations in the Legacy funding bill.

"I have to try to find some kind of middle ground where nobody's happy," he said.

When trying to divvy up more than \$38 million a year between the Department of Natural Resources, the Metropolitan Council and a Parks and Trails Fund grant program, he asked for help from members of the House Legacy Funding Division, which he chairs.

The help he got depended on members' perspectives: Some wanted the DNR and the Met Council to each receive 42 percent of the funds with the remaining 16 percent used for grants. Others argued for a 43-43-14 split, but also denying the Met Council grant eligibility. Urdahl decided the best way to divide the funds is 40-40-20, and still allow the Met Council to apply for the 20 percent grant program.

He was quick to remind the agencies that even though their percentages dropped, the amount they'll receive is still more than previous appropriations due to growth in the fund.

"Remember, nobody gets cut. You're getting less of more," Urdahl said.

That was no consolation for division members who said the Twin Cities metropolitan area got the short end of the stick.

Rep. Ryan Winkler (DFL-Golden Valley) said the split was inequitable and slanted toward Greater Minnesota. In an 8-3 roll-call vote April 27, division members approved HF1061 and referred it to the House Environment,



**The Legacy funds are revenue generated from a three-eighths of 1 percent sales tax that voters approved in a 2008 state constitutional amendment. The four funds include the Outdoor Heritage, Clean Water, Parks and Trails, and Arts and Cultural Heritage funds.**

Energy and Natural Resources Policy and Finance Committee.

"It doesn't meet the fairness test: 55 percent of the population is in the metro. While no one expects the same percent to be spent (in the metro), there needs to be reasonable balance," said Rep. Jean Wagenius (DFL-Mpls).

The legacy funds are revenue generated from a three-eighths of 1 percent sales tax that voters approved in a 2008 state constitutional amendment. The other three funds include the Outdoor Heritage, Clean Water, and Arts and Cultural Heritage funds.

## No substitutes

Rep. Mary Murphy (DFL-Hermantown), the former division chairwoman, supported the bill, saying "for the most part, it follows the principles and outcomes previously adopted." As the bill moves through the committee process, she said it's important to emphasize that the funds are to be used to supplement and not supplant traditional means of funding.

"It's not our intention to substitute in any place," Urdahl said. "We distribute money to various entities, and they then make the determination of how that money is distributed. From my standpoint, we are not saying to anybody, 'use this money to substitute.'"

The Lessard-Sams Outdoor Heritage Council is the only formal council that

**First Reading continued on page 4**

makes recommendations on how to spend 33 percent of the funds. Though she doesn't support the idea, Murphy said there may be some who would like to see similar councils for the other three funds.

One way the LSOHC ensures the money they distribute is not substituting for traditional funding is by requiring very detailed planning reports. For example, applicants must report the number of employees and their salaries funded through an appropriation and any capital equipment they plan to purchase valued at more than \$10,000, according to Bill Becker, LSOHC executive director. Anticipated outcomes also must be listed and are published on the council's website.

The bill under consideration also states that if someone files a lawsuit and a court determines that an appropriation unconstitutionally substituted for traditional funding sources, the appropriation is canceled.

### Accountability and transparency

Last year, the state regional libraries offered a speaker series of book authors funded in part with legacy dollars. One particular author was paid roughly \$45,000, which division members said was excessive. When considering how much money to appropriate in the current funding proposal, Urdahl sent the libraries a strong warning by deducting \$45,000 from their expected appropriation. He considers new accountability and transparency measures a hallmark of the bill.

Previous Legacy fund recipients were not sure how much of their appropriations

they could use for overhead costs, so some took nothing while others reimbursed themselves. Drafts of the bill would have placed a 5 percent cap on overhead costs, but after discussions, Urdahl said he removed any caps. Rather, recipients will need to justify their administrative costs and reimbursements. Recipients of a direct appropriation also would need to submit a report to the Legislative Coordinating



***"I have to try to find some kind of middle ground where nobody's happy. . . . Remember, nobody gets cut. You're getting less of more."***

— Rep. Dean Urdahl  
R-Grove City

Commission and the Legislative Reference Library containing all available and required information.

"It's going to be audited, and if we find it's a problem, a cap will have to be placed," Urdahl said.

Wagenius said she appreciates the added accountability but there's one thing missing. A lot of the projects include acquisition of easements, but when easements are written, there is no one to review them prior to adoption, she said.

"How an easement is written is critical," she said.

Also, Board of Water and Soil Resources appropriations need to ensure that there are positive outcomes. Projects should do more than "sprinkle money across the land," she said.

### Special projects

There was a fund balance of \$2.6 million when Urdahl became division chairman this year. He proposed taking \$1 million of the balance for two new arts and cultural heritage projects: a one-time \$450,000 appropriation for upgrades to two military veterans' camps and \$550,000 to establish a State Capitol Preservation Commission, who would lead pre-design work for State Capitol Building repairs. There is bipartisan

support for using the funds for the pre-design work, in preparation for a bonding bill next year. Urdahl said he's discussed the pre-design proposal with Gov. Mark Dayton and

he was "receptive" to the idea.

"I think it will get us off the dime," Murphy said in support of the provision.

However, one of the reasons Winkler voted against the bill was because he opposes using Legacy funds for capital improvements. Besides the pre-design costs, the Arts and Cultural Heritage funds would be spent on capital improvements at the veterans' camps and at county fairs.



***"It doesn't meet the fairness test: 55 percent of the population is in the metro. While no one expects the same percent to be spent (in the metro), there needs to be reasonable balance."***

— Rep. Jean Wagenius  
DFL-Mpls

Two other provisions in the House bill, not in the Senate's or governor's recommendations, are two new special revenue accounts within the DNR. The purpose of the \$5.6 million Outdoor Heritage Land Management account would be to pay for ongoing costs for newly acquired public land. For example, if the DNR purchased land with legacy funds, a portion of

the funding would go into the land management account to pay for long-term maintenance on the land, such as occasional seeding or prescribed burns. Likewise, \$750,000 would be set aside in a Forests for the Future Conservation Easement account.

The land management account would also be used to reimburse local governments for taking land off the property tax rolls when the state acquires it, also known as payment in lieu of taxes, or PILT. Wagenius said she agrees with the concept of planning for ongoing maintenance but questions whether it's an appropriate use of the Legacy funds to pay PILT.

Chances are good that if the House and Senate pass the bills, they would end up in a conference committee to iron out the differences, such as the PILT issue.

Sen. Bill Ingebrigtsen (R-Alexandria) sponsors the Senate legacy funding bill, SF158, which was expected to be heard in the Senate State Government Innovation and Veterans Committee April 28.

"I expect the Senate to be receptive to many of our ideas," Urdahl said. "There's a lot of ownership of a lot of people in what we put together." 🙌

### Follow us on



facebook at: [www.facebook.com/MNHouseInfo](http://www.facebook.com/MNHouseInfo)



Twitter at: [twitter.com/MNHouseInfo](https://twitter.com/MNHouseInfo)



YouTube at: [www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo)



# HIGHLIGHTS

APRIL 14 - 28, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held April 21-29. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Agriculture

### Loosening of animal control laws

An animal control bill seeks to loosen the leash on local governments that are currently required to follow state mandates when they encounter stray or dangerous dogs and cats, including large cats such as tigers.

By changing "shall" to "may" in statute, HF516 would make several requirements optional for local animal control agencies.

Several provisions also would be repealed. For example, agencies would no longer be required to keep impounded animals up to six days before being allowed to sell them to a new owner. Also, the former owner would not have at least two months to claim the pet from the new owner.

The bill's sponsor, Rep. Bruce Vogel (R-Willmar), said this puts more responsibility on pet owners to keep track of their pets. The bill was laid over April 26 by the House Agriculture and Rural Development Policy and Finance Committee for more deliberation. There is no Senate companion.

Tom Mahan, president of the Minnesota Animal Control Association and animal control officer for the New Hope Police Department, said the state shouldn't count on cities and counties to pass their own ordinances. He said current state law is an effective tool to regulate dangerous dogs and to track them when their owners move from one jurisdiction to another.

One of the provisions would drop the requirement that local authorities annually report information about dangerous animals to the Board of Animal Health. Greta Gauthier, board liaison, said calls are received from residents each year about the presence of animals deemed "potentially dangerous" or "dangerous" by the authorities.

— S. HEGARTY

### Final ethanol payments draw near

**Signed  
by  
the  
governor**

A new law will allocate nearly \$79 million during the next two years to fund the Department of Agriculture, the Board of Animal Health and the Agricultural Utilization Research Institute. A few policy provisions are included as well.

Sponsored by Rep. Rod Hamilton (R-Mountain Lake) and Sen. Doug Magnus (R-Slayton), the law, signed by Gov. Mark Dayton April 15, has various effective dates.

More than \$16 million in expected final ethanol producer payments will be doled out over the next two years, ending a 1980s program to incentivize farmers to grow corn for biofuel. The legislation also funds research and innovation for switching from corn to cellulosic materials, such as perennial plants in order to produce bioenergy. The repeal of the ethanol

producer payments is effective June 30, 2013.

There is a one-time \$490,000 appropriation over the next biennium to help the department catch up with an estimated 40 percent backlog of food handling inspections at convenience stores, grocers and other retail outlets. It does not include restaurants, which are inspected by the Department of Health. A progress report is due to the Legislature by Feb. 1, 2013, to address whether higher fees are necessary to eliminate a funding shortfall.

Another report, due at the same time, will examine how to pay for increased oversight of anhydrous ammonia, a fertilizer that can be dangerous when improperly stored or applied. Until then, those who are compliant in their fertilizer application will be inspected less frequently. The law also authorizes the Agriculture Department to hire commercial inspectors. Grant programs are funded to



PHOTO BY TOM OLMSCHIED

Rep. Rod Hamilton, right, gets a handshake from Gov. Mark Dayton and a pat on the back from Sen. Doug Magnus after Dayton signed the omnibus agriculture budget law, during an April 15 signing ceremony.



develop and market locally grown products for retail sale and to encourage farmers who are interested in projects that demonstrate sustainable farming methods. Annual cost-share payments will also be available to those who seek certification status as an organic farmer.

Other grant appropriations will support ongoing efforts of the dairy industry, Northern Crops Institute, Livestock Breeders Association, Minnesota Poultry Association and other agriculture-related organizations.

The Board of Animal Health, which manages prevention and eradication of animal disease outbreaks, such as chronic wasting disease or bovine tuberculosis, will receive \$4.8 million during the next biennium.

AURI, a research organization that provides scientific and technical assistance to Minnesota industries and entrepreneurs, is being funded at \$2.6 million each of the next two fiscal years.

Policy changes in the law include allowing farmers to bury concrete and rebar from a former structure on their land. The solid waste burial would need to be recorded within 90 days with the county and show the boundary of the burial location.

Oversight for the Agricultural Growth, Research and Innovation program will be broadened to include the entire Legislature rather than specified members and the Department of Agriculture.

A new wholesale produce dealers' account may now be created within the agricultural fund. Another policy provision will enable county fair boards to exchange land, in addition to leasing, selling or renting property at fairgrounds. The policy changes take effect Aug. 1, 2011.

HF1039/SF1016\*/CH14

— S. HEGARTY

### Deferred tax laws tweaked, again

**Signed  
by  
the  
governor**

Two weeks shy of the typical May 1 deadline to enroll in the Green Acres and Rural Preserve tax relief programs, lawmakers extended the 2011 enrollment period and once again tweaked the programs because of unintended consequences resulting from 2008 and 2009 changes to the law.

Sponsored by Rep. Mike LeMieur (R-Little Falls) and Sen. Jeremy Miller (R-Winona), the new law was signed by Gov. Mark Dayton April 15, and was effective the next day. It

applies to taxes payable beginning in 2012.

In 2008, legislators created a dual tax classification system for productive (2a) and non-productive (2b) agricultural land. Furthermore, the non-productive land was no longer allowed in the Green Acres program. Then in 2009, the Legislature created a new program called Rural Preserve for the non-productive land, which had tax benefits similar to Green Acres. In order for land to be enrolled in Rural Preserve, a farmer was required to develop a conservation plan for the land and to sign a covenant that the land would not be developed or farmed for a period of years. Property owners and county assessors explained problems with the revisions.

The law no longer requires farmers to develop a conservation plan or to sign a covenant agreement to enroll in Rural Preserve. Also, farmers who removed land from the Green Acres program as a result of 2008 and 2009 changes have until Aug. 1, 2011, to reapply for either program, instead of the usual May 1 annual enrollment deadline.

The law also requires that Rural Preserve land, of any size, be contiguous to property enrolled in Green Acres and under the same ownership. Previously, a minimum 10 acres was required.

An aerial photograph or satellite image of the property that clearly defines the land being enrolled is now required as part of the enrollment process. If a property owner wants to remove land from either program before the authorized date, three years of deferred taxes become due.

Interested parties will work toward an alternative method for determining the taxable value of enrolled agricultural land. A report is due by Feb. 15, 2012.

HF12\*/SF222/CH13

— S. HEGARTY

## Budget

### Independent budget office proposed

Some lawmakers have questioned the accuracy of fiscal notes — cost estimates for proposed legislation — produced by Minnesota Management & Budget. Rep. King Banaian (R-St. Cloud) has come forward with a plan to establish a legislative “counterweight” to MMB’s fiscal analysis.

Banaian sponsors HF1506 that would transfer the responsibility for producing fiscal notes to an independent office in the

Legislature. Under the bill, the Legislative Commission on Planning and Fiscal Policy would be expanded and reorganized to produce fiscal notes and analyze fiscal policy.

The House Government Operations and Elections Committee approved the bill April 26 on a divided voice vote and sent it to the House State Government Finance Committee. There is no Senate companion.

“In many states, the fiscal note process is actually controlled by the Legislature rather than by the executive branch,” Banaian said, giving Wisconsin, Texas and Maryland as examples. He also cited the federal model, where the Office of Management and Budget in the executive branch is balanced by the Congressional Budget Office.

The bill would change the LCPFP’s membership to include six members each from the House and Senate, with equal representation from both parties. The staff would be nonpartisan. Banaian said he believes the total cost of the bill would be less than \$1 million.

Rep. Ryan Winkler (DFL-Golden Valley) called it “a little naïve” to think a handful of legislative staffers could accomplish the same work currently performed by an agency the size of MMB.

“You have to have specific programmatic knowledge on virtually any topic in order to be able to actually provide a fiscal note service,” Winkler said.

Banaian replied that executive branch staff would still provide information needed to draft fiscal notes. He said the difference would be that legislative staff, rather than MMB staff, would be the ones who actually review the information and produce the fiscal note.

“We’re looking for a counterweight, something that can come in ... to simply look at it with a new set of eyes,” Banaian said.

John Pollard, MMB’s legislative and communications director, said nonpartisan fiscal staff at the Legislature already serve as a second set of eyes on fiscal notes. He said the current process is “working pretty well.”

— N. BUSSE

## Business & Commerce

### A winner of a bill?

A new form of lawful gambling could be coming to a bar near you.

Proponents of a bill that would legalize linked bingo and electronic pull-tab games hope it could boost the struggling bar business and provide sorely needed revenue for charities

that rely on charitable gambling proceeds.

Rep. John Kriesel (R-Cottage Grove) sponsors HF1485 which would not only legalize those forms of gambling and extend the hours for some games, but lower tax rates paid by charities that receive the proceeds. The House Commerce and Regulatory Reform Committee approved it April 27, sending it to the House State Government Finance Committee. Sen. Mike Parry (R-Waseca) sponsors a companion, SF702, which awaits action by the Senate State Government Innovation and Veterans Committee.

Bar owners support the proposal, according to Dan O’Gara, owner of O’Gara’s Bar and Grill in St. Paul and a board member of the Minnesota Licensed Beverage Association. It’s projected that the \$15 million they receive annually in rent from charities that provide the games could increase to about \$50 million if the bill becomes law.

Charities like the proposed tax relief. The gross receipts tax would be lowered from 8.5 percent to 5 percent, the pull-tab and tipboard tax would go from 1.7 percent to 1 percent and the combined receipts tax would be lowered in varying rates based on the

amount of receipts. All told, their taxes paid would be reduced by 41 percent, according to King Wilson, the executive director of Allied Charities of Minnesota.

However, it’s also expected that new customers interested in electronic gambling games could bring in an additional \$2 billion in receipts. King said an unofficial estimate would be about \$120 million more to charities that benefit.

In 2009, gross receipts from lawful gambling totaled \$999 million. After prizes paid and allowable expenses, net profits were about \$80 million. About \$36.6 million was paid in taxes and \$43.4 million was distributed to charitable organizations.

John McCarthy, executive director of the Minnesota Indian Gaming Association, said that tribes and the association support charitable gambling, but have some concerns about “the potential for a huge expansion of gambling” that the new forms could lead to. He said the electronic devices are not slot machines, but could easily be changed with a simple switch of a chip into full-blown slot machines.

— K. BERGGREN

### Fairness for responsible drivers

Rep. Pat Mazorol (R-Bloomington) wants uninsured Minnesota drivers — who may represent as many as 20 percent of those on the road — to pay their auto insurance premiums as required by law.

He believes HF730, which he sponsors, would create an incentive for them to do so by limiting accident damages they could collect, and by increasing from \$200 to \$600 the penalty for not having auto insurance.

The bill was approved April 27 by House Commerce and Regulatory Reform Committee and sent to the House Public Safety and Crime Prevention Policy and Finance Committee. Sen. Paul Gazelka (R-Brainerd) sponsors a companion, SF243, which awaits action by the Senate Judiciary and Public Safety Committee.

An uninsured driver would only be able to collect out-of-pocket costs, such as medical care or lost wages, but not noneconomic damages including pain and suffering, inconvenience, physical impairment or disfigurement.

Exceptions would be made if the uninsured driver was injured by another motorist

### RAINY RALLY



PHOTO BY TOM OLMSCHIED

Attendees standing in a steady rain rally, some holding “Don’t Gamble With My Job” signs, had to peer through or over umbrellas during an event in front of the Capitol April 26. Sponsored by the Minnesota Indian Gaming Association, the rally was against the expansion of gambling in bars and at horse racing tracks.

operating a vehicle under the influence of illegal drugs or alcohol.

The committee debated several situations in which a driver might experience unintended consequences for failing to pay an insurance premium. One was "Millie," a hypothetical 72-year old retiree who, confused about paying her bills, forgot to pay her premium and then lost an arm in a car accident. Under the bill she would not be able to collect any damages except the cost of her medical care.

"I know where your bill is aimed. But you're shooting buckshot," said Rep. Joe Atkins (DFL-Inver Grove Heights). He unsuccessfully offered an amendment that would have specified that the limit on noneconomic damages apply only to those who knowingly fail to pay their auto insurance premium.

Rep. Tim Sanders (R-Blaine) said that in Minnesota, "Your policy doesn't terminate with one lapse of payment." Instead, notices are normally sent and a policy retained at least for a grace period. Therefore it would be unlikely that one incident would cause someone like Millie to become uninsured.

— K. BERGGREN

### Reducing insurance paperwork

Small changes could produce fewer papers for insurance agents to shuffle.

The House passed HF895 102-25 April 27. The bill, sponsored by Rep. Joe Hoppe (R-Chaska), would allow insurance companies to send property casualty insurance notices in the form in which an application was made, whether electronically or in writing. The bill now moves to the Senate where Sen. Paul Gazelka (R-Brainerd) is the sponsor.

The bill would also allow verbal authorization in lieu of signed authorization given by a customer to collect and disclose personal information if the verbal authorization is recorded electronically by the company.

Rep. Joe Atkins (DFL-Inver Grove Heights) unsuccessfully offered an amendment to require appraiser jobs be kept in Minnesota. Instead, the bill would allow a qualified appraiser who is not a Minnesota resident to be retained in a property casualty insurance claim.

— K. BERGGREN

### Law clarifies broker pricing roles

Signed  
by  
the  
governor

A "broker price opinion," or a market value analysis of a property's likely selling price, is usually considered part of the package of services

included in a real estate agent's commission.

A new law signed April 20 by Gov. Mark Dayton clarifies that a broker price opinion is not an appraisal for mortgage loan purposes, and allows those preparing a broker price opinion to charge and collect a fee. Any fee does not apply to a typical home seller or buyer, but may apply to third parties interested in obtaining price opinions, such as banks handling foreclosed properties.

Rep. Joe Hoppe (R-Chaska) and Sen. Chris Gerlach (R-Apple Valley) sponsor the new law, which also permits more than one exclusive agreement for representation for different real estate services. For example, if a property stays on the market for months, the seller may simultaneously try to lease it. Those services may be performed by different companies or individuals.

The law takes effect Aug. 1, 2011.

HF323\*/SF167/CH15

— K. BERGGREN

### Beer with baseball allowed

Signed  
by  
the  
governor

Late in the season, you can have a beer with your summer collegiate league baseball team game, if you choose.

A new law, signed by Gov. Mark Dayton April 20, would allow a city to issue an on-sale wine and an on-sale malt liquor license to owners of the teams or the concessionaires.

Sponsored by Rep. Bruce Vogel (R-Willmar) and Sen. Joe Gimse (R-Willmar), the bill would allow sales on all days of the week to people attending a game at the park or stadium. It is effective Aug. 1, 2011.

HF829/SF551\*/CH16

— L. SCHUTZ

## Civil Law

### Reversing parental terminations

There are approximately 1,200 Minnesota children in foster care where parents have had their rights terminated. In many cases, the parents of these children are incarcerated or have some addiction issues.

Minnesota could join nine other states in providing a mechanism to have the parental rights reinstated when certain conditions are met.

Sponsored by Rep. Steve Smith (R-Mound), HF749, the proposed Family Reunification Act of 2011 was approved as amended April 18 by the House Civil Law Committee

and sent to the House Judiciary Policy and Finance Committee. A companion, SF1339, sponsored by Sen. Don Hall (R-Burnsville) awaits action by the Senate Judiciary and Public Safety Committee.

"One of the target audiences (for the bill) is teen parents who have messed up and lost their rights," said Ron Elwood, representing Mid-Minnesota Legal Assistance. Many of these children won't be adopted and will remain wards of the state, he added.

The bill would affect few petitioners because of the clear and convincing standard that would need to be met, he said. "For those for whom this works and deserve to be a reunited family, they should have a second chance."

The bill would allow the court to reestablish parental rights 24 months following termination. That concerns Rep. Debra Hilstrom (DFL-Brooklyn Center), who questioned the lack of services available to parents in that situation, and whether they would be adequately prepared to have the children back.

"If you believe that after 24 months these parents can get their act together so they (the child) can be reunified with the parents, why don't you change the process of termination, rather than do it backwards. Because once those rights are terminated there are no support services available to the parents," she said.

Other committee members think that this should only apply to older children, possibly above the age of 12.

Rep. Mary Liz Holberg (R-Lakeville), who presented the bill for Smith, said that the comments would be taken under consideration before the bill moves to the next committee.

— L. SCHUTZ

### Leveling attorney fee awards

A judicial rule currently used in civil lawsuits to award attorney fees to the prevailing party often puts a monetary burden on defendants. That's the contention made by proponents of a bill that would impose a set of judicial guidelines related to the awarding of attorney fees in civil litigation.

Sponsored by Rep. Pat Mazorol (R-Bloomington), HF747 would implement two provisions to a statute regarding attorney fee awards in civil lawsuits. The first provides that when making the award a judge must take into consideration the reasonableness of the attorney fees sought in relation to the amount of damages awarded to the prevailing



party. The second would provide a limit on attorney fees awarded in certain cases in which an offer of judgment is made but rejected by the prevailing party.

The House Judiciary Policy and Finance Committee approved the bill 10-5 April 26 and referred it the House Civil Law Committee. Its companion, SF429, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), awaits action by the Senate Judiciary and Public Safety Committee.

Critics testified in opposition to a provision that would require a party who rejects an offer of judgment to submit a disclosure of attorney fees.

“(The provision which) requires you to disclose attorney-client information that is prior to the resolution of the case, we think that is unfair,” said Joel Carlson, a St. Paul attorney representing the Minnesota Association for Justice. “We think that is an intrusion into the court’s process and into the requirement of lawyers that they keep their client’s information confidential.”

Carlson said the bill is unnecessary because the Minnesota Supreme Court has already adopted a standard for reviewing reasonable attorney fees that includes amount of time expended on a case, a reasonable hourly rate, the outcome obtained and the nature and complexity of a case.

The bill stems from a recently adopted judicial rule that provides if a reasonable offer is refused prior to a civil trial, it has no effect on attorney fees that might be awarded to the prevailing party, said Tom Marshall, a Minneapolis attorney.

— H. LONG

### Reciprocity with Bermuda

The House passed a bill 127-2 April 27 that would help a Minnesota mother pursue child support for the children of her ex-husband, who lives in Bermuda.

Minnesota does not have a child support services reciprocity agreement in place with the country located 640 miles east of the North Carolina coast, which means as long as Heidi Shea’s ex-husband lives there, Minnesota does not have jurisdiction to make sure he pays child support.

Rep. Joe Hoppe (R-Chaska) sponsors HF795, which would require the human services commissioner to initiate procedures to enter into a child support enforcement reciprocal agreement with Bermuda under authority granted by federal law. Currently, nine other states have a similar reciprocal agreement with Bermuda.

Shea said because of her situation she was unable to pursue any legal action until a judge recently ordered county child support services to take her case. Even then, there was little workers could do to aid Shea in her pursuit of legal action.

The bill would direct the attorney general to write a letter to the government of Bermuda to initiate a reciprocity agreement, Hoppe said.

The bill now goes to the Senate where Sen. Julianne Ortman (R-Chanhassen), is the sponsor.

— H. LONG

## Elections

### Campaign finance changes

Groups that fund campaigns to promote or defeat ballot questions would be subject to the same public disclosure requirements as other political groups, under a bill that won committee approval April 18.

Sponsored by Rep. Joyce Peppin (R-Rogers), HF1533 embodies recommendations of the Campaign Finance and Public Disclosure Board.

The House Government Operations and Elections Committee approved the bill and sent it to the House Civil Law Committee. Sen. Claire Robling (R-Jordan) sponsors the companion, SF1225, which awaits action by the Senate Local Government and Elections Committee.

Gary Goldsmith, the board’s executive director, said much of the bill is intended to fix oversights that were made in a 2010 law that tightened disclosure requirements for political spending.

The bill would give the board more power to oversee laws governing fair campaign practices. Goldsmith said the board already unofficially answers many questions from the public in this area; putting the statutes under their jurisdiction would allow them to issue official advisory opinions.

Several provisions are designed to raise the registration threshold for individuals and organizations that make political expenditures. Goldsmith said the changes would ease burdens on those with limited financial resources who wish to engage in political activities.

“The constitution requires that we balance the speaker’s interest with the state’s interest in disclosure, and we’re concerned that some of our thresholds for registration and reporting are too low,” he said.

Another provision would change certain kinds of data from public to nonpublic. Goldsmith said it is intended to keep disclosures that are smaller than the legal threshold from becoming public data under the state’s data privacy laws.

The bill would:

- clarify a prohibition against commingling of political funds with other funds;
- clarify that certain kinds of political expenditures are not aggregated for the purpose of meeting reporting thresholds; and
- permit groups to terminate their registration of a political fund via written notice to the board.

— N. BUSSE

### Those in guardianship voting rights

Alan Stene has guardianship over his adult son who suffers from a traumatic brain injury. The Brainerd father placed him in a group home, and was surprised to learn he had voted in the general election.

“The group home owner knows my son’s competency. He felt it was OK ‘cause it was legal for him to vote. This is above the law,” he told the House Civil Law Committee April 26.

According to current law, his vote was legal, but Rep. Mary Kiffmeyer (R-Big Lake) would change this under HF1119, which she sponsors.

“The right to vote does have qualifications listed in our constitution. My bill aligns with the Minnesota constitution, which specifically says that someone under guardianship is not eligible to vote, nor shall be permitted to vote,” she said.

The bill would bring the law back to how it was before being changed in 2003. Those under guardianship would not be allowed to vote, however there would be a chance to have the right restored during the annual review, and if restored, a person would be able to remain in the guardianship arrangement.

The bill was approved and moved to the House Government Operations and Elections Committee. There is no Senate companion.

Beth Fraser, director of governmental affairs for the Office of the Secretary of State, said she opposes the bill because it would deprive many individuals of their right to vote.

“The real question isn’t whether they have the right to vote, but the appropriate assistance. Under Minnesota statute, individuals are allowed assistance in voting,

but they must direct the person assisting in how they want to vote. It is unlawful for someone to try to influence a vote.”

Justin Page, staff attorney with Minnesota Disability Law Center, said that under current law, people in guardianship have the right to vote, unless the court specifically finds that they are incompetent.

“This blanket change may invite equal protection challenges from affected individuals,” he said, adding that there are 23,000 people under guardianship in the state.

— L. SCHUTZ

### **Nomination vacancy changes**

When Rep. Tim Sanders (R-Blaine) went to vote in last year’s election, he saw 24 candidates for a single judicial office on the ballot in his precinct. He hopes to prevent that from happening again with HF1408.

The bill would make a number of technical changes to the statute that governs how a nomination for a nonpartisan office vacancy is filled. Nonpartisan offices include judicial and local offices.

Under the provisions, a candidate for a nonpartisan office who is defeated in a primary would not be able to subsequently run as a replacement for a candidate who defeated them but who later withdrew. The bill would also clarify the legal timelines for withdrawal and for filing to fill a vacancy.

Sanders said the bill is a direct response to the situation in his district. He said voters were frustrated knowing that there were 24 candidates on the ballot and “no good place to get information on them.” He said the predicament is unfair to voters.

“That’s a big problem, to have 24 folks interested in filling one seat on a ballot,” he said.

The House Government Operations and Elections Committee approved the bill April 18 and referred it to the House Judiciary Policy and Finance Committee. Sen. Warren Limmer (R-Maple Grove) sponsors the companion, SF1009, which awaits action by the Senate Local Government and Elections Committee.

— N. BUSSE

### **National popular vote bill approved**

Republican George W. Bush was elected president in 2000, despite receiving fewer votes than Democrat Al Gore. Four years later, Democrat John Kerry came within a hair of defeating Bush, despite being more than 3 million votes behind him.

On April 27, a House committee signed

off on a bipartisan plan to make sure the presidential candidate who gets the most votes always wins.

Sponsored by Rep. Pat Garofalo (R-Farmington), HF495 would enact an interstate compact to elect the U.S. president by popular vote. The bill proposes that Minnesota’s electoral votes be cast for the candidate who wins the national popular vote, rather than the state’s popular vote.

“It basically says that our state will agree to give its electoral votes to whomever gets the most votes,” said Rep. Steve Simon (DFL-St. Louis Park), who sponsors the bill.

Supporters say the change would eliminate the issue of so-called “battleground states” having a disproportionate influence on presidential politics. Because many states reliably vote Democratic or Republican from one election to the next, presidential candidates often focus their attention on a handful of key states where the popular vote is more likely to swing.

Patrick Rosenstiel, a senior consultant to National Popular Vote Inc., said the current system skews public policy in favor of issues that benefit battleground states. As an example, he said Bush supported steel tariffs during his presidency as a way to appeal to Pennsylvania voters. He said switching to a national popular vote would make every vote count in presidential elections.

“I don’t think the Founding Fathers of this country believed in a system where two-thirds of the country would be relegated to flyover status,” he said.

Eight states have already enacted the compact. It would only take effect if a sufficient number of states follow suit to provide 270 electoral votes, which constitutes a majority.

Approved on a divided voice vote by the House Government Operations and Elections Committee, the bill was sent to the House floor. Sen. Ann Rest (DFL-New Hope) sponsors the companion, SF1241, which awaits action by the Senate Local Government and Elections Committee.

Rep. David Hancock (R-Bemidji) said he opposed the bill because it would push the country toward direct democracy and away from being a representative republic.

“In reality, we have become, then, a democracy, which really is defeating what our Founding Fathers really envisioned for us,” he said.

— N. BUSSE

## **Employment**

### **Jobs conferees start work**

House and Senate conferees reviewed the differences in their respective versions of the omnibus jobs and economic development finance bill April 26, but took no action.

In their abbreviated first meeting, conferees went over a side-by-side comparison of the House and Senate language for HF1049/SF887\*, sponsored by Rep. Bob Gunther (R-Fairmont) and Sen. Geoff Michel (R-Edina).

The bill would provide biennial funding for state-supported housing and workforce-related programs. Affected agencies include the Department of Employment and Economic Development, the Housing Finance Agency, the Department of Labor and Industry and several smaller agencies.

Both versions of the bill would reduce General Fund spending in these areas significantly, but would also make up for much of the cuts with one-time transfers from dedicated funds. In total, the House proposes spending \$232.7 million from all funds, while the Senate proposes \$215.4 million. Gov. Mark Dayton proposed \$252.4 million in spending.

A key difference between the House and Senate proposals is the amount of money that would be transferred from an Iron Range trust fund into the General Fund. The House plan would take \$60 million out of the Douglas J. Johnson Economic Protection Trust Fund, while the Senate would take \$45 million. The Senate plan would also pay the money back, with interest, beginning in 2015.

Other key differences include House proposals to boost spending for four DEED programs: services for the blind, rehabilitation services, the Minnesota Investment Fund and the Redevelopment Grant Program. The Senate language does not include the funding increases.

No date has been set for the next meeting.

— N. BUSSE

### **Prevailing wage could change**

The prevailing wage for state contract bids is based on the rates most commonly reported by local employers for various trades through a Department of Labor and Industry process.

The mode — or the wage most commonly paid to workers in an area — is determined as the prevailing wage the state will pay for its projects.



Rep. Peggy Scott (R-Andover) sponsors HF1476, which proposes to change the formula for calculating the prevailing wage to the average of wages paid in an area, not the mode. It would also lift the eight-hour day, but retain the 40-hour week as a basis for overtime pay.

The House Commerce and Regulatory Reform Committee approved the bill April 26. It goes next to the House Jobs and Economic Development Finance Committee. Sen. John Pederson (R-St. Cloud) sponsors a companion, SF1199, which awaits action by the Senate Finance Committee.

Scott said the new method could save the state money and it would more accurately gauge the norm than the current method of choosing the hourly rates most often paid by local employers. A Minnesota Taxpayers League study suggests that a different method of calculation based on Department of Employment and Economic Development average wages would save between 7.4 percent and 10 percent.

Opponents said workers' wages are the economic backbone of middle class families and communities. "One reason for public works is so we can get some of those wages in our communities and make them strong," said Rep. Mike Nelson (DFL-Brooklyn Park).

The bill drew a phalanx of workers in hard hats and safety vests who lined the hearing room walls and filled the seats to oppose the proposed change.

Truck driver Chari Wilson, a member of Teamsters Local 120, is her family's breadwinner and mother of a child with special needs.

"I did what I had to do to pay my mortgage and put food on the table and provide health insurance for my child," she said. "Every cent literally counts. What may look like minor changes to the prevailing wage law could negatively affect me and my son."

— K. BERGGREN

## Env. & Natural Resources

### Lend a hand: Adopt-a-WMA

With more than 1,440 public wildlife areas covering 1.2 million acres, the Department of Natural Resources could use a hand in managing the prairies, wetlands, forests and swamps that provide habitat for wildlife.

Sponsored by Rep. Paul Anderson (R-Starbuck), HF1115 would allow hunting groups and other interested citizens to volunteer for the general upkeep of wildlife management areas.

WMAs are the cornerstone of the DNR's efforts to protect and improve wildlife habitat. Volunteers could remove invasive species such as buckthorn, pick up trash and debris, or repair fences and signs within the areas, according to Dennis Simon, DNR wildlife management area section chief.

Simon said Ducks Unlimited members have informally volunteered before; this bill would

**Highlights continued on page 14**

## FLORIDA FORMULA



PHOTO BY TOM OLMSCHIED

**Former Florida Gov. Jeb Bush gives a PowerPoint presentation April 26 on the Florida Formula enacted to improve graduation outcomes. Legislative leaders invited Bush to share the education reform policies that he put in place during his eight-year tenure as Florida governor.**



# Jobs bill is brewing

### Specialty brewers seek license to sell onsite beer

By KRIS BERGGREN

**You could call HF703 a microjobs bill. It would allow craft breweries in Minnesota to open on-site taprooms where they could hold events and sell pints of their product, much as the state's wine producers do.**

The bill's sponsor, Rep. Jenifer Loon (R-Eden Prairie), admits she isn't much of a beer drinker, but is eager to help entrepreneurs like Omar Ansari, founder and president of Brooklyn Center-based Surly Brewing Company, grow their businesses and create jobs.

"I see this very clearly as a great jobs initiative, something we very much need right now, and a way to really facilitate a great craft, the craft brewing of beer in the state of Minnesota," Loon said.

Ansari told the House Commerce and Regulatory Reform Committee April 13 he plans to build a \$20 million facility to accommodate his expanding business, which has grown from 1,600 kegs sold in 2006 — its first year of operation — to 24,000 last year. He would like to open a taproom, restaurant, beer garden and event center. He projects 85 construction jobs and about 150 permanent jobs would be created in the process, and that he'd eventually make about 150,000 barrels of Surly varieties annually.

"We are not asking for any tax breaks or public subsidies, only the necessary changes in the licensing law," Ansari said.

In a business where word-of-mouth helps boost consumer demand, such onsite sales can be like liquid gold to start-up breweries that can generate much needed cash flow, not to mention brand awareness, for their product. The taproom license would be limited to brewers making fewer than 250,000 barrels of beer annually.

The committee laid the bill over for possible inclusion in an omnibus liquor bill. Sen. Linda Scheid (DFL-Brooklyn Park) sponsors a companion, SF416, which awaits action by the full Senate.

The bill could eventually boost beer tourism, said supporters, including Ryan Petz, founder of Fulton Brewing Company, which started in a south Minneapolis garage and is now building a brewery downtown. He said states such as Oregon, Colorado, Washington

and California with laws allowing similar business activity have experienced significant industry growth.

A range of companies could benefit from little Lift Bridge Brewing Company, which CEO Dan Schwarz said produced about 3,000 barrels last year and is building a new facility in Stillwater, to local household names such as Summit Brewing Company of St. Paul and New Ulm's August Schell Brewing Company. Summit produced 98,000 barrels and Schell's, 92,000 barrels last year, according to Allyson Hartle, a lobbyist representing those breweries.

Minnesota's resurging craft brewing tradition mirrors that across the country. Nationally, 1,753 breweries operated for some or all of 2010, the highest total since the late 1800s, according to the Brewers Association, a national group. The number of U.S. craft brewers grew from eight in 1980 to 537 in 1994 to over 1,600 in 2010, according to the association.

Although the Minnesota Licensed Beverage Association has opposed proposals to allow taproom licenses in the past, they are "more comfortable" with the current bill, said Joe Bagnoli, a lobbyist for the association and the Minnesota Manufactured Beverage Association. He said they are pleased there is a cap on the size of brewers who can have a taproom, that those eligible are limited to one taproom, and that they must comply with all alcoholic beverage regulations.


"This is not an attempt to tear down the three-tier system," Loon said, referring to the makers, distributors and retailers of alcoholic beverages.

A burgeoning beer business could also tap other segments of the local economy, say brewers.

Schwarz recently visited DCI, Inc., a St. Cloud manufacturer of stainless steel storage and processing tanks, including fermenters used in brewing

beer. Because of a 28-week waiting period on orders, he had not decided whether to buy locally in that case, but Lift Bridge sources locally when possible. For example, the company buys malt from Rahr Malting, a family-owned business in Shakopee since 1847, and hired union trade workers for a construction project to install three fermenter tanks.

Scott Pampuch, owner of Corner Table, a Minneapolis restaurant, said what is being proposed makes him "technically" the microbreweries' competitor, but that as an entrepreneur himself, he fully supports the bill.

"In our business environment right now we want to do everything we can to encourage business. ... We want to encourage the possibility of people succeeding and lifting themselves up and running their own business." 

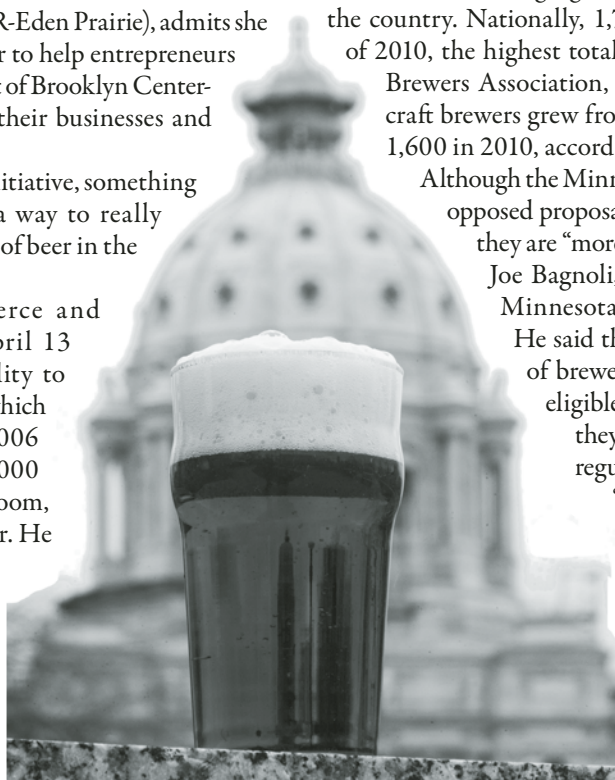


PHOTO BY TOM OLMSCHIED

# 'Social promotion' to promote literacy

Third-graders could repeat if they can't read

By KRIS BERGGREN

**T**hird-graders who can't read could be required to repeat the year. Retention, or holding students back if they're not academically ready to advance, is a strategy that's working in Florida — and in a St. Paul charter school.

Modeled after the Florida program, Rep. Pam Myhra (R-Burnsville) sponsors HF1487, which calls for a statewide literacy plan with a focus on reading by third grade. The bill has no Senate companion. It is included in the House omnibus education policy bill, HF1381.

"There's a turning point in third grade," she told the House Education Reform Committee April 26. "Before, [students are] learning to read; after, they're reading to learn."

A new study by the Annie E. Casey Foundation concluded that students who don't read proficiently by third grade are four times more likely to drop out of high school than proficient readers.

The bill would direct school districts and charter schools to develop plans to monitor students' literacy skills from kindergarten through grade three and inform parents at least twice a year of their child's reading progress. Struggling students would get extra help such as tutoring, summer school or extended time programs.

It would also limit "social promotion," or advancing students automatically to the next grade. With certain exceptions, students would only be promoted to the fourth grade if they demonstrate reading proficiency by the end of third grade — but if not, they'd repeat third grade and receive intensive, specialized intervention.

## Retention is one strategy

Concordia Creative Learning Academy, a St. Paul charter school with 390 students, 98 percent of whom are low-income, isn't afraid

to retain students if they're not at grade level.

"Starting in pre-K, if it is determined by the teaching team as well as their assessment that they're not ready, they don't go on," said Mary Donaldson, CCLA's director. The school has significantly turned around student test scores and now has a waiting list of 350. "We feel very strongly at our school that reading is where it starts."

Because Florida schools have focused on reading in earlier grades by frequent assessment, specialized instruction and parental involvement, the percentage of Florida third-graders retained has dropped from a 2002 high of 13.2 percent to 6.4 percent in 2008, according to Matthew Ladner, senior advisor for the Foundation for Excellence in Education, a Florida nonprofit.

Donaldson understands that people may be uncomfortable with the idea of asking students to repeat a grade because they fear it would harm students' self-esteem. However, CCLA parents are usually very receptive to the recommendations of staff that a child be held back, because there is good communication all along the way and because the decisions are based on data such as work samples or assessment results.

The bill's critics support its goal of universal literacy, and some proposals such as suggested intervention strategies — including more time on task and individualized support — but don't want students to be stigmatized by being held back.

"You call it social promotion; I call it flunking students," said Rep. Mindy Greiling (DFL-Roseville), who supports early childhood education as an alternative.

"A child who can't read in third grade is in deep weeds. We have to get to them earlier."

Ladner acknowledged that poorly planned retention efforts in states such as Texas, which held back ninth graders at one point, have failed to improve literacy, test scores or student learning, but said Myhra's bill is different.


"This policy is aimed at the developmentally critical period, K through three; it is using objective test score data to inform retention decisions; it is helping the kids; and it is doing it before it is too late," he said.

Others say the program is costly and the funds would be better spent on other proven methods to improve student achievement.

"There are multiple other interventions that do not make children nine and younger bear the burden for the failure of adults," said Matthew Mohs, St. Paul Public Schools' director of Title I services. If the state is willing to invest in up to two additional years of education for children through the retention proposal, he said similar results could be accomplished by funding extended year or early childhood programs.

Such programs are working at Washburn Elementary School in Bloomington, said Jon Millerhagen, its principal. Even third grade is too late to intervene, he said.

Of his school's 500 students, 160 are English language learners and 60 percent are low-income. He spends federal Title I funds on preschool programs and all-day kindergarten for children at risk of falling into the achievement gap, and on parent education to teach them how to support their children's reading at home.

He says those measures are paying off, with only six first-graders of about 80 reading below grade level this year — "numbers that are very strong." 

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

simply formalize the program and, after an initial startup, could be expanded statewide.

The program would require about \$10,000 in new money for the protection of volunteers, for things such as bug repellent, hard hats or eye gear. Also, signs could be erected to recognize the volunteers in the same way the Adopt-a-Highway program signs acknowledge highway right-of-way cleaning crews.

Before laying the bill over April 18 for possible inclusion in an omnibus policy bill, House Environment, Energy and Natural Resources Policy and Finance Committee Chairman Denny McNamara (R-Hastings) said the fiscal implications are a problem. He suggested that interested parties, such as Ducks Unlimited and Pheasants Forever chapters, be asked to contribute to the program costs.

A companion, SF673, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), has been incorporated into SF712, sponsored by Sen. John Carlson (R-Bemidji). That bill awaits action by the full Senate.

— S. HEGARTY

### **EQB reorganization approved**

The executive director of the Environmental Quality Board said a bill to trim the board's composition and duties is premature.

Bob Patton told the House Environment, Energy and Natural Resources Policy and Finance Committee April 26 that an analysis of the board's functions is due out next January and that HF1360 should be tabled until that study can be reviewed.

Sponsored by Rep. Paul Torkelson (R-Nelson Township), the bill would eliminate the citizen members and reassign some of the board's oversight to the Clean Water Council. The committee approved the bill 7-6 and sent it to the House Government Operations and Elections Committee. It has no Senate companion.

The EQB consists of nine state agency heads, five citizen members and a governor's appointee who serves as the board chair. The board writes the rules for conducting environmental reviews and publishes environmental review documents and comment periods in its "EQB Monitor." Under the proposed changes, the publication would continue and the board would meet at the call of the governor.

— S. HEGARTY

### **Modifications proposed for e-waste**

Since the Electronics Recovery Act was enacted in 2007, there's been no shortage of electronics to recycle. But as people replace their old gadgets with newer models, the law needs to keep pace with the types and sizes of electronics.

HF1471, sponsored by Rep. Melissa Hortman (DFL-Brooklyn Park), would modify the law by creating a longer list of electronic devices required to be collected at the end of their useful life. For example, desktop computers and printers, DVD players and digital video recorders would also count toward a manufacturer's recycling obligation. Only televisions, monitors and laptop computers are currently used to determine how much a manufacturer must collect. And the minimum screen size on video display devices required to be recycled would drop from 9 inches to 7 inches.

The bill was approved by the House Environment, Energy and Natural Resources Policy and Finance Committee April 27 and sent to the House Commerce and Regulatory Reform Committee. Sen. Linda Higgins (DFL-Mpls) sponsors the companion, SF1237, which awaits action by the Senate Environment and Natural Resources Committee.

Manufacturers are required to collect and recycle a percentage of the products they sell in Minnesota. The calculation is an estimation of what they expect to sell during the current year based on the previous year's sales. The proposed modification would require them to recycle based only on the previous sales year and not on their estimated current sales.

There are currently 73 manufacturers registered under the program. The additional devices would add about 20 more, according to Garth Hickie, electronic waste program coordinator for the Pollution Control Agency.

It became illegal to put electronics in the waste stream in 2006. Proponents of the law say this has led to people disposing of devices in ditches and lakes to avoid paying disposal fee. However, some committee members noted the bill doesn't guarantee free collection for consumers. Some counties charge a fee while others don't. Rep. John Persell (DFL-Bemidji) said, "That's between you and your county commissioner. Take it up with your county."

Ramsey County Commissioner Victoria Reinhardt said the entire cost to counties that collect materials may not be covered.

If a fee is charged, it is likely less than it was before the program was in place, she said.

— S. HEGARTY

### **Pesticide permits to protect water**

Both the Minnesota Pollution Control Agency and the federal government regulate the use of pesticides in water, such as for mosquito control, and the Department of Agriculture regulates pesticides applied on land, in order to protect crops. Certified applicators, be they farmers or commercial applicators, must follow label directions for properly applying pesticides to crops; no state permit is currently required.

But a federal court decision required the PCA to draft rules regarding when someone needs a state permit to apply pesticides, specifically in or near water.

Now farmers are concerned the draft rules could lead to the PCA requiring farmers to obtain a permit prior to spraying their land. They don't think they should be required to get a permit to do what they've been doing — applying a legal product in a legal manner, according to Bruce Kleven, a lobbyist for several agricultural organizations.

HF1122, sponsored by Rep. Paul Anderson (R-Starbuck), would limit the PCA's ability to require a permit for aquatic pesticide applications to the same level as federal standards, which are waters that can be navigated.

PCA Deputy Commissioner John Linc Stine said the agency needs a broader definition because it has jurisdiction over "waters of the state," which are broadly defined as surface or underground waters, except surface waters that are not confined but are spread and diffused over the land. Waters of the state include boundary and inland waters.

Farmers say "waters of the state" leaves a loophole that could allow the PCA to require a permit to apply pesticides in low-lying fields or other places where surface water may pool on their property.

The House Environment, Energy and Natural Resources Policy and Finance Committee approved the bill on April 26, and the House Agriculture and Rural Development Policy and Finance Committee approved it, as amended, April 28. A companion, SF776, sponsored by Sen. Julie Rosen (R-Fairmont), was rolled into the omnibus agriculture and rural economies bill but was removed by a conference committee for fear it would be vetoed by the governor.

— S. HEGARTY



## State recycling could be outsourced

A plan to outsource the state's recycling operations got the OK from a House committee. Supporters argue it's a technical change, but opponents say it might lower environmental standards.

Sponsored by Rep. Kirk Stensrud (R-Eden Prairie), HF1470 would allow the Department of Administration to outsource the state's waste removal activities. The House Government Operations and Elections Committee approved the bill April 18. It now goes to the floor. Sen. Chuck Wiger (DFL-Maplewood) sponsors SF1266, which awaits action by the Senate.

The department is currently responsible for ensuring that at least 60 percent of all solid waste produced by state offices is recycled. It has traditionally run the program itself; however, last year the department used an exception in the law to outsource the work to a company that hires workers who are developmentally disabled.

Dave Fielding, director of plant management for the department, said the move to a private contractor will save the state \$1.5 million over five years. He said the bill would merely formalize changes that have already been made administratively.

"We've got something here that, quite frankly, I think the state was micromanaging. And what this represents is an attempt to get it back to a point of reasonable oversight," Fielding said.

Some committee members expressed concern about a provision that would turn the 60 percent requirement from a mandate to a goal. Fielding said the change is intended only to reduce administrative burdens on the department, but Rep. Ryan Winkler (DFL-Golden Valley) opposed the change.

"Why get rid of the 60 percent requirement? Why not leave that in place and make that a requirement for the vendor?" Winkler said.

Fielding said the Pollution Control Agency already monitors the environmental impact of the recycling program, and would continue to do so regardless of who runs it.

Stensrud successfully amended the bill to include a provision that would allow the state to hire a private company to provide its waste removal services.

— N. BUSSE

## Health & Human Services

### No surcharges in times of disasters

Storm damage left the 50-bed New

Richland Care Center closed for three months last fall. The facility still received a \$20,000 state surcharge for the number of beds it holds even though it was not housing anyone while it was closed for repair.

Sponsored by Rep. Joe Schomacker (R-Luverne) and Sen. Julie Rosen (R-Fairmont), HF937/SF626\* would make sure nursing homes do not receive a bed surcharge for the time they are closed or evacuated for flooding or other natural disasters.

As amended, the bill was approved 126-0 by the House April 14. The Senate, tabled the amended version April 18.

Also included in the legislation is language that modifies the criteria and process under which the commissioner of health, in coordination with the commissioner of human services, may approve the addition of new licensed and certified nursing home beds. A moratorium currently exists on new nursing home beds in Minnesota.

At one time, the state averaged 95 nursing home beds per 1,000 people over age 65. The Department of Human Services realized the industry overbuilt and in recent years that average has dropped by one-third. The national average nursing home beds per 1,000 people over the age of 65 is 41, said Bob Held, director of the department's Nursing Facility Rates and Policy Division. He said a disparity of available nursing home beds exists across the state. The bill would allow the departments of health and human services to establish the criteria to be used to determine if an area of the state is encountering a hardship with regard to access to nursing facility services and whether that area can add new beds.

— H. LONG

### Community paramedic law signed

Signed  
by  
the  
governor

To help fill gaps in underserved communities, some emergency medical technicians could be certified to expand their roles.

A new law signed April 6 by Gov. Mark Dayton allows the creation of a new health care definition, "community paramedics," which would allow paramedics to monitor and provide some treatment to patients with chronic disease, and perform minor medical procedures intended to prevent ambulatory or emergency room services. Sponsored by Rep. Tara Mack (R-Apple Valley) and Sen. Julie Rosen (R-Fairmont), the law allows experienced paramedics in communities to undergo

120 additional hours of training to become certified by the Emergency Medical Services Regulatory Board as "community paramedics." The Minnesota State Colleges and Universities system recently approved the accredited training program that would teach and certify EMTs as "community paramedics."

The law requires the human services commissioner, in consultation with representatives of emergency medical service providers, physicians and local public health agencies, to determine specified services and payment rates for community paramedics. Services provided by community paramedics would be covered by Medical Assistance. Community paramedics would be directed by a local physician.

Community paramedic definition and eligibility portions of the law take effect July 1, 2011; funding and evaluation portions take effect Aug. 1, 2011.

HF262/SF119\*/CH12

— H. LONG

### Omnibus policy bill approved

A House committee has approved an omnibus health and human services policy bill that contains a potpourri of changes in areas ranging from reform of pharmacy audits to restricting the type of required work activities in which welfare program recipients can engage.

Sponsored by Rep. Steve Gottwalt (R-St. Cloud), HF1020 was approved by a 12-5 vote, as amended, by the House Health and Human Services Reform Committee April 27. The bill now awaits action on the House floor.

Several amendments were added to the bill, including two abortion-related provisions stemming from bills heard earlier in the session. One, offered by Rep. Tara Mack (R-Apple Valley), would prohibit abortions after 20 weeks of gestation. The amendment, based on HF936, is also known as the "Pain-Capable Unborn Child Protection Act." Another amendment, offered by Rep. Kathy Lohmer (R-Lake Elmo), would prohibit the use of funding for state-sponsored health programs for abortions. Both were approved on a 12-5 vote.

Selected provisions of the bill include:

- HF425, sponsored by Rep. Joyce Peppin (R-Rogers), which would limit the required work activities for persons enrolled in the Minnesota Family Investment Program to activities that do not have a political purpose;

- HF1236, sponsored by Rep. Rod Hamilton (R-Mountain Lake), which specifies procedures that must be followed during pharmacy audits and establishes procedures for modifying contracts between pharmacy benefit managers and pharmacies;
- HF480, sponsored by Rep. Bev Scalze (DFL-Little Canada), which would push back the start date for required electronic prescribing methods for pharmacies, which began in Jan. 1, 2011, to Jan. 1, 2016;
- HF311, sponsored by Rep. Jeff Hayden (DFL-Mpls), which would allow counties to negotiate supplemental contracts with approved vendors and base reimbursement and rates of pay on the client outcomes and vendor performance;
- HF364, sponsored by Rep. Morrie Lanning (R-Moorhead), which would permit counties and the state to contract with facilities in a bordering state for detoxification services for Minnesota residents, and allow Minnesota detoxification facilities to contract with bordering states to provide services to residents of the bordering states;
- HF745, sponsored by Rep. Tara Mack (R-Apple Valley), which would create an Autism Spectrum Disorder Task Force;
- HF1382, sponsored by Rep. Jim Abeler (R-Anoka), which would prohibit granting or renewing a license for health professionals convicted of specified felony level criminal sexual conduct offenses and make technical changes to practice acts related to nursing, professional counseling, social work and dentistry; and
- HF1184, sponsored by Rep. Sarah Anderson (R-Plymouth), which would limit granting of a family day care license to a single-family residential site only if the homeowner is the primary provider of the day care.

— H. LONG

### New child care provider rules

A toddler received severe frostbite on his hands and fingers after playing outside while in the care of a local child care provider. His parents are pushing for passage of a bill that would set out requirements that licensed child care providers must follow in determining whether a child can be outdoors during adverse weather conditions.

Rep. Mary Franson (R-Alexandria) sponsors HF1404, known as “Gager’s Law,” which would require licensed child

care providers to not allow children to play outdoors when the temperature is below 20 degrees without wind chill factor; the heat index is 100 degrees or above; or there is an air-quality warning issued by local weather stations.

Kari Akers said the incident involving her son, Gage, took place in January 2010 while he was 17 months old and in the care of a licensed child care provider. He was allowed to be outside in subzero temperatures with no gloves or mittens. When Akers picked up her son, he was in extreme pain and his fingers and hands were severely blistered from what doctors told her was severe frostbite, she told members of the House Health and Human Services Reform Committee. The bill was laid over April 27 for possible inclusion in a policy omnibus bill. It has no Senate companion.

Some legislators expressed concerns that the bill was overreaching in its requirements. Two testifiers echoed the sentiments, including Cisa Keller, a lobbyist for the Minnesota Child Care Association. She said



PHOTO BY ANDREW VONBANK

**Kari Akers, who’s son, Gage, received severe frostbite in January 2010 when he was allowed to be outside in subzero temperatures with no gloves or mittens while in the care of a licensed child care provider, testifies before the House Health and Human Services Reform Committee April 27 in support of a bill that would adopt standards that govern outdoor activity at licensed child care facilities.**

many of the safety concerns the bill attempts to address are covered through existing regulations governed by the Department of Human Services.

Franson said her bill would not adversely affect licensed child care providers who are already using common sense in such situations.

Rep. Diane Loeffler (DFL-Mpls) said she believes the bill could lead to unintended consequences that would cause child care providers to keep children indoors far too often.

Rep. Mary Kiffmeyer (R-Big Lake) suggested Franson amend her bill to include advisory language with fewer requirements and specificities.

— H. LONG

### Radiation center moratorium

Competing bills related to a moratorium on construction of new radiation therapy centers in 14 Minnesota counties were heard in the House Health and Human Services Reform Committee April 26.

The committee approved HF383, sponsored by Rep. Rod Hamilton (R-Mountain Lake), which would extend the moratorium to Aug. 1, 2017. The current sunset date for the moratorium is Aug. 1, 2014. The moratorium was enacted during in 2007 in an effort to protect metropolitan hospitals from competition posed by health care organizations that want to build free-standing outpatient radiation therapy centers.

The bill would exempt plans that HealthEast Care System has in the works to relocate a radiation therapy machine from its Maplewood hospital to its Woodbury hospital.

The bill now moves to the House Commerce and Regulatory Reform Committee. Its companion, SF248, sponsored by Senate President Michelle Fischbach (R-Paynesville), awaits action by the Senate Health and Human Services Committee.

While the committee approved the moratorium extension, it also heard testimony on HF595, sponsored by Rep. Bruce Anderson (R-Buffalo Township), which would repeal the moratorium altogether. The bill was laid over for possible omnibus bill inclusion. Its companion, SF709, sponsored by Sen. David Hann (R-Eden Prairie), awaits action by the Senate Health and Human Services Committee.

Moratorium supporters say it levels the



PHOTO BY ANDREW VONBANK

**Cancer survivor Ryan Flynn testifies before the House Health and Human Services Reform Committee April 26 in support of a bill that would repeal the radiation therapy facility construction moratorium.**

playing field for hospitals that are mandated by the state to provide other forms of care and treatment that, unlike radiation therapy, don't generate revenue. Opponents, including Minnesota Oncology which wants to build a radiation therapy center in Woodbury, say it stifles the free market choices of patients needing radiation therapy.

Rep. Duane Quam (R-Byron) informally proposed a compromise for the competing bills that he said would keep the moratorium but allow freestanding facilities outside of a certain distance from hospitals. Both Hamilton and Anderson said they were open to discussing such a provision.

— H. LONG

## Local Government

### Redesigning county government

Counties could experiment with new, more efficient ways of delivering services if a bill becomes law.

Sponsored by Rep. Carol McFarlane (R-White Bear Lake), HF1579 would let counties test alternative ways to deliver their services. The goal is to move counties toward

outcome-based government and away from the old model of simply carrying out the state's marching orders.

"For us, this is the first step in moving us from our current direction, where counties really are just 'doers,' into more innovative entities," said Joe Mathews, general government policy analyst for the Association of Minnesota Counties.

Counties are currently bound by state rules and statutes to provide certain services in specific ways. The bill would give counties some flexibility by letting them apply for waivers to establish pilot projects for new service delivery methods.

The House Government Operations and Elections Committee approved the bill April 26 and referred it to the House State Government Finance Committee. There is no Senate companion.

Tim Walsh, Scott County's director of health and human services, said there are enough differences between the state's 87 counties that it makes sense to let them administer programs in ways that respond to their unique needs and concerns.

"The bottom line of what we're trying to do here is improve performance," Walsh said.

The bill would perform three main functions:

- authorizing counties to provide for the general welfare of their residents;
- establishing a process for counties to apply for waivers or exemptions from state mandates; and
- creating a "Minnesota Northstar Council" to develop policy goals and performance measures.

Rep. Steve Simon (DFL-St. Louis Park) asked whether the bill could lead to "mission creep," and empower counties to usurp the authority delegated to cities or even the state itself. Mathews responded that nothing in the bill would allow counties to supersede state or city powers.

"Some may describe it as mission creep. We would say we're actually empowering the county to join with their fellow local governments in some new ways to collaborate that in the end may actually save us money," Mathews said.

— N. BUSSE

### Mandate relief bills approved

To help ease budget pressures on local units of government, lawmakers might give them fewer mandates to carry out.

The House Government Operations and Elections Committee approved a pair of bills

April 27 that would modify or repeal various state mandates.

Sponsored by Rep. Steve Drazkowski (R-Mazeppa), HF7 covers everything from animal control laws to health insurance for public employees. He described it as an "abbreviated approach" to a larger effort to eliminate costly mandates.

"There appears to be ... a dysfunction in which state government places all of these mandates on local units of government and then tries to compensate them with local government aid," he said.

Selected provisions include:

- permitting counties to use private accounting firms to do their audits;
- eliminating requirements related to impounding and selling seized animals; and
- removing requirements to publish certain public notices more than once.

One controversial provision would strike a requirement that local governments not reduce the aggregate benefits of public employees' health insurance plans. Supporters say the law limits the ability for local officials to make insurance changes that could benefit employees and save taxpayers' money. Opponents argue it violates collective bargaining rights.

Meanwhile, Rep. Roger Crawford (R-Mora) sponsors HF705, which includes many of the same or similar provisions as Drazkowski's bill. In addition, it strikes certain reporting requirements for local governments.

Both bills were approved by the committee, and now go to the House Judiciary Policy and Finance Committee.

Sen. John Carlson (R-Bemidji) sponsors SF159, the companion to Drazkowski's bill, which awaits action by the Senate Local Government and Elections Committee. Sen. Benjamin Kruse (R-Brooklyn Park) sponsors SF1260, the companion to Crawford's bill, which awaits action by the Senate Local Government and Elections Committee.

— N. BUSSE

### Red Wing Port Authority changes

**Signed  
by  
the  
governor**

A new law, signed by Gov. Mark Dayton April 27, will allow commissioners on the Red Wing Port Authority to serve three-year terms instead of the current six-year terms.

Sponsored by Rep. Tim Kelly (R-Red Wing) and Sen. John Sterling Howe (R-Red Wing), the law was drafted at the request of



the port authority. Kelly thinks more people would be willing to serve for three years as opposed to six years.

The law is effective upon local compliance, and will apply retroactively to all terms beginning on or after Jan. 1, 2011.

HF613\*/SF124/CH17

— N. BUSSE

### Online public notices nixed

A plan to save local governments money by letting them post official notices online instead of paying to have them published in newspapers was nixed by lawmakers who said it would be unfair to senior citizens.

Members of the House Government Operations and Elections Committee voted April 27 to remove the provisions from HF705. Sponsored by Rep. Roger Crawford (R-Mora), the bill would provide relief from state mandates for cities, counties and other local government units.

As introduced, the bill contained provisions that would have lifted requirements that official public notices be published in a local newspaper, generally at a cost to the local unit of government. Under the proposal, they could have published them on their own websites instead.

Supporters say current laws are a burden to cash-strapped local governments. Anoka County Board Chair Rhonda Sivarajah said the change would save taxpayers \$85,000 annually in her county alone. She also said posting the notices online would make them accessible to a larger number of residents.

"Currently, our official newspaper has a circulation of 8,900 households. We have over 335,000 people that live in Anoka County. They don't have access to the county-designated newspaper," she said.

Opponents said it would hurt small newspapers and people who don't use the Internet. Sandra Naren, a lobbyist for the Minnesota Newspaper Association, said most people tend to get their official notices from printed newspapers rather than online. She said senior citizens, in particular, tend to get their news from printed publications.

Rep. Dean Urdahl (R-Grove City) echoed those concerns, saying he's heard from seniors in his district that they don't want to use computers to get their information.

"The time is coming where we may not use paper for hardly anything, but I'm not sure that time is here yet," Urdahl said.

Rep. Tim O'Driscoll (R-Sartell) successfully amended the bill to remove the provisions. The committee approved the bill

and sent it to the House Judiciary Policy and Finance Committee. Sen. Benjamin Kruse (R-Brooklyn Park) sponsors the companion, SF1260, which awaits action by the Senate Local Government and Elections Committee.

— N. BUSSE

## Military & Vet. Affairs

### Renew license within one year

Minnesota active military service members living outside the state would have one year to renew an expired driver's license after they are discharged from active duty under a bill passed 123-3 by the House April 27.

Sponsored by Rep. Dean Urdahl (R-Grove City), HF186 now goes to the Senate, where Sen. Ted Daley (R-Eagan) is the sponsor.

Rep. Kim Norton (DFL-Rochester) said the current law of 90 days "is plenty of time to come home and get another license," while Rep. Duane Quam (R-Byron) said the bill would benefit the 34th Red Bull Infantry Division, of which his son is a member. The provision would apply to a service member's spouse as well.

— S. HEGARTY

## Public Safety

### Donating public safety equipment

Some larger fire departments receive grants to upgrade their equipment, leaving them with the problem of how to dispose of used equipment that still may be in good working order. Donating to smaller departments is problematic because of the possible liability issue. So some departments simply mothball the equipment and some ship it to other countries.

Rep. Tara Mack (R-Apple Valley) sponsors HF695 that would extend civil immunity to a municipality that donates vehicles and equipment used in firefighting, ambulance and emergency medical treatment services, rescue, and hazardous materials response. It passed the House April 27 129-0. It now moves to the Senate where Sen. Warren Limmer (R-Maple Grove) is the sponsor.

"I find it illogical and sad that we have cities 50-60 miles away from this equipment who are unable to get it," Mack said.

The issue of concern to city officials is that equipment exposed to high heat situations may not perform as expected and the

donating government jurisdiction could be held liable.

— L. SCHUTZ

### Updated 'Emily's Law'

A 13-year-old who commits a felony-level violent juvenile offense might be prosecuted as an extended jurisdiction juvenile, but not certified as an adult.

Through EJJ, an offender is sentenced as both a juvenile and an adult. If the offender violates terms of the juvenile disposition or commits a new offense, the stayed adult sentence may be executed. Under current law, the minimum age is 14.

Under the bill, a 13-year-old who has the adult sentence executed may be held in a county jail, but not at a state correctional facility for adults.

A "violent juvenile offense" is defined in the bill as first- through third-degree murder, first- and second-degree manslaughter, first- through fourth-degree criminal sexual conduct and malicious punishment of a child.

Sponsored by Rep. Torrey Westrom (R-Elbow Lake), HF1428 was approved April 26 by the House Public Safety and Crime Prevention Policy and Finance Committee on a split-voice vote, and sent to the House Judiciary Policy and Finance Committee. A companion, SF1218, sponsored by Sen. Gretchen Hoffman (R-Vergas), awaits action by the Senate Judiciary and Public Safety Committee.

"The proposed legislative change certainly would be appropriate in those most serious cases involving a 13-year-old offender," Assistant Otter Tail County Attorney Michelle Eldien wrote in a letter to the committee. "The current law limits jurisdiction of 13-year-old offenders until the age of 19. Extended juvenile jurisdiction of the juvenile in this situation would allow for supervision until 21 years of age."

This is Westrom's second "Emily's Law" bill this session. His first, HF306, would have lowered the EJJ or option to certify a juvenile as an adult to age 10. That bill was heard Feb. 10 by the public safety committee, but no action was taken.

The impetus for Westrom's bills is the case of 2-year-old Emily Johnson, who, in June 2006, was sexually assaulted and violently thrown against a wall by the 13-year-old son of her day care provider. Emily was taken off life support the next day. Because the offender was 19 days shy of his 14th birthday, he could not be tried as an adult.

Opponent's arguments include that the bill could institute cruel and unusual

punishment, it would disproportionately affect minorities and that youthful offenders are less able to comprehend the long-term consequences of their actions.

The bill also restricts a court's ability to expunge a juvenile record if a child is adjudicated delinquent for a violent juvenile offense. A court may now expunge a juvenile record at any time, unless the juvenile is transferred to the Department of Corrections' custody.

— M. COOK

### **Tougher penalty for fleeing**

A bill receiving House approval would modify the crime of fleeing a peace officer when doing so results in a death that does not constitute murder or manslaughter.

Following the 93-35 vote April 27, HF361, sponsored by Rep. John Kriesel (R-Cottage Grove), goes to the Senate where Sen. John Harrington (DFL-St. Paul) is the sponsor.

Supporters note the current flee-on-foot statute does not address penalties for causing serious harm or death to others if pursuit of a felonious criminal goes from vehicle to foot. However, if the occupants are still in the car, they can be charged for all the harm caused by their actions.

The bill would extend the law to situations where a suspect initially flees police in a motor vehicle, but abandons the vehicle and continues to flee in another way.

The impetus for the bill occurred on Nov. 1, 2007, when Mark Bedard, an officer with the Minneapolis Park Police, was in pursuit of two suspects in a pair of drive-by shootings.

After the suspects bailed from their vehicle, the chase continued on foot until Bedard was hit by a squad car in an alley. He died nine days later, leaving behind a wife and 3-year-old son.

Because Bedard's injuries occurred during a foot chase, the suspects could not be charged with the more serious death of a police officer. They did plead guilty to felony drive-by shooting and received sentences of less than four years in prison.

— M. COOK

### **Self-defense bill gets committee OK**

A bill that would expand the use of deadly force in cases of self-defense was approved by a House committee.

Sponsored by Rep. Tony Cornish (R-Good Thunder), HF1467 would, in part, change state law governing the use of force in self defense, including that an individual



PHOTO BY ANDREW VONBANK

**Displaying a photograph of a gun victim and her shooter, Heather Martens, executive director of Protect Minnesota, testifies before a packed House Public Safety and Crime Prevention Policy and Finance Committee April 28 in opposition to a bill that would amend the law on use of force in defense of a person's home.**

using deadly force is presumed to possess a reasonable belief that there exists an imminent threat of great bodily harm or death.

"It's not shoot first; it's not shoot on a whim," said Attorney David Gross. "You have to reasonably believe certain things or have certain facts be true. You don't go shooting at shadows."

The House Public Safety and Crime Prevention Policy and Finance Committee approved the bill April 28 on a 10-7 party-line vote and sent it to the House Judiciary Policy and Finance Committee. It has no Senate companion.

"I like to refer to this as a self-defense bill," Cornish said, adding it would allow a person to decide what type of force is needed to repel an invader or a threat.

The bill also does a number of other things, including:

- extends the effective period of a permit-to-purchase a firearm from one to five years;
- mandates improved reporting of mental health and criminal background data to state and federal databases used in making background checks;
- delimits the authority of peace officers to disarm individuals during times of a public emergency or disorder; and
- requires Minnesota to recognize a permit-to-carry issued by another state.

Proponents say the bill better lets law-abiding citizens defend their property and stand their ground.

"As a father, as a husband, it's a duty to me to protect my house, protect my family," said Rep. John Kriesel (R-Cottage Grove). "This bill sends a message to criminals, and I believe it will act as a deterrent."

Oponents said current law adequately protects law-abiding citizens; a homeowner could use deadly force against an unarmed person who mistakenly tries to enter a dwelling; and fear of officer safety, especially when they surprise someone on their property while executing their duties.

"Such a law would, in essence, allow a person to shoot first and ask questions later whenever they believe they are exposed to substantial harm regardless of how a reasonable person would have responded under the circumstances or would have perceived the gravity of the danger presented," said Dakota County Attorney James Backstrom.

— M. COOK

## **Recreation & Tourism**

### **Task force on Metrodome's future**

No one knows whether the Minnesota Vikings will get a new stadium this year, but one lawmaker wants to make sure the Metrodome has a future with or without them.

Rep. Bev Scalze (DFL-Little Canada) sponsors HF1363 that would establish a



Metrodome Task Force made up of legislators and sports officials. The group would be tasked with figuring out a way to keep the facility open for public use without a professional football team as a tenant.

The House Government Operations and Elections Committee approved the bill and sent it to the House floor. There is no Senate companion.

With so much uncertainty about the Vikings' future, Scalze said she wants to ensure hundreds of college, high school and miscellaneous other events that take place annually at the Metrodome can continue there.

"I call this a 'just in case' bill," she said.

A key issue is whether a new Vikings stadium would include a roof. Vikings officials have indicated they might accept a facility without a roof, but Scalze said that would be impractical for many of the other teams and groups that use the Metrodome.

"Just in case there's not a covered facility, we'd like to make sure there's a task force looking at the issue," she said.

The task force would examine ways to make the Metrodome a "self-funded public use facility," including possible changes in use, fees, ownership and management. It would submit recommendations to the Legislature by Jan. 15, 2013.

Bill Lester, executive director of the Metropolitan Sports Facilities Commission, said prior to the roof collapse in December, there were 300 days a year that at least one event was going at the Metrodome.

"When the Twins moved out of the Metrodome, that left 81 fewer Major League Baseball games, but we filled those slots with 240 small college and high school and Legion and all those other teams," he said.

— N. BUSSE

## State Government

### Principles for redistricting passed

The principles that will act as a framework for creation of the new 2012 redistricting map were introduced as HF1547 on April 18, then moved through the House Redistricting Committee April 26 and as amended, were passed off the House floor 70-62 on April 28.

DFL members balked at the speed saying, because of the Easter/Passover break last week, there wasn't enough time to review the eight principles, nor has there been enough public input.

Committee Chairwoman Sarah Anderson (R-Plymouth) said there have been 14

committee meetings, with three of them being held in Greater Minnesota.

Anderson said the principles ensure the integrity of the federal Voting Rights Act of 1965 that works to enhance minority representation. She said the bill also addresses four of the five concerns raised by Gov. Mark Dayton.

However, Rep. Melissa Hortman (DFL-Brooklyn Park) disagreed. "The process has been extremely flawed and designed to minimize public input," she said, adding that it may violate the federal act.

Her amendments to provide more time for public review of any redistricting plan were not accepted.

The principles address minority representation by stating that the plan must not have the intent or effect of dispersing or concentrating the minority population in a manner that prevents these communities from electing their candidates of choice. It also speaks about preserving communities of interest — areas with similarities of interests, including but not limited to racial, ethnic, geographical, social or cultural interests.

The bill now moves to the Senate where Sen. Geoff Michel (R-Edina) is its sponsor.

Although a map doesn't have to be ready until February 2012, Anderson said members could expect to see it before the end of session.

— L. SCHUTZ

## Transportation

### Alternative transportation financing

The Department of Transportation might be able to look at alternative ways to finance project construction.

Sponsored by Rep. Mark Buesgens (R-Jordan), HF1378 would allow MnDOT to enter into an agreement with a governmental or private entity to finance or invest in a transportation project. This would be a one-time pilot project.

"As we look at reinventing government, looking at doing things in different ways and providing flexibility ... this legislation matches that philosophy albeit in a very, very tightly controlled realm," Buesgens said.

The bill was approved April 18 by the House Transportation Policy and Finance Committee and sent to the House floor. A companion, SF1078, sponsored by Sen. Benjamin Kruse (R-Brooklyn Park), awaits action by the Senate Transportation Committee.

"Let's say on Highway 199 you have a

township that is looking at putting an expanded crossing across that highway and they've been working with MnDOT, and MnDOT says, 'You know that is on our 2018 project list,'" Buesgens said. "The township says, 'We've got the money right now and we'd like to work with you and maybe front-end these funds and come up with a contractual arrangement so that when MnDOT indeed does have the money they'll pay us back but we can get this work done in an expedited fashion.'"

Scott Peterson, MnDOT government affairs director, said the department views the bill as an opportunity to bring in more resources to finance more transportation improvements.

"The primary benefit of this authority would be to act more quickly, be more responsive to economic development activities that may arise across the state where an associated transportation investment is necessary to take advantage of those opportunities," he said.

Rep. Mike Nelson (DFL-Brooklyn Park) expressed concern that projects higher on the department's to-do list may be displaced by projects completed via this alternative funding route.

Peterson said that would not be the case.

"We would repay the funds that were provided for the project when that project's originally scheduled construction date appears in our program," he said.

— M. COOK

### Allowing electric-assisted bicycles

Rep. Rich Murray (R-Albert Lea) doesn't run as much as he used to. But he and his wife are bicycling more.

"We're starting to notice the hills are getting a little tougher as we go along, too," he said. "As we get older, electric-assisted bicycles will allow us to stay out on the trails, to enjoy nature, to keep exercising. This will allow elderly people, disabled people that opportunity to be outside enjoying all these trails and bike paths that we've put in all over this beautiful state."

Sponsored by Murray, HF1412 would require that electric-assisted bicycles be allowed on all bike pathways and trails, including state trails managed by the Department of Natural Resources and paths created by local units of government, unless it is deemed that "operation of the electric-assisted bicycle is not consistent with safe use and enjoyment of the trail."

The bill was approved April 27 by the House Transportation Policy and



Finance Committee and sent to the House Environment, Energy and Natural Resources Policy and Finance Committee. A companion, SF1136, sponsored by Sen. Pam Wolf (R-Spring Lake Park), was scheduled to be heard April 28 by the Senate Transportation Committee.

According to Dorian Grilley, executive

director of the Bicycle Alliance of Minnesota, electric-assisted bicycles have a “modest electrical assist.” They are not mopeds or motorized bicycles that can go up to 30 mph. Most electric-assisted bicycles on the market are 250-350 watts with a maximum speed of 20 mph, although he cited a study that indicated most are ridden in the 10-15 mph range.

“They are most popular with those who are somewhat less able but still have the desire to explore Minnesota’s network of trails, bike routes and bike-friendly communities,” Grilley said. “Many are purchased by older individuals who need a little help keeping up with a riding partner.”

— M. Cook

## BILL INTRODUCTIONS

APRI 18 - 28, 2011

HOUSE FILES 1495 - 1616

### Monday, April 18

#### HF1495-Erickson (R)

##### Taxes

Tax collection for rent-to-own or lease-to-own used vehicles timing clarified.

#### HF1496-Runbeck (R)

##### Jobs & Economic Development Finance

Job opportunity building zone (JOBZ) program repealed.

#### HF1497-Shimanski (R)

##### Government Operations & Elections

Grants to nonprofit groups prohibited if a state agency or a private for-profit business entity can provide the same or similar goods or services.

#### HF1498-Liebling (DFL)

##### Health & Human Services Reform

Human services agency provisions modified, agency hearing and appeals provisions modified and Disparities Reduction Advisory Council created.

#### HF1499-Lenczewski (DFL)

##### Capital Investment

Old Cedar Avenue Bridge appropriations modified and corresponding bond sale authorization reduced.

#### HF1500-Anderson, D. (R)

##### Health & Human Services Reform

Chemical and mental health services changes made and rate reforms made.

#### HF1501-Shimanski (R)

##### Commerce & Regulatory Reform

Electronic linked bingo provided for and electronic pull-tabs and video lottery terminals established.

#### HF1502-McDonald (R)

##### Public Safety & Crime Prevention Policy & Finance

Probation officers' unannounced searches of persons on probation or pretrial release authorized.

#### HF1503-Greene (DFL)

##### Education Finance

Voluntary full-day kindergarten funding provided.

#### HF1504-Greene (DFL)

##### Jobs & Economic Development Finance

Minneapolis; Peavey Plaza redevelopment funding provided, bonds issued and money appropriated.

#### HF1505-Hackbarth (R)

##### Transportation Policy & Finance

Start Seeing Motorcycles special license plates established.

#### HF1506-Banaian (R)

##### Government Operations & Elections

Legislative Commission on Planning and Fiscal Policy new duties assigned, duties transferred from executive agencies and money appropriated.

#### HF1507-Banaian (R)

##### Government Operations & Elections

Minnesota public retirement plans other than lump sum volunteer fire plans actuarial valuation interest rate assumptions revised.

#### HF1508-Schomacker (R)

##### Health & Human Services Reform

Resident case mix classification changed.

#### HF1509-Torkelson (R)

##### Environment, Energy & Natural Resources Policy & Finance

Clean Water Partnership Law modified.

#### HF1510-Erickson (R)

##### Education Reform

Alternative compensation revenue made available to school principals and assistant principals.

#### HF1511-Anderson, S. (R)

##### Agriculture & Rural Development Policy & Finance

Direct farm-to-consumer sales and delivery permitted.

#### HF1512-Benson, J. (DFL)

##### Environment, Energy & Natural Resources Policy & Finance

Geothermal energy from municipal wells cooling capacity study required.

#### HF1513-Torkelson (R)

##### Environment, Energy & Natural Resources Policy & Finance

Wholesale energy rate payment provided for qualifying facility.

#### HF1514-Cornish (R)

##### Public Safety & Crime Prevention Policy & Finance

State law enforcement agencies required to report on the transfer of cases involving forfeiture to the federal government and more uniformity in terminology provided.

#### HF1515-Holberg (R)

##### Civil Law

Late fee provisions modified and provisions clarified relating to eviction from property subject to foreclosure.

#### HF1516-Ward (DFL)

##### Government Operations & Elections

Retirement incentives authorized for certain state employees.

#### HF1517-Atkins (DFL)

##### Government Operations & Elections

Official state pipe band designated.

#### HF1518-Mazorol (R)

##### Commerce & Regulatory Reform

Real estate purchase regulated during the redemption period following a sheriff's sale.

#### HF1519-Anderson, B. (R)

##### Veterans Services Division

Veteran license plate collection preserved, and distribution and sale of remaining discontinued veterans plates directed and use of revenue authorized.

#### HF1520-Mullery (DFL)

##### Public Safety & Crime Prevention Policy & Finance

State controlled substance schedules aligned with federal controlled substance schedules, Board of Pharmacy authority modified to regulate controlled substances and electronic prescribing of controlled substances allowed.

#### HF1521-Holberg (R)

##### Health & Human Services Reform

Health records; adult children of a deceased patient added to the definition of patient.

#### HF1522-Nornes (R)

##### Commerce & Regulatory Reform

Real estate; priority of mechanics lien rights of contractors and subcontractors over a mortgage lender to mechanics liens for goods or services provided prior to the recording of the mortgage limited.

#### HF1523-Holberg (R)

##### Government Operations & Elections

Zoning for residential property used as vacation rental provided.

#### HF1524-Mariani (DFL)

##### Education Reform

Substitute principal continuing education requirements clarified.

#### HF1525-Quam (R)

##### Environment, Energy & Natural Resources Policy & Finance

Energy; renewable development account allocations eliminated and approval of certain expenditures temporarily prohibited.

#### HF1526-Quam (R)

##### Transportation Policy & Finance

Frontage road and ramp for controlled access highways distinction made, and municipal road authorities authorized to issue permits for driveway access to frontage roads and ramps for controlled access to highways.

#### HF1527-Falk (DFL)

##### Education Reform

Family and consumer science included as part of the required academic standards.

#### HF1528-Morrow (DFL)

##### Government Operations & Elections

Increased annuity provided for surviving spouse and dependent children of employee killed while engaged in emergency response to flooding.

**HF1529-Greiling (DFL)****Education Reform**

Nonpublic schools that receive state aid, materials, services or other publicly funded support made subject to requirements.

**HF1530-Mazorol (R)****Commerce & Regulatory Reform**

Title insurers statutory premium reserves regulated.

**HF1531-Mazorol (R)****Taxes**

Sales and use taxation exemption provided for qualified data centers.

**HF1532-Simon (DFL)****Government Operations & Elections**

Secretary of state duties imposed, and lists of registrants with challenged voting statuses due to felony convictions required.

**HF1533-Peppin (R)****Government Operations & Elections**

Campaign Finance and Public Disclosure Board procedures and requirements changed.

**HF1534-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Forfeiture law general criminal code clarified.

**HF1535-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

DWI, off-highway vehicle, drive-by shooting, designated offense and controlled substance forfeiture laws changes made to provide more uniformity; monetary cap raised on the value of property forfeitures that may be adjudicated in conciliation court; forfeited property prohibited from being sold to prosecuting authorities or persons related to prosecuting authorities.

**HF1536-Shimanski (R)****Judiciary Policy & Finance**

Mandatory retirement date for judges modified and incumbency designation eliminated for judicial offices.

**HF1537-Hosch (DFL)****Transportation Policy & Finance**

Protective agents right to escort oversized loads clarified.

**HF1538-Peppin (R)****Government Operations & Elections**

Contribution and expenditure limits modified.

**HF1539-Poppe (DFL)****Government Operations & Elections**

Minnesota State Colleges and Universities system faculty members permitted to elect prospective and retroactive defined benefit coverage for Minnesota State Colleges and Universities system employment.

**HF1540-Paymar (DFL)****Public Safety & Crime Prevention Policy & Finance**

Capitol Area security enhanced, new authorities created and responsibilities stipulated, bonding authorized and money appropriated.

**HF1541-Mullery (DFL)****Public Safety & Crime Prevention Policy & Finance**

Civil rights status notice required.

**HF1542-Eken (DFL)****Education Reform**

School start date exception made for school districts that suffer natural disasters.

**HF1543-Gottwalt (R)****Health & Human Services Reform**

Health care program provisions changed; technical and policy changes made; obsolete language clarified; federal conformity changed; eligibility requirements clarified; pharmaceutical provisions modified; covered services clarified; elderly waiver payment eliminated; right to appeal and appeal processes provided; provider requirements imposed; nonemergency medical transportation report required; and managed care and county-based purchasing data report required.

**HF1544-Kiel (R)****Government Operations & Elections**

Marshall County; process provided for making county offices appointive.

**HF1545-McNamara (R)****Environment, Energy & Natural Resources Policy & Finance**

Energy Reliability and Intervention Office established within Department of Commerce to replace Energy Issues Intervention Office and energy reliability administrator, and conforming changes made.

**HF1546-Anderson, S. (R)****Redistricting**

Districting principles established for legislative and congressional plans.

**HF1547-Anderson, S. (R)****Redistricting**

Districting principles established for legislative and congressional plans.

## Tuesday, April 26

**HF1548-Davids (R)****Taxes**

Taxation; policy, technical, administrative, enforcement and other changes made to individual income, corporate franchise, estate, sales and use, property, insurance and other taxes and tax-related provisions; and conforming changes made to the Internal Revenue Code.

**HF1549-Koenen (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Renville County; waste transfer station funding provided, bonds issued and money appropriated.

**HF1550-Liebling (DFL)****Health & Human Services Reform**

Disparities Reduction Advisory Council created.

**HF1551-Franson (R)****Government Operations & Elections**

Elections; provisions modified concerning who may provide assistance to voters in marking ballots.

**HF1552-Wardlow (R)****Health & Human Services Reform**

Health insurance exchange creation, operation or existence prohibited in Minnesota.

**HF1553-Barrett (R)****Health & Human Services Reform**

Medical treatment of minors consent requirements modified, parental access permitted to minor's medical records and minor consent agreements provided.

**HF1554-Murphy, M. (DFL)****Government Operations & Elections**

Volunteer fire relief association working group recommendations provisions modified, countersigners clarified on financial reports, recipients of financial requirement determination certifications clarified, expansion of relief association board salaries authorized, filing and application fees authorized as authorized administrative expenses, various former firefighter return to service and relief association coverage provisions modified, defined contribution relief association survivor benefit installment payments authorized, disposition of member dues clarified that are relief association member contributions and various technical amendments made in volunteer firefighter relief association provisions.

**HF1555-Murphy, M. (DFL)****Government Operations & Elections**

Minnesota public pension plan investment authority provisions revised.

**HF1556-Franson (R)****Health & Human Services Reform**

Child care assistance provider rate differential modified for accreditation.

**HF1557-Franson (R)****Health & Human Services Reform**

Health records release provisions modified.

**HF1558-Franson (R)****Health & Human Services Reform**

Health care reform provisions repealed relating to payment restructuring.

**HF1559-Wardlow (R)****Health & Human Services Reform**

Psychologist license conversion allowed.

**HF1560-Wardlow (R)****Government Operations & Elections**

Office of Administrative Hearings disposition of contested case hearings provided.

**HF1561-Franson (R)****Health & Human Services Reform**

Family home visiting programs and related provisions repealed.

**HF1562-Mullery (DFL)****Commerce & Regulatory Reform**

Cities authorized to issue licenses for a stadium or ballpark for the purposes of baseball games.

**HF1563-Drazkowski (R)****Rules & Legislative Administration**

Congress of the United States called to an amendment convention pursuant to Article V of the United States Constitution to propose a constitutional amendment permitting repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

**HF1564-Atkins (DFL)****Commerce & Regulatory Reform**

Automobile insurers prohibited from owning repair facilities.

**HF1565-Quam (R)****Legacy Funding Division**

Minnesota Children's Museum money appropriated.

**HF1566-Wardlow (R)****Rules & Legislative Administration**

Congress memorialized to call a constitutional convention to propose amendments to the Constitution of the United States requiring a balanced federal budget.

**HF1567-Gruenhagen (R)****Civil Law**

Respondent access to information submitted by a charging party provided for, and an award of attorney fees and other expenses required.

**HF1568-Gruenhagen (R)****Judiciary Policy & Finance**

Board on Judicial Standards provisions amended and code of judicial conduct created.

**HF1569-Paymar (DFL)****Public Safety & Crime Prevention Policy & Finance**

Parental notification required for gang criteria data maintained on a minor by law enforcement agency.

**HF1570-Paymar (DFL)****Public Safety & Crime Prevention Policy & Finance**

Sex offender indeterminate sentencing, legislative auditor recommendations and sexual assault prevention provided for; various task forces and reports required; and money appropriated.

**HF1571-Morrow (DFL)****Commerce & Regulatory Reform**

Sibley and Renville counties; joint powers entity authorized to engage in telecommunications activity.

**HF1572-Torkelson (R)****Agriculture & Rural Development Policy & Finance**

Pasture exemption from feedlot requirements modified.

**HF1573-Hortman (DFL)****Civil Law**

Courts authorized to modify probate provisions.

**HF1574-Erickson (R)****Public Safety & Crime Prevention Policy & Finance**

Attorney general required to appear on behalf of the state in prosecutions of game and fish violations when a defense based on Indian treaty rights has been asserted.

**HF1575-Smith (R)****Judiciary Policy & Finance**

Freelance court reporters disclosure requirements modified.

**HF1576-Smith (R)****Commerce & Regulatory Reform**

Financial institutions required to provide notice to all named account holders after receipt of execution levy, garnishment summons or writ of execution.

**HF1577-Cornish (R)****Public Safety & Crime Prevention Policy & Finance**

Sex offender policy task force established.

**HF1578-Smith (R)****Judiciary Policy & Finance**

Consumer debt action limitation period provided, requirements for applications for default judgments in actions upon obligations of consumer debt provided and bail amount set in cases of consumer debt.

**HF1579-McFarlane (R)****Government Operations & Elections**

Counties given authority to provide for general welfare and alternative service delivery pilot program for waivers established.

## Wednesday, April 27

**HF1580-Mariani (DFL)****Education Reform**

School calendar four-day week plans prohibited.

**HF1581-Anderson, P. (R)****Environment, Energy & Natural Resources Policy & Finance**

Pope/Douglas solid waste management facility improvement funding provided, bonds issued and money appropriated.

**HF1582-Atkins (DFL)****Health & Human Services Reform**

Child care assistance provider rate differential for accreditation modified.

**HF1583-Hansen (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Game and fish; license, stamp and account revenue disposition modified, license requirements and fees modified and money appropriated.

**HF1584-Dean (R)****Health & Human Services Reform**

Minnesota Care provider tax contingent reduction provided for.

**HF1585-Anderson, P. (R)****Education Reform**

Minnesota State High School League interscholastic conference membership arrangement 180-day good faith effort requirement limited exception allowed.

**HF1586-McDonald (R)****Education Finance**

Motorcycle safety education program fund allocation provisions modified.

**HF1587-Runbeck (R)****Taxes**

Assessor rotation provided in towns and cities.

**HF1588-Beard (R)****Rules & Legislative Administration**

Toll lanes provisions modified.

**HF1589-Benson, J. (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Crow Wing State Park funding provided to acquire land within statutory boundaries and money appropriated.

**HF1590-Knuth (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Children's products containing harmful chemicals reporting required, and treatment specified of harmful chemicals that are trade secrets.

**HF1591-Nornes (R)****Environment, Energy & Natural Resources Policy & Finance**

Laser sights by visually impaired hunters limited use permitted.

**HF1592-Beard (R)****Transportation Policy & Finance**

Lights permitted by licensed protective agents under escort circumstances, powers of licensed protective agents amended and technical changes made.

**HF1593-Scalze (DFL)****Agriculture & Rural Development Policy & Finance**

Human exposure to arsenic reduced, and sale and purchase of products containing arsenic prohibited.

**HF1594-Westrom (R)****Rules & Legislative Administration**

President and Congress memorialized to enact legislation encouraging domestic oil drilling.

**HF1595-Murdock (R)****Commerce & Regulatory Reform**

Manufactured home unaffixing process from real property provided.

**HF1596-Torkelson (R)****Environment, Energy & Natural Resources Policy & Finance**

Local water management modified.

**HF1597-Kiffmeyer (R)****Government Operations & Elections**

Voters required to present photographic identification, photographic identification provided to voters at no charge, equal verification standards required for all voters and constitutional amendment proposed.

## Thursday, April 28

**HF1598-Drazkowski (R)****Taxes**

Three-fifths vote required to enact a law imposing or increasing property tax rate or levy, and constitutional amendment proposed.

**HF1599-McFarlane (R)****Government Operations & Elections**

Minnesota Northstar Council created, and state strategic plan and agency strategic plans required.

**HF1600-Melin (DFL)****Commerce & Regulatory Reform**

Rehabilitation for persons with expunged offenses presumption established.

**HF1601-O'Driscoll (R)****Taxes**

Sauk Rapids; inclusion of parcels in a tax increment financing district authorized.

**HF1602-Kahn (DFL)****Higher Education Policy & Finance**

University of Minnesota Board of Regents requirements modified.

**HF1603-Falk (DFL)****Environment, Energy & Natural Resources Policy & Finance**

Gulf oil spill assessment money appropriated.

**HF1604-Woodard (R)****Judiciary Policy & Finance**

Koochiching and Rice counties; mediation programs funding pilot program authorized through a surcharge on district court filing fees and money appropriated.

**HF1605-Garofalo (R)****Government Operations & Elections**

State primary date changed and primary elections conducted by a political subdivision date changed.

**HF1606-Clark (DFL)****Health & Human Services Reform**

Medication therapy management demonstration project to provide culturally specific care expanded, and medication reconciliation demonstration program established.

**HF1607-Woodard (R)****Government Operations & Elections**

Capitol Complex security advisory committee created and state patrol authorized to provide security and protection to certain government officials.

**HF1608-Barrett (R)****Public Safety & Crime Prevention Policy & Finance**

"Analogue" definition added in the controlled substances law.

**HF1609-Dettmer (R)****Rules & Legislative Administration**

Veterans affairs commissioner authorized to accept federal funds for certain purposes.

**HF1610-Dettmer (R)****Environment, Energy & Natural Resources Policy & Finance**

Wetlands provisions modified.

**HF1611-Hamilton (R)****Agriculture & Rural Development Policy & Finance**

Agriculture programs, requirements, fees and duties changed; money appropriated.

**HF1612-Downey (R)****Ways & Means**

Budgeted spending limited to the amount collected in prior biennium, and constitutional amendment proposed.

**HF1613-Gottwalt (R)****Civil Law**

Marriage recognized as only a union between one man and one woman, and constitutional amendment proposed.

**HF1614-Gottwalt (R)****Civil Law**

Marriage recognized as only a union between one man and one woman, and constitutional amendment proposed.

**HF1615-Gottwalt (R)****Civil Law**

Marriage recognized as only a union between one man and one woman, and constitutional amendment proposed.

**HF1616-Hoppe (R)****Commerce & Regulatory Reform**

Health plan requirements changes made.

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



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## Outdoor Heritage Fund

|   |           |
|---|-----------|
| Percentage of state sales tax dedicated toward Legacy funding.....                                  | 0.375     |
| Percentage of tax collected that goes into the Outdoor Heritage Fund.....                           | 33        |
| Number of years that the tax will be collected.....   | 25        |
| Final year of collection for the tax.....   | 2034      |
| Number of Lessard-Sams Outdoor Heritage Council members.....  | 12        |
| Number appointed each by the House, Senate and governor.....  | 4         |
| Number of proposals recommended to the council for 2012 funding.....                                | 27        |
| Number of those that are continuations of previously recommended programs.....                      | 19        |
| Smallest single appropriation, to improve fishing and lower phosphorous levels in Lake Rebecca..... | \$450,000 |
| Percent reduction in distribution of curly-leaf pondweed after two years of treatment.....          | 50        |
| Percent reduction in the lake's phosphorus concentration levels after first year.....               | 50        |
| Largest single appropriation (Forests for the Future), in millions.....                             | \$36      |
| State's ranking among most forested states.....   | 16        |
| Number of state forests that are open to the public.....  | 58        |
| Long-term goal of Forests for the Future conservation easements, in acres.....                      | 530,000   |
| Total acres restored, protected or enhanced in 2010.....  | 225,702   |
| Total wetlands restored, protected or enhanced in 2010 with Outdoor Heritage funds, in acres.....   | 11,454    |
| Total wetlands expected to be restored, protected or enhanced in 2011, in acres.....                | 14,517    |
| Total wetlands recommended for 2012, in acres.....  | 11,702    |
| Total prairies restored, protected or enhanced in 2010 with Outdoor Heritage funds, in acres.....   | 18,344    |
| Total prairies expected to be restored, protected or enhanced in 2011, in acres.....                | 34,996    |
| Total prairies recommended for 2012, in acres.....  | 40,130    |
| Total forests restored, protected or enhanced in 2010 with Outdoor Heritage funds, in acres.....    | 192,006   |
| Total forests expected to be restored, protected or enhanced in 2011, in acres.....                 | 8,010     |
| Total forests recommended for 2012, in acres.....   | 41,950    |
| Total habitats restored, protected or enhanced in 2010 with Outdoor Heritage funds, in acres.....   | 225,702   |
| Total habitats expected to be restored, protected or enhanced in 2011, in acres.....                | 7,239     |
| Total habitats recommended for 2012, in acres.....  | 2,910     |
| Millions appropriated from the Outdoor Heritage Fund in fiscal year 2010.....                       | \$85.5    |
| Amount expected to be expended in fiscal year 2011, in millions.....                                | \$58.9    |
| Amount recommended to be spent in fiscal year 2012, in millions.....                                | \$92.5    |

— S. HEGARTY

Sources: Lessard-Sams Outdoor Heritage Council, Department of Natural Resources, Three Rivers Park District

# SESSION WEEKLY



**PEOPLE ARE ON THE MOVE**

**DRAWING THE LINES TO REFLECT MIGRATION**

**CONSTITUTIONAL AMENDMENTS: VOTERS, YOU DECIDE**

HF1617 - HF1670

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 17 • MAY 6, 2011

# Flashback to 1991, 2001



PHOTO BY TOM OLMSCHIED

**Session Weekly May 3, 1991:** At a joint meeting of the House and Senate Economic Development Education and Housing committees, Hillary Clinton discussed Skills of the American Workforce study by the National Center of Education and the Economy. She said that because U.S. children go to school fewer days, they graduate from high school with the equivalent of two fewer years of education than their European and Asian counterparts.

## No more mercury thermometers

The sale or free distribution of mercury thermometers manufactured after June 1, 2001, were banned beginning in 2002 following Gov. Jesse Ventura's signature of a new law. The measure was sponsored by Rep. Dan Dorman (R-Albert Lea). According to experts, the amount of mercury in a household medical thermometer, about 0.75 to 1 gram, is enough to prompt officials to call a fish advisory on a lake.

**Session Weekly May 4, 2001**

## Northwest bonding proposal takes off

A \$350 million bonding proposal to finance a proposed airbus maintenance facility for Northwest Airlines in Duluth and Hibbing received initial approval May 2 from two House policy committees. HF1655, sponsored by Rep. Wayne Simoneau (DFL-Fridley), would provide \$250 million in bonding for the Duluth facility and an additional \$100 million for a jet engine repair plant in Hibbing.

**Session Weekly May 3, 1991**

## Contents

**FIRST READING:** Population growth varies across the state • 3-4

**HIGHLIGHTS:** Criminal background checks, Legacy changes, racino • 5-18

**AT ISSUE:** Drawing the redistricting lines to reflect the population change • 19-21

**BILL INTRODUCTIONS:** HF1617-1670 • 22-23

**MINNESOTA INDEX:** Older Minnesotans • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

**On the cover:** Rep. Sondra Erickson, chairwoman of the House Education Reform Committee, carries a giant display pencil into the hearing room prior to the committee hearing to mark-up the omnibus education policy bill April 28. Passed by three committees, the bill awaits action by the full House.

— Photo by Tom Olmscheid



# Where the people are

Population growth varies across state but has big redistricting impact

By BRENDA VAN DYCK

**I**t should come as no surprise to anyone who's witnessed the spread of new housing developments in the outlying Twin Cities metropolitan area that these places are among the fastest growing in the state. Some areas even lead the nation in their growth. This data came out of the 2010 Census, which legislators are now using to draw new legislative and congressional district boundaries.

While the state of Minnesota has grown in population by 7.8 percent in the last decade to reach 5,303,925, this growth was not evenly distributed across the state. According

to State Demographer Tom Gillaspy, the most rapidly growing areas are the communities surrounding the Twin Cities, while the areas with declining population

are in the northwestern, northeastern and southwestern areas of the state.

In addressing the House Redistricting Committee earlier this session, Gillaspy said that the average House district has increased by 2,869 people in the last decade. But there are wide swings in levels of growth for different districts. Some districts have grown rapidly, while others have declined. At an extreme, there is an 86 percent difference in size between the largest and smallest districts in the state.

Overall population growth in the state is a little lower than the national average of 9.7 percent, but some counties in Minnesota were among the fastest growing in the

**First Reading continued on page 4**

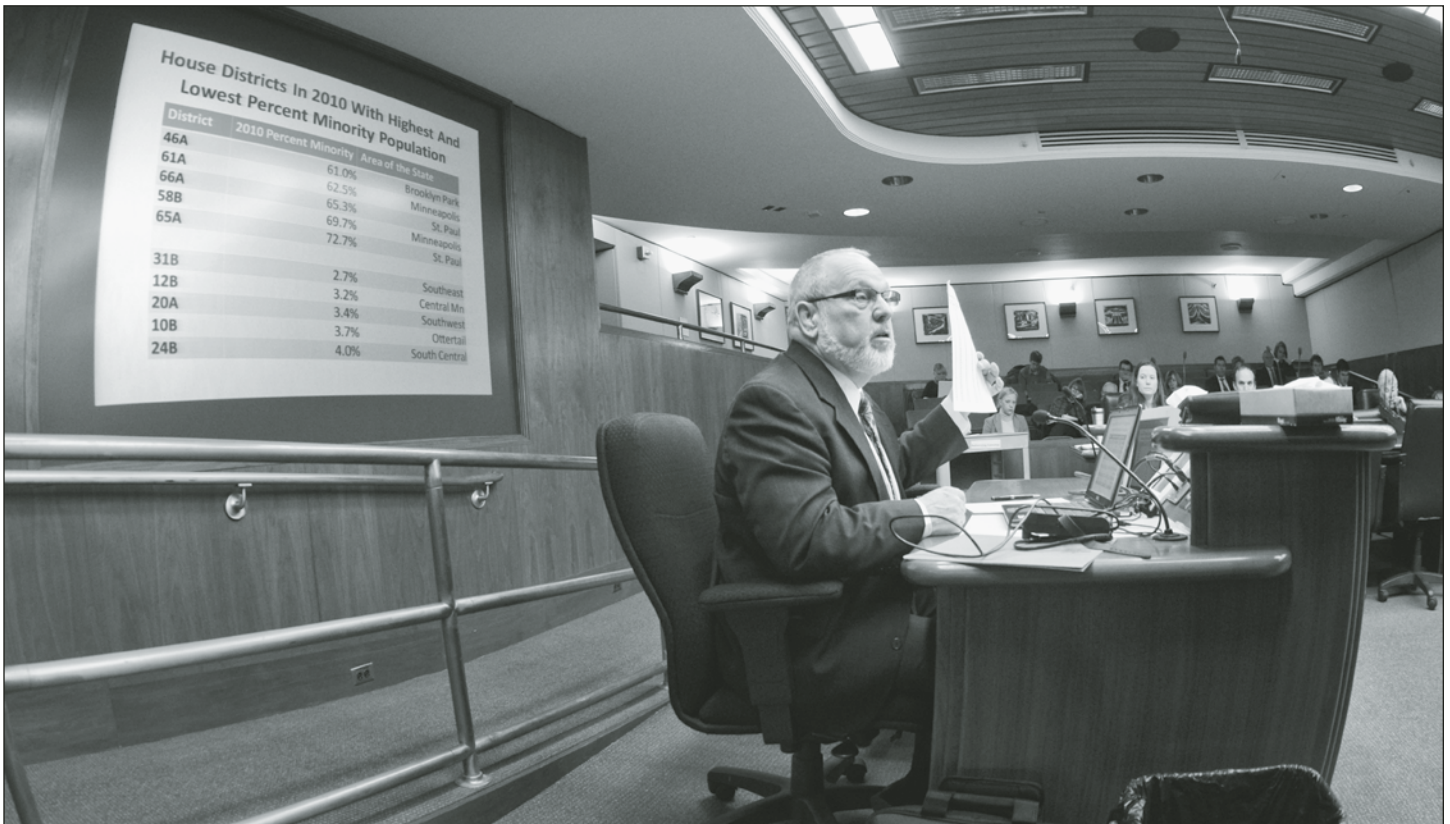


PHOTO BY TOM OLMSCHEID

State Demographer Tom Gillaspy answers a question about House districts with the highest and lowest minority populations during a March 29 meeting of the House Redistricting Committee.

country. These include Scott, Carver, Isanti, Wright, Sherburne and Chisago counties. For example, the highest overall population growth was in Scott County, which grew 45 percent over the last decade. Gillaspay said this reflects people’s desires to live in rural areas, but also to be close to the amenities of larger metropolitan areas.

Ideal district population

Based on the census numbers, the ideal population for a House district in 2010 is 39,582; for a Senate district it’s 79,163.

The most populous House district is 35A, which is in Scott County and represented by Rep. Mike Beard (R-Shakopee). It has a population of 59,872, which is 51.3 percent over the ideal population. When this district was created in 2002, it had a population of 36,485 — 0.62 percent below the ideal population at that time.

Swift County in western Minnesota had the largest population decline of 18 percent. It also houses part of the district with the smallest population; that district is 20A, with a population of 32,187, which is 18.7 percent below the ideal population. District 20A borders South Dakota and is part of Big Stone, Lac qui Parle, Lincoln, Swift and Yellow Medicine counties. It is represented by Rep. Andrew Falk (DFL-Murdock). When this district was created in the last round of redistricting, it paired two incumbents against each other. (Both members retired from the Legislature that year, and the seat was won by DFLer Aaron Peterson.)

Gillaspay said that the population increases and decreases have followed the same patterns for many years. Rural areas that experienced economic declines in the 1980s continued to decline, while suburban areas continued to grow. Many of those rural counties that have experienced long-term population decline are also places where the

Current Largest and Smallest House Districts

Largest

| District | Population | % Above Ideal Population | Member             |
|----------|------------|--------------------------|--------------------|
| 35A      | 59,872     | 51.3%                    | Mike Beard (R)     |
| 19B      | 59,068     | 49.2%                    | Joe McDonald (R)   |
| 32A      | 55,517     | 40.3%                    | Joyce Peppin (R)   |
| 16B      | 52,029     | 31.4%                    | Mary Kiffmeyer (R) |
| 36B      | 50,199     | 26.8%                    | Pat Garofalo (R)   |

Smallest

| District | Population | % Below Ideal Population | Member          |
|----------|------------|--------------------------|-----------------|
| 20A      | 32,187     | -18.7%                   | Andrew Falk (D) |
| 58A      | 32,902     | -16.9%                   | Joe Mullery (D) |
| 65A      | 33,938     | -14.3%                   | Rena Moran (D)  |
| 41B      | 34,054     | -14.0%                   | Pat Mazorol (R) |
| 20B      | 34,629     | -12.5%                   | Lyle Koenen (D) |

average age is older than the rest of the state. Gillaspay said there is not a lot of potential for turnaround in these counties.

The central cities of Minneapolis and St. Paul also lost population. With the exception of District 59B, which is in northeast Minneapolis, all of the House districts in St. Paul and Minneapolis are between 2 percent and 18 percent below the ideal population.

Gillaspay said the differences in population among legislative districts now are greater than they were in 2000, but not as large as those in 1990. There is a range of about 25,000 people between the largest and smallest House districts.

Redistricting tries to equalize these differences in population changes, and invariably, redrawn boundaries sometimes put two existing members in the same district and create new districts with open seats. After district maps had been redrawn by court order in 2002, the plan resulted in 34 incumbents paired against each other and 17 open seats. There were seven districts with Democrats versus Republicans, five

with Democrats versus Democrats, and five with Republicans versus Republicans. Often incumbents of the same party won’t run against each other; they’ll retire or move to a newly created bordering district.

**New Congressional boundaries**

The Legislature will also redraw the boundaries of U.S. congressional districts. Before the census data came out, there were concerns that the state would lose a U.S. congressional seat. That did not occur. But there are major differences in population. Districts 2 and 8 have substantially higher population than other districts. The ideal population for congressional districts is 662,991. The 2nd District has a population of 74,000 over the ideal, and the 8th district has population of 94,300 over the ideal.

Four of the eight congressional districts have populations under the ideal. The 7th district experienced the largest decline in population; it is 46,900 under the ideal.

**Brenda van Dyck is the editor/publications manager for the House Research Department.**

**Frequently called numbers**  
Area code 651

|  |   |   |
|--|---|---|
| <b>House Public Information Services</b><br>296-2146<br><b>Meeting call line, House</b><br>296-9283<br><b>Chief Clerk of the House</b><br>296-2314 | <b>House Index</b><br>296-6646<br><b>Senate Information</b><br>296-0504<br><b>Secretary of the Senate</b><br>296-2344<br>Voice mail/order bills..... 296-2343 | <b>Senate Index</b><br>296-2887<br><b>Governor’s Office</b><br>201-3400 |
|--|---|---|



# HIGHLIGHTS

APRIL 28 - MAY 5, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held April 29-May 5. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Agriculture

### Policy bill awaits floor action

An omnibus policy bill, approved May 4 by the House Agriculture and Rural Development Policy and Finance Committee, would change how public grain storage facilities calculate their bonding requirements.

Sponsored by Rep. Rod Hamilton (R-Mountain Lake), HF1611 also makes technical changes to agricultural laws. It

now moves to the House floor. A companion, SF1324, sponsored by Sen. Doug Magnus (R-Slayton), awaits action by the full Senate.

Public grain storage warehouses currently bond based on 50 percent of the net liability of monthly peak dollar value of grain stored. This method requires monthly reports by grain elevators, and there is a lag between monthly bonding and incremental grain value totals. Under proposed changes, elevators would only need to report once a year. The annual average of storage liability would be used to calculate the amount of bonding necessary. This could reduce the bonding amounts and prevent over-bonding, according to Department of Agriculture officials.

One of the technical changes would encourage more counties to collect wasted or leftover pesticides on behalf of the state collection program. About 60 counties have a cooperative agreement to collect pesticides,

but another 17 counties are concerned about the recordkeeping requirements in the indemnification contract, according to Greg Buzicky, director of the department's Pesticide and Fertilizer Management Division. The bill would allow for electronic data collection and would pay counties 10 cents for every pound of pesticide they report, in addition to the 25 cents per pound they already receive for waste pesticide collection.

Dealers who don't sell pesticides as their main function would be able to request an exemption from reporting requirements.

Another technical change would add utility companies to the registry of tree-care providers. Many utilities have in-house nursery staff. The department maintains a list in order to notify tree-care professionals about urgent matters, such as the discovery of invasive species.

The Agriculture Department also certifies

## FIRST LOOK



PHOTO BY TOM OLMSCHIED

Tim Kinley of Maplewood, from left, Bob Murray of Roseville and Curtis Neff of St. Paul take a look at the proposed legislative district maps prior to a hearing of the House Redistricting Committee May 3.



how seeds and plants are treated before they can be exported. Each country has its own plant import regulations and sometimes the certification fee does not cover the cost of the department's work. Rather than a set fee, the bill would enable the department to charge a fee necessary to recover its costs. The program is self-supporting and does not receive General Fund dollars.

Other changes proposed include redefining "pasture" to include crop fields where livestock graze following fall harvest and giving the Board of Animal Health more flexibility in determining quarantine boundaries when diseased animals are discovered.

Language was inserted into the bill regarding who has authority to require pesticide permits on certain water bodies. The Pollution Control Agency seeks a broad definition that may include pools of water on land, while the agriculture industry prefers the narrower federal definition of water bodies that can be navigated. Hamilton, the committee chairman, said discussions are ongoing.

— S. HEGARTY

## Budget

### Accounting technical change

A technical change would affect how Minnesota Management & Budget maintains the state's various financial accounts.

Sponsored by Rep. Tim O'Driscoll (R-Sartell), HF1117 would allow the safety net provided by the Federal Deposit Insurance Corporation to count against requirements to insure state funds.

State law currently requires that financial institutions where the state deposits its funds must insure the total amount with corporate surety bonds. The bill would make it so they only have to insure any amount beyond what is already insured by the FDIC.

O'Driscoll said local governments already have the ability. MMB supports the change.

Passed 130-0 by the House May 2, it now goes to the Senate, where Sen. Ted Lillie (R-Lake Elmo) is the sponsor.

— N. BUSSE

## Business & Commerce

### Filling the insurance gap

Minnesotans who lose their jobs could have an alternative to costly health insurance

coverage through the federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

The House Commerce and Regulatory Reform Committee approved HF1397 April 29, sponsored by Rep. Glenn Gruenhagen (R-Glencoe), and moved it to the House floor. Sen. Paul Gazelka (R-Brainerd) sponsors a companion, SF1158, which awaits action by the Senate Commerce and Consumer Protection Committee.

Under COBRA, a terminated employee enrolled in the employer's health plan may continue that coverage by paying the full premium costs. The bill would create an individual health insurance policy, called a GAP policy, for "Guaranteed, Affordable, Portable," which is intended as a temporary alternative for people between jobs.

"Taking on a new payment as large or larger than their mortgage payment is quite difficult when (workers) become unemployed. For example, state employees covered under the health insurance plans face an annual COBRA premium cost in excess of \$16,000 annually if you lose your job," Gruenhagen said. That amount would be for family coverage.

The bill would require employers' health carriers to offer three GAP options with various deductible amounts, besides the standard COBRA option.

"Having been in health insurance as long as I have, these last years when the premiums have gotten to where they are, I have literally had people crying in my office when they look at their COBRA premium, especially in that 50 to 64 age bracket," Gruenhagen said.

Because the proposal is still in the idea stage, there isn't a basis for determining what the premiums would be, which is one reason Robert Commodore, the Commerce Department's senior director of consumer and industry services, expressed concern about the bill.

"The concern we have right now is the cost of these GAP policies is unknown. We're not sure how they're going to be rated," he said.

— K. BERGGREN

### 'No' to health exchange planning

A bill that would update and clarify language regarding insurance statutes came close to including a provision that would have helped the state potentially create a health insurance exchange as required by the federal health care reform law.

Rep. Joe Atkins (DFL-Inver Grove

Heights) unsuccessfully proposed an amendment to HF1394 that would have created a working group to establish a state health insurance exchange.

House Commerce and Regulatory Reform Committee Chairman Joe Hoppe (R-Chaska) sponsors the bill. The committee voted 12-9 May 4 not to adopt the amendment, then approved the bill and sent it to the House floor. Sen. Roger Chamberlain (R-Lino Lakes) sponsors a companion, SF1045, which awaits action by the full Senate.

"I know that is a politically loaded issue at this point," Atkins said after introducing the amendment May 3. "This piece simply establishes a marketplace for competitive health care products that consumers can go shopping in and see apples-to-apples comparisons."

Rep. Greg Davids (R-Preston) said "Obamacare" is an "abomination, but it's the law." He supported the amendment because he'd prefer to create a Minnesota exchange than submit to a federal one.

"I am not a supporter of the federal health care legislation," Hoppe said. "I think however, this is something, in my opinion, that we should do ourselves rather than have done to us." States will be evaluated in Jan. 2013 by the federal government to assess their exchange plans. If they're not deemed ready to roll out by Jan. 1, 2014, the state must participate in a federal exchange.

Rep. Diane Anderson (R-Eagan) said there is already funding through the state's Health and Human Services Department to design an exchange. Hoppe said the exchange is about insurance, which is the purview of the commerce committee.

Twila Brase, president of the Citizens Council for Health Care Reform, said lawmakers should wait for the results of states' efforts to overturn the federal law in court, and said there had not been enough notice for public testimony on the amendment.

Hoppe opted for caution, recommending not adopting the amendment but working on the measure separately.

— K. BERGGREN

## Civil Law

### Marriage amendment bill advances

Two House committees advanced a bill to put a constitutional amendment question on the November 2012 ballot to define marriage as "only a union of one man and one woman."

Sponsored by Rep. Steve Gottwalt (R-St.



PHOTO BY ANDREW VONBANK

**University of St. Thomas law professor Teresa Collett, right, testifies before the House Civil Law Committee May 2 in support of a bill that would ask voters to amend the state constitution to recognize marriage as only a union between one man and one woman. Rep. Steve Gottwalt, left, sponsors the bill.**

Cloud), HF1613 now awaits action by the full House. Sen. Paul Gazelka (R-Brainerd) sponsors a companion, SF1309, which awaits action by the Senate Judiciary and Public Safety Committee.

In testimony before the House Ways and Means Committee May 4 and the House Civil Law Committee May 2, Gottwalt said recent polls indicate that 70 percent of Minnesotans want to vote on the issue.

Indicative of the divisive nature of the bill were two rabbis who spoke on opposite sides of the issue. Rabbi Adam Stock Spilker, who officiated a same-sex marriage, said the definition of marriage should stay within the realm of religion and not the jurisdiction of the state. Allowing voters to decide could result in the state imposing its religious views on a minority.

Rabbi Moshe Feller said it is clear from Scripture that the purpose of becoming man and wife is found in Genesis where it says to

“be fruitful and multiply.”

A Catholic bishop, Lutheran pastor, civil rights activist and a Latino minister from a Spanish-language non-denominational church in Bloomington were among those who spoke in favor of the bill. In addition, University of St. Thomas law professor Teresa Collett said 30 other states define marriage as a union between one man and one woman and that half of the 10 states that allow same-sex privileges do so because of a judge's order.

Jennifer Roback Morse, president of the Ruth Institute, a project of the National Organization for Marriage, said recognizing same-sex marriages would be “nothing more than a government registry of friendships” and that mothers and fathers are not interchangeable.

Opponents said the bill would cause division between families, neighbors and co-workers and would not help anyone. Representatives of OutFront Minnesota and

Project 515 and the adult son of two dads spoke against the bill. Dr. Paul Melcher said the bill would have a detrimental effect on children of same-sex couples, who should be entitled to equal rights, benefits and protections as children of heterosexual couples. “Instead you should be focusing on improving the health care and education for all children,” he said.

— S. HEGARTY

### **Civil immunity extended for schools**

Rep. Bob Dettmer (R-Forest Lake) believes adults and children, particularly those in rural communities, would be more likely to engage in physical activity if schools were more comfortable allowing outside groups to use their recreational amenities.

He sponsors HF1343 that would clarify a statute that provides civil immunity for school districts that make their facilities available for recreational use by the public.

The immunity would bar a person from holding the district liable for an injury or loss resulting from the use of the school facility for recreational activity.

The bill was held over May 3 by the House Judiciary Policy and Finance Committee for possible inclusion in an omnibus policy bill. Its companion, SF1068, sponsored by Sen. Ted Daley (R-Eagan), awaits action by the Senate Local Government and Elections Committee.

The bill does not change current law regarding a school district's liability in allowing public use of its recreational spaces, Dettmer said, but offers comfort language to help clarify the civil immunity.

“This bill removes the barriers to schools to open their doors and their facilities to allow more recreational activities,” said Dettmer, a retired physical education teacher.

The state chapter of the American Heart Association and the Minnesotans for Healthy Kids Coalition approached Dettmer to sponsor the legislation. Research shows that people who have regular access to recreational facilities are more likely to exercise, said Rachel Callanan, vice president of advocacy for the Minnesota AHA chapter.

In many rural communities public schools are the only indoor facilities to engage in physical activity, Callanan said.

“Anything that removes hurdles for kids to be physically active is a good strategy,” Dettmer said.

— H. LONG

## **Consumers**

### **Racino bill gets its first hearing**

A plan to allow slot machines at the state's two horse-racing tracks and use part of the profits to fund jobs programs had its first hearing in a House committee May 5.

Sponsored by Rep. Bob Gunther (R-Fairmont), HF1480 is the so-called “racino” bill. As proposed, it would allow for the establishment of video slot machines at horse-racing facilities. A portion of the profits — \$135 million per biennium, according to Gunther — would be used for economic development projects.

The House Jobs and Economic Development Finance Committee took testimony on the bill, but did not take any action. Gunther said the committee will vote on the bill at a future meeting. There is no Senate companion.

The bill would establish a “Minnesota



Future Fund” to pay for primarily jobs programs and assistance for high-tech businesses. Mark Lofthus, business development director for the Department of Employment and Economic Development, said Minnesota is falling behind other states in funding economic development.

“We are in a very strict competition for job creation in the United States and North America and around the world,” he said.

Horse breeder Jeff Hilger said the state’s equine industry is in danger of going under because Minnesota racetracks aren’t as profitable as those in states that have racinos. He said breeders prefer to compete in states that pay larger winnings.

“Every state that has race horse racing around us has a racino. The purses are higher,” he said.

Representatives from the state’s tribal casinos said the bill would take away their business, which would in turn cause job losses and damage rural economies.

Karen Diver, chairwoman of the Fond du Lac Band of Superior Chippewa, said the tribe’s two casinos constitute the second-largest employer in northeast Minnesota. Even a modest cut in payroll would be devastating to cities like Cloquet and Carlton, she said.

Marge Anderson, chief executive of the Mille Lacs Band of Ojibwe, said the casinos provided a path to prosperity to American Indians who once only knew poverty. She said they now live in fear that it will be taken away.

“Anytime our people have something of value, others want it,” she said.

— N. BUSSE

## Education

### Omnibus policy bill to House floor

A statewide literacy plan is the cornerstone of the House omnibus education policy bill, HF1381, sponsored by the House Education Reform Committee Chairwoman Sondra Erickson (R-Princeton).

The House Education Finance Committee approved the bill May 3, as did the House Ways and Means Committee May 4. It now goes to the House floor. Sen. Gen Olson (R-Minnetrista) sponsors a companion, SF1167, which awaits action by the full Senate.

The bill includes HF1487, sponsored by Rep. Pam Myhra (R-Burnsville), which would direct school districts to develop

literacy plans based on five key components of literacy: phonemic awareness, phonics, fluency, vocabulary and comprehension.

The plans would end “social promotion” by requiring students to repeat third grade if they are not reading at grade level, with good cause exceptions allowed. Plans would provide supports for struggling readers starting in kindergarten and require ongoing parent communication about students’ reading proficiency starting in kindergarten. Parents whose child is to be retained because of lack of proficiency could request a meeting with teachers and administrators and would have the final say about the decision.

“When you talk about retaining students there’s a cost,” said Rep. Lyndon Carlson, Sr. (DFL-Crystal). He expressed concern not only about the fiscal cost but the consequences to students who may still struggle after retention.

Erickson said she is working on how to deal with such consequences “in a very sensitive way.”

“Our goal is to have no retentions because we’ve been able to figure out a system to ensure that these children are reading. But then again, there is always the ‘what if,’” Erickson said.

Other provisions would require teacher licensure candidates to pass, not just successfully complete, certain exams, including basic skills exams in reading, writing and math; exempt some Montessori, language immersion or Advanced Placement

teachers from district-wide seniority rules in the case of layoffs; and facilitate third-party billing for special education costs, helping districts recoup costs from Medicaid or insurance companies.

Rep. Kent Eken (DFL-Twin Valley) successfully offered an amendment that would allow school districts that have experienced flooding in at least two of the previous five years to begin school before Labor Day.

— K. BERGGREN

### Slow going on E-12 finance bill

The conference committee on HF934\*/SF1030 inched toward adopting slivers of the big bill that would appropriate approximately \$14.16 billion for early childhood through high school education over the next two fiscal years. House Education Finance Committee Chairman Pat Garofalo (R-Farmington) and Sen. Gen Olson (R-Minnetrista) are the bill’s sponsors.

Senate conferees offered May 4 to accept House language in some provisions that were identical or nearly so. They include proposed changes to sparsity revenue for elementary and secondary schools and schools that will close; the Kittson school closing; repealing the Safe Schools levy maintenance of effort requirement; allowing parents to request trial placement at the Minnesota state academies for blind or deaf students; eliminating growth factors in the calculation of special education funding; and budget forecast numbers.

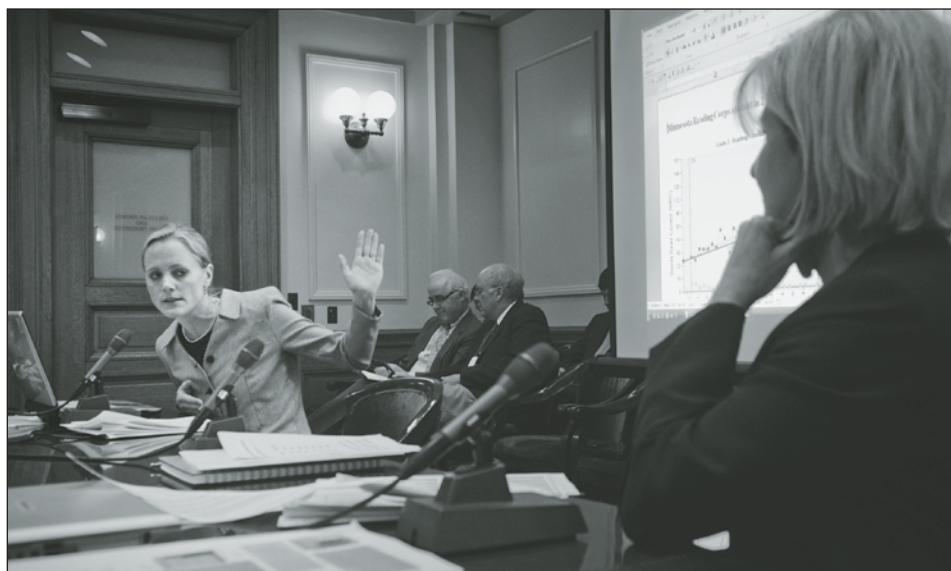


PHOTO BY TOM OLMSCHIED

During a May 2 meeting of the omnibus education finance bill conference committee, Kathy Saltzman, right, executive director of Minnesota Education Corps, listens as Lorien Parson, Minnesota Reading Corps development and training coordinator, shows on a projected graph the progress a third grade boy made in his reading skills.



The Senate conferees prefer the language in their bill regarding the Northland Community School closing; early graduation scholarship proposal; and reallocation of revenue allocated to early graduates who don't participate in the scholarship program.

No action was taken.

Some key proposals in the House bill not included or significantly different from those in the Senate bill are: a new small schools revenue category, expansion of extended time revenue, a very specific teacher appraisal framework linked to hiring decisions and a voucher program for low-income students in low-performing schools to attend nonpublic schools.

Both bodies propose teacher tenure, collective bargaining and strike limits.

The committee also heard from testifiers including Jeri Powell, engagement specialist with Students First. Powell said research indicates that "last-in, first-out" employment policies are counterproductive for three reasons. She said they harm high-need districts mostly because that's where more new teachers work; they cause greater numbers of teachers to be laid off, since more newer teachers earning less are needed to reach a budget target; and that such policies target new graduates with high enthusiasm and current skills.

Members heard May 2 from a group informally known as "Moms on a Mission" who advocate for reading instruction for teachers and literacy specialists and tutors in schools. The Senate bill proposes \$85.2 million in literacy incentive aid. The category is not included in the House bill.

— K. BERGGREN

### Charter school deadline extended

The 63 charter schools seeking new or re-approved authorizers could have additional time to do so.

The House passed HF134/SF55\* 123-6 May 2. Sponsored by Rep. Kelby Woodard (R-Belle Plaine) and Sen. David Hann (R-Eden Prairie), it would extend to Sept. 7, 2011, the deadline for charter school authorizers to re-apply to the Education Department for approval to continue in that role.

Charter schools whose authorizers haven't re-applied or aren't re-approved would be allowed to continue operating with their current authorizer through June 30, 2012, but after that could only operate if they have entered into another charter school contract with an approved authorizer.

Rep. Jim Davnie (DFL-Mpls) successfully amended the bill to require a charter school that ceases operation after the transition period to notify the school district in which it is located, so the district could plan for a possible influx of students.

The bill also would give the education commissioner the ability to terminate an authorizer's ability to charter a school "for any good cause shown" that provides a legally sufficient reason to do so.

Rep. Mark Buesgens (R-Jordan) unsuccessfully offered an amendment that would have stricken a provision to indemnify the education commissioner or department staff for actions of charter school staff. He said the provision, coupled with the commissioner's expanded authority to terminate a contract, could give the commissioner too much power while limiting families' or individuals' right to redress.

"The authorizer is actually a group that stands between the commissioner and the charter school. Indemnification holds the commissioner harmless for the actions of the charter school staff, with whom they do not have a charter relationship. It is the authorizer that has the contract with the charter school," Woodard said.

Those allowed to authorize charter schools include a school board; certain sectarian institutions incorporated in Minnesota; colleges or universities; and certain nonprofit organizations. They must demonstrate they have the financial and governance capacity and educational mission suited to enter into charter agreements.

— K. BERGGREN

## Elections

### Election administration changes

Signed  
by  
the  
governor

A package of noncontroversial election changes is now law.

Sponsored by Rep. Tim Sanders (R-Blaine) and Sen. Roger Chamberlain (R-Lino Lakes), the law modifies election administration laws to provide flexibility and cost savings to local governments. It is effective April 30, 2011.

The law permits municipalities to establish combined polling places for any number of precincts that exist within its borders and that share a common boundary line. It also makes changes to statute that will prevent cities from having to redistrict before the state finishes its own redistricting process.

Other provisions in the law include:

- requiring counties to count absentee and mail-in ballots at the same time and report them as one vote total;
- clarifying that only voters and election judges are allowed within 6 feet of voting booths, ballot counters or electronic voting equipment during voting hours;
- modifying the timeline for county residents to request a court to review a re-districting plan for county commissioner districts; and
- changing the timeline for filing county commissioner redistricting plans.

HF978\*/SF919/CH18

— N. BUSSE

### Voter ID amendment approved

Minnesotans may get to decide whether voters must show valid photo identification before casting their ballot.

Sponsored by Rep. Mary Kiffmeyer (R-Big Lake), HF1597 would propose an amendment to the state constitution that would require all voters to present a valid government-issue photo ID. If passed by the House and Senate, the measure would be put to the voters as a question on the 2012 general election ballot.

The House Government Operations and Elections Committee approved the bill April 29 on a 7-5 party-line vote and sent it to the House Ways and Means Committee. There is no Senate companion.

"This is a strong, strong will-of-the-people issue," Kiffmeyer said. "It is fair to take it to the people and let them have a direct say."

During more than three hours of debate, opponents argued that no hard evidence exists of voter identification fraud in the state. Rep. Ryan Winkler (DFL-Golden Valley) said the amendment would likely be ruled unconstitutional if challenged in court.

"You should want to know the facts before you start abridging somebody's fundamental right," Winkler said.

At least one Republican expressed concerns. Rep. Mike Beard (R-Shakopee) said he supported a photo ID requirement, but noted that other states have passed laws — not constitutional amendments — for voter ID.

"Putting this to a constitutional question is not a given," Beard said.

The bill would ask voters in the 2012 general election to answer yes or no to the following question:

"Shall the Minnesota Constitution be amended to require that all voters



PHOTO BY ANDREW VONBANK

**Secretary of State Mark Ritchie testifies before the House Government Operations and Elections Committee April 29 on a bill that proposes an amendment to the state constitution that would require voters to present photo identification prior to receiving a ballot.**

present an approved form of photographic identification prior to voting; all voters be subject to identical eligibility verification standards regardless of the time of their registration; and the state provide at no charge an approved photographic identification to eligible voters?"

— N. BUSSE

### House passes voter ID bill

A plan to require all voters to present a valid photo identification card at their polling place was passed 73-59 by the House May 5.

Sponsored by Rep. Mary Kiffmeyer (R-Big Lake) and Sen. Warren Limmer (R-Maple Grove), HF201/SF509\* would require all voters to present a photo ID with their current address before receiving a ballot. It now returns to the Senate, where a different version passed 37-26 on April 28.

Under the provisions, voters without an ID could cast a provisional ballot that would be counted if they verify their identity to local authorities within seven days after an election. Also, voters without a current photo ID could apply for a free voter ID card; however, they must have appropriate documentation to prove their identity.

The bill would also provide for a system

of electronic polling place rosters to replace the current paper-based system; however, adoption of the new rosters would be optional to each local government.

During nearly four hours of debate, supporters argued the bill would enhance the integrity of the state's elections, while opponents argued it would disenfranchise some voters.

Rep. Dean Urdahl (R-Grove City), whose birth certificate read "Baby Boy Urdahl," said he sympathizes with those who have trouble proving their identity to the government; however, he overcame his personal difficulties in that area and argued others would too.

"I think we have the resiliency to surmount whatever problems come up," he said.

Rep. Kerry Gauthier (DFL-Duluth) said the bill amounted to a "poll tax" that unfairly targets people who can't afford to obtain the documents they would need to get a photo ID. He added that the problem of voter impersonation has never been shown to exist in Minnesota.

"It's really about poll taxes, and it's really about voter suppression," he said of the bill.

— N. BUSSE

## Employment

### Criminal background checks

For ex-offenders, having to admit to their criminal past on a job application might be a roadblock to a second chance at life. A House committee approved a bill designed to remove that barrier and help them get their foot in the door with a prospective employer.

Sponsored by Rep. Carol McFarlane (R-White Bear Lake), HF1448 would prohibit employers from asking about a job applicant's criminal record or history unless and until they have been selected for an interview.

The House Jobs and Economic Development Finance Committee approved the bill April 28 and sent it to the House Commerce and Regulatory Reform Committee.

The bill is a proposed expansion of a 2009 law that banned government employers from considering a job applicant's criminal background in the initial job application process. McFarlane said qualified job candidates are sometimes unfairly discriminated against because of past mistakes.

"Instead of being evaluated for potential employment based on their skill sets and

being given the opportunity to share their experience in an interview... employers first evaluate them based on a checkbox on an application form," she said.

Rep. Ernie Leidiger (R-Mayer) said the bill "strikes a very good balance" by giving applicants a fair chance in the application process, but still letting employers find out about their criminal past before a final hiring decision is made.

Kristin Fernholz, government relations director for the Minnesota Retailers Association, said the bill would "create a massive inefficiency" by making employers interview candidates they won't hire anyway once their criminal histories are known.

"Background checks are a critical and crucial tool to ensuring the safety of customers and employees," Fernholz said.

Rep. Kirk Stensrud (R-Eden Prairie), a small business owner, said he would not necessarily discriminate against a potential employee because of a criminal record, but that he wanted to know before the interview, not after.

"I want to know that up front, and I don't want to waste my valuable time as a business owner," he said.

Sen. Doug Magnus (R-Slayton) sponsors the companion, SF1122, which awaits action by the Senate Jobs and Economic Growth Committee.

— N. BUSSE

## Env. & Natural Resources

### Legacy funds would pay PILT

A proposal to set aside a portion of the Legacy funds to pay counties a payment in lieu of taxes has rerouted the Legacy funding bill to the House Taxes Committee before it can advance to the House floor.

Sponsored by Rep. Dean Urdahl (R-Grove City), HF1061 was approved as amended May 3 by the House Legacy Funding Division and two days later by the House Environment, Energy and Natural Resources Policy and Finance Committee.

The bill includes appropriations to all four Legacy funds: one year of funding for the Outdoor Heritage projects, and two years of appropriations for the Clean Water, Parks and Trails, and the Arts and Cultural Heritage.

As proposed, when new state land is acquired with the Legacy funds, a portion of the money would be transferred into a land management account to pay for ongoing maintenance associated with newly acquired land, including payment in lieu of taxes.



## REAGAN'S ROOM



PHOTO BY TOM OLMSCHIED

Sen. Geoff Michel, center, glances over at 6-year-old Reagan Zellers, who sat at one side of the room while her father House Speaker Kurt Zellers, from left, Senate Majority Leader Amy Koch, House Majority Leader Matt Dean and Rep. Doug Wardlow, took part in the weekly Republican press conference April 29.

Rep. Jean Wagenius (DFL-Mpls) said using dedicated tax revenue to pay local government “property taxes” is not what the voters intended when they passed the 2008 constitutional amendment, which dedicates 0.375 percent of sales tax receipts to the four funds.

Two of the funds were particularly criticized.

The Parks and Trails Fund is primarily divided three ways between the Department of Natural Resources, the Metropolitan Council and a state grants program. Urdahl proposes changing the appropriations formula from a 43-43-14 percent split to a 40-40-20 percent split. The seven-county metropolitan area would receive a disproportionate amount, because the Twin Cities area generates the majority of the tax revenue and has a higher percentage of park users, Wagenius said.

The Arts and Cultural Heritage account would become mainly a competitive grants program for public broadcasters, zoos, libraries, language preservation educators and several other groups that have received set amounts in the past. The Minnesota Humanities Center, the Department of Natural Resources, Department of Agriculture and the Department of Administration would serve as grantors.

“The essence is not to change what’s been done. It’s just a different way of doing it,” said Urdahl, noting the earmarks would go away and the responsibility for allocating the funds would change.

Rep. Ryan Winkler (DFL-Golden Valley) said there’s at least one earmark that remains in the bill: \$450,000 for capital upgrades at two veterans camps, “which is the least defensible” expenditure of Legacy funds, he said.

The bill also would create a State Capitol Preservation Commission, which would receive \$550,000 to conduct pre-design work in preparation for bonding for capital improvements next year. Some legislators want the commission to examine whether the second floor balcony, overlooking the mall, could be reopened to the public. There is concern by others that work to bring the balcony into compliance with ADA standards would significantly affect the historical and aesthetic appearance of the building and could be a huge liability to the state.

— S. HEGARTY

### EQB changes in policy bill

Reductions in the Environmental Quality Board’s duties, introduced in HF1360, sponsored by Rep. Paul Torkelson (R-Nelson Township), were successfully removed from an omnibus environment policy bill.

Torkelson offered the amendment to remove the EQB references because he said a fiscal note suggested higher costs than he anticipated, though he does not intend to drop the issue, he added. He sought to transfer many of the board’s responsibilities to the Clean Water Council.

The omnibus bill, HF1097, sponsored by Rep. Denny McNamara (R-Hastings), was approved May 3 by the House Environment, Energy and Natural Resources Policy and Finance Committee and May 4 as amended by the House Ways and Means Committee. It now goes to the House floor. A companion, SF692, sponsored by Sen. Dan Hall (R-Burnsville), has been rolled into a Senate omnibus environment policy bill sponsored by Sen. Bill Ingebrigtsen (R-Alexandria).

Rep. Dan Fabian (R-Roseau) successfully offered another amendment that would increase from 25 to 100 the number of signatures required to petition the EQB for an environmental assessment worksheet and require that petitioners reside within the same or adjacent county as a proposed project.

Air pollutants can travel farther and impaired water can flow downstream further than the next county, said Rep. Jean Wagenius (DFL-Mpls). Rep. Rick Hansen (DFL-South St. Paul) also said the proposed policy does not give credence to those who temporarily spend time near a proposed project, such as in child care centers and group homes.

Rep. Bill Hilty (DFL-Finlayson) unsuccessfully offered an amendment to delete the county residency and 100 required signatures. The Fabian amendment passed 8-6 along party lines; Rep. David Dill (DFL-Crane Lake) abstained.

Other environmental policy provisions in the bill include:

- developing an “Adopt-a-WMA” program;
- reducing the non-state matching grant amount for trail construction from 50 percent to 25 percent; and
- allowing Lutsen Resort to increase the amount of water it may take from Poplar Lake stream for snowmaking.

The allowance would be contingent upon meeting water flow standards within the trout stream. John Lenczewski, Minnesota Trout Unlimited executive director, cautioned that lower water levels may result in fish kill if the stream freezes due to snowmaking activities.

Dill, who sponsored the water consumption amendment, said due to the extreme vertical grade of the trout stream, few fish are found along the two-mile section where water could be drawn. Also, the ski resort must meet minimum flow standards before being allowed to withdraw water.

In all, more than 15 bills are rolled into the omnibus bill, including the use of pesticides



on land and new regulations to control the spread of aquatic invasive species.

— S. HEGARTY

## Game & Fish

### Vets' hunting preference approved

The Department of Natural Resources would be able to give some service members and veterans first preference in lottery drawings for certain hunting or fishing licenses or permits, under a bill passed 123-6 by the House May 2.

Sponsored by Rep. Tim O'Driscoll (R-Sartell), HF836 would allow the DNR to first license those who have received a Purple Heart or who have a 100 percent service-related disability.

However, the bill does not include licenses or permits to hunt moose, elk or prairie chickens.

The bill now goes to the Senate, where Sen. Paul Gazelka (R-Brainerd) is the sponsor.

— S. HEGARTY

## Health & Human Services

### MinnesotaCare reform bill passed

The Healthy Minnesota Contribution Program would move certain MinnesotaCare enrollees to private health care insurance, under a bill passed 70-62 by the House April 28.

Sponsored by Rep. Steve Gottwalt (R-St. Cloud), HF8 would give a state subsidy to low-income adults without children, and if approved by a federal waiver, low-income adults with children to purchase their own health care insurance. Those with family gross incomes between 133 percent and 275 percent of the federal poverty guidelines would meet the requirement for the subsidy. The bill now awaits action by the full Senate. Sen. David Hann (R-Eden Prairie) is the Senate sponsor.

DFL leaders said the bill amounts to an insurance exchange, an accusation Republicans objected to.

"Obviously this is not an insurance exchange; this is a way for Minnesotans to purchase individual health care," said House Majority Leader Matt Dean (R-Dellwood), adding the legislation provides a state-led solution to reform health care. "Minnesota should lead and not follow in health care going forward."

House Minority Leader Paul Thissen

(DFL-Mpls) said the bill offers "affordable health care to people that do not really exist."

"The winners in this bill are big insurance and special interest," he said.

Under the bill, a person would pay a monthly contribution based on age and income. For example, a person under age 21 would pay \$122.79, and those 60 years and older would pay \$357.19, although a sliding fee scale would be established by the health and human services commissioners.

— H. LONG

### Adjustments of MinnesotaCare tax

When federal health care reform legislation is scheduled to be implemented next year, Minnesota would likely see a migration from some residents using MinnesotaCare to Medicaid. That is the contention of supporters of HF1584, sponsored by House Majority Leader Matt Dean (R-Dellwood), which would direct the commissioners of the Revenue Department and Minnesota Management & Budget to adjust the MinnesotaCare tax on health care providers if such a decrease of residents using MinnesotaCare were to result in a 25 percent cushion in the anticipated fund expenditures.

The bill was approved by the House Taxes Committee on May 2 and referred to the House Ways and Means Committee. It has no Senate companion.

The bill would direct the Revenue Department and Minnesota Management & Budget to annually review the Health Care Access Fund and reduce the MinnesotaCare provider taxes and the 1 percent tax on the premium revenue of nonprofit health plan companies, if projected fund revenues, plus any projected balance, exceeds 125 percent of projected fund expenditures. The MinnesotaCare provider tax rate is 2 percent of gross revenues and applies to health care providers, hospitals, surgical centers and wholesale drug distributors. Revenues from the provider tax and the tax on nonprofit health plan premiums are deposited into the fund.

Dean said that although the fund is projected to be depleted over the next 12-15 months, implementation of federal health care reform would likely result in fewer MinnesotaCare users and an accumulation of funds that would necessitate readjustment of the MinnesotaCare tax.

The bill would not only help balance the Health Care Access Fund, "but more importantly, carry on the discussion of what

is going to happen with our MinnesotaCare 2 percent tax, what is going to happen with MinnesotaCare and keep that discussion moving forward," Dean said during an April 27 hearing in the House Health and Human Services Reform Committee.

Rep. Diane Loeffler (DFL-Mpls) reminded tax committee members that the bill would be potentially influenced by other proposed health care reform bills currently moving through the House.

"I want to caution people that based on some other policies being considered it is pretty shaky right now," Loeffler said. "We need to watch this before we move forward."

MinnesotaCare is a state health coverage program for low-income individuals and families who do not have access to employee-sponsored health insurance.

— H. LONG

### Psychiatric hospital wants expansion

The recently opened PrairieCare children's and adolescent psychiatric hospital wants to expand its 20-bed facility. It needs legislative approval because of an existing moratorium on construction of new hospitals.

Sponsored by House Speaker Kurt Zellers (R-Maple Grove), HF1018 would amend an existing moratorium exception that first allowed construction of the 20-bed hospital, by adding that the permitted project includes expansion for the hospital for up to 50 beds.

The bill states that no further public interest review by the Department of Health is necessary to grant the exception. The bill was approved by the House Health and Human Services Reform Committee and sent to the House Ways and Means Committee. Its companion, SF742, sponsored by Sen. Julie Rosen (R-Fairmont), awaits action by the full Senate.

Rep. Larry Hosch (DFL-St. Cloud) cast the lone dissenting vote, saying he believes the exception granting bed expansion for inpatient mental health facilities doesn't address the root of the problem.

"Too many times we focus on the inpatient market," Hosch said. "We should be looking at more outpatient services that aren't as expensive and help prevent the need for inpatient services."

The hospital moratorium has been in existence since the early 1980s. It was enacted to prevent overbuilding hospital facilities in the Twin Cities metropolitan area. Since that time, the Legislature has granted 24 exceptions, including in 2009 to add the 20-bed PrairieCare children and

adolescent psychiatric inpatient facility.

Sue Abderholden, executive director for NAMI Minnesota, said the organization supports the bill, but stressed that if the Legislature reduces mental health grants for children, a measure currently contained in proposed Senate legislation, the need for more inpatient beds will continue to increase.

Rep. Patti Fritz (DFL-Faribault) cited the story of one of her constituents whose child was recently admitted to an inpatient psychiatric hospital in Montana because of a bed capacity shortage in Minnesota.

"We do not need to be sending our kids to Montana," she said.

— H. LONG

### Conferees plan more 'heavy lifting'

Conferees began working on the details of the House and Senate omnibus health and human services finance bill (HF927/SF760\*) and plan to tackle some of the substantive differences next week, said Sen. David Hann (R-Eden Prairie).

"We will be doing more heavy lifting next week," Hann said during a May 3 hearing where conferees adopted several technical language differences between the House and Senate bills. Hann chairs the Senate Health and Human Services Committee.

Major issues conferees expect to discuss include the Consumer Health Opportunities and Innovative Care Excellence (CHOICE) flexibility and funding Medicaid reform initiative, which House Health and Human Services Finance Committee Chairman Jim Abeler (R-Anoka) introduced as a more developed definition of the \$300 million federal global Medicaid waiver included in the House bill. Abeler and House Health and Human Services Reform Committee Chairman Steve Gottwalt (R-St. Cloud) said they are working toward key reform concepts and objectives, including pay-for-value and care coordination to reduce costs and improve outcomes for public program recipients.

"Right now the door to Minnesota-made reform is closed," Abeler said. "CHOICE is the key that opens the door for us to move forward with nation-leading reforms to reduce costs and improve outcomes for the people we serve."

Gottwalt said reforms offered in the bill, including the CHOICE initiative, "transform the current system into a person-centered model that drives value, harnesses innovation and improves quality of care and quality of life for health care consumers."

Late last month Human Services

Commissioner Lucinda Jesson wrote a letter to the committee detailing 41 concerns she has about the bills that outline \$1.6 billion in cuts to projected General Fund spending in the next biennium. Gov. Mark Dayton's health and human services budget proposal includes an \$851 million reduction in projected General Fund health and human services spending.

Gottwalt said the committee wants to hear more from the Dayton administration. "We simply need more money to continue to do the things we are doing," he said.

Abeler said the job of committee members has been to "prioritize spending and focus on people instead of programs.

"We take this responsibility to heart, and hope the Dayton administration will join our work."

— H. LONG

## Higher Education

### Conferees take testimony on cuts

Higher tuition, reduced class offerings and a questionable future.

Those were some of the concerns raised at the May 3 meeting of the omnibus higher education finance conference committee — its first gathering since April 14. No action was taken.

Both the House and Senate plans would reduce spending by \$411 million (14.1 percent) from the forecast for the upcoming biennium, and 11 percent from current biennium spending. Sponsored by Rep. Bud Nornes (R-Fergus Falls) and Senate President Michelle Fischbach (R-Paynesville), HF1101\*/ SF924 calls for \$241 million more in reductions compared to the budget proffered by Gov. Mark Dayton.

The Senate bill calls for an 18.9 percent General Fund reduction to the University of Minnesota; the House, 17.7 percent; and the governor, 6 percent. The respective percentages for the Minnesota State Colleges and Universities system are 13.3 percent, 15.9 percent and 6 percent. However, the House increases the base funding for the state grant program by \$27 million, the Senate \$7 million.

"We expect to be part of the solution, but the cuts proposed for fiscal 2012, in my judgment, is way too big, especially on the heels of \$190 million that was reduced from the university's state resources in this current biennium," said University President Robert Bruininks. He said tuition increases



PHOTO BY ANDREW VONBANK

**University of Minnesota President Robert Bruininks testifies before the omnibus higher education finance conference committee May 3 about how the proposed funding reductions would affect the university and the state.**

should make up no more than one-third of the solution.

Both bills limit tuition increases at state universities to 4 percent per year. The Senate limits tuition increases at state colleges to 3 percent annually; the House 2 percent. Both also express expectations that tuition increases at the university be limited.

MnSCU Chancellor James McCormick said the system would like some flexibility. "The Board of Trustees and I share the commitment to increasing tuition by no more than 5 percent each year of the biennium. The 5 percent level has been in the planning parameter for our campuses."

It is estimated that by 2018, 70 percent of all jobs in Minnesota will require a postsecondary education. Some testifiers questioned how that can be met when state funding is proposed to be comparable to 1998.

"How can we grow an economy that is increasing dependent upon higher education by underfunding higher education?" said the Rev. Ted Tollefson, who teaches psychology at Metropolitan State University. "My guess is we can't do that."

— M. COOK



### Lowering free senior tuition age

A bill to reverse a 2010 law and potentially help some senior citizens further their education was passed by the House.

Sponsored by Rep. Bud Nornes (R-Fergus Falls), HF821 would lower from 66 to 62 the age at which senior citizens could partake in a program that allows them to take courses at the University of Minnesota and the Minnesota State Colleges and Universities system at no charge, other than course charges for materials or services, if there are seats available after all tuition-paying students have been accounted for. If taken for credit, an administrative fee must be paid.

Passed 126-4 by the House May 2, it now goes to the Senate where Senate President Michelle Fischbach (R-Paynesville) is the sponsor.

The language is also in the omnibus higher education finance bill that is currently in a conference committee.

— M. Cook

## Local Government

### House passes annexation bill

Property owners whose land sits on a municipal boundary line might have an easier time having it detached and annexed from one city to another.

Sponsored by Rep. Larry Howes (R-Walker), and passed by the House 79-51 May 2, HF753 would allow property owners to petition to have their land detached and annexed as long as one of the two affected municipalities supports the switch. Current law states that both must agree.

With the support of a resolution from one of the affected cities, a property owner could take their case to an administrative law judge, who would have the power to order the detachment and annexation.

The bill now goes to the Senate, where Sen. Sean Nienow (R-Cambridge) is the sponsor.

Howes said the proposed change is one of two recommendations from the Municipal Boundary Adjustment Advisory Task Force — a bipartisan panel assembled by the Legislature to review annexation laws. The task force issued its final report in 2009.

Rep. Bev Scalze (DFL-Little Canada) said she opposes the bill because it would reverse a 2006 law that requires both municipalities to agree to an annexation. She said that law is intended to prevent small cities from having to waste money on legal fees fighting annexation by larger cities in court.

“This is chipping away at that process where the Legislature and the governor and all the parties agreed to handle annexation,” she said.

— N. Busse

### Zoning variance changes

Signed  
by  
the  
governor

A Minnesota Supreme Court ruling last year made it next to impossible for local governments to grant zoning variances to property owners.

A new law is intended to fix the problem.

Sponsored by Rep. Joyce Peppin (R-Rogers) and Sen. Gen Olson (R-Minnetrista), the law is designed in response to *Krummenacher v. City of Minnetonka*. In that case, the court interpreted statute to say that cities cannot grant variances to property owners if their properties could be put to reasonable use without a variance.

In effect, this meant local governments could no longer grant variances, except in rare circumstances. Supporters say the law would merely clarify the existing statute so that local governments can go on using the same standards that have been in place for decades.

In brief, the law states that cities, counties and townships may grant variances in cases where the property owner intends to use the property in a “reasonable manner” that does not conflict with the essential character of the locality.

The law is effective May 3, 2011.

HF52\*/SF13/CH19

— N. Busse

## Public Safety

### Restraining order clarification

Potential changes to the state’s harassment restraining order could clear up state statute and remove an administrative barrier for victims.

Sponsored by Rep. Glenn Gruenhagen (R-Glencoe), HF469 would allow an application for a harassment restraining order to be filed in the county of residence of either party or in the county where the alleged harassment occurred.

Passed 128-0 by the House May 2, the bill now goes to the Senate where Sen. Roger Chamberlain (R-Lino Lakes) is the sponsor.

Because current statute doesn’t clearly give direction to the courts about filing a restraining order, this has led to inconsistent handling of requests, especially in Greater

Minnesota. Gruenhagen said advocates working with victims found they would appear in one county to help their clients file an order for petition, only to be told that they would have to go to another county to seek court protection.

Supporters previously said it would help in cases like when a victim tried to file the petition in a county of residence, but was told by a court clerk she had to file for a petition in the county where the incident took place. When the petitioner went to the second county she saw the perpetrator, who harassed her.

Gruenhagen said endorsements have been forwarded from a number of groups, including the Minnesota County Attorney’s Association and the Minnesota Coalition for Battered Women.

Courts would also be permitted to waive filing fees for certain restraining order petitions. The fee can now be waived if the alleged acts would constitute criminal sexual conduct or gross misdemeanor or felony stalking. In order to be eligible for federal grants to combat violence crimes against women, states must certify their laws do not require victims of sexual assault, stalking or domestic violence bear the cost of filing for a protection order.

— M. Cook

### Dispatch center consolidation

The state patrol is consolidating its 10 public safety answering points across the state to three: Duluth, Rochester and Roseville.

Rep. Tony Cornish (R-Good Thunder) sponsors HF977 that would prohibit the closure or consolidation of any PSAPs. The bill was held over May 2 by the House Transportation Policy and Finance Committee. Sen. Paul Gazelka (R-Brainerd) sponsors SF1365, which awaits action by the Senate Transportation Committee.

The bill would also require the Department of Public Safety to report to the Legislature by Dec. 1, 2011, on the current dispatch system and any proposed changes.

A 2003 law mandated a study and report of PSAP consolidations, and former Gov. Tim Pawlenty created a work group in 2009 to develop a comprehensive strategy regarding the consolidation of all state PSAPs. The current plan, in part, comes from the work group.

PSAPs answer 911 and non-emergency calls with the purpose of dispatching state patrol services. In Greater Minnesota, operators also dispatch Department of Natural Resources



officers and Department of Transportation vehicles, such as snowplows. Current centers slated to close are in Brainerd, Detroit Lakes, Mankato, Marshall, St. Cloud, Thief River Falls and Virginia.

"This is not in the best interests of the citizens of the state of Minnesota," Rep. John Ward (DFL-Brainerd) told the House Public Safety and Crime Prevention Policy and Finance Committee April 14. "This is going to cause some significant public safety problems and issues for us."

Cornish and Ward expressed concern about the potential quality of service, in part, because technology doesn't always work as it should, and that more localized dispatchers know the area, such as landmarks commonly used for directions, better than someone hundreds of miles away.

Col. Mark Dunaski, state patrol chief, told the public safety committee he is "100 percent certain" the change would not compromise public safety.

DPS Deputy Commissioner Mary Ellison told the transportation committee three PSAPs average less than 10 calls per day.

The consolidation is not just about a cost savings, although it is expected to save \$1 million annually. Dunaski said all non-metro centers are "significantly understaffed" based on recommendations in a 2004 legislative report, and that 34 additional staffers would be needed if all centers were kept open. "The current level of staffing would be more than adequate to accommodate the workload at three consolidated centers." However, about 43 radio communication officers would potentially need to relocate.

He said the Transportation and Public Safety departments support the consolidation plan.

— M. COOK

## State Government

### Conferees finish 'easy part'

A plan to review and possibly eliminate state agencies was among several provisions adopted by House and Senate conferees for HF577/SF1047\*, the omnibus state government finance bill.

Sponsored by Rep. Morrie Lanning (R-Moorhead) and Sen. Mike Parry (R-Waseca), the bill would fund state government operations for the 2012-2013 fiscal biennium. In their second official meeting, members of the bill's conference committee voted to adopt policy provisions

in which there were few or no differences between the House and Senate language.

"That was the easy part," Lanning said shortly before adjourning the meeting May 3.

Among the provisions they adopted was the plan to create a "Sunset Advisory Commission." The bipartisan group would be tasked with recommending the abolishment or reorganization of state agencies based on certain criteria like duplicative services.

Other provisions adopted include:

- limiting the number of assistant and deputy commissioners to no more than one each per agency, excluding the Department of Veteran Affairs;
- requiring the Administration Department to issue a request for proposals for a "strategic sourcing" initiative to save money on state procurement; and
- requiring the Revenue Department to absorb any potential budget cuts in its administrative support functions first, rather than its tax compliance and enforcement programs.

Conferees did not discuss the bill's fiscal provisions. Overall, the House version of the bill proposes spending \$601.6 million from the General Fund (a 34 percent reduction), while the Senate version would spend \$371.3 million (a 59 percent reduction). Lanning said conferees have not yet received budget targets from House and Senate leadership, and will not begin adopting language on appropriations until they do.

Parry said conferees will likely meet again on May 6.

— N. BUSSE

### Federal debt concerns

Almost one-third of the state's total budget comes from federal funding. With the federal government racking up an ever-increasing amount of debt, some wonder about the impact on Minnesota if Uncle Sam were to go bust.

Sponsored by Rep. Keith Downey (R-Edina), HF545 contemplates just that scenario. The bill would direct state agencies to do contingency planning in case a federal fiscal crisis impacts the state budget.

The House State Government Finance Committee laid the bill over May 5. A vote could come as early as May 6. There is no Senate companion.

According to the U.S. Treasury Department, the United States' total outstanding public debt stands at more than \$14.3 trillion. For the current fiscal year,

the Congressional Budget Office projects a deficit of \$1.5 billion — 9.8 percent of the gross domestic product.

Downey called the bill a "good, prudent planning step." He said the federal government will likely begin shifting costs to states when it can no longer accumulate debt.

"The genesis for this bill is the fact that the federal government essentially is broke," he said at a May 3 hearing.

Opponents argued the bill's proponents are motivated by politics rather than prudence.

Rep. Ryan Winkler (DFL-Golden Valley) said fears of the U.S. government defaulting on its debt are overblown, and that Downey's bill is premised on a "partisan fantasy" about financial Armageddon.

"I think your bill should also consider things like asteroid collisions, nuclear war, extraterrestrial invasion, coup d'état ... That's, to me, the kind of scenarios your bill is anticipating," Winkler said.

Others said the threat is real. Rep. King Banaian (R-St. Cloud) said that by 2020, the national debt is projected to reach 90 percent of the GDP — a figure which some economists consider a "magic number" that can trigger a crisis.

Banaian said the government might choose to alleviate the debt by printing more money, which would trigger inflation — something he said would also impact the state.

To assuage concerns about partisanship, Committee Chairman Morrie Lanning (R-Moorhead) suggested amending the bill's language to remove references to "federal government insolvency" and inserting less controversial terms. Downey said he would confer with other committee members and propose alternative language.

— N. BUSSE

## Taxes

### Conferees affirm: No new taxes

Senate and House tax conferees aligned with the governor by agreeing to support some minor tax provisions, including doing away with the sales tax on ringtones. But Senate Taxes Chairwoman Julianne Ortman (R-Chanhassen) told Revenue Commissioner Myron Frans the House and Senate will stand firm on their position of not raising taxes to balance the budget. She said the governor's proposal for a new tax rate on the state's highest earners puts Minnesota on the wrong track and will make Minnesota less competitive.

Her comments came during the May 3 meeting of the conference committee trying to meld the differences between the House and Senate on HF42\*/SF27, the omnibus tax bill. “The taxes you are relying on increase volatility and are regressive. ... I ask you for evidence that the governor is concerned about competitiveness. If we keep raising taxes we will never reach the goals of stability and competitiveness,” she said.

Frans, however, said the governor’s position is about putting stability into the state’s budget and defended his provisions as making the state more competitive. He pointed to the research and development credits, and said businesses want a balanced approach that will also protect a trained workforce.

Rep. Ann Lenczewski (DFL-Bloomington) cautioned members to “think holistically about the whole thing.” She said volatility in the state’s tax structure hampers growth.

“We have to have adequate resources to fund the government we want. We should look at things in totality.” She is concerned that with the May 23 constitutional end-of-session deadline looming, compromise remains elusive, especially with committees not yet having targets and revenue issues not being confined to the tax committee.

“Do you know what the plan is to get that money out of the bills so the negotiations can start and the real revenue discussion can begin here?” Lenczewski said.

Ortman said the topic of volatility “may be

a distraction at this point, but we are saying competitive comes first and we can’t do this with new taxes.”

Provisions agreed on by the conference committee include:

- exempting the purchase of ringtones from sales and use tax at a cost of \$410,000 to the General Fund in the 2012-2013 biennium;
- defining advertising and promotional direct mail and allowing direct mail to be sourced to the address of the purchaser;
- eliminating the accelerated remittance schedules for vendors with annual sales tax collection of at least \$12,000 for all months except for June payments, effective for all payments due after July 1, 2011; and
- a specific property tax exemption for attached machinery for a proposed electric generation facility in Fairmont that would need to be built by Jan. 1, 2015.

The conference committee is scheduled to reconvene May 10.

— L. SCHUTZ

### Law change brings windfall

Some landowners are receiving an incentive payment from the state that is more than double what they pay per acre in property taxes.

Approximately 1,700 owners of land enrolled in the state’s Sustainable Forest Resource Management program are the beneficiaries of an unanticipated consequence

of a 2009 law change that has them receiving \$15.67 per acre in fiscal year 2011, when, on average, their property tax is \$6.16 per acre.

The Sustainable Forest Incentive Act was created by the Legislature in 2001 to encourage landowners to make a long-term commitment to sustainable forestry by meeting certain criteria. As an incentive, owners are eligible to receive a state payment, but not less than \$7 per acre in any year.

According to a Department of Revenue memo distributed during the omnibus tax bill conference committee May 3, the windfall comes from a 2008 legislative change that the department tried to address after modifications were made to the 2b tax classification previously used for timberland calculations.

John Hagen, director of the department’s Property Tax Division, said the classification changed to include “all kinds of rural vacant land.”

He said the department realized that the 2b classification could no longer be used to provide an accurate measure of the timber land value. However, after the land was shifted to a 2c classification, the land value average for 2c lands came in at almost double the prior year’s value. “We had erroneously surmised that 2c managed forest lands would have a similar average value to that of the 2b time lands,” Hagen wrote in an October 2010 letter to program participants. “The unanticipated land value resulted in a near doubling of the SFIA payment.”

Both the House and Senate positions in the omnibus tax bill propose to modify the program. Senate Taxes Committee Chairwoman Julianne Ortman (R-Chanhassen) questioned Commissioner Myron Frans as to why the governor doesn’t support a similar modification.

“We understand there is a problem that needs to be addressed, but we don’t have a proposal at this time,” he said.

Ortman said her analysis shows that many of the property owners are from out-of-state. “So we are subsidizing them well beyond what they are paying. This is a troubled program.”

— L. SCHUTZ

### Voters permissions to raise revenue

Voters could decide whether the number of legislators needed to pass a bill to increase revenue should be changed from a simple majority to three-fifths of each house’s membership.

Similar amendments have been placed on constitutions in 15 other states, Rep. Steve Drazkowski (R-Mazeppa) told the

## REVENUE RESPONSE



PHOTO BY TOM OLMSCHIED

Revenue Commissioner Myron Frans, right, responds to a question as Assistant Commissioner Matt Massman, listened during a May 3 meeting of the omnibus tax conference committee.



PHOTO BY TOM OLMSCHIED

**Rep. Steve Drazkowski, left, sponsor of a proposed constitutional amendment that would require a three-fifths vote to enact a law imposing or increasing a property tax rate or levy, and Phil Krinkie, president of The Taxpayers League of Minnesota, who supports the measure, listen to a question from a member of the House Taxes Committee during a May 2 hearing.**

House Taxes Committee. His motivation for HF1598, which he sponsors, comes from constituents who “clear and loudly say that we need to rein in spending. This amendment would do that.”

The bill would put before the voters during the 2012 general election a question of whether to approve an amendment to the state constitution that any bill that increases the state income, sales or property taxes require three-fifths of each house of the Legislature to vote in the affirmative. The committee approved the bill and sent it to the House Ways and Means Committee where it was approved and moved to the House floor.

Norann Dillon of Plymouth is frustrated that it seems easier for legislators to raise taxes than to focus on the spending component. “You are going to have to build consensus to raise taxes, and I don’t see that as a bad thing. I see this as a good thing for taxpayers. There will be more cooperation here among legislators.”

Jay Kiedrowski, a senior fellow at the University of Minnesota Humphrey School of Public Affairs and a former state finance commissioner, opposes the bill, saying it puts Minnesota on a very “slippery slope of governance.” If implemented, it could negatively affect state and local credit ratings, increase the cost of borrowing; and the impingements on raising revenue could also

affect how quickly the state could respond financially to emergency situations, he said.

With several bills having been introduced asking for constitutional amendments DFLers questioned if Republicans are choosing to govern by constitutional amendment.

“Is it the philosophy of the Republican Party that we should abandon representative democracy and move to where voters vote on significant matters? It does seem like we are really changing 150 years of how we run government here,” said Rep. Michael Paymar (DFL-St. Paul).

Since amendment proposals don’t need to be acted on until next year, Rep. Lyndon Carlson, Sr. (DFL-Crystal) asked why they are being taken up now.

“We want people to be talking about the issues over the summer,” Drazkowski said.

— L. SCHUTZ

## Transportation

### Carbon monoxide awareness

Carbon monoxide is colorless, odorless and deadly. Its consequences could become part of important teenage learning.

Rep. Andrea Kieffer (R-Woodbury) sponsors HF650 that would require the Department of Public Safety to include

information on carbon monoxide poisoning in driver’s education training, would require a question about carbon monoxide on the driver’s exam and would require the department to include information about carbon monoxide in the driver’s manual.

The bill was approved April 29 by the House Transportation Policy and Finance Committee and sent to the House Ways and Means Committee. It is also included in the omnibus transportation policy bill, HF1068. A companion, SF1042, sponsored by Sen. Chuck Wiger (DFL-Maplewood), has been held over for possible omnibus bill inclusion.

The impetus for what would be known as “Tyler’s Law” came from a December tragedy when Tyler Lavers, a sophomore at the University of Minnesota, was accidentally killed when installing stereo speakers in his car.

He went to the family’s cabin and backed his car into the garage to be closer to the tools and better lighting. With the garage door open, he started the car at some point to test his speakers.

“We later learned that in as little as two to five minutes Tyler was likely unconscious and was most likely dead in 15,” Jeff Lavers, Tyler’s father, told the committee March 16. His mother found him lying in the back of the car, under the speakers.

“Despite a ventilated garage, the very cold air created a higher output of carbon monoxide from his engine,” Jeff Lavers said. “Combined with a confined space allowed this deadly poison to concentrate where he was and ultimately kill him.

“Only now am I coming to grips with the fact that the only thing that could have kept Tyler alive was knowledge, knowledge we are quite sure very few of us have.”

It is estimated that 15-20 Minnesotans die each year from carbon monoxide poisoning.

— M. COOK

### Green-lighting a diversion program

A driver’s license reinstatement diversion program established in 2009 may be green-lighted for two more years and expanded.

Sponsored by Rep. Tim Kelly (R-Red Wing), HF387 would extend the driver’s license diversion pilot project that is scheduled to sunset on June 30, 2011, for another two years. It would also permit counties to establish a program, not just cities.

Approved 130-0 by the House May 2, the bill goes to the Senate where Sen. Scott Newman (R-Hutchinson) is the sponsor.



The program provides a different avenue of intervention into the problem of people driving without a license, Kelly said. It is directed at people who want to get valid, but for various reasons, such as limited finances, are unable to do so.

Under the program, eligible participants charged with driving after suspension or revocation, but have not yet entered a plea can participate. In exchange for a diversion driver's license, participants must maintain insurance; make regular payments toward the outstanding fines; and complete a class that teaches life and financial management skills. Offenders pay for program costs.

Duluth, St. Paul, South St. Paul, West St. Paul and Inver Grove Heights took part in the pilot program and Isanti joined in July 2010. The public safety commissioner may permit other cities to establish a program.

As of Dec. 31, 2010, the program had 1,781 eligible participants, of which the average participant had seven outstanding citations with an average balance of \$1,700.

"This program has had a 77 percent success rate. It has returned close to \$500,000 back to these cities," Kelly said.

— M. Cook

### Obtaining a disability plate

Things could get easier for people wanting a disability license plate for their motorcycle.

Sponsored by Rep. Ron Shimanski (R-Silver Lake) and Sen. Al DeKruif (R-Madison Lake), HF1094/SF478\* would modify issuance of a disability plate for motorcycles.

Approved May 2 by the House Transportation Policy and Finance Committee, the bill was sent to the House floor. It was passed 62-0 by the Senate March 24.

Under current law, a person is allowed one handicap placard and one set of handicap license plates, although individuals may apply to the State Council on Disability for a second set. When the second set is for a motorcycle, the council has generally given its approval. The bill would put approval into law.

"People with disability plates on their vehicles are looking at the price of gasoline and wanting to utilize their motorcycle more in transportation," Shimanski said. "This simply clarifies the statute that allows Driver and Vehicle Services to issue disability plates for a motorcycle for a person that may already have disability certification on another motor vehicle."

Tony Larson, who became a right leg

amputee after he was hit by a roadside bomb in Iraq, said his personal vehicle has his handicap plates and his placard is used with his wife's vehicle. "I have no third option to put one on my motorcycle," he said. Without a handicap plate or placard he has to walk from further out in a parking lot. "It's quite a distance, especially since I just got a new prosthesis and am learning how to walk after five months of not being able to walk on a prosthesis."

— M. Cook

### Omnibus policy bill approved

An omnibus transportation policy bill is on its way to the House Ways and Means Committee.

Sponsored by Rep. Mike Beard (R-Shakopee), HF1068, as amended, contains provisions ranging from license plates and vehicle lights, to driver's training and speed limit violations on a person's driving record. It was approved April 29 by the House Transportation Policy and Finance Committee. A companion, SF920, sponsored by Sen. Joe Gimse (R-Willmar), awaits action by the Senate Finance Committee.

Among the provisions in the bill are HF615, sponsored by Rep. Mark Buesgens (R-Jordan), which allows the classroom/theory portion of driver's education training to be completed through an online program approved by the Department of Public Safety. Sponsored by Rep. Andrea Kieffer (R-Woodbury), HF650 would require carbon monoxide poisoning awareness be part of the driver's education curriculum and be part of the driver's license knowledge test.

Rep. Bruce Anderson (R-Buffalo Township) sponsors HF867 that would allow issuance of an instruction permit to someone who has not yet completed the classroom phase of driver's education if certain other conditions are met.

Other bills in the omnibus bill include:

- HF537, sponsored by Rep. Dean Urdahl (R-Grove City), which would prohibit speed limit violations of up to and including 10 mph over the speed limit in 55 and 60 miles per hour zones from going on the driving record;
- HF676, sponsored by Rep. Tony Cornish (R-Good Thunder), which would clarify that vehicles used by DNR conservation officers can be unmarked when registered as tax-exempt;
- HF808, sponsored by Rep. Sarah Anderson (R-Plymouth), which would require the Driver and Vehicle Services Division in the Department of Public Safety to include a mechanism for vehicle owners to donate \$2

for organ donation educational programs as part of vehicle registration and renewal;

- HF906, sponsored by Rep. Tom Rukavina (DFL-Virginia), which would require the Department of Transportation to designate by March 15, 2015, one of two specific options as the alternative route for realigning a stretch of Trunk Highway 53 near Virginia, with construction on the new route to begin by June 1, 2015;
- HF1412, sponsored by Rep. Rich Murray (R-Albert Lea), which would allow electric-assisted bicycles on state trails and paths.

Also receiving committee approval was HF1310, as amended. Sponsored by Rep. Ron Shimanski (R-Silver Lake), it is an agency bill that contains policy and housekeeping provisions sought by the Public Safety and Transportation departments.

— M. Cook

### Changes to net federal funds

Minnesota could receive federal funds to educate people about vehicular child restraints.

Sponsored by Rep. Melissa Hortman (DFL-Brooklyn Park), HF1214 was approved April 29 by the House Public Safety Policy and Crime Prevention Policy and Finance Committee and sent to the House floor. A companion SF1124, sponsored by Sen. Pam Wolf (R-Spring Lake Park), was held over April 26 by the Senate Transportation Committee for possible omnibus bill inclusion.

In 2009, a law was enacted requiring children under age 8 and shorter than 4-foot-9 to be fastened in an appropriate child restraint, including a booster seat. The law applied to all passenger vehicles as well as school buses. Last year, a school bus exemption was passed.

"The language that we chose to use in 2010 made us ineligible for the federal grant of \$378,000," Hortman said. "We'd like to fix the language to make us eligible to receive that federal funding." The problem was that the language included type III vehicles that should not be exempted from the booster law.

According to a fact sheet from the Office of Traffic Safety, the federal dollars are used "for training of law enforcement, daycare providers, and child passenger safety advocates on child restraint. Equally important, a significant portion of the money is also used to provide child safety seats to Minnesota's needy families."

— M. Cook

# Drawing the lines

Redistricting plan is far from bipartisan acceptance

By LEE ANN SCHUTZ

**R**edistricting happens every 10 years and with it comes the partisan rancor — so much so that the state has a long history of the courts completing the task of setting district boundaries because the Legislature can't reach agreement and get approval from the governor.

Rep. Paul Marquart (DFL-Dilworth) told members of the House Redistricting Committee May 3 that he had hopes that this year would be different.

“For the first time in 100 years, we could send a message to the citizens and come up with a plan that is bipartisan and signed by the governor. In terms of long-term policy, this is probably the most important thing anyone will do this session. This is much too important to relinquish our responsibility to the courts,” he said.

The proposed House and Senate district boundaries were released May 2, and before the committee for consideration 24 hours later.

With testifier and DFL complaints of too little time for review of the maps, not enough public input, and questions over whether “communities of interest” are well-served, Marquart’s hope for eventual bipartisan support appears to be in question.

The bill which lays out the map, HF1425, sponsored by Committee Chairwoman Sarah Anderson (R-Plymouth), was approved as amended along party lines. The House Rules and Legislative Administration Committee moved the bill to the House floor. Its companion, SF1248, sponsored by Sen. Geoff Michel (R-Edina), awaits action by the Senate Rules and Administration Committee.

“Our goal was a fair process that recognizes the population shifts,” Anderson said. She noted there were 14 committee meetings —

three in Greater Minnesota — to seek public input on the map that will shape the 2012 elections and for the next 10 years.

The proposed map reflects the state’s population migration from the rural areas to the Twin Cities metropolitan area, and the outflow from the cities’ central core — all resulting in substantial suburban and exurban growth.

The redistricting plan keeps the number of House and Senate districts the same at 134 and 67 respectively. The ideal population in each House district would be 39,582 and 79,163 for the Senate. Current numbers are 36,713 and 73,425 respectively.

The plan appears to pit 20 House incumbents against each other in the next election — DFLers in five districts squaring off; Republicans in one district and incumbents from both parties in four districts. Most of the combined districts are located in the Twin Cities metropolitan area.

The map with the new congressional lines for Minnesota’s eight districts should be available by May 23, the end of session, Anderson said.

### More time for consideration

It wasn’t long into the meeting, with more than 30 testifiers, when Anderson took offense to one person’s characterization that splitting the city of Mankato appears to be gerrymandering.

“I don’t appreciate you using that term. We didn’t do that,” she responded.

Rep. Melissa Hortman (DFL-Brooklyn Park) asked her to let the speaker finish, and the roomful of onlookers clapped, leading Anderson to pound the gavel and say, “You are out of order.”

After calls for mutual respect, testimony resumed.

Anderson said the new map is based on the principles accepted by the committee last week, and stated the importance of keeping local jurisdictions together. “This plan would split 42 cities versus the current 46 splits,” she said.

However, Maplewood Mayor Will Rossbach spoke to the problems his city would face if it were to be split among three House districts as proposed, instead of the current two.

“You are taking us away from our partners that we have joint powers agreements with. It is not a situation that will make it easier for us.”

Several testifiers spoke to preserving the voting integrity of minority communities.

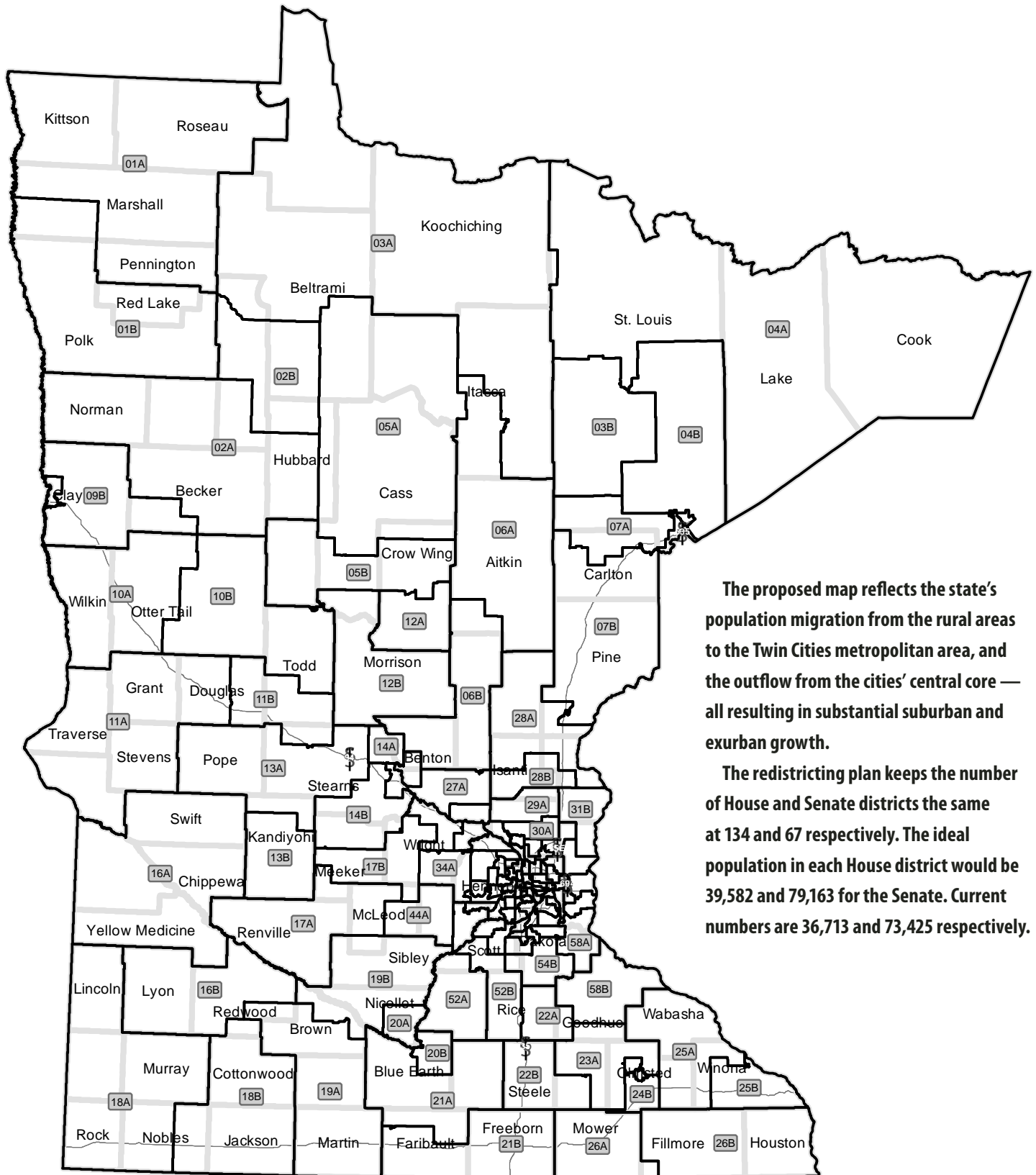
“I don’t want to rush the process. It has dire implications for minority communities,” said Gerardo Bonilla, a Latino organizer in the South Minneapolis/Richfield area. “From looking at a couple of districts, the cut up is disempowering to communities that exist there. It dilutes the power of the Latino vote. This process should not be rushed.”

As DFLers called for more public review time, Republicans, including Rep. Pat Garofalo (R-Farmington), asked the DFL for their redistricting map. “Are you guys going to put out a plan? If not, fess up and say it,” he said.

Rep. Mary Murphy (DFL-Hermantown), the committee’s DFL lead, said she had hoped that the committee could develop a map that reflected all Minnesotans and would have bipartisan support. “I still feel that goal can be reached,” she said.

She complimented Anderson for the model that she had developed and for giving them something to respond to. “I feel that we should take the time to continue to develop a plan from this committee to bring to the floor and ask for votes from both parties and pass with a significant number of votes.” 🗳️

# House Redistricting Committee proposed statewide map



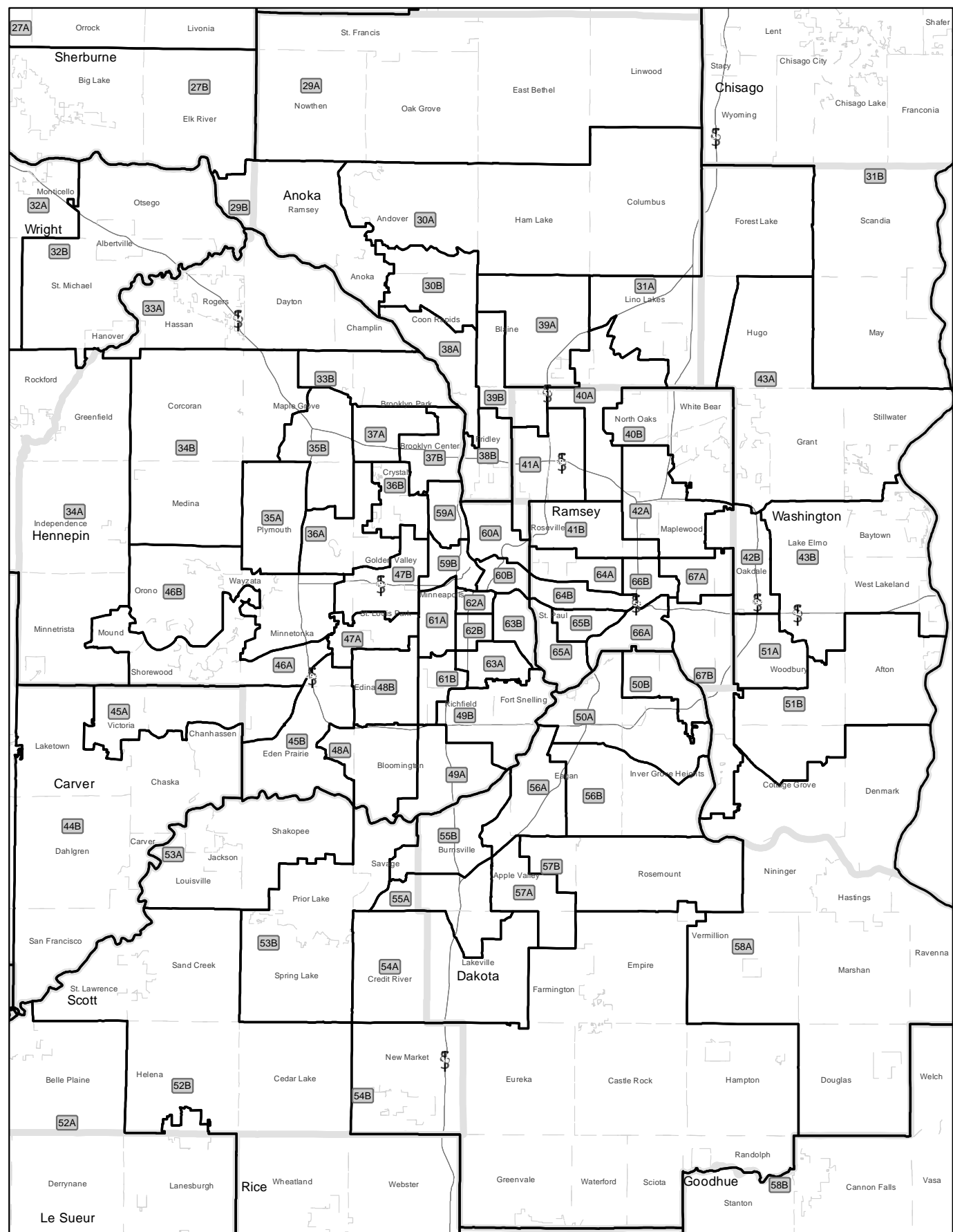
The proposed map reflects the state's population migration from the rural areas to the Twin Cities metropolitan area, and the outflow from the cities' central core — all resulting in substantial suburban and exurban growth.

The redistricting plan keeps the number of House and Senate districts the same at 134 and 67 respectively. The ideal population in each House district would be 39,582 and 79,163 for the Senate. Current numbers are 36,713 and 73,425 respectively.

Maps courtesy of the Legislative Coordinating Commission Geographic Information Services



# House Redistricting Committee proposed metro map



# BILL INTRODUCTIONS

MAY 2 - 5, 2011  
HOUSE FILES 1617 - 1670

## Monday, May 2

---

### **HF1617-Persell (DFL)**

#### **Commerce & Regulatory Reform**

Embedded equipment and vehicles recovery standards provided.

### **HF1618-Peppin (R)**

#### **Government Operations & Elections**

Governor appointment of the executive directors of specified state councils provided.

### **HF1619-Knuth (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Utilities solar energy standard created and solar energy regulated.

### **HF1620-Mullery (DFL)**

#### **Higher Education Policy & Finance**

Small businesses and targeted group businesses purchasing laws applied to the Minnesota State Colleges and Universities system.

### **HF1621-Franson (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Todd County pier money appropriated.

### **HF1622-Shimanski (R)**

#### **Transportation Policy & Finance**

Farm trucks governing definition and regulation modified.

### **HF1623-Kahn (DFL)**

#### **Commerce & Regulatory Reform**

State lottery authorized to offer games involving sports wagering and sports wagering pools, sports bookmaking under licenses issued by the director of the state lottery authorized and tax on licensed sports bookmaking imposed.

### **HF1624-Shimanski (R)**

#### **Taxes**

Charter school property tax exemption status modified.

### **HF1625-Mariani (DFL)**

#### **Education Finance**

School district expiring operating referenda term extended by two years.

### **HF1626-Murphy, M. (DFL)**

#### **Government Operations & Elections**

Unclassified employees retirement program transfer of coverage provision clarified.

### **HF1627-Murphy, M. (DFL)**

#### **Government Operations & Elections**

Crookston Township; service credit purchase for uncredited prior public employment authorized.

### **HF1628-Murphy, M. (DFL)**

#### **Government Operations & Elections**

First class city teacher retirement fund associations definition for vesting added, and leave of absence, retirement, survivor and disability benefits eligibility modified.

### **HF1629-Howes (R)**

#### **Rules & Legislative Administration**

Explore Minnesota Tourism Council modified.

### **HF1630-McElpatrick (R)**

#### **Judiciary Policy & Finance**

Conditional partial pardon of a person's criminal conviction provided upon successful completion of the challenge incarceration program.

### **HF1631-Kriesel (R)**

#### **Commerce & Regulatory Reform**

Sports pool tipboard games authorized.

### **HF1632-Clark (DFL)**

#### **Health & Human Services Finance**

Chemical dependency aggressive initiative provided, alcoholic beverage tax increased to fund initiative, obsolete language eliminated and technical changes made and money appropriated.

### **HF1633-Norton (DFL)**

#### **Commerce & Regulatory Reform**

Gross profit use clarified.

### **HF1634-Hamilton (R)**

#### **Agriculture & Rural Development Policy & Finance**

Food law enforcement provided, technical and conforming changes made, obsolete provisions repealed and penalties imposed.

### **HF1635-Hamilton (R)**

#### **Agriculture & Rural Development Policy & Finance**

Pet dealer definition amended for the purposes of the law regulating sales of dogs and cats.

### **HF1636-Franson (R)**

#### **Health & Human Services Reform**

Vaccines containing human DNA labeling required.

### **HF1637-Daudt (R)**

#### **Commerce & Regulatory Reform**

Transaction agents required to disclose information on lenders for residential mortgage loans, and additional data required in foreclosure notices.

### **HF1638-Hilty (DFL)**

#### **Taxes**

Local government aid distribution modified.

### **HF1639-LeMieur (R)**

#### **Transportation Policy & Finance**

Drivers' licenses; being on track to graduate from high school made a condition of obtaining instruction permits and driver's licenses for applicants under age 18.

### **HF1640-McNamara (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

RIM Conservation Reserve funding provided, bonds issued and money appropriated.

### **HF1641-Beard (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Conservation improvement program modified.

### **HF1642-Banaian (R)**

#### **Education Reform**

Federal special education requirement special instruction and services provided.

### **HF1643-Mazorol (R)**

#### **Government Operations & Elections**

Certificates issued to business entities simplified, effective date of agent resignations modified, notice provided to organizations revised, alternative names allowed, business entities redefined, certificates to business trusts and municipal power agencies eliminated and access to and the treatment of certain data regulated.

## Tuesday, May 3

---

### **HF1644-Wagenius (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Watercraft surcharge and aquatic plant management fees modified.

### **HF1645-Loeffler (DFL)**

#### **Government Operations & Elections**

Hennepin County Soil and Water Conservation District terminated and duties transferred.

### **HF1646-Norton (DFL)**

#### **Health & Human Services Reforms**

Child and adult foster care licensing moratorium repealed.

### **HF1647-Lanning (R)**

#### **Government Operations & Elections**

Major general employee statewide retirement plans statutory salary scale and payroll growth actuarial assumptions revised.

### **HF1648-Mahoney (DFL)**

#### **Jobs & Economic Development Finance**

Minnesota Science and Technology Authority funding provided.

### **HF1649-Hansen (DFL)**

#### **Environment, Energy & Natural Resources Policy & Finance**

West Saint Paul; North Urban Regional Trail grade separated crossing funding provided, bonds issued and money appropriated.

### **HF1650-Beard (R)**

#### **Civil Law**

Department of Natural Resources electronic licensing data authorized for any civil, criminal, administrative or arbitration proceedings.

### **HF1651-Gunther (R)**

#### **Jobs & Economic Development Finance**

Fast investment today program performance rewards created, tax benefits provided and money appropriated.

### **HF1652-Urdahl (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Cultural heritage funding provided for arts, history and cultural heritage, and money appropriated.

**HF1653-McDonald (R)**  
**Environment, Energy & Natural Resources**  
**Policy & Finance**  
Delano; flood hazard mitigation funding provided, bonds issued and money appropriated.

## Wednesday, May 4

**HF1654-Hornstein (DFL)**  
**Commerce & Regulatory Reform**  
Gambling social and economic costs in Minnesota study required and money appropriated.

**HF1655-Bills (R)**  
**Government Operations & Elections**  
Public employees dues check off written request required.

**HF1656-Bills (R)**  
**Education Reform**  
Teacher's union financial report required.

**HF1657-Laine (DFL)**  
**Environment, Energy & Natural Resources**  
**Policy & Finance**  
Black bear designated as the state mammal.

**HF1658-Eken (DFL)**  
**Taxes**  
Mahnom County; Island Lake Township aggregate materials tax imposition allowed.

**HF1659-Franson (R)**  
**Government Operations & Elections**  
Commissioner of administration required to enter into a contract for state agency real estate lease evaluation services, and length of time required for notice of cancellation of state leases increased.

**HF1660-Nornes (R)**  
**Taxes**  
Fergus Falls; border city development zone powers establishment and exercise authorized and money appropriated.

**HF1661-Hoppe (R)**  
**Ways & Means**  
Level of budgeted spending limited to 98 percent of the amount forecast to be collected in the biennium and constitutional amendment proposed.

**HF1662-Kiffmeyer (R)**  
**Government Operations & Elections**  
Voters required to present photographic identification, photographic identification provided to voters at no charge, equal verification standards required for all voters and constitutional amendment proposed.

## Thursday, May 5

**HF1663-Davids (R)**  
**Commerce & Regulatory Reform**  
Motor fuel franchise agreements that prohibit installation or operation of ethanol blender pumps barred.

**HF1664-Bills (R)**  
**Commerce & Regulatory Reform**  
Gold and silver coin designated as official legal tender.

**HF1665-Gruenhagen (R)**  
**Public Safety & Crime Prevention**  
**Policy & Finance**  
Fifth-degree assault and domestic assault provisions added to crime of violence.

**HF1666-Beard (R)**  
**Judiciary Policy & Finance**  
Retention elections for judges proposed, judicial performance evaluation commission created, money appropriated and constitutional amendment proposed.

**HF1667-Koenen (DFL)**  
**Environment, Energy & Natural Resources**  
**Policy & Finance**  
Minnesota Falls Dam on the Minnesota River near Granite Falls removal and construction of a rock rapids structure predesign and preliminary engineering funding provided, bonds issued and money appropriated.

**HF1668-Murphy, M. (DFL)**  
**Government Operations & Elections**  
Duluth and Duluth Airport Authority; Public Employees Retirement Association optional correction of erroneous employee deductions and employer contributions provided.

**HF1669-Murphy, M. (DFL)**  
**Environment, Energy & Natural Resources**  
**Policy & Finance**  
Wetland, wildlife and carbon sequestration credits purchase, reservation and disclosure required.

**HF1670-Hoppe (R)**  
**Transportation Policy & Finance**  
Pupil transportation; federal substance testing allowed to fulfill testing requirements for type III vehicle drivers.

## Constitutional Officers

**Governor**  
**Mark Dayton (DFL)**  
Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155  
651-201-3400  
800-657-3717  
Fax: 651-797-1850  
Website: [www.governor.state.mn.us](http://www.governor.state.mn.us)  
E-mail: [mark.dayton@state.mn.us](mailto:mark.dayton@state.mn.us)

**Lieutenant Governor**  
**Yvonne Prettner Solon (DFL)**  
Room 130 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55115  
651-201-3400  
Fax: 651-797-1850  
E-mail: [ltgovprettnersolon@state.mn.us](mailto:ltgovprettnersolon@state.mn.us)

**Secretary of State**  
**Mark Ritchie (DFL)**  
Election Center  
Room 180 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
651-215-1440  
877-600-8683 (VOTE)  
Business Services  
60 Empire Drive, Suite 100  
St. Paul, MN 55103  
651-296-2803  
877-551-6767  
Website: [www.sos.state.mn.us](http://www.sos.state.mn.us)  
E-mail: [secretary.state@state.mn.us](mailto:secretary.state@state.mn.us)

**Attorney General**  
**Lori Swanson (DFL)**  
Executive Offices  
Room 102  
State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

651-296-6196  
800-657-3787  
Website: [www.ag.state.mn.us](http://www.ag.state.mn.us)  
E-mail: [attorney.general@state.mn.us](mailto:attorney.general@state.mn.us)  
Consumer Division  
1400 Bremer Tower  
445 Minnesota St.  
St. Paul, MN 55101  
651-296-3353  
800-657-3787  
(TTY) 651-297-7206  
(TTY) 800-366-4812

**State Auditor**  
**Rebecca Otto (DFL)**  
525 Park St.  
Suite 500  
St. Paul, MN 55103  
651-296-2551  
(TTY) 800-627-3529  
Website: [www.osa.state.mn.us](http://www.osa.state.mn.us)  
E-mail: [state.auditor@state.mn.us](mailto:state.auditor@state.mn.us)



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## Older Minnesotans

|   |                |
|---|----------------|
| Estimated number of Minnesotans over age 65 .....   | 600,000        |
| Projected number 25 years from now, in millions.....  | 1.2            |
| At that time, percent of all Minnesotan residents .....   | 25             |
| Estimated number of Minnesotans over age 85 in 2000 .....   | 90,000         |
| Projected number in 2050.....   | 250,000        |
| Estimated number of children in Minnesota living under the primary care of<br>a grandparent or some older relative.....   | 71,000         |
| Percent increase since 1990 .....   | 100            |
| Estimated number of Minnesotans over age 65 who need some kind of<br>long-term care assistance with basic activities such as eating, dressing and<br>bathing.....   | 95,000         |
| Percent of care for older Minnesotans that is provided by family caregivers.....  | 90             |
| In fiscal year 2010, average number of people served by the Alternative Care program,<br>a state-funded cost-sharing program that supports certain home- and<br>community-based services for eligible Minnesotans, age 65 and over.....   | 5,279          |
| Amount spent providing the care, in millions.....   | \$31.3         |
| In fiscal year 2010, people served by the state's Elderly Waiver program that funds<br>home- and community-based services for people age 65 and older who are<br>eligible for Medical Assistance and require the level of care provided in a<br>nursing home, but choose to reside in the community ..... | 26,779         |
| Dollars spent on waiver services, in millions.....  | \$302          |
| Average monthly EW client population for fiscal year 2010 .....   | 21,500         |
| Average in 2007 .....   | 17,284         |
| In 2009, real median household income per Minnesotan age 65-plus .....  | \$21,993       |
| In 1999 .....   | \$22,210       |
| In 1989 .....   | \$17,850       |
| National average in 2009.....   | \$21,299       |
| Percent of Minnesotans ages 65 or older who volunteered within the past year.....   | 39.6           |
| State rank.....   | 2              |
| National average, as percent.....   | 28             |
| Phone number for Senior LinkAge Line, the Board on Aging's free statewide<br>information and assistance service.....  | 1-800-333-2433 |
| Year that May was established by President Kennedy as Older Americans Month.....  | 1963           |

— M. Cook

Sources: Minnesota Board on Aging; Department of Human Services, including Project 2030 and Transform 2010; Minnesota State Demographic Center, including Minnesota Milestones 2011; Minnesota Compass.

# SESSION WEEKLY



**A LAND TRUST FOR OUR FUTURE**  
**GOVERNOR LOGGING UP NEW LAWS**  
**CAPITOL: A STATE OF DISREPAIR**  
**NURSES' PERSPECTIVE IN THE HOUSE**

HF1671 - HF1704

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 18 • MAY 13, 2011

# Flashback to 1991, 2001, 2006



PHOTO BY TOM OLMSCHIED

**Session Weekly May 11, 2001:** The Dalai Lama, the Tibetan religious and political leader, addressed a joint session of the House and Senate. Commenting about the visit, House Speaker Steve Sviggum (R-Kenyon) said, "To share his blessing, to share his hope for Tibet is a tribute to our people and the strength of the Tibetan American community here in Minnesota."

## A safe opening

A bill outlining what is expected of garage door opener installers was signed into law. It clarifies a 1990 law that set guidelines for regulating garage door openers. Service or repair of an automatic garage door opening system is prohibited in residential buildings that have automatic reversing systems that fail to meet state standards. The law also requires a warning label to be attached to the door opening system if it does not pass an on-site test.

**Session Weekly May 10, 1991**

## Hold 'em or fold 'em

An amendment to add 40 tables at the Canterbury Park Card Club and another seven days for poker tournaments at the club was not included in a bill that makes minor changes to the state's gambling laws. Rep. Mark Buesgens (R-Jordan) unsuccessfully offered the card club expansion amendment to HF3194/SF2953\*, an omnibus gambling bill, sponsored by Rep. Andy Westerberg (R-Blaine) and Sen. Ann Rest (DFL-New Hope). Buesgens said that adding tables is important to meet the growing popularity of card clubs.

**Session Weekly May 12, 2006**

## Contents

**BILL INTRODUCTIONS:** HF1671-HF1704

**FIRST READING:** Permanent School Fund management, income potential explored • 3-4

**HIGHLIGHTS:** Trout and salmon, omnibus action, liquor sales • 5-17

**AT ISSUE:** Lawmakers look to fix a crumbling State Capitol • 18-19

**AT ISSUE:** Nurses as legislators add their perspective to health care issues • 20-21

**GOVERNOR'S DESK:** Tracking new laws, vetoes • 22

**MINNESOTA INDEX:** From vine to wine • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

On the cover: Rep. Denise Dittrich spreads the proposed map of her legislative district on her Chamber desk as members debate the House's redistricting plan.

— Photo by Tom Olmscheid



# Lands set apart

Permanent School Fund management, income potential explored

By KRIS BERGGREN AND SUE HEGARTY

**I**n the fall of 1864, William Stauchfield sold William West Sr. his 20-acre Richfield farm for \$900. For that price, West received a house, rye fields, a double corn crib and all of the fencing. The property's legal description showed it located in the 36th section of the 28th township.

If Stauchfield had a crystal ball to see 147 years into the future, he'd have seen that today that land is arguably the highest-valued section of land in the state — the Minneapolis-St. Paul International Airport.

And if the state knew then what Rep. Denise Dittrich (DFL-Champlin) knows now, the land could be earning millions of dollars for the state's schoolchildren. Instead, the Metropolitan Airports Commission pays no school taxes, according to MAC spokesperson Mitch Killian.

## Sections 16 and 36

In 1857, the federal government granted Sections 16 and 36 of each township to be held in a state trust known as the Permanent School Fund. Revenue generated from school trust lands is deposited into the fund, minus management expenses.

Section 16 of township 28 lies south and west of Lake Harriet in Minneapolis' upscale Lynnhurst neighborhood where expensive homes overlook the lake and Minnehaha Creek.

These are two examples of what happened to hundreds of school trust lands sold or exchanged over the years. At one time, the state owned more than 8 million acres of school trust

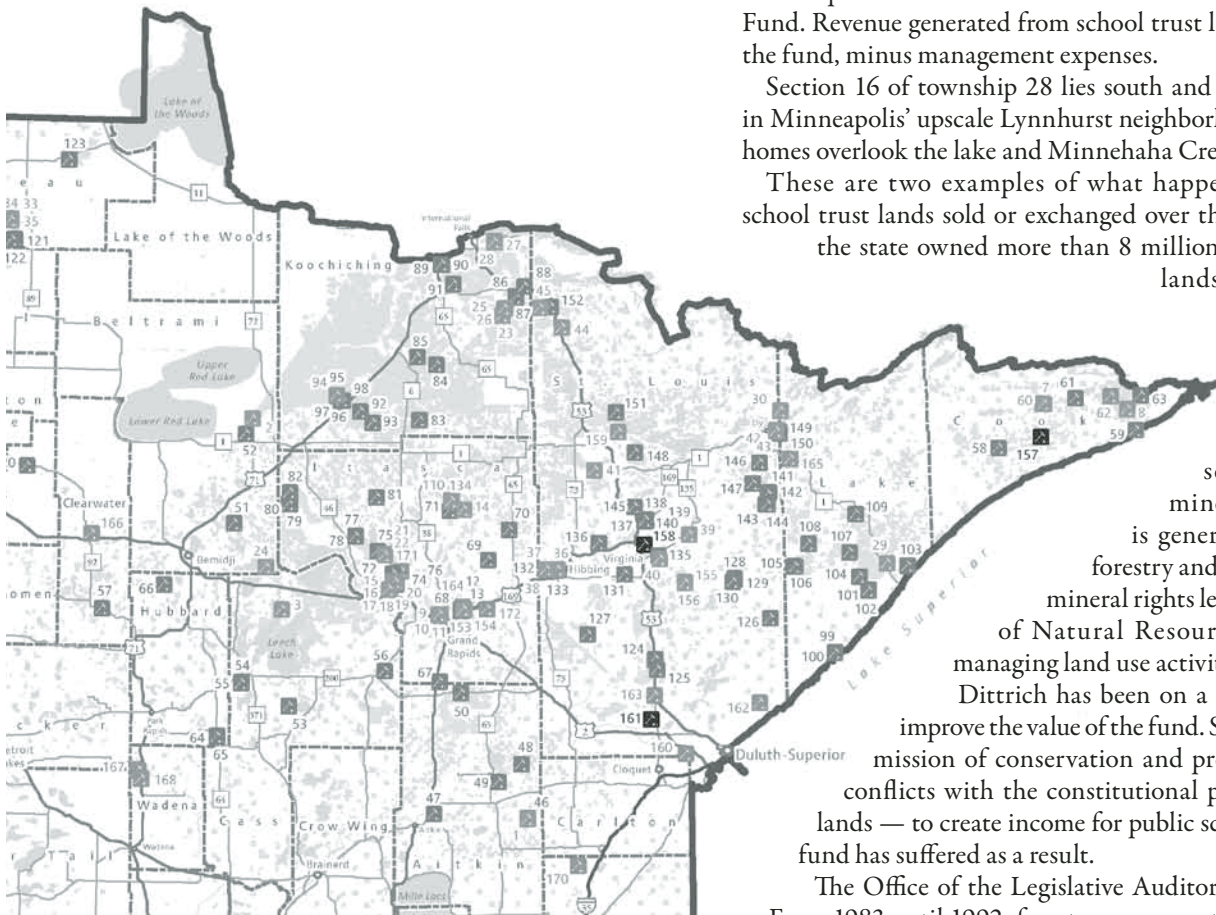
lands. Today 2.5 million acres remain, mostly in the northeast part of the state, plus 1 million acres in severed (subsurface)

mineral rights. Revenue is generated primarily from forestry and mining operations or mineral rights leases. The Department of Natural Resources is charged with managing land use activities.

Dittrich has been on a three-year mission to improve the value of the fund. She believes the DNR's mission of conservation and preservation inherently conflicts with the constitutional purpose of the school lands — to create income for public schools — and that the fund has suffered as a result.

The Office of the Legislative Auditor has agreed with her. From 1983 until 1992, forest management costs for school trust forest land exceeded revenues earned from that land and no income was deposited into the fund, according to a 1998 OLA Program Evaluation.

Dittrich said that the Permanent School Fund Advisory Committee, created in 1982, hasn't stepped up to the plate either.



## State Earth Materials Leases and Potential Lease Sites on Permanent School Trust Lands

Active Leases, Historic Leases, Bid Offerings Planned for 2011, and Sites Being Considered for Future Lease Offerings

Map courtesy of the Department of Natural Resources  
Photo Illustration by Paul Battaglia

First Reading continued on page 4

"Until recently, the oversight of the school trust fund by this committee was neither comprehensive nor consistent, to borrow the legislative auditor's words," Dittrich told legislators May 9 on the House floor. Instead of providing oversight, she said, the committee has followed the DNR's lead, meeting about once a year at the agency's call and adhering to its agenda.

HF206, which Dittrich sponsors, would add members to the committee and stagger terms. The House passed the bill 126-2 May 10. It now awaits action by the Senate Education Committee. Sen. Dave Thompson (R-Lakeville) is the Senate sponsor.

Dittrich's goal is to create a separate authority whose sole purpose is to maximize revenue for schools, to preserve the lands for future income generation and to contain management costs. She also sponsors HF1353 which would create a separate administration housed within the DNR to serve as the trustee. A Senate companion, SF1152, is sponsored by Sen. Benjamin Kruse (R-Brooklyn Park). Both bills await action by their respective environment committees.

"This is not an anti-DNR bill; it's a pro-trust bill. We want our inheritance back," Dittrich said.

### Who should be the trustee?

In 1985, the Legislature delegated management of the lands to the commissioner of natural resources "to secure the maximum long-term economic return from the school trust lands."

"I take my role as trustee very seriously," Commissioner Tom Landwehr said just four months into his newly appointed role. The fund is his top priority and he commends Dittrich for the work she has done on the issue.

"It's by virtue of her personal interest that it's become an issue," he said.

Dittrich, a member of the advisory committee, has been flooding her fellow

advisors with information about the historical purpose of the lands and how other states, Utah in particular, manage their trust lands.

"There are so many pieces to this puzzle. When you have so many people with different pieces how do you see the big picture?" said Rep. Carol McFarlane (R-White Bear Lake), the new committee chairwoman.

A sampling of issues raised at a May 6 advisory committee meeting illustrates the point. Members were briefed on the State Board of Investment's conservative strategy

for the trust along with the complex steps needed to complete the hybrid sale and exchange of school trust parcels within the Boundary Waters Canoe and

Wilderness Area for about 41,000 acres outside the BWCWA owned by the U. S. Forest Service.

McFarlane believes the advisory committee is the right group to assemble the pieces and make a recommendation to lawmakers about who should put the whole puzzle together, but she isn't interested in creating a new agency.

"It doesn't help anyone to dwell on the past.

We've got to look for what we can do today that will help tomorrow," she said.

Rep. Keith Downey (R-Edina), another committee member, believes a

separate agency would possess the undivided loyalty necessary to prioritize school trust lands over conservation, water quality, maintaining hunting and fishing lands and other duties of the DNR. He's signed on to HF435, also sponsored by Dittrich which would create a completely separate PSF administration. He thinks a lean, independent agency would pay for itself by growing the fund significantly.

"We need to change the primary focus of the management of those lands to potential for investment income for schools. The DNR can't be responsible for (school lands) management – their conservation ethic standpoint conflicts with our broader fiduciary responsibility. As trustees, the collective 'we' have an obligation — a

fiduciary responsibility — to benefit the trust.

"We lost that sense when we asked the DNR to manage the school lands," Downey said.

### What's at stake?

Although every state in the union was granted school trust lands, few states east of the Mississippi still have them, but in the West, it's a different story.

On a table in Downey's office is a photo of his family on horseback in a beautiful Montana mountain valley. He pointed to a piece of land in the background that is Montana school trust land. There, school income is generated through state leases to ranchers. "Can you imagine if we had all that farmland we could be leasing?" he said.

In Utah, whose Land Trust Administration is the model for Dittrich's effort, oil, coal and commercial development have driven the increase in the Utah school fund to about \$1 billion.

In Minnesota, legislators believe mining royalties are the fund's future. There is up to \$1.4 billion in potential mining royalties from three rich nonferrous minerals deposits on leased school trust lands, according to a 2008 fact sheet prepared by former DNR Director of Lands and Minerals Marty Vadis. Then, five companies held 121 state mineral leases encompassing 33,000 acres within the Duluth Complex, a 1.1-billion-year-old geological formation adjacent to the Mesabi Range. As recently as a decade ago, the deposits were thought to be nearly inaccessible, but newer technology could mean easier extraction and a jackpot for schools.

The DNR estimates that 2011 will bring in a record \$21 million in mineral revenues, with 2012 forecast to bring in \$27 million. However, legislators can't hang their hats on future mining operations to pay for education, because environmentalists are quick to point to the disruptive and destructive consequences of mining on the state's natural resources. One case in point: mining operations may result in higher sulfate levels in state waters, which according to a 1940's study, could kill off wild rice stands. It's also an example of the conflicting mission of the DNR, which manages both mining and water resources.

"The school trust land management model needs reform and I look forward to bringing those reforms to this House floor yet this session," Dittrich said. 🏛️



***"This is not an anti-DNR bill; it's a pro-trust bill. We want our inheritance back."***

— Rep. Denise Dittrich  
(DFL-Champlin)



***"It doesn't help anyone to dwell on the past. We've got to look for what we can do today that will help tomorrow."***

— Rep. Carol McFarlane  
(R-White Bear Lake)



# HIGHLIGHTS

MAY 5 - 12, 2011

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held May 5-12. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Agriculture

### Raw milk sales given hearing

Before a packed hearing room, the House Agriculture and Rural Development Policy and Finance Committee listened to testimony May 11 from those who have been drinking raw milk with no ill effects for years, including Rep. Sarah Anderson (R-Plymouth), sponsor of HF1511.

The bill would allow dairy producers to sell unpasteurized milk directly to consumers through farmer's markets, private buying clubs and home delivery. It also would require raw milk products to contain a consumer product safety label, which would include the name of the producer, product contents and ingredients, a statement that the product is unpasteurized and that pasteurization is not

required for direct farm-to-consumer sales. The committee took no action on the bill. Sen. Sean Nienow (R-Cambridge) sponsors SF1111, a companion that awaits action by the Senate Agriculture and Rural Economics Committee.

Current law allows for raw milk consumption for personal use by farm families where the milk is produced. Committee Chairman Rod Hamilton (R-Mountain Lake) said most dairy farmers are careful about allowing others to roam their farms because of the risk of introducing diseases to the herd. Anderson said that is why there needs to be an allowance for home delivery and other points of purchase.

Supporters said consuming raw milk from grass-fed dairy cows offers health benefits, including as a cancer preventative and easing of pain caused by rheumatoid arthritis.

But Agriculture Commissioner Dave Frederickson opposes the bill, saying the department's main goal is to uphold the integrity of the food supply. Department scientists believe pasteurization is a vital public health measure and that drinking raw milk presents a serious public health risk, especially to children.

Anderson said 10 states allow for the retail

sale of raw milk. Growing up, her family "drank the milk straight from the tank" and no one ever got sick from drinking it.

Health Commissioner Ed Ehlinger said he's treated children who have drank raw milk that contained pathogens that caused hemolytic-uremic syndrome, a disorder that can occur when an infection in the digestive system produces toxic substances, causing kidney failure. Last year, there were 17 cases in Minnesota; three directly attributed to raw milk consumption. "Labeling does nothing to help," Ehlinger said.

— S. HEGARTY

## Bonding

### Bonding for flood grants

Bond authorization for \$28 million in flood mitigation grants for publicly owned capital improvements to prevent or alleviate flood damage is included in a bill approved by the House Capital Investment Committee May 10.

The bill would also provide:

- \$17 million to renovate the Coon Rapids Dam to serve as a barrier to invasive species;
- \$3.4 million for renovations to Department of Human Services offices;
- \$3 million for a Southeastern Minnesota Regional Public Safety Training Center; and
- \$125,000 for preparation and site development to reuse the Ah Gwah Ching Regional Treatment Center;

Sponsored by Committee Chairman Larry Howes (R-Walker), HF959 next goes to the House Ways and Means Committee. The companion, SF664, sponsored by Sen. David Senjem (R-Rochester), awaits action by the Senate Capital Investment Committee.

The bill also provides for cancellation or reductions of several projects that had been bonded for in previous years, but where planning or construction has yet to begin.

Rep. Rick Hansen (DFL-South St. Paul) unsuccessfully tried to amend the bill to include \$10 million for the Board of Water and Soil Resources to acquire conservation easements from land owners to restore wetlands for flood prevention.

Although supportive of the proposal,



PHOTO BY TOM OLMSCHIED

Jacob Kastl of Richfield gets some shuteye during the May 11 meeting of the House Agriculture and Rural Development Policy and Finance Committee. Listening to the testimony are, from left, Kelli Johnson and Jennifer Hennemann, holding daughter, Ayla, of Princeton, and Brad Olson of Richfield, who all came in support of raw milk access and direct farm-to-consumer sales.



Howes said he doesn't want to expand the cost of the bill.

"I hope and pray there is a bonding bill that follows this," he said.

But Rep. Alice Hausman (DFL-St. Paul), the DFL lead, isn't optimistic. "I am less and less confident of that. ... After the money in this bill, there would be only an additional \$4 million in remaining bonding available," according to the House Ways and Means Committee, she said.

— L. SCHUTZ

## Business & Commerce

### Liquor bill sparks spirited discussion

When Rep. Phyllis Kahn (DFL-Mpls) introduced an amendment to the omnibus liquor bill on the House floor, members began gearing up for what had the makings of a spirited debate about the perennial debate about whether to allow off-sale Sunday liquor sales.

When she withdrew it after about 15 minutes of discussion, there was an audible "Awww."

That decision was left for another day, another session.

The House then passed HF1326, the omnibus liquor bill, sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) 127-5. It now goes to the Senate, where it lacks a sponsor.

The highlight of the bill is the so-called "Surly bill," sponsored by Rep. Jenifer Loon (R-Eden Prairie), which would allow microbreweries in Minnesota to open on-site taprooms where they could hold tasting events and sell their own beer.

"Not only does this bill deal with liquor, it deals with jobs," Loon said. It would help Minnesota craft brewers to grow their businesses and draw tourism, she added.

Some of the bill's other provisions would:

- allow bed and breakfasts that are permitted to serve two glasses of wine to be able to also serve 12 ounces of Minnesota beer;
- permit municipalities to issue a temporary liquor license to farm wineries for on-sale at a county fair in that municipality;
- allow private colleges to obtain liquor licenses for special event liquor sales from the municipality where they are located instead of needing legislative approval;
- clarify the boundary around Minnesota State University, Moorhead, for purposes of limiting sales of alcohol within a more contiguous area around the campus;

- allow liquor stores to sell clothing with their name on it;
- allow White Bear Township to issue on- and off-sale liquor licenses within the township;
- permit the city of Rochester to issue a minimum of 26 off-sale liquor licenses, in congruence with its imminent status as a city of the first class; and
- provide for an interim study with respect to beer sales at baseball venues.

— K. BERGGREN

## Civil Law

### Torts bill contains policy changes

The House Judiciary Policy and Finance Committee approved an omnibus torts bill May 5 that contains a compilation of several policy-related bills.

Sponsored by Rep. Doug Wardlow (R-Eagan), HF211 was approved as amended on a 9-6 party-line vote and sent to the House Ways and Means Committee.

Included in the bill is:

- HF32, sponsored by Rep. David Dill (DFL-Crane Lake), which would enact new tort liability limits for claims against states or municipalities if the claim involves a nonprofit engaged in outdoor recreational activities;
- a section from the original language in HF211 that would permit a court order related to certification of a class in a class action suit to be appealed;
- HF654, sponsored by Wardlow, which would reduce certain statutes of limitations from six years to four years. The changes outlined in the bill were amended to not include any changes to statute of limitation for contract or domestic abuse cases;
- HF747, sponsored by Rep. Pat Mazorol (R-Bloomington), which would create language to provide instructions to the courts that when awarding attorneys fees the court must take into consideration the reasonableness of the fees, and provide a limit on attorney fee awards in certain cases in which an offer for judgment award is made but rejected;
- HF770, sponsored by Mazorol, which would make changes to how interest rates are computed for judgments;
- HF868, sponsored by Rep. Ron Shimanski (R-Silver Lake), which would increase the monetary threshold for filing civil actions in conciliation court from \$7,500 to \$10,000, and for consumer credit actions

from \$4,000 to \$5,000; and

- HF1343, sponsored by Rep. Bob Dettmer (R-Forest Lake), which would establish civil immunity for school districts that make their facilities available for recreational use by members of the public.

Tom Grundhoefer, general counsel for the League of Minnesota Cities, said the organization is generally supportive of the bill, but expressed concern about a section related to HF770 that he said would impose significant additional costs to local governments.

Joel Carlson, a lobbyist for the Minnesota Association for Justice, called the proposed legislation unbalanced and said sections of the bill benefit insurance companies.

— H. LONG

### Judiciary bill heads to House floor

An omnibus judiciary policy bill was approved by the House Way and Means Committee May 10 and awaits action by the full House.

Sponsored by Rep. Steve Smith (R-Mound), chairman of the House Judiciary Policy and Finance Committee, HF1023 makes various changes relating to the judiciary, including: clarifying placement of vehicle license plates; establishing an administrative dismissal process for submitting proof of insurance in failure to provide vehicle insurance cases; clarifying certain fees and surcharges; streamlining notary provisions and certain lien filing and record procedures; modifying service provisions in order for protection dismissals; amending record retention provisions for probate records; clarifying guardian ad litem expenses; amending spousal maintenance calculations; authorizing the court to issue protective orders for "Safe at Home" participants in legal proceedings; and modifying standards for opening juvenile delinquency proceedings.

Also included in the bill is:

- HF1573, sponsored by Rep. Melissa Hortman (DFL-Brooklyn Park), which would authorize the courts to construe will and trust provisions and revise the Uniform Disclaimer of Property Interests Act;
- HF951, sponsored by Rep. Pat Mazorol (R-Bloomington), which would clarify that a disclaimer of an interest in real property is effective upon filing with the county recorder or registrar of titles, rather than the clerk of court;
- HF952, sponsored by Mazorol, which clarifies changes to guardianship compensation;

## SUPER FAN

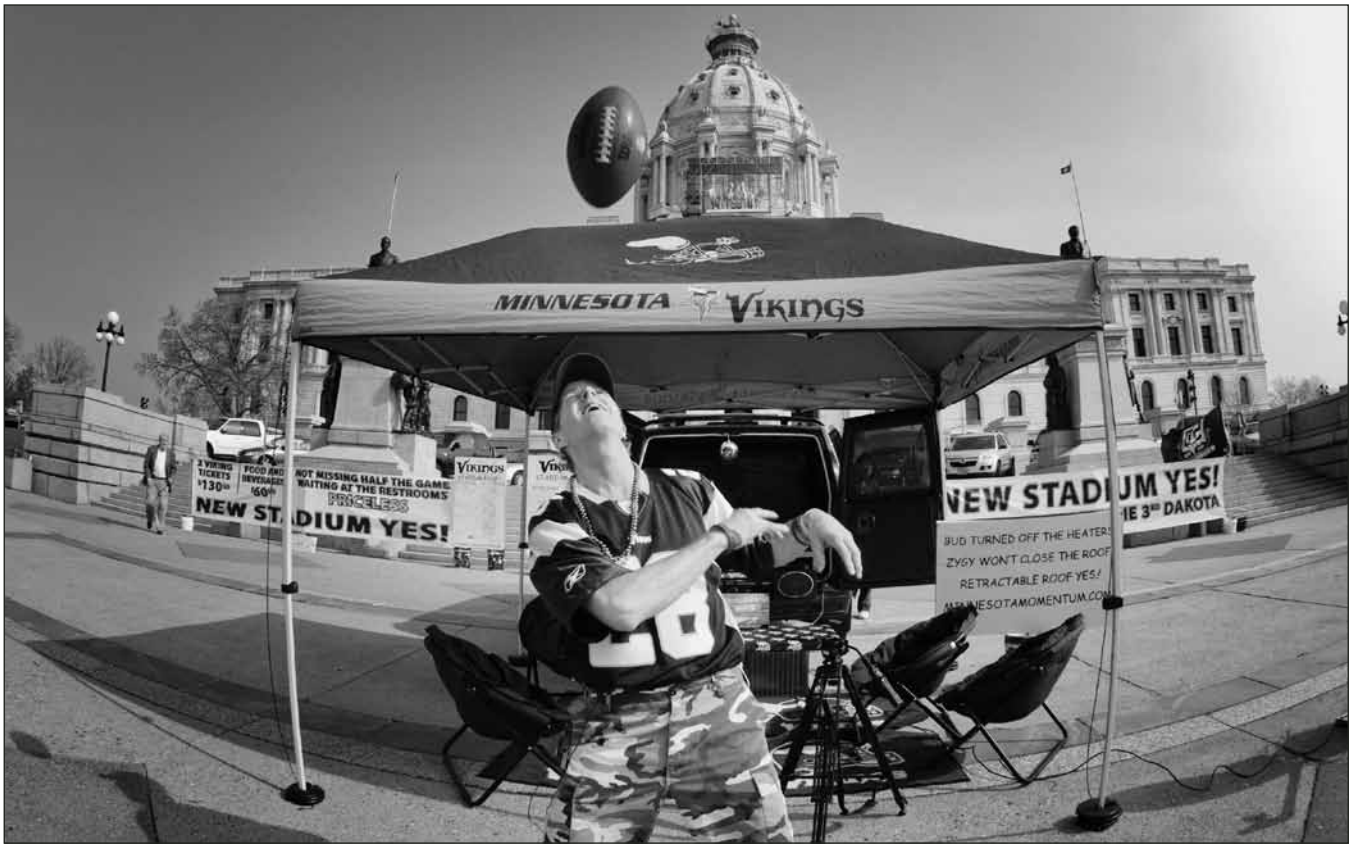


PHOTO BY TOM OLMSCHIED

**Superfan Larry Spooner of Plymouth tosses his football in the air in front of the Capitol May 10, as he awaits anyone he can talk to about a new stadium for the Minnesota Vikings.**

- HF382, sponsored by Rep. Joe Hoppe (R-Chaska), which would make several changes to receivership statutes that allow the court to order a receiver to take custodial responsibility of another's property; and
- HF718, sponsored by Rep. Bobby Joe Champion (DFL-Mpls), which would specify procedures for notifying individuals charged with or convicted of a crime of the status of their civil rights, including the right to vote, and requires development of a publication by the secretary of state on the topic of voting rights for individuals with criminal or arrest records.

— H. LONG

### Vulnerable adult abuse protection

Advocates want care providers who sexually abuse vulnerable adults in their care to register as predatory offenders.

Rep. Tim Kelly (R-Red Wing) sponsors HF447, which would make reforms to the Vulnerable Adults Act that would accomplish that goal. Passed 127-0 by the

House May 5, the bill now goes to the Senate where Sen. Warren Limmer (R-Maple Grove) is the sponsor.

The Vulnerable Adults Act was substantially revised in 1995 to include making it a crime for vulnerable adult care facility workers or caregivers to engage in sexual conduct or penetration with a vulnerable adult in their care. But the law did not include language that requires someone convicted of these crimes to register as a predatory offender.

In Minnesota, a vulnerable adult is defined as someone who receives nursing home care services or has impairments that make it impossible for them to care for themselves on a daily basis and are sufficiently impaired that they cannot protect themselves from maltreatment.

Also included in the bill is language that would increase the fourth-degree assault penalty from a misdemeanor to a gross misdemeanor for those who know or have reason to know their target is a vulnerable adult and still assault that person because of the perceived vulnerability and cause bodily harm in the act.

Current law states that a person who assaults a vulnerable adult receives a misdemeanor penalty unless they are the caregiver of the victim, in which case it is a gross misdemeanor.

Rep. Tina Liebling (DFL-Rochester) expressed concern that the increased penalty for fourth-degree assault is another example of a legislative trend to raise criminal penalties without regard to their impact on the court system.

"We seem to always, in this Legislature, be raising penalties for things, constantly 'upping' the penalties," she said.

The new language states that anyone taking advantage of a vulnerable adult should be served with that same degree of penalty as those who care for the vulnerable adult, Kelly said.

"I would agree it is a strengthening (of the penalty), but in this regard I am all for it," he said.

— H. LONG

## Education

### House passes education policy bill

Empowering parents, improving teaching and learning, and increasing student achievement are the goals of an omnibus education policy bill.

Sponsored by House Education Reform Committee Chairwoman Sondra Erickson (R-Princeton), HF1381 passed the House 74-55 May 9. It goes next to the Senate, where Sen. Gen Olson (R-Minnetrista) is the sponsor.

The bill's hallmark is a literacy plan that would require students to repeat third grade if they are not reading at grade level and provide instructional supports for struggling readers starting in kindergarten.

Rep. Jim Davnie (DFL-Mpls) unsuccessfully offered an amendment that would have modified the literacy proposal by focusing on earlier interventions, expanded strategies and removing the retention requirement.

He called the bill's retention proposal "a top-down, one-size-fits-all government knows best approach to teaching reading to our primary students," and said earlier interventions are more effective than holding students back.

"Our goal is to have no third grader remediated. Our goal is to have all children reading when they enter fourth grade," Erickson said.

Required to be in the "Getting Prepared" report produced by the University of Minnesota and Minnesota State Colleges and Universities system would be data on whether students who enroll in college are prepared, and whether they have special education backgrounds. Because of the provision, Rep. Terry Morrow (DFL-St. Peter) moved unsuccessfully to send the bill to the House Higher Education Policy and Finance Committee. He said the institutions should have a say in spending money they don't have in a year of record cuts to higher education.

Other provisions include: three members would be added to the Permanent School Fund Advisory Committee including two members of the minority party and one with expertise in school finances; a career and technical education requirement could count toward science credits needed for graduation; certain home school reporting mandates would be lifted; and candidates for teacher licensure would have to pass basic skills exams in reading, writing and math.

Rep. Mindy Greiling (DFL-Roseville) said that although the bill contains some good proposals, she would vote "no" because the Davnie amendment was not adopted, and because the bill would prohibit the education commissioner from adopting common core standards, a national set of academic standards.

Rep. Keith Downey (R-Edina) successfully amended the bill to include a proposal to create a pilot program for school districts to share administrative and curriculum development activities.

"This is precisely the kind of innovation we're looking for in our education system," said Rep. Kelby Woodard (R-Belle Plaine).

Some DFL members opposed the Downey amendment. Morrow said one provision that would allow districts to operate as though they were charter schools could open the door for at-will hiring. Greiling also urged a no vote. "At times we have trust in this body that we're going to do things in moderation. But I don't have that trust this year with all that anti-teacher legislation that's going through this year."

Other DFLers successfully offered amendments, including one by Rep. Kim Norton (DFL-Rochester) to allow the Education Department to help school districts identify age-appropriate mental health curriculum; another to create a tiered licensure advisory task force by Rep. Kory Kath (DFL-Owatonna); and one allowing an exception for students from some St. Louis County schools that will close to be eligible to play varsity sports at a new school where they enroll, if they don't change their residence. That was offered by Rep. David Dill (DFL-Crane Lake).

A lengthy debate ensued on the Minnesota State High School League transfer rule in response to an amendment unsuccessfully offered by Rep. Peggy Scott (R-Andover) to allow students who transfer for certain reasons, including their parents' loss of ability to pay for a nonpublic school, to be eligible for varsity sports at their new school.

— K. BERGGREN

### House adds school fund advisors

Three members could be added to the Permanent School Fund Advisory Committee, under a bill passed 126-2 by the House May 10.

HF206, sponsored by Rep. Denise Dittrich (DFL-Champlin), would add a House and Senate member of the minority party plus one person with education finance expertise.

The bill would also stagger committee terms. It now goes to the Senate, where Sen. Dave Thompson (R-Lakeville) is the sponsor.

The committee has oversight of how the permanent school fund lands are managed by the Department of Natural Resources.

"This change will provide improved consistency and continuity, experience and expertise to the complex issues that this committee addresses, especially when there is a change in leadership like we experienced this year," Dittrich said. She said instead of providing oversight, the committee has followed the DNR's lead, meeting about once a year at the agency's call and adhering to its agenda.

"I do not want to leave the body with the impression that I think this model is highly effective," Dittrich said.

Members from both parties spoke in support of the bill, but some said it's just a start to create better accountability for the school lands management.

Rep. Tom Rukavina (DFL-Virginia) said the fund hasn't seen enough growth while the agency has covered its costs from land use activities. "Until a real trustee is hired to manage the kids' trust fund lands we will not get to the bottom of this issue and we will have the fund used as sort of a slush fund for the Department of Natural Resources."

He said there is an estimated \$2 billion worth of precious metals under school lands that are leased to mining companies.

Rep. Keith Downey (R-Edina) said the bill "is representative of the fact that we're no longer going to ignore it. If we don't pass some of the bills that put a trustee over this potentially multi-billion dollar asset we would be negligent."

Rep. Carol McFarlane (R-White Bear Lake), recently elected chairwoman of the committee, supported the bill but said the committee is now doing its job. "We have been meeting monthly. We do want to have oversight over the DNR and want to work with them."

— K. BERGGREN

### Conference agreement on K-12 finance

The conference committee agreement on HF934\*/SF1030, the omnibus education finance bill adopted just before midnight May 10, could be good news for two state agencies. The Education Department and the Perpich Center for Arts Education would see a 5 percent cut each, compared with a 34 percent department reduction and elimination of the Perpich Center they



feared based on earlier proposals.

The committee, chaired by bill sponsors Rep. Pat Garofalo (R-Farmington) and Sen. Gen Olson (R-Minnetrista), also agreed to remove the freeze proposed by the House and Senate to the special education growth factor, increase basic education revenue of \$20 per pupil unit in fiscal year 2012 and \$21 the following year and repeal the statute permitting the state to borrow from school districts cash reserves.

Integration revenue would be repealed in fiscal year 2012, to be replaced with an innovation aid. School districts in Minneapolis and St. Paul would get \$60 less per pupil in innovation revenue than they receive in integration revenue, Duluth schools would receive \$6 less per pupil and all other districts would receive the same in innovation revenue as their integration revenue.

Included is a teacher appraisal and effectiveness rating proposal emphasizing standardized test results and linking students' performance to compensation and employment decisions for individual teachers. It would create five-year renewable teacher tenure based on the appraisal results.

Also included in the bill is a voucher program proposed by the House for Minneapolis, St. Paul and Duluth schools allowing certain low-income students who attend low-performing schools to receive a voucher for tuition at a participating nonpublic school.

Other proposals include:

- retaining the 70/30 state aid payment shift implemented in 2010;
- an early high school graduation scholarship program that would grant up to \$7,500 per student who graduates early and attends any accredited institution of higher education;
- permanent school fund revenues would go to charter schools as well as school districts;
- repeal of a 2 percent staff development requirement and the Safe Schools levy school set-aside; and
- changes to teacher contract and bargaining statutes, including repeal of the Jan. 15 contract deadline, a requirement that teachers accept a qualified economic offer and submit to binding arbitration, and the ability of school boards to select a 403(b) vendor for teachers' retirement accounts.

— K. BERGGREN

## Elections

### Overhaul of judicial elections

Incumbent judges must stand for re-election every six years, but few actually face opponents on the ballot. Rep. Mike Beard (R-Shakopee) sponsors a bill that would give Minnesotans the option to vote any incumbent judge out of office.

Beard sponsors HF1666 that would propose a constitutional amendment to overhaul state judicial elections. Under its provisions, Minnesotans would be asked to vote on whether to move to a "retention election" system. In this system, judges are initially appointed by the governor and then face an election in which voters can cast a "yes" or "no" vote in favor of retaining them.

The House Government Operations and Elections Committee held an informational hearing on the bill May 10. No action was taken. There is no Senate companion.

The idea behind retention elections is to make sure that judges do not run unopposed year after year. Beard said it's a complaint he receives frequently from constituents.

"The overwhelming question I received was, 'Who are these people? Who should

I vote for? Why don't they have any opponents?'" he said.

The bill would also establish a nonpartisan Judicial Performance Commission to help the public evaluate judges' actions on the bench. Former Minnesota Supreme Court Chief Justice Kathleen Blatz said shedding light on judges' performance would encourage public faith in the judicial branch.

"The very lifeblood of our judiciary is the public's confidence," she said.

Supporters say retention elections would also help prevent the state from moving in the direction of partisan judicial elections. They argue doing so will curb the influence of special interests and political parties on court decisions.

Not everyone agrees. Chris Penwell, an attorney and former Republican-endorsed candidate for district judge, said people have a right to know where judicial candidates stand on issues that are important to them. He said efforts to keep party designations out of elections ignore the fact that different candidates espouse different beliefs.

"My position is that people have a right to know it, because it's the reality," Penwell said. Tenth District Judge Susan Miles, president of the Minnesota District Judges Association, testified in opposition to the bill. She said campaigns to oppose a judge's retention can be just as ugly and expensive as partisan judicial contests.

"Retention elections are not a panacea for keeping big money ... out of elections," Miles said.

— N. BUSSE



PHOTO BY ANDREW VONBANK

**Former Chief Justice Kathleen Blatz, right, testifies May 10 before the House Government Operations and Elections Committee in support of a proposed constitutional amendment on judicial elections. The bill's sponsor, Rep. Mike Beard listens to the testimony.**

## Energy

### House amends, passes coal policy

The House amended a Senate bill May 11 that would stay the moratorium on new coal plants being built here, but would allow Minnesota electric cooperatives to import power from coal plants in other states.

On a 76-54 vote, the House amended and passed HF72/SF86\* in hopes of making the bill more palatable to the governor, according to the House sponsor, Rep. Mike Beard (R-Shakopee).

As amended, the bill would allow Minnesota utilities to import up to 2,500 megawatts from Great River Energy's Spiritwood Station in North Dakota to fuel rural development in Minnesota. There are several power purchase agreements pending from Minnesota businesses

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



PHOTO BY ANDREW VONBANK

**In anticipation of the May 11 floor debate on a bill that would remove a carbon dioxide emissions ban by utilities, Rep. Kate Knuth sits at her desk in the House Chamber armed with a stack of scientific reports about climate change.**

waiting to import the power, Beard said.

The Senate, where Sen. Julie Rosen (R-Fairmont) is the sponsor, approved lifting the ban on increased carbon dioxide emissions in Minnesota 42-18 on April 14. The amended bill returns to the Senate for reconsideration.

The coal moratorium is part of a larger 2007 law known as the Next Generation Energy Act, which limits new electricity from coal in order to control carbon dioxide emissions. Members debated scientific claims that humans are contributing to climate change caused by greenhouse gas emissions.

Coal-produced electricity is viewed by opponents as a major contributor, and they want to see more reliance on renewable resources, such as wind and solar power. In addition, the Spiritwood plant would use lignite, the "dirtiest" form of coal to produce Minnesota's imported electricity, according to Rep. Bill Hilty (DFL-Finlayson). But newer technology has led to improved production methods that capture and limit pollutants, such as mercury, Beard said.

Several amendments unsuccessfully offered by the DFL would have relied on meeting certain standards of the U.S. Department of Defense, Department of Health and the Public Utilities Commission regarding global warming, mercury and particulate matter.

Rep. Andrew Falk (DFL-Murdock) read a letter dated March 11 from former Vice President Al Gore, who opposes the bill, saying that it takes the state a "step backward" and keeps Minnesota on a path to a "dirty energy economy."

Rep. Joe McDonald (R-Delano) quoted President Obama from a Feb. 3, 2010, speech when he lauded new carbon-capturing storage methods for coal production.

— S. HEGARTY

## Game & Fish

### Trout, salmon receipts amended

Ninety percent of the receipts from the sale of trout and salmon stamps sold to anglers goes into a management account to maintain and improve fish habitat.

According to a bill passed 115-14 by the House May 10, the money in the account would be appropriated to the Department of Natural Resources for managing trout and salmon habitats. Currently, a citizen budget oversight committee recommends to the Legislature how to spend the receipts.

Sponsored by Rep. Denny McNamara (R-Hastings), HF1011 would require the commissioner to spend the money for various trout- and salmon-related projects, such as stabilizing eroding stream banks, adding fish cover, rearing trout and salmon, acquiring easements along trout waters and for research.

The bill now goes to the Senate where Sen. Bill Ingebrigtsen (R-Alexandria) is the sponsor.

— S. HEGARTY

## Health & Human Services

### Bills placing limits on abortion passed

A bill that would ban abortions at or after 20 weeks of pregnancy was passed 82-46 by the House May 6.

Sponsored by Rep. Mary Liz Holberg (R-Lakeville), HF936 would require providers to determine the probable gestational age of a fetus prior to performing an abortion, and would prohibit abortions at or after 20 weeks post-fertilization, unless

certain conditions apply. It awaits action by the full Senate, where Sen. Gretchen Hoffman (R-Vergas) is the sponsor.

The bill would make it a felony for doctors who perform an abortion after 20 weeks gestation.

Supporters of the so-called "Pain-capable Unborn Child Protection Act," contend that scientific developments over the last few decades in prenatal medical technology have found that at as early as 20 weeks gestation, a human fetus can feel pain. The bill would make an exception for instances where it can be medically proven that the survival of the fetus poses a greater risk of death to the woman or of substantial and irreversible physical impairment of a major bodily function.

Opponents contended that the bill does not take into consideration that pregnancies can result in a fetus diagnosed with an abnormality that is incompatible with life and could die before coming to full term or shortly after birth.

"The question is who gets to decide, in a very difficult situation, what the options are, and what the final decision would be: you and me as the government or the woman, the father, her family, her doctor and anyone else she wants to bring in on that?" said Rep. Jim Davnie (DFL-Mpls). "I think it should be the woman's choice to decide what happens."

The issue of protecting unborn children at or after 20 weeks who can feel pain is of critical importance to the Legislature, said Rep. Doug Wardlow (R-Eagan). "We have a moral duty to protect that vulnerable unborn child from feeling the pain associated with a cruel and terrible procedure that destroys that life and any potential it has to flower as a human individual on this earth."

The House also voted 80-44 to pass HF201, sponsored by Rep. Peggy Scott (R-Andover), which would prohibit the use of funding for state-sponsored health programs for abortions, except to the extent required for continued participation in a federal program. It now awaits floor action in the Senate, where Sen. Dave Thompson (R-Lakeville) is the sponsor.

Opponents said it negatively impacts a "very personal" health care choice made available to poor women who wouldn't otherwise have the financial means to have an abortion. Rep. John Lesch (DFL-St. Paul) said the proposed legislation would invite a lawsuit based on the 1995 Minnesota Supreme Court decision in *Doe. v. Gomez*.

"It's unwise to go down this road when we have established precedent saying the

Constitution prohibits these kinds of laws,” Lesch said.

Rep. Steve Gottwalt (R-St. Cloud) said Lesch’s analysis was nothing more than speculation and added that the bill’s language conforms to federal law.

“The citizens of Minnesota have indicated they don’t want their tax dollars being used to fund an elective procedure which directly results in the killing of an unborn human being,” Gottwalt said. “That is what this bill is about.”

— H. LONG

### Reforming case appeals process

The House voted 76-50 on May 10 to pass a bill that would modify the case management appeals process involving county agencies and recipients of waiver services. The legislation would also extend the process to individuals who receive any case management services under Medical Assistance or who receive personal care assistance services.

Rep. Jim Abeler (R-Anoka), who sponsors HF1138, said the bill aims to reduce the adversarial nature of the relationship between the recipients of waiver services and the county and court system by minimizing the resources spent in the appeals process.

The bill would require that any recipient of case management or personal care assistance services who contests a county’s action, reduction, suspension, denial or termination of services to submit a written request for an informal conference with the recipient’s case worker and county social service director or designee. It would also require the county to notify the recipient of the county’s action within 15 days of the conference and the county to notify the recipient at the time of application and at the time of any change in services of the recipient’s right to request an informal conference.

Abeler said he plans to continue to work with the Department of Human Services and the counties on development of the bill as it moves to its next step in the legislative process. The bill now awaits action by the Senate where Sen. David Hann (R-Eden Prairie) is the Senate sponsor.

Rep. Tina Liebling (DFL-Rochester) criticized the timing of the bill being heard on the House floor when it does not yet have support from the department and the counties.

“I don’t think it’s appropriate to say, ‘Yes, it’s OK to move something through to conference committee,’ that is still in a pretty rough form and then say we will work it out

there and then just kick the can down the road in the legislative process,” Liebling said.

Rep. Steve Gottwalt (R-St. Cloud) praised Abeler’s efforts to include the counties in the development of the bill that could save money in the appeals process.

“When it comes to reforms, sometimes this is the process you follow. I want to give Rep. Abeler an ‘A’ for effort for having the courage to bring forward real reform that can actually make a difference.”

— H. LONG

### Determining public health care costs

Gillette Children’s Specialty Healthcare wants help from the Department of Human Services in better understanding the costs of caring for its patients enrolled in public health care coverage.

Sponsored by Rep. Joe McDonald (R-Delano), HF1341 would require the department to account for Minnesota public health care program expenditures for children separate from expenditures for parents.

The department currently gathers data on

### FOLLOWING THE LIGHT



PHOTO BY ANDREW VONBANK

**Andy Cook, a communication specialist with the House Republican caucus, works in a sunny spot in the Capitol Rotunda May 5.**



## PRAYER FLAGS



PHOTO BY ANDREW VONBANK

Many flags add to the festive atmosphere on the Capitol Mall May 5 during the 60th annual National Day of Prayer.

Medicaid costs for families enrolled in the program, but it does not separate out those costs of care for children from their parents'. The bill's language would allow for the department to determine that more specific data, which hospital representatives said would not only be a useful tool for providers, but also for policymakers.

"This will just tell us purely what is spent for children, whether they are purchased as a separate child-only coverage or a family," John Diehl, a member of the Gillette Children's Specialty Healthcare board of directors told a House committee. He added that the proposed legislation would simply serve as a business analysis tool for providers and would not have an effect on those buying coverage.

The bill, passed 127-3 by the House May 5, awaits action by the full Senate. Sen. Michelle Benson (R-Ham Lake) is the Senate sponsor.

— H. LONG

### New locations for day care providers

Family day care providers would be allowed to operate in commercial spaces, under a bill passed 116-10 by the House May 10.

Sponsored by Rep. Jim Abeler (R-Anoka), HF912 would permit a family day care license holder to locate the program in a suitable commercial space, if the license holder is the primary provider of care; the program is in compliance with local zoning and fire code regulations; and the license holder prominently displays the license issued by the Department of Human Services. The license would include space capacity limitations determined by fire code and square footage of the commercial space.

The bill now goes to the Senate, where Sen. David Hann (R-Eden Prairie) is the sponsor.

Rep. Mark Buesgens (R-Jordan) opposed the bill due to an oral amendment Abeler successfully added on the House floor that inserted the word "suitable" into the bill. Buesgens said that by inserting the word the Legislature has given the commissioner

ambiguous authority to determine the definition of a "suitable commercial space."

"We have now turned a bill I would have supported into something fairly meaningless," Buesgens said.

The provision is also in HF927, the omnibus health and human services finance bill.

— H. LONG

### Exemptions for swimming ponds

Public swimming pools and public swimming ponds are not the same thing. At least that is how the Department of Health has recognized them for the last three years.

The state's 12 public swimming ponds are currently exempt from most department regulations that govern operation, maintenance, design, installation and construction of public pools. But that exemption is due to expire on June 30.

Rep. Bill Hilty (DFL-Finlayson) sponsors HF763, which would remove the exemption expiration. Passed 130-1 by the House May 10, it goes to the Senate where Sen. Tony Lourey (DFL-Kerrick) is the sponsor.

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

The legislation was proposed after a December 2010 department report recommended the state continue to regulate public swimming pools and ponds differently.

The Legislature has defined a swimming pond as “an artificial body of water contained within a lined, sand-bottom basin, intended for public swimming, relaxation, or recreational use that includes a water circulation system for maintaining water quality and does not include any portion of a naturally occurring lake or stream.”

The public swimming ponds in the Twin Cities metropolitan area are located in Zimmerman, Osseo, Lake Elmo, Excelsior, Eden Prairie and Shakopee. Public swimming ponds in Greater Minnesota are located in Warroad, Glyndon, Cloquet, Mankato, Blooming Prairie and New Ulm.

— H. LONG

### Progress on HHS bill

Conferees have worked their way through adoption of several components to the omnibus health and human services finance bill (HF927/SF760\*). But more work is planned on the larger financial components of the bill. Both the House and the Senate versions plan to cut \$1.6 billion from projected General Fund spending for the 2012-2013 biennium.

Rep. Jim Abeler (R-Anoka), who chairs the House Health and Human Services Finance Committee, said he plans to reconvene the committee early next week for a public hearing on the Consumer Health Opportunities and Innovative Care Excellence (CHOICE) flexibility and funding Medicaid reform initiative, which outlines a \$300 million federal global Medicaid waiver included in the House bill. Department of Human Services staff is expected to offer technical advice on the CHOICE initiative and the public is invited to provide testimony as well, Abeler said.

In a series of four meetings over the last week, conferees adopted language in several articles of the bills related to children and family services, the Department of Health, health licensing fees, continuing care, redesigning service delivery and chemical and mental health. Contained in those articles is language adopted regarding reforms to components of the Minnesota Family Investment Program, along with modified language related to health care homes, care coordination methods and the human services and public assistance programs for the White Earth Band of Ojibwe.

Conferees also agreed to adopt a Senate provision related to prohibition of the use of state funds in planning or implementation of the federal health care legislation known as the “Patient Protection and Affordable Care Act.” The language also states that no provisions of the act may be implemented, until its constitutionality of the act has been affirmed by the U. S. Supreme Court.

— H. LONG

## Local Government

### Conservation district termination

A soil and water conservation district with a controversial past would be eliminated and have its duties transferred to the county, under a bill that won committee approval May 6.

Sponsored by Rep. Diane Loeffler (DFL-Mpls), HF1645 would terminate the Hennepin County Soil and Water Conservation District — commonly known as the Hennepin Conservation District. Its powers and duties would be transferred to Hennepin County.

The House Government Operations and Elections Committee approved the bill and referred it to the House Environment, Energy and Natural Resources Policy and Finance Committee.

Loeffler said voters in Hennepin County often aren’t aware of what the district does, much less the qualifications of those who run for a seat on its board. In the past, she said this has led to some people being elected who weren’t up to the job.

“We know that there are risks when you’re just picking names; you won’t always get the best and the brightest,” Loeffler said.

In the early 2000s, the district board was plagued by well-publicized infighting and lawsuits. Since 2003, much of its work has been done in coordination with county staff. Rosemary Lavin, the county’s assistant director for environmental services, said county officials view the transfer as a way to reduce costs and improve efficiency.

“This is an opportunity to streamline government,” Lavin said.

Kim Boyce, the board’s current chairman, said the board has not taken an official position on the bill. Though he says the board has “struggled,” he said it’s important to maintain citizen oversight of conservation projects.

“We really have wrestled with and debated the merits of this,” he said.

LeAnn Buck, executive director of the Minnesota Association of Soil and Water

Conservation Districts, said the association opposes the bill.

“The concern we have is that one elected board is removing another elected board,” she said.

Sen. Gen Olson (R-Minnetrista) sponsors the companion, SF956, which awaits action by the full Senate.

— N. BUSSE

## Public Safety

### ‘Mixture’ definition gets House OK

Dissimilar penalties for people using the same amount of drugs are now possible because the weight of an entire mixture can 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), HF479 would amend the definition of “mixture” in first- through third-degree controlled substance possession crimes. It would establish that “the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture, except in cases where the mixture contains four or more fluid ounces of fluid.” Law enforcement could still charge sale offenses based on total weight of the mixture.

Passed 101-29 May 10 by the House, it now goes to the Senate, where Sen. Sandy Pappas (DFL-St. Paul) is the sponsor.

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 in 2009 that the charge was appropriate under the current definition of mixture.

This bill was overwhelmingly approved by the Legislature last year, but vetoed by former Gov. Tim Pawlenty, who said the bill “waters down current criminal justice practices and standards related to the weight of controlled substances found in water pipes.”

— M. COOK

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.



## State Government

### Congressional lines get OK

With approximately 36 hours from public release to committee approval, the map laying out the proposed new congressional district boundaries, awaits action on the House floor.

HF1426 lays out the state's eight congressional districts, each with an ideal population of 662,991. Committee Chairwoman Sarah Anderson (R-Plymouth), the bill's sponsor, said the U. S. Constitution mandates no deviation from the population as the ideal, leaving little room for change. The bill was approved May 10 by the House Redistricting Committee 7-5 along party lines and on May 11 by the House Rules and Legislative Administration Committee. Its companion, SF1246, sponsored by Sen. Geoff Michel (R-Edina), awaits action by the Senate Rules and Administration Committee.

Anderson said the greatest change from the current configuration falls in the 7th and 8th districts, which would align east to west instead of north-south.

Anderson defended the change by saying the mining interests in the 8th District have similar concerns to the agricultural region in the 7th District.

She said the map splits seven counties and seven cities into more than one congressional district.

Every 10 years after the census, the Legislature is charged with changing the legislative and congressional lines to reflect the population shifts. However, for decades, the contentious political process has led the courts to redraw the lines.

Unlike May 3 when more than 30 people testified on the House and Senate redistricting plan, one person asked for more time to review the congressional map.

Adeel Lari, appointed to the 2001 redistricting commission, is concerned that communities of interest, especially those of Asian descent, are taken into consideration.

Rep. Paul Marquart (DFL-Dilworth) said the lack of public response indicates there had not been enough review time.

"Remember this is not our map, it is

the people's map — the people of the state of Minnesota that will live under its implications for the next 10 years. Give them a fair, reasonable amount of time to review and to comment on the map," he said.

Rep. Peggy Scott (R-Andover) directed remarks to Rep. Mary Murphy (DFL-Hermantown), the committee DFL lead, for not producing a counter map, and termed her questions as "criticism."

"I'm not throwing firecrackers across the room, and I've been very careful not to do that during the process," Murphy said. She said that any map not having bipartisan support would be vetoed the governor. Her hope is that a map can be developed that would have support from both parties.

— L. SCHUTZ

### Reform plans move forward

They haven't worked out the numbers yet, but conferees reached agreement on numerous policy provisions of the omnibus state government finance bill.

Conference committee members voted May 10 to adopt more than a dozen provisions of HF577/SF1047\*. Sponsored by Rep. Morrie Lanning (R-Moorhead) and Sen. Mike Parry (R-Waseca), the bill would fund core state government functions at reduced levels and implement a wide range of state government reforms in the 2012-2013 fiscal biennium.

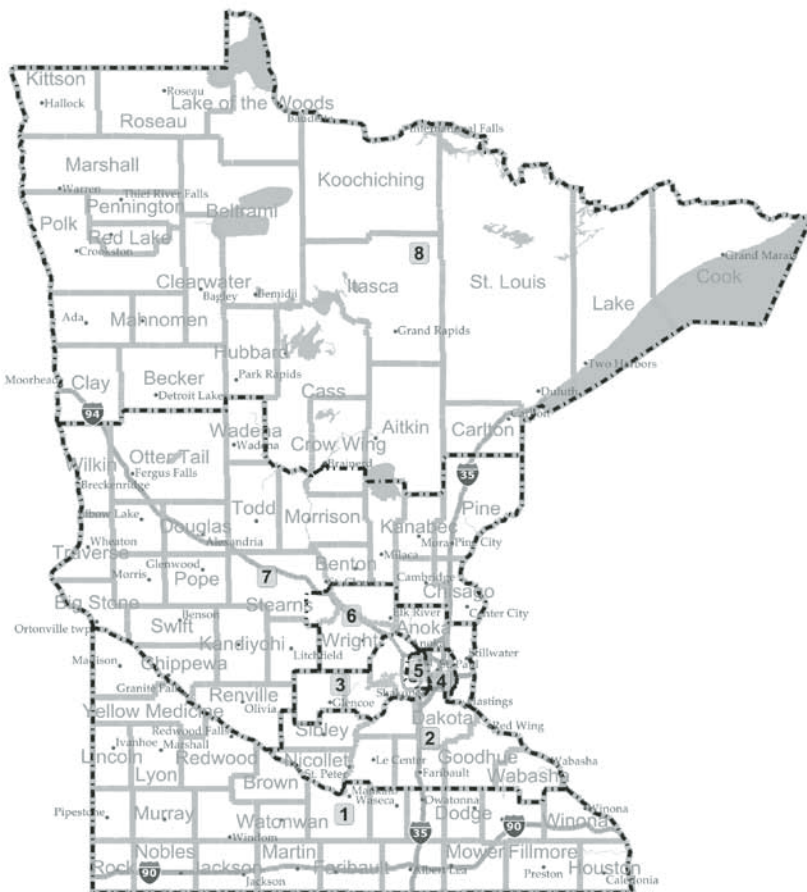
Provisions were adopted that would encourage state agencies to find cost-savings by establishing a gain-sharing system for employees and allowing portions of any unspent funds to be carried forward into future budget cycles. Other provisions include:

- creating a performance-pay pilot program for nonprofits whose work can be demonstrated to have measurable cost savings to the state;
- loosening restrictions on outsourcing state services to private contractors; and
- establishing a performance appraisal and performance pay system for state employees.

Conferees held off on adopting provisions that have fiscal implications, as they have yet to receive a final budget target from House and Senate leadership. Big disagreements still loom over how much the bill should spend overall. The House version proposes spending \$601.6 million from the General Fund, while the Senate bill calls for just \$371.3 million.

They took no action on a Senate provision that would move all state employees into

### House Redistricting Committee Proposed Congressional Map



Map courtesy of the Legislative Coordinating Commission Geographic Information Services





PHOTO BY TOM OLMSCHIED

**Minnesota Management & Budget commissioner Jim Schowalter, center seated, was joined May 6 in the omnibus state government finance conference committee by some of Gov. Mark Dayton's agency commissioners who told conferees that proposed budget cuts could lead to lost, reduced or delayed services and possibly employee layoffs.**

a new high-deductible health insurance plan. Nathan Moracco, director of the Employee Insurance Division at Minnesota Management & Budget, said the provision would save \$331 million annually by shifting insurance costs onto employees. Rep. Keith Downey (R-Edina) said the provision would put state workers' insurance plans on par with their counterparts in the private sector.

Provisions to establish a Sunset Advisory Commission to eliminate obsolete or duplicative state agencies and to require state budget officials to use zero-based budgeting were adopted by conferees in earlier hearings.

Conferees hoped to finish their work May 12.

— N. BUSSE

## Taxes

### General Fund donations accepted

In February, Gov. Mark Dayton received a \$1,677.97 check from a resident with direction that the money goes toward reducing the state deficit. The donor calculated the amount as their share of the deficit.

In an effort to make it easier to make

contributions to the state coffers, Rep. Greg Davids (R-Preston) sponsors HF247 that would authorize tax filers to make a \$10 minimum donation contribution to state government either through designating a portion of their refund or adding an amount to their tax liability.

Passed by the House 113-16 May 10, the bill now awaits action by the full Senate. Sen. Julianne Ortman (R-Chanhassen) is the Senate sponsor.

Monetary gifts to the state's General Fund are not common, according to Minnesota Management & Budget. Current department records show the largest donation was a December 2008 check for \$22,685 "to help the needy and sick."

In 2010, the state received \$12,087.29 from the Minnesota Historical Society as the balance from unspent donations made to the Minnesota Sesquicentennial Commission.

— L. SCHUTZ

### PILT removed from Legacy bill

Did supporters of the Clean Water, Land and Legacy amendment intend for local governments to be reimbursed when land bought with Legacy funds is taken off local property tax rolls?

Rep. Ann Lenczewski (DFL-Bloomington) doesn't think so. In the House Taxes Committee May 10 she successfully offered an amendment to strip HF1061, the Legacy funding bill, of its requirement to give local governments a payment in lieu of taxes, known as PILT. The committee approved the bill, as did the House Ways and Means Committee. The bill awaits action by the full House. It has no Senate companion.

Sponsored by Rep. Dean Urdahl (R-Grove City), the bill, as amended, would create a dedicated land management account. About 20 percent of the funds used for each Outdoor Heritage fund land purchase would be transferred into an interest-bearing account to pay for long-term land management costs, but not PILT.

Rep. Diane Loeffler (DFL-Mpls) said PILT is a larger issue that must be dealt with separately.

"Until we fix PILT, we shouldn't have more communities making more than others. It's not an issue to be dealt with through Legacy."

Others said with the PILT provision removed, new land acquisitions will only add to a growing problem in Greater Minnesota, where more than half of the land is publicly-owned in some counties and not subject to property taxes.

"Let's recognize the true costs of buying land," said Rep. Denny McNamara (R-Hastings).

Committee members also weighed in on what would be the fairest way to split the \$77 million dedicated for parks and trails in 2012-2013. Urdahl is proposing the Department of Natural Resources and the Metropolitan Council regional parks board would each get 40 percent, with the other 20 percent distributed statewide as competitive grants. The formula pits urban/suburban legislators against Greater Minnesota legislators. Amendments to change the formula to a 43-43-14 split were withdrawn after discussion.

— S. HEGARTY

### Noncontroversial tax bill

Despite the word "taxes" in its title, the omnibus tax policy bill has bipartisan support, at least in the House Taxes Committee.

Sponsored by Committee Chairman Greg Davids (R-Preston), HF1219 contains mainly noncontroversial tax policy provisions, many put forward by the Revenue Department and supported by the governor. It was approved May 10 and sent to the House Ways and Means Committee.

Tax treatment for those raising horses prompted an amendment from Rep. Steve Gottwalt (R-St. Cloud) which, although opposed by the department and some county assessors, was successfully added, but not before DFLers voiced concerns.

Gottwalt said the definitions relating to equines need clarification. "Horse owners want horses identified as livestock." He said that county assessors' treatment of horses as an agricultural pursuit as opposed to a hobby is confusing to some. His amendment would give county assessors clear direction.

However, Assistant Revenue Commissioner Matt Massman said the amendment would create less clarity, and that those with horse operations that meet the agricultural use standard already are included in the lower tax classification.

Provisions in the bill include:

- HF902, sponsored by Rep. David Dill (DFL-Crane Lake), which would modify a 2010 law related to owner-occupant of two resorts. The provision provides that the two properties can be combined for tax purposes if they are each owned by different limited liability companies, as long as they have the same membership;
- HF548, sponsored by Rep. Mark Buesgens

(R-Jordan), which would expand the definition of “agricultural products” to include the production for sale of game birds and waterfowl by a Department of Natural Resources-licensed game farm;

- defining of the word “interns” for use in the angel investment credit program and setting an intern minimum wage requirement; and
- eliminating the requirement to physically post the notice of sale of personal property in the county courthouse, and instead require the notice be posted in at least three public places in the county where the seizure takes place.

The bill’s companion, SF869, sponsored by Sen. Julianne Ortman (R-Chanhassen), awaits action on the Senate floor.

— L. SCHUTZ

## Transportation

### Roadway back to local jurisdiction

About a 4.5-mile stretch of roadway could be transferred from the state’s trunk highway system to the county state-aid system.

Sponsored by Rep. Tom Anzelc (DFL-Balsam Township), HF724 would turn back the portion of Trunk Highway 332, which runs between U.S. Highways 71 and 53 south of International Falls, to Koochiching County.

Passed 130-0 by the House May 10, the bill awaits action by the full Senate. Sen. Tom Saxhaug (DFL-Grand Rapids) is the Senate sponsor. The provision is also in HF1068, the omnibus transportation policy bill, sponsored by Rep. Mike Beard (R-Shakopee).

Anzelc said an agreement between the state and county indicates that this stretch of road is more appropriately under county jurisdiction. Because all trunk highways are listed in state statute, legislation is needed to turn one back to city or county jurisdiction.

The turned back routes are not typically high priorities on the state highway system, but can be high priority for the local community. This way, the local jurisdiction can put the roadway high on its priority list and pick up associated ongoing maintenance costs.

This transfer would be implemented with a one-time payment from the state’s turnback account. Whenever the state turns back a road it is brought up to state-aid standards or, if the road is in pretty good shape, a financial agreement is reached with the local entity to give them a lump sum they can hold until the road needs to be rehabilitated.

— M. COOK

## HEAVY HITTER



PHOTO BY TOM OLMSCHEID

Kevin Poindexter, legislative assistant for Rep. Tom Hackbarth and Rep. King Banaian, smashes the ball pitched by one of the St. Paul Saints on the front lawn of the Capitol May 11. Saints players helped make a pitch for their new ballpark in Downtown St. Paul.

### More buses on shoulders

Buses might be able to operate on the shoulders of more than just freeways.

Sponsored by Rep. Tara Mack (R-Apple Valley), HF1289 would allow counties and cities to authorize buses on roads for which the unit of government has jurisdiction. Under current law, the provision only applies to the trunk highway system.

Approved 127-1 by the House May 5, it now awaits action by the Senate Transportation Committee. Sen. Chris Gerlach (R-Apple Valley) is the Senate sponsor.

The impetus for the bill is construction of the Cedar Avenue Bus Rapid Transitway in Mack’s district. “When construction is complete in 2012, Cedar Avenue BRT vehicles will travel on the shoulders of Cedar Avenue from Lakeville to the Mall of America,” she said. “This project is necessary to alleviate the congestion in this heavily used corridor. It is estimated that by 2030 this line will provide the same commuter capacity as an additional 1 1/2 lanes of highway.”

Dakota County Commissioner Nancy Schouweiler told a House committee that the shoulders along Cedar Avenue have been engineered to provide a 12-foot paved surface for buses and emergency vehicles. “It is the desire to run station-to-station bus vehicles as an all-day service utilizing these lanes without the need to weave in and out of regular traffic lanes,” she said.

Under current law, buses can use shoulders only when mainline traffic speeds drop below 35 mph, and buses on the shoulder cannot go more than 15 mph faster than mainline traffic to a maximum of 35 mph. Under the bill, the speeds could be adjusted based on an engineering study performed by the local unit of government and approved by the Department of Transportation.

Rep. Frank Hornstein (DFL-Mpls) said the bill would be “very helpful” in terms of overall planning for bus rapid transit in the Twin Cities metropolitan area.

— M. COOK

### Collector safety vehicles on roads

It is legal to drive antique or collector public safety vehicles, like fire trucks and ambulances, with working red or other colored emergency lights in a parade, but technically it is illegal to drive them to the event.

Sponsored by Rep. Deb Kiel (R-Crookston), HF922 would allow the vehicles to be driven on streets provided a proper collector or classic car license plate is displayed.

Passed 126-6 by the House May 10, the bill now goes to the Senate, where Sen. Ray Vandever (R-Forest Lake) is the sponsor.

The problem is that the lights on the vintage vehicles do not conform to current standards for what vehicles can display blue and red lights and where they have to physically be on the vehicle. Under the bill,

the emergency lights on the vehicles cannot be used when travelling to or from an event.

— M. COOK

### **Motor vehicle provisions passed**

The House passed a bill that would streamline regulations that pertain to automobile dealerships.

Sponsored by Rep. Bruce Vogel (R-Willmar), HF493 would, in part, allow the keeping of vehicle titles in a centralized location in Minnesota for a multi-location auto dealership group, if a request to do so is approved by the Department of Public Safety. Supporters said this would create efficiencies when it comes to storing records.

The bill, passed 124-5 May 5, would also clear up vehicle registration when coming out of a daily rental fleet, such as when companies like Avis or Hertz want to sell vehicles they'd been using as rentals.

Fleet companies have the ability to register their vehicles for a shorter period than the usual 12 months, such as for four months at a time. However, when a dealer sells a vehicle the registration has to be for 12 months, so there has been some confusion about when a vehicle's registration needs to be renewed by the customer who bought the vehicle.

The bill eliminates a provision that a vehicle title be stamped with the end date of the registration period when the vehicle is used for rentals by a vehicle lessor and registered for less than 12 months.

"This bill says if Avis bought eight months of registration and then we want to sell the vehicle to a customer, then we sell them 12 months of registration no matter what," Alyssa Schlander, director of government affairs for the Minnesota Auto Dealers Association, told a House committee. "It's just an easier way of calculating the registration tax for those particular kinds of vehicles."

The bill awaits action by the full Senate. Sen. David Senjem (R-Rochester) is the Senate sponsor.

— M. COOK

### **Speeding tickets off a record**

Fewer speeding violations could end up on state driving records.

Under current law, a ticket does not appear on someone's driving record if the person was driving up to 10 mph over the speed limit in a 55 mph zone, or 5 mph over the limit in a 60 mph zone.

Sponsored by Rep. Dean Urdahl (R-Grove

City), HF537 would add the 10 mph threshold to the 60 mph limit.

The bill was passed 111-20 by the House May 10. It now goes to the Senate, where a sponsor is needed.

"If you speed, you are still breaking the law. It does not change the penalty; it does not change the speed limit; it simply changes the reporting," Urdahl said. He emphasized the bill has nothing to do with raising speed limits, it's only about not recording infractions to the state and that insurance companies will not up driver rates. "People are already driving at the speeds at which they are comfortable."

Enacted in 1986, the "Dimler amendment," named for its sponsor, former Rep. Chuck Dimler (R-Chanhassen), governs which speeding violations are recorded on a driving record maintained by the Department of Public Safety.

Rep. Alice Hausman (DFL-St. Paul) noted that representatives from the Public Safety and Transportation departments spoke against the bill during the committee process. Among their concerns were that the increase would send the message that it is OK to speed, drivers tend to believe there is a "speed cushion" in excess of posted limit they can get away with, increasing that differential could lead to more severe traffic accidents and it goes against an educational campaign that the speed limit is the limit.

Urdahl said he wouldn't proffer the bill if he believed it would cause more injuries and deaths. "I'm convinced there is no evidence that indicates that changing this law is going to cause these things to happen."

— M. COOK

## **Thursday's Floor Action**

### **House passes policy measures**

Two days before the start of the fishing season, legislators took up a Senate policy bill about preventing the spread of aquatic invasive species and amended it into a much broader omnibus environment policy bill before passing it off the House floor 95-37 on May 12.

As amended HF1097/SF1115\* is on a fast track to gain Senate approval and be presented to the governor before he leaves for the fishing opener in Grand Rapids, according to the bill's sponsor, Rep. Denny McNamara (R-Hastings). Sen. Bill Ingebrigtsen (R-Alexandria) is the Senate sponsor.

"We need to get this bill over to the Senate and on to the governor," McNamara said.

New recreation policies to slow the spread of zebra mussels and other aquatic invasive species would become effective the day following enactment if the bill is signed. There are 19 lakes in the state that are infested with non-native zebra mussels and "no one in here wants to become number 20," said Rep. John Ward (DFL-Brainerd). An amendment offered by Ward to replace the bill language so that it simply included the aquatic invasive species provision was unsuccessful.

Several amendments were passed, including allowing Lutsen Ski Resort to continue to take water out of a trout stream for snowmaking purposes. As amended, the resort would be granted a permit to use up to 2 million gallons of water a day in a 30-day window from nearby Poplar trout stream. However, if water flow drops below a specified level, further draws would be suspended until flow levels increase. The five-year permit would give the resort time to design an alternative way to draw water out of Lake Superior, rather than the trout stream.

Rep. Tom Rukavina (DFL-Virginia) successfully amended the bill so that a rural township could receive an easement for a road that crosses state school trust lands in St. Louis County. If the township doesn't accept the easement, the cabin owner who built the access road would be eligible for a 20-year road lease across the state lands and the lease amount would be deposited into the permanent school trust fund.

Another amendment successfully offered by Rep. Paul Anderson (R-Starbuck) would ensure that the Pollution Control Agency has no authority to regulate permits for the application of pesticides on land, except where authorized by federal law.

— S. HEGARTY

### **Can't wait a week for your news from the House?**

When something important happens on the House floor or in a committee meeting, you'll know about it by subscribing to Session Daily.

Subscribers receive daily e-mail alerts whenever new articles are posted.

Go to: [www.house.mn/hinfo/sdaily.asp](http://www.house.mn/hinfo/sdaily.asp)  
To subscribe, click on Subscribe to Session Daily e-mail updates. RSS is also available.



# State of disrepair

## Lawmakers look to fix a crumbling Capitol Building

By NICK BUSSE

**E**very year on May 11, officials commemorate Minnesota's admission as the 32nd state in the union by lighting the crystal chandelier that hangs from atop State Capitol's inner dome. But not this year.

"If you look up, instead of seeing our beautiful dome alight, you will see a catwalk and a lot of serious damage to our dome," said Rep. Diane Loeffler (DFL-Mpls). "And that's because this grand old building is starting to fall apart in a lot of different ways."

The view from outside isn't much better. For several months, visitors to the Capitol have had to pass under scaffolding that protects them from the building's crumbling marble exterior. Pieces of stonework as heavy as 22 pounds have been removed to prevent them from falling on passersby.

"Something desperately needs to be done," Rep. Dean Urdahl (R-Grove City) said. "If one of these things slid off, those canopies would be as effective as paper stopping a falling rock."

The ungainly steel and wood contraptions that now blight the view of Minnesota's iconic State Capitol are merely the tip of the iceberg. Architect Cass Gilbert's 106-year-old monument to the state's democratic institutions has suffered from decades of neglect. Hampered by budget woes, lawmakers are struggling to come up with a comprehensive plan to fix it.

Beginning in 2000, proposals were floated for an extensive renovation. A comprehensive plan would involve knocking down walls to upgrade plumbing and wiring, replacing obsolete heating and ventilation systems, and expanding office and hearing room space. But with cost estimates for the project rising as high as \$260 million, budget problems have delayed the plans indefinitely.

To address certain immediate concerns that couldn't wait, in 2008 the Legislature appropriated \$13.4 million. With this money, workers have been busy making a wide variety of repairs — many of them on the dome. They repaired extensive water damage, installed new drainage and ventilation, and reinforced the dome's steel columns. But as they did their work, they also found evidence of new problems.

On April 12, Wayne Waslaski, director of real estate and construction services for the Department of Administration, showed members of the House State Government Finance Committee photos of what they found — cracked cornices, clogged rain leaders, peeling plaster and fractured, discolored, water-damaged masonry.

"Some of our major systems are beyond their useful life. And so then it just becomes a risk assessment on how much longer you can go," Waslaski said.

Workers discovered they could break off pieces of marble just by tapping it with their fingers. They removed as many loose pieces as they could find, but to be safe, they erected scaffolding over the doorways and fenced off much of the area around the building.

"You're never 100 percent sure that you got all of the pieces, and so that's why you have the protection in place," Waslaski said.

Whether lawmakers can fund the full \$260 million renovation project, he said certain projects will ultimately have to be funded for the sake of public safety. On top of the damaged exterior, outdated plumbing, electrical, heating, ventilation and air conditioning systems have created a range of safety issues inside the building. Also the roof, the drainage system, and the terrace on the west side of the building — among other things — are all in need of repair or replacement.

Then there are the security problems. A report released April 1 by a bipartisan panel



Photo courtesy of the Department of Administration

**A worker examines deterioration around a panel of marble near the finial (the top of the Capitol dome). The building's damaged masonry is among the many problems lawmakers hope to address.**



PHOTO BY TOM OLMSCHIED

**A visitor passes under scaffolding covering the Capitol's west entrance. Fears of injury caused by deteriorated stonework falling off the marble exterior prompted officials to place protective structures around the building.**

described a number of security vulnerabilities — some of which can only be addressed through potentially costly upgrades to the building's facilities.

"Really, from a prioritization standpoint, it's pretty easy. You're first focused on life safety issues, and then you're focused on what's presenting the greatest risk to the building itself," Waslaski said.

This year, a pair of bills is progressing through House committees that might get the ball rolling on restoration.

Loeffler sponsors HF1286, which would instruct the department to conduct a structural risk assessment to identify the most critical and immediate safety concerns. Meanwhile, Urdahl sponsors HF1455, which would establish a State Capitol Preservation Commission. Combined, the two bills are intended to kick-start a process that has been stalled for many years.

Loeffler's bill would provide what she calls a "laundry list" of repairs for lawmakers to take action on next year. Her intention is to address only the short-term needs that impact safety and security.

"I think forward progress on some of these basics has been at times slowed as we've looked at grander plans," she said.

Urdahl's bill would address the building's long-term issues. The commission proposed in his bill would draft a comprehensive

plan that includes pre-design for a multi-year renovation project. Urdahl is betting that next year's bonding bill could include "significant dollars" for the purpose.

The current round of repairs should be wrapped up later this year, after workers repair the finial (the gold lantern atop the dome) and replace the windows in the drum (the mid-section underneath the dome). As they weigh the costs and benefits of additional repairs, lawmakers will have some tough choices to make. For example, Waslaski said repairing the roof of the building alone will likely cost \$9 million.

It won't be easy, but supporters say it's an obligation to the public that lawmakers must fulfill.

"We've been entrusted with the care of this beautiful building for the long term," Loeffler said.

Loeffler's bill was approved April 12 by the House State Government Finance Committee, and now awaits action on the House floor. A companion,

SF1262, sponsored by Sen. Ann Rest (DFL-New Hope), awaits action by the Senate State Government Innovation and Veterans Committee.

Urdahl's bill has been incorporated into HF1061, the omnibus legacy bill, which he also sponsors. It awaits action on the House floor, and has no Senate companion.



Photo courtesy of the Department of Administration

**Workers discovered they could break off loose pieces of the building's marble exterior, like these stone carvings, just by tapping on them with their fingers.**



# Advocating for patients and constituents

Nurses as legislators add their perspective to health care issues

By HANK LONG

**A** simple glance at Rep. Karen Clark's legislative biography shows that her list of accomplishments inside the halls of the State Capitol covers a wide-ranging spectrum of issues.



PHOTO BY ANDREW VONBANK

**Clockwise from top left:** Representatives Mary Kiffmeyer (R-Big Lake), Patti Fritz (DFL-Faribault), Carolyn McElfrick (R-Deer River) and Erin Murphy (DFL-St. Paul) serve on the House Health and Human Services Finance and Reform committees. All four have professional nursing backgrounds. Other legislators with nursing backgrounds include Rep. Karen Clark (DFL-Mpls) and Senators Kathy Sheran (DFL-Mankato) and Gretchen Hoffman (R-Vergas).

But no matter the issue, Clark (DFL-Mpls), now in her 16th term, said she continues to utilize her experiences from her first career — as a professional nurse — in her current work as a legislator.

When Clark first joined the House in 1981, it didn't take her long to realize she was one of a small handful of health care professionals serving as legislators. And she was the only member with a professional nursing background.

"My colleagues were very welcoming and it wasn't long before it was expected I could speak from that career experience on a number of important issues being discussed," Clark said, recalling her first months in elected office.

Times have changed. She is currently one of five representatives with a background in the profession. Two members of the Senate also have nursing backgrounds. To put that into historical context, 12 legislators in the 154-year history of the Legislature have listed professional nursing in their occupational profile, according to the Legislative Reference Library.

Twenty-five years ago Ralph Kiffmeyer served one term as a member of the House. A nurse anesthetist, he married a registered nurse, Mary Kiffmeyer, who is currently in her second term. The couple met while they were in nursing school more than 40 years ago.

"You could say both professions run in the family," said Kiffmeyer (R-Big Lake). The pair has sons and daughters with careers in nursing.

Kiffmeyer, who was secretary of state

## The first nurse at the Capitol

The first legislator to list professional nursing as an occupation was Rep. Claudia Meier Volk, a DFLer who served one term (1975-1976). Meier Volk was married during her term and chose not to seek reelection after she gave birth to a child and moved to North Dakota with her family, according to the 1998 book "Women of Minnesota: Selected Biographical Essays."



from 1999 to 2006 before her election to the House in 2008, said her nursing background has been helpful throughout her tenure at the Capitol. Especially in her current assignment as a member of the House Health and Human Services Reform and Finance committees, where she serves alongside Rep. Erin Murphy (DFL-St. Paul), Rep. Carolyn McElfatrick (R-Deer River) and Rep. Patti Fritz (DFL-Faribault), also nurses.

"It's definitely an advantage to be familiar with the language and lingo and to be able to see from a nurse's perspective how the people fit into the bigger picture of health care," Kiffmeyer said.

Although discussions on several aspects of health care reform legislation can sometimes become technical and policy-oriented, legislators with backgrounds in the profession often are able to steer the conversation, when necessary, back to the practicalities of how health care is delivered, said Murphy, who served as executive director of the Minnesota Nurses Association prior to her election to the House in 2006.

"(Having the nursing background) brings a realistic perspective on how humans, and Americans in particular, deal with disease and chronic conditions," Murphy said. "That realistic perspective helps me understand and interpret how public policy we are addressing will work or won't work."

### Same profession; differing voices

Throughout this session, several policy bills related to the nursing industry have been introduced in the House. A bill that would make Minnesota a member of a multi-state nursing licensure compact was passed in the House Health and Human Services Reform Committee. It was supported by the Minnesota Hospital Association and the state-run Minnesota Board of Nursing but opposed by the Minnesota Nurses Association. McElfatrick and Kiffmeyer voted in support of the legislation. Murphy and Fritz voted against it. Other legislation, such as the creation of a "community

paramedic," and a bill that would increase the strength of criminal background checks on nurses has also seen party-line voting among the nurses in the House Health and Human Services committees. Such party-line voting offers evidence that legislators with nursing backgrounds don't necessarily speak with the same voice on health care issues, Clark said.

"Some of us on the DFL side look at health care as a basic human right and not a privilege," Clark said, adding that in the last few years she has seen more division on certain health care issues among the legislators who are also nurses. "There may be some divisions across party lines but, in general, as individuals when we talk, there is a lot of commonality."

***"There may be some divisions across party lines but, in general, as individuals when we talk, there is a lot of commonality."***

— Rep. Karen Clark  
DFL-Mpls



Kiffmeyer said it goes without saying that nurses, like members of any profession, can disagree on important issues related to their field. She contends that the current balance of legislators with

nursing backgrounds from both parties helps fellow legislators better understand all sides of a health care issue.

"I think sometimes people may wonder when they hear a nurse speaking on legislation, 'Is that the voice of your political party speaking, or is that the way all nurses feel?'" she said. "That is harder to discern when you have only one party being represented by the profession."

House Health and Human Services Finance Committee Chairman Jim Abeler (R-Anoka) agrees.

"It seems like nursing and health issues shouldn't be a partisan matter," Abeler said. "The more you have people on both sides of the aisle with those similar career backgrounds, the better you can drive the discussion toward a policy debate."

Abeler, a chiropractor, added that he sees value in having more health care professionals, and in particular, nurses, providing input in their capacity as legislators on health and human services issues.

"You can't be an accountant and understand what life is like as a nurse," said Abeler, who is married to a nurse. "When

### Minnesota ranks near top in nurses as legislators

According to the American Nurses Association, Minnesota ranks only behind New Hampshire in states with legislators who have nursing backgrounds. The New Hampshire legislature has eight nurses while the current makeup of the Minnesota Legislature features seven. Last session, eight legislators had professional nursing backgrounds.

Turnover in the most recent election resulted in the departure of Sen. Sharon Erickson Ropes (DFL-Winona) and Rep. Maria Ruud (DFL-Minnetonka). Sen. Pat Pariseau (R-Farmington) chose not to seek reelection.

In January, freshmen legislators Rep. Carolyn McElfatrick (R-Deer River) and Sen. Gretchen Hoffman (R-Vergas) joined Rep. Karen Clark (DFL-Mpls), Rep. Mary Kiffmeyer (R-Big Lake), Rep. Erin Murphy (DFL-St. Paul), Rep. Patti Fritz (DFL-Faribault) and Sen. Kathy Sheran (DFL-Mankato) as legislators with professional nursing backgrounds.

we talk about issues (legislators with nursing backgrounds) see the faces of their patients, they see the challenges and they know the backgrounds and the families. It's important to have those types of expertise when we are talking about these important health care issues."

Clark said that whether she agrees with a fellow nurse-legislator, she has respect for their opinion because of the shared experience.

"In nursing we are taught to be critical thinkers, and to listen to our patients," she said. "Those are all qualities that we certainly have learned in our nursing education; it's training with a holistic perspective on health care."

Fritz, now in her fourth term, recalls seeking out fellow nurses and health care professionals in the Legislature upon her arrival in 2005. She said she's encouraged to see more nurses at the Legislature and believes having health care professionals involved in that capacity is imperative to solving the important health care issues of the day.

"Timing is everything," Fritz said. "And at a time when health care is one of the top issues, I feel like that's why I'm here: to offer an important perspective from a health care professional who understands both the big picture and the needs of the patient." 🐼

# GOVERNOR'S DESK

JANUARY 4 - MAY 12, 2011

CHAPTERS 1 - 19

## Tracking new laws, vetoes

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

- sign the bill and it will become law;
- veto the bill;
- line-item veto individual items within an appropriations bill; or
- do nothing, which can have two different effects.

The timing of these actions is as important as the actions themselves.

In the first year of the biennium, the governor has three days from the time of presentment to veto a bill. If the governor

doesn't sign the bill within this time frame, it will become law with or without his signature. (Sundays are not counted in the three-day time limit, but holidays are.)

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

Policy items contained in appropriations bills may not be line-item vetoed. In order to veto such an item, the governor is required to veto the entire bill.

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

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

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

| CH | HF   | SF    | Description  | Signed  | Vetoed  |
|----|------|-------|--|---------|---------|
| 1  | 130* | 60    | Appropriation and payment reductions for fiscal years 2011-2013.   |         | 2/10/11 |
| 2  | 166  | 139*  | Lead poisoning prevention provisions effective dates modifications.  | 2/17/11 |         |
| 3  | 55*  | 48    | State lands; stream easement acquisition provisions modified; state park, state forest, and land exchange provisions modified; state parks and state forests added to and deleted from; and public and private sales, conveyances, and exchanges of state land authorized. | 3/2/11  |         |
| 4  | 1*   | 42    | Environmental permitting efficiency provided, and environmental review requirements modified.  | 3/3/11  |         |
| 5  | 63   | 40*   | Alternative teacher preparation program and limited-term teacher license establishment; teacher licensure provisions modifications.  | 3/7/11  |         |
| 6  | 103* | 114   | Unemployment insurance eligibility and extension provisions modified.  | 3/9/11  |         |
| 7  | 305  | 125*  | Northern Township detached banking facility establishment.   | 3/17/11 |         |
| 8  | 79*  | 47    | Internal Revenue Code changes conformed, and corporate refund delay requirement repealed.  | 3/21/11 |         |
| 9  | 141* | 121   | Public safety dog injury penalty increased.  | 3/22/11 |         |
| 10 | 362* | 241   | Homeowner notice requirements modified.  | 3/29/11 |         |
| 11 | 571  | 488*  | Air carrier employees overtime requirements modifications  | 4/7/11  |         |
| 12 | 262  | 119*  | Emergency medical technician-community paramedic (EMT-CP) certification  | 4/6/11  |         |
| 13 | 12*  | 37    | Minnesota agricultural property tax law (Green Acres) provisions modifications; Green Acres and agricultural classifications to pre-2008 status restoration  | 4/15/11 |         |
| 14 | 1039 | 1016* | Omnibus agriculture and rural economic development appropriations  | 4/15/11 |         |
| 15 | 323* | 167   | Residential real estate broker price opinion provisions regulated.   | 4/20/11 |         |
| 16 | 829  | 551*  | Cities stadium liquor license issuance modification  | 4/20/11 |         |
| 17 | 613* | 124   | Red Wing port authority appointees term limit  | 4/27/11 |         |
| 18 | 978* | 919   | Election administration and districting procedures modified.   | 4/29/11 |         |
| 19 | 52*  | 13    | City, county, and town zoning control and ordinance variances provided.  | 5/5/11  |         |

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

### Frequently called numbers

Area code 651

#### House Public Information Services

296-2146

#### Meeting call line, House

296-9283

#### Chief Clerk of the House

296-2314

#### House Index

296-6646

#### Senate Information

296-0504

#### Secretary of the Senate

296-2344

296-2343 (Voice mail/order bills)

#### Senate Index

296-2887

#### Governor's Office

201-3400

# BILL INTRODUCTIONS

MAY 6 - 12, 2011  
HOUSE FILES 1671 - 1704

## Friday, May 6

---

### HF1671-Smith (R)

#### Government Operations & Elections

Hopkins; Teachers Retirement Association salary credit purchase by part-time teaching program participants authorized.

### HF1672-Quam (R)

#### Transportation Policy & Finance

Highway 14 and Dodge County Road 15 interchange funding provided, bonds issued and money appropriated.

### HF1673-Benson, M. (R)

#### Commerce & Regulatory Reform

Class II gambling prohibited in Minnesota.

### HF1674-Hilstrom (DFL)

#### Public Safety & Crime Prevention Policy & Finance

Predatory offender failure to register and escape from custody crimes repeat violations criminal penalty increased.

### HF1675-Kriesel (R)

#### Commerce & Regulatory Reform

Lottery facility games established; tax imposed on and providing for facility revenues; powers and duties provided to the director; and clarifying, conforming and technical changes made.

### HF1676-Gunther (R)

#### Jobs & Economic Development Finance

Fast investment today program performance rewards created, tax benefits provided and money appropriated.

### HF1677-Hackbarth (R)

#### Jobs & Economic Development Finance

St. Paul regional ballpark funding provided, city authorized to use design-build or construction manager at-risk method of project delivery, bonds issued and money appropriated.

## Monday, May 9

---

### HF1678-McFarlane (R)

#### Education Reform

Parent notification of child maltreatment in a school facility modified, and policy for educating employees about mandatory child maltreatment reporting required.

### HF1679-Hornstein (DFL)

#### Transportation Policy & Finance

Minneapolis Transportation Interchange funding provided, bonds issued and money appropriated.

### HF1680-Drazkowski (R)

#### Health & Human Services Reform

Nursing home moratorium exception provided.

### HF1681-Anzelc (DFL)

#### Health & Human Services Finance

Clay County and Koochiching County; nursing facility rate increase provided.

### HF1682-Lohmer (R)

#### Health & Human Services Reform

Family planning grant funds use limited.

### HF1683-Norton (DFL)

#### Health & Human Services Reform

Foster care licensing moratorium exception created.

### HF1684-Gruenhagen (R)

#### Commerce & Regulatory Reform

Legislative report required by the commissioner of public safety on the benefits and costs of contracting to participate in a nationwide real-time motor vehicle insurance status information system.

### HF1685-Champion (DFL)

#### Jobs & Economic Development Finance

Minneapolis; Cowles Center for Dance and the Performing Arts funding provided, bonds issued and money appropriated.

### HF1686-Doepke (R)

#### Education Reform

School food authority procurement cycle conformed with the federal procurement cycle, contract terms clarified for food service management contracts.

### HF1687-Urdahl (R)

#### Jobs & Economic Development Finance

Cosmos; consolidated municipal building funding provided, bonds issued and money appropriated.

### HF1688-Kahn (DFL)

#### Government Operations & Elections

Public employees electing retirement incentives deadline waived.

## Tuesday, May 10

---

### HF1689-Davids (R)

#### Government Operations & Elections

Mabel; Green Lea Manor added to the list of privatized facilities covered by chapter 353F.

### HF1690-Hayden (DFL)

#### Health & Human Services Reform

State spinal cord research commission and account established and money appropriated.

### HF1691-Benson, M. (R)

#### Jobs & Economic Development Finance

Stewartville; fire station expansion and renovation funding provided, bonds issued and money appropriated.

### HF1692-Hoppe (R)

#### Commerce & Regulatory Reform

Telecommunications regulations streamlined, and civil penalties, rate regulation, regulatory requirements and technical provisions modified and updated.

### HF1693-Abeler (R)

#### Health & Human Services Reform

Persons with developmental disabilities new system of resource provision established.

### HF1694-Hamilton (R)

#### Jobs & Economic Development Finance

Jackson County; new jobs training pilot program provided and report required.

### HF1695-Clark (DFL)

#### Civil Law

Court eviction records expungement required after one year.

### HF1696-Simon (DFL)

#### Transportation Policy & Finance

Southwest Corridor light rail transit line funding provided, bonds issued and money appropriated.

## Wednesday, May 11

---

### HF1697-Franson (R)

#### Health & Human Services Reform

Health care reform implemented, interstate health insurance choice created, flexible benefit plan created, primary provider care tiering created for Minnesota health care programs and MinnesotaCare modern benefit plan created.

### HF1698-Anzelc (DFL)

#### Jobs & Economic Development Finance

Itasca County; regional fire station funding provided to acquire land, bonds issued and money appropriated.

### HF1699-Murray (R)

#### Environment, Energy & Natural Resources Policy & Finance

Shell Rock River watershed funding provided, bonds issued and money appropriated.

### HF1700-Atkins (DFL)

#### Commerce & Regulatory Reform

Portable wireless device owner's permission required before location information is collected in Minnesota.

### HF1701-Benson, J. (DFL)

#### Commerce & Regulatory Reform

Abusive work environment practices prohibited and remedies established.

## Thursday, May 12

---

### HF1702-Kelly (R)

#### Rules & Legislative Administration

Legislative enactments miscellaneous oversights, inconsistencies, ambiguities, unintended results and technical errors corrected.

### HF1703-Persell (DFL)

#### Jobs & Economic Development Finance

Boy River community center funding provided, bonds issued and money appropriated.

### HF1704-Davnies (DFL)

#### Government Operations & Elections

Minneapolis Firefighters Relief Association and Minneapolis Police Relief Association voluntary consolidation with PERA-P&F provided.



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.
- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).
- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## From vine to wine

|   |             |
|---|-------------|
| Year the first winery opened in Minnesota.....  | 1978        |
| Number of wineries in state in 1997 .....   | 5           |
| In 2003 .....   | 10          |
| In 2010 .....   | 35          |
| Number of farm winery licenses currently held.....  | 44          |
| Number of jobs created in winery tourism industry, in 2007 .....                              | 155         |
| Sales and excise tax impact from state's wine industry in 2010.....                           | \$725,000   |
| Estimated impact for 2012 .....   | \$1,000,000 |
| Gallons of wine produced in the state in 2003.....  | 47,652      |
| In 2009 .....   | 93,189      |
| In 2010 .....   | 121,500     |
| Number of indigenous red wine grape varieties in state.....                                   | 9           |
| Year the Frontenac red wine grape was introduced by the University of Minnesota....           | 1995        |
| Lowest hardiness temperature, in degrees Fahrenheit .....                                     | -30         |
| Number of indigenous white wine grape varieties in state .....                                | 17          |
| Lowest hardiness temperature of Prairie Star grape, in degrees Fahrenheit .....               | -40         |
| Number of table and juice grape varieties in state .....                                      | 7           |
| Year the Minnesota Grape Growers Association was founded.....                                 | 1976        |
| Number of Minnesota Grown grape growers or sellers.....                                       | 25          |
| Number of categories in the state fair amateur wine competition .....                         | 22          |
| Growing zone that Minnesota falls into, according to the U.S. Department of Agriculture ..... | 4           |

— S. HEGARTY

Sources: Minnesota Grown, Minnesota Grape Growers Association, Department of Agriculture.

## Follow us on



Facebook at: [www.facebook.com/MNHouseInfo](http://www.facebook.com/MNHouseInfo)



Twitter at: [twitter.com/MNHouseInfo](http://twitter.com/MNHouseInfo)



YouTube at: [www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo)



# SESSION WEEKLY



**SPECIAL SESSION NOT SO SPECIAL**  
**FINANCE BILLS ON THEIR WAY — BUT WHERE?**  
**END-OF-SESSION PUSH-PULL**

HF1705 - HF1736

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 19 • MAY 20, 2011



# Flashback to 1991, 2001, 2006

## State support and big sporting events

No direct appropriations were approved to fund the Super Bowl and the NCAA men's basketball tournament slated for the Twin Cities in 1992. There is speculation, however, that a \$4 million Department of Trade and Economic Development tourism fund, for non-specified joint ventures, is available and could be used by the state to help finance the two mega events.

**Session Weekly May 24, 1991**

## Racing to the finish line

With only one of the major omnibus finance bills passed, and with a minute left of the 2001 session, House Majority Leader Tim Pawlenty (R-Eagan) motioned to adjourn with a message to state residents:

"Hoping that the good people of Minnesota judge us on our final work after a special session and not on this process, I move that the House do now adjourn." After Gov. Jesse Ventura called a special session June 11, it took 20 days to resolve the budget differences largely between the House and Senate.

**Session Weekly May 25, 2001**

## Honeycrisp gets state designation

A new law designates the Honeycrisp apple as the state fruit. The bill originated as a writing assignment for a class from Andersen Elementary School in Bayport and Rep. Mike Charron (R-Woodbury) and Sen. Brian LeClair (R-Woodbury) were convinced to carry the legislation. The Honeycrisp, a genetically engineered hybrid of the Macoun and Honeygold apple varieties, was developed at the University of Minnesota's Horticultural Research Center starting in the 1960s and formally introduced in 1991.

**Session Weekly May 26, 2006**

## Twins win in final at-bat

A conference committee agreed to a financing package to help support construction of a new Twins ballpark. The plan, later passed by the Legislature and signed into law by the governor, includes \$130 million for the Twins and sales tax exemptions for construction materials estimated at \$14 million over four years beginning in 2007. Approximately 79 percent of the ballpark costs will be paid through a 0.15 percent Hennepin County sales and use tax increase imposed without a voter referendum. The bill also provides \$4 million per year, with a 1.5 percent annual inflation factor, for youth sports and additional public library hours throughout Hennepin County for as long as the tax is collected.

**Session Weekly May 26, 2006**

## Contents

**FIRST READING:** Special session talk surrounds end-of-session • 3-4

**HIGHLIGHTS:** Marriage amendment, voter ID, libraries • 5-16

**AT ISSUE:** Provision in environment finance bill would close a tree nursery • 18

**AT ISSUE:** Tuition increase could be offset by grant increases in higher ed. bill • 19

**AT ISSUE:** Health and human services budget bill remains a sticking point • 20

**AT ISSUE:** Legacy funding bill needs conference to resolve differences • 21

**AT ISSUE:** Tax proposals showcase gap to smooth end of sessions • 22

**BILL INTRODUCTIONS:** HF1705-HF1736 • 23

**MINNESOTA INDEX:** Facts and figures about teaching and learning • 24

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

**On the cover:** House Speaker Kurt Zellers answers a question during a news conference outside the Governor's Residence after a May 17 early morning meeting with Gov. Mark Dayton. Senate Majority Leader Amy Koch, Senate Deputy Majority Leader Geoff Michel, House Majority Leader Matt Dean and House Way and Means Committee Chairwoman Mary Liz Holberg were also available for questions.

— Photo by Tom Olmscheid



# Special session? Not so special anymore

Number 50 since statehood could be imminent

By KRIS BERGGREN

**I**f it's late May, the lilacs are blooming, the school buses are amassing in Capitol parking lots and the question everyone's asking is: Will lawmakers finish their work on time?

This year's session deadline is 11:59 p.m. on May 23.

If legislators don't get their work done, there could be a special session, as there has

been 49 times since statehood, including two brief ones last year. One, held May 17, just hours after the regular session expired, featured a budget-balancing bill; the second, Oct. 18, was for flood relief.

The Minnesota Constitution permits the Legislature to meet in special session on "extraordinary occasions." But with such occasions becoming almost routine, the question is begged: What's special about a special session?

"I think people are expecting a special session at this point. It's clear the governor and majority party haven't reached common ground," said Rep. Kerry Gauthier (DFL-Duluth).

In anticipation of such an event, Rep. Kurt Bills (R-Rosemount), sponsors HF686 that would call for salary reductions for elected officials and agency heads if the budget bills fail to be enacted by the end of the regular session.

"Didn't have many takers on that one," Bills said. "If we go to special session, I would feel that the Senate, the House and the governor didn't get the job done on time and I hope we are not rewarded with more pay/stipends."



*"I think people are expecting a special session at this point. It's clear the governor and majority party haven't reached common ground."*

— Rep. Kerry Gauthier  
DFL-Duluth



*"Historically, many sessions have ended with negotiations in the final hours and minutes of session. I'm focused on believing and hoping we will come to a resolution."*

— Rep. Glenn Gruenhagen  
R-Glencoe



*"(I) would like to see us end on time with a balanced budget signed by the governor. But I don't think that will happen."*

— Rep. Rena Moran  
DFL-St. Paul



*"If we go to special session, I would feel that the Senate, the House and the governor didn't get the job done on time and I hope we are not rewarded with more pay/stipends."*

— Rep. Kurt Bills  
R-Rosemount



PHOTO BY TOM OLMSCHIED

Rep. Mary Murphy, left and former Rep. Tom Pugh share a desk in the Senate Chamber during a special session on Sept. 28, 1989. The House had to meet in the Senate Chamber because the House Chamber was under renovation.

First Reading continued on page 4

## First Reading continued from page 3

Rep. Rena Moran (DFL-St. Paul) said her constituents “would like to see us end on time with a balanced budget signed by the governor. But I don’t think that will happen.”

With less than a week remaining, Rep. Glenn Gruenhagen (R-Glencoe) remains optimistic.

“Historically, many sessions have ended with negotiations in the final hours and minutes of session. I’m focused on believing and hoping we will come to a resolution,” he said.

## Freshmen perspectives

As the regular session comes to a close, new members reflected on their first year.

Politically and geographically, Gauthier, Gruenhagen, Bills and Moran represent divergent constituencies and passions, and different sets of principles and values. But as first-term legislators they all agree there’s a steep learning curve about how to put those principles into action.

They’re finding their way, listening, learning, influencing and advocating.

“I am working hard to ensure we have a strong education system,” said Moran, whose committee assignments include the House Education Reform Committee. She’s proud the House passed HF563, which she sponsors, that would create full-service school

## Special session facts

A special session doesn’t mean legislators are just sitting around at the Capitol. Instead they will wait to hear from their leadership.

It’s the governor who has the constitutional authority to initiate a special session but doesn’t have the authority to limit its scope or length. (Actually, the Legislature could call itself into special session, but only when the state is under attack by enemies of the United States.)

The longest special session lasted 175 days in 1971, with Gov. Wendell Anderson at the state’s helm. Six were called in one biennium, 1981-1982. The first was called by Gov. Alexander Ramsey in 1862 to respond to American Indian-settler conflicts.

Any legislation to be considered must be introduced as new bills – no holdovers from regular session. Expedited procedures are usually used, such as declaring an “urgency” allowing suspension of the requirement that each bill be considered three times on three days in each body of the Legislature. The maximum cost to the House is estimated to be \$21,887 per day.

zones expanding transportation options in some areas. She said the modest proposal could help school districts around the state begin to chip away at the achievement gap by encouraging safer transportation and therefore better school attendance and improved student achievement at neighborhood schools.

Gruenhagen said first-year members have been influential in the majority caucus.

“Most of us were elected on a reform government, live within your means, no new taxes agenda. We have reinforced those principles in the caucus,” he said. He’s passionate about growing the private sector in Minnesota, in order to increase the tax base which will support state services – especially necessary down the road a bit when baby boomers retire in droves and will need those services.

Bills, a member of the House Taxes Committee, agrees. He hopes next year to work with fellow legislators on crafting a “21st century tax policy” for state government.

“The economists are all talking about productivity as the way forward and it’s the way out of our economic situation. I look forward to having those discussions with people now that I’m a little bit more learned,” said Bills, who teaches Advanced Placement economics to high school seniors every morning before coming to work in St. Paul.

On a personal note, Bills said the transition from being the teacher to being a learner has been a challenge. “For 14 years in Room 201 at Rosemount High School, I’ve been the master and commander of my realm. And to come here and to not know everything, that’s been a little bit frustrating just to myself, because I push myself really hard to try to understand everything.”

Gauthier said he’s learned by doing – and by observing strategies that work. For example, he offered an amendment to a bill on the House floor that contained a bill he sponsored but which wasn’t heard in committee. That way, his concerns were aired publicly and brought to the attention of committee chairs.

Gauthier and the others say they enjoy the political debate and exchange of ideas on the floor and in committee. They’re politicians, after all.

The Duluth lawmaker said his biggest disappointment in his first term is that the interests of some Minnesotans are pitched against the interests of others.

“We’ve had a session that’s been about two different Minnesotas: wealthy versus non-wealthy, urban versus rural, young versus old. ... At the end of the day we’re all one Minnesota,” Gauthier said.

“If we are going to do our work here, we have to compromise,” Moran said. 🗽



PHOTO BY TOM OLMSCHEID

Rep. Karen Klinzing and Shawn M. Peterson, director of majority legislative services, talk in a beam of light shining on the right side of the front desk in the House Chamber during a July 13, 2005 blackout at the Capitol during a special session.

Reporting contributed by Sue Hegarty



# HIGHLIGHTS

MAY 12 - 19, 2011

## Dear readers,

As we put this issue of Session Weekly to bed, it is not clear whether the Legislature will meet the May 23 constitutional deadline for adjournment.

If there is a special session, this will be your last regular Session Weekly for the 2011 legislative session. However, you can look forward to a Session Weekly wrap up in your mailbox after a special session, if one is held.

However, if legislative business is finished on time, Session Weekly staff will immediately get to work producing this session's final issue, which is expected to be produced in early June, after gubernatorial action is taken on all bills presented to Gov. Mark Dayton. It will give you a complete look at the action during the last days of this session.

If you would like to follow the happenings of the House on a regular basis after the regular session ends, consider subscribing to Session Daily for online information when news from the House warrants. For more information go to [www.house.mn/list/join.asp?listname=sessiondaily](http://www.house.mn/list/join.asp?listname=sessiondaily).

You can also follow us on:

Twitter at [twitter.com/MNHouseInfo](http://twitter.com/MNHouseInfo);

Facebook at [www.facebook.com/MNHouseInfo](http://www.facebook.com/MNHouseInfo); and

YouTube at [www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo).

SESSION WEEKLY STAFF

**Editor's note:** The following Highlights are coverage of select information heard in House committees and other House activities held May 12-19. Designations used in Highlight summaries: HF-House File; SF-Senate File; CH-Chapter; and \*- the bill version considered by the House or the bill language signed by the governor.

## Business & Commerce

### Maintenance plumbing license created

A new category of licensed maintenance plumber would be created, under a bill passed May 13 by the House 130-1.

Rep. Larry Howes (R-Walker), who sponsors HF632, said the bill would make it easier for small resort owners to do routine upkeep. The bill now awaits action by the Senate State Government Innovation and Veterans Committee. Sen. Bill Ingebrigtsen (R-Alexandria) is the Senate sponsor.

The restricted plumbing license has been problematic for those owners, said Rep. Tim Mahoney (DFL-St. Paul). Rep. John Ward

(DFL-Brainerd) also urged support "for the 'ma and pas' we want to make sure we keep open to continue to build that tourism dollar in our area."

Eligible to take the maintenance plumber's exam are those who have completed four years of practical plumbing experience or four years of experience in maintenance and repair of plumbing equipment, apparatus, or facilities. The plumbing board would be authorized to

adopt rules regarding the new category.

— K. BERGGREN

### Conformity in uniform code

Unanimous House approval was given to a bill that would revise provisions of Article 9 of the Uniform Commercial Code that have proved troublesome during the decade since it was last amended.

HF444/SF194\* updates the section of the

## SPEAKER PRO TEMPORE



PHOTO BY TOM OLMSCHEID

**Rep. Torrey Westrom, stands at the speaker's rostrum May 17. In wielding the speaker's gavel, Westrom became the first blind state representative to serve as speaker in the state's history — and possibly U.S. history.**



code that applies to “secured transactions,” or commercial transactions that involve the creation of a security interest, or lien, on collateral such as business inventory, livestock, equipment and accounts.

Rep. Pat Mazorol (R-Bloomington), who sponsors the bill with Sen. Dave Thompson (R-Lakeville), said the changes were recommended by uniform law commissioners and supported by the Minnesota State Bar Association to bring Minnesota into conformity with other state’s practices. Passed by the House 134-0, the bill now goes to the governor’s desk.

Among other changes, the bill would require a filing form for a personal property lien to include the filer’s name as it appears on a driver’s license or state-issued identification.

“It may strike you as being just a trivial thing, but I can assure you that in many cases there are millions, maybe billions, of dollars at stake if these things are misfiled. Because in bankruptcy you lose your lien if these things are not properly filed,” Gene Hennig, a member of the National Conference of Commissioners on Uniform State Laws,

told the House Commerce and Regulatory Reform Committee March 9.

— K. BERGGREN

### **Loan guarantee program passed**

The House voted May 16 to approve a plan to encourage lending to small businesses by having the state guarantee certain gap loans.

One caveat: if enacted, the program would go unfunded for now.

Rep. Bob Gunther (R-Fairmont) sponsors HF611, which would establish a small business loan guarantee program. His goal is to thaw credit markets that have been frozen during the recent economic crisis.

“The financial collapse of 2008 dried up the mortgage market and lending market for small businesses,” Gunther said.

Under the proposal, the state would guarantee up to 70 percent of loans made by qualified gap lenders — organizations that provide subordinate loans in conjunction with larger loans made by commercial financial institutions. The total guarantee amount would be capped at \$1.5 million per loan.

The bill would establish a loan guarantee

trust fund to cover the cost of potential defaults; however, no appropriation is made to the fund. Gunther said the bill is intended to serve as a “placeholder” until the state can afford to fund the program.

“They hope to in the future; that’s why the language is here,” Gunther said.

Passed 113-20 by the House, it was laid on the table May 17 by the Senate, where Sen. John Sterling Howe (R-Red Wing) is the sponsor.

Some members questioned the value of establishing a loan guarantee program that isn’t funded.

“Why is it that we need this bill if this is already happening?” said Rep. Debra Hilstrom (DFL-Brooklyn Center).

Rep. Ryan Winkler (DFL-Golden Valley) argued the state might not be the best organization to make decisions about which businesses deserve loans.

“What does the state know about private market loans and guarantees that the private market doesn’t know?” he said.

The bill specifies a number of criteria and requirements for businesses to qualify for the

## **WELCOME GOVERNOR**



PHOTO BY TOM OLMSCHIED

**Gov. Mark Dayton greets members of the House and Senate Republican caucus prior to addressing them about his concerns on the state’s budget May 19.**

program. Basic requirements include having 500 or fewer employees and using the money for specified business purposes exclusively in the state.

— N. BUSSE

### Well contractors' licensing clarified

Signed  
by  
the  
governor

Gov. Mark Dayton signed a new law, sponsored by Rep. Larry Howes (R-Walker) and Sen. Al DeKruif (R-Madison Lake), which clarifies certain exemptions from licensing and bonding related to some types of outdoor installation duties well contractors perform.

The law also removes a sunset date on a provision regarding installation of control valves on a well water service pipe.

Signed May 13, the law takes effect Aug. 1, 2011.

HF569\*/SF588/CH21

— K. BERGGREN

## Civil Law

### Marriage amendment to House floor

Amid shouts to vote "no" by audience members, the House Rules and Legislative Administration Committee voted 13-12 May 18 to approve letting the full House vote on whether to put the question of defining marriage on the 2012 ballot.

HF1615/SF1308\* would ask the question: "Shall the Minnesota Constitution be amended to provide that only a union of one man and one woman shall be valid or recognized as a marriage in Minnesota?" Rep. Steve Gottwalt (R-St. Cloud) and Sen. Warren Limmer (R-Maple Grove) sponsor the bill. It was passed 38-27 by the Senate May 11.

Rep. Tim Kelly (R-Red Wing) was the lone Republican to vote against the bill, which was otherwise approved along party lines.

Rep. Michael Paymar (DFL-St. Paul) tried to amend the bill to delay the submission to voters until the 2014 election. When that motion failed, he asked to have the bill laid over, which also was unsuccessful.

"This is an important issue, and one that should not be decided by politicians or judges, but one that should be decided by the people," Gottwalt said.

Public testimony is not typically given in the rules committee, and there was public posting that there would not be public testimony. But with a full room of bill opponents, DFLers thought testimony should be allowed.

"This is kind of the last chance to hear from the public," said Rep. Leon Lillie (DFL-North St. Paul).

Paymar said the job of the committee is to decide "whether the contentiousness and the divisiveness that this bill will probably engender is something that we actually want, not only on the House floor, but on the ballot in 2012. I think it's important that all these people came here this morning (and) that we allow testimony."

But Republicans disagreed.

"Our main purpose is to move bills to the House floor. This has been debated in a committee already. It will be debated on the House floor. They took testimony in the previous committee. The public can have a lot of input by calling their state rep to tell them ... how they would like to vote," said Rep. Larry Howes (R-Walker).

"The people that didn't come here, I'm not sure it would be fair to them because they may have looked at that notice, and knowing there was not going to be public testimony, did not take the time to come here," Rep. Kurt Daudt (R-Crown) said.

In a 14-11 roll call vote, members voted along party lines not to allow testimony.

— S. HEGARTY

### Immunity extended for school districts

Rep. Bob Dettmer (R-Forest Lake) believes adults and children would be more likely to engage in physical activity if schools were

more comfortable allowing outside groups to use their recreational amenities.

He sponsors HF1343 that would clarify a statute that provides civil immunity for school districts that make their facilities available for recreational use by the public. The immunity would bar a person from holding the district liable for an injury or loss resulting from the use of the school facility for recreational activity.

The bill was passed 129-3 by the House May 16. It now awaits action by the full Senate, where Sen. Ted Daley (R-Eagan) is the sponsor.

"This is a continuation of the effort of solving the problem of childhood obesity," Dettmer said. "The American Heart Association brought the idea forward. It removes a barrier for schools to allow the facilities to be used for recreational purposes."

The bill does not change current law regarding a school district's liability in allowing public use of its recreational spaces, Dettmer said, but offers comfort language to help clarify the civil immunity.

— L. SCHUTZ

## Education

### School bus crossing arm requirement

Future school buses used in the state could have an extra safety device.

Sponsored by Rep. Larry Howes

### SPREADSHEET SCRAMBLE



PHOTO BY TOM OLMSCHIED

People with an interest for health and human services issues scramble to get the final spreadsheet of the omnibus health and human services finance conference committee as conferees reach an agreement on a budget May 17.



(R-Walker), HF392 would require all school buses used in the state that are manufactured after Jan. 1, 2012, to be equipped with a crossing control arm on the front right bumper that automatically expands out whenever the bus is stopped and the flashing red lights are in use.

Passed 133-1 by the House May 16, the bill awaits action by the full Senate. Sen. Pam Wolf (R-Spring Lake Park) is the Senate sponsor.

It costs about \$300-\$350 for a new bus to have the approximately 8-foot arm, a small price, supporters say, to help keep children safe. If an elementary school student is too close to a bus, the driver may not see them over the hood.

Howes said many buses in the Twin Cities metropolitan area already have such a crossing arm, partially because districts require them in bus operator contracts, but it is rare in northern Minnesota.

The bill also adopts five 2010 federal standards for buses: fenderette color, seat cushion depth, the placement of auxiliary fans, permissive authority for the placement of cameras on buses and a requirement that Type III vehicles must contain at least three red reflectorized triangle road warning devices instead of the old burning pot-type flares.

— M. COOK

## Elections

### Political donation refund could end

Calling the political contribution refund program “an illegitimate function of government,” Rep. Steve Drazkowski (R-Mazeppa) said its repeal would save the state approximately \$12 million per biennium.

A bill he sponsors to do just that, HF66, was passed 69-61 by the House May 16. It was laid on the table May 17 by the Senate. Sen. David Senjem (R-Rochester) is the Senate sponsor.

The bill would eliminate the refund program, which was suspended by 2010 legislation, but is scheduled to be reinstated on July 1, 2011.

Under the program, contributions to a Minnesota political party or candidates qualified for a state-paid refund of up to \$50 a year for individuals or \$100 for a married couple. Only contributions to candidates who signed an agreement with the Minnesota Campaign Finance and Public

Disclosure Board to observe state campaign spending limits qualified for the refund.

Drazkowski said the program has its origin in 1990, first formed as a tax credit and later changed to a tax refund. He said Minnesota is one of five other states to have such a program.

Rep. Larry Howes (R-Walker) spoke against the bill. “It is an incumbency protection bill. This bill makes it more difficult for a challenger to raise money and makes it difficult to get elected.”

“The PCR program is a model that elections groups look to be emulated, because it increases the power and influence of regular people,” said Rep. Kent Eken (DFL-Twin Valley). “It pushes candidates and constituents to connect with each other. ... Not only are you limiting the voice of the people, you are expanding the power of deep pockets.”

The bill’s provisions have also been agreed to by the House and Senate as part of the omnibus tax bill (HF42\*/SF27).

— L. SCHUTZ

### Tentative deal on voter ID

A plan to require all Minnesota voters to show a valid photo identification to vote is one step closer to Gov. Mark Dayton’s desk.

Members of a conference committee reached an agreement May 14 on language for HF210/ SF509\*. Sponsored by Rep. Mary Kiffmeyer (R-Big Lake) and Sen. Warren Limmer (R-Maple Grove), the bill would require all voters to present a photo ID with their current address before receiving a ballot.

The Senate re-passed the bill 37-25 May 18 as amended by conference. If re-passed by the House, it would go to the governor for action.

Overall, the bill is intended to boost the integrity of elections. It would require photo ID, but also provide that voters without an ID could cast a provisional ballot that would be counted if they verify their identity to local authorities within seven days after an election. Voters without a current photo ID could apply for a free voter ID card from the state.

The practices of vouching and Election Day registration would be eliminated. The bill would also provide for a system of electronic polling place rosters to replace the current paper-based system; however, adoption of the new rosters would be optional to each local government. Kiffmeyer emphasized that point.

“This is something that the local governments choose — whether this makes sense for their county,” she said.

Differences between the House and Senate

versions of the bill were largely technical in nature.

Among the more significant changes, conferees adopted House language providing a process for residents of a battered women’s shelter to prove their residency. They dropped Senate language that would have allowed vouching for residents of nursing homes and other residential facilities.

Also adopted was a provision that would require additional campaign finance reporting in the state. Though not directly related to voter ID, Kiffmeyer said the provision is intended to encourage the governor’s signature.

Critics of photo ID proposals argue the requirement presents difficulties for the elderly, the disabled, and those who move frequently or who lack financial resources.

— N. BUSSE

## Employment

### Jobs bill to governor’s desk

All but a handful of state-funded jobs and housing programs would see their funding reduced, under the omnibus jobs and economic development finance bill headed for Gov. Mark Dayton’s desk.

Sponsored by Rep. Bob Gunther (R-Fairmont) and Sen. Geoff Michel (R-Edina), HF1049/SF887\* would provide biennial funding for the Housing Finance Agency, Department of Employment and Economic Development, Department of Labor and Industry and a number of smaller agencies.

The House voted 71-61 on May 19 to re-pass the bill as amended by conference. It now goes to the governor. The Senate re-passed it 37-27 on May 17.

The bill’s net impact to the General Fund would be \$138.2 million — a 17.8 percent reduction from base funding. Most programs would be reduced, with a few exceptions. The bill would infuse \$2 million of new money in the first year of the biennium into vocational rehabilitation services, in order to leverage more federal dollars to help the disabled. The Housing Trust Fund, which funds rental assistance, would also get a \$2 million boost. Finally, State Services for the Blind would get an extra \$150,000.

The bill would reform the way grant money is distributed through DEED to nonprofit organizations that perform workforce and business development. Beginning in fiscal year 2013, the current system of “earmarking” would end. In its





PHOTO BY TOM OLMSCHIED

**Co-chairs of the omnibus jobs and economic development conference committee, Rep. Bob Gunther, right and Sen. Geoff Michel shake hands after the committee reached an agreement on their proposed budget bill May 16.**

place, a series of three new competitive grant programs would be established: one for business developments, one for adult workforce development, and another for youth workforce development.

“This innovation will drive nonprofit organizations that receive state funding to provide the best return on our investment,” Gunther said.

Though the organizations currently funded by DEED via pass-through grants would be able to compete for grant money under the new system, overall funding for these budget areas would be reduced. Rep. Karen Clark (DFL-Mpls) voiced concern about the impact of the cuts on particularly youth-oriented job training programs.

“This is one of those huge missed opportunities,” Clark said.

Rep. Joe Mullery (DFL-Mpls) said the bill overall would be bad for programs that help Minnesotans become productive members of the middle class. He said he blamed Republican leaders, not Gunther.

“I realize you had a lot of problems trying to figure out what you could do with what you got,” Mullery said.

The bill also contains nearly \$16.3 million in proposed one-time transfers from special accounts into the General Fund. It no longer contains a proposed transfer from the Douglas J. Johnson Economic Protection Trust Fund — that provision was removed in conference committee and is contained in the omnibus tax bill (HF42).

— N. BUSSE

### Libraries helping job seekers

Out-of-work Minnesotans have increasingly turned to public libraries to look for job openings, post applications and build their resumes. On May 16, the House passed a bill designed to help libraries coordinate with state workforce centers to help the unemployed.

Sponsored by Rep. Carol McFarlane (R-White Bear Lake), HF844 would require Gov. Mark Dayton to appoint a representative from public libraries to the Governor’s Workforce Development Council. The individual would serve in an advisory role only.

The House passed the bill 128-6. It awaits action by the Senate Rules and Administration Committee. Sen. Carla Nelson (R-Rochester) is the Senate sponsor.

Minnesota has 52 workforce centers run by the Department of Employment and Economic Development. These centers help Minnesotans look for jobs and prepare for career changes. McFarlane said the bill would be “a good step” toward establishing close working relationships between workforce centers and libraries.

“While there have been some efforts toward cooperation between the public libraries and workforce centers, those efforts have been spotty. They’ve been largely dependent on individuals taking initiative at the local level,” she said.

Rep. Diane Loeffler (DFL-Mpls) said libraries have “clearly become an information center” helping especially older workers

who don’t have Internet at home and need assistance using computers.

“If you haven’t visited and talked to your local librarian lately ... they are just overwhelmed with people who are unemployed and struggling to find a job in this new economy,” she said.

— N. BUSSE

### Pension bill is ‘good bipartisan work’

An omnibus retirement bill described by its sponsor as the smallest in nearly two decades appears to have bipartisan support.

Sponsored by Rep. Morrie Lanning (R-Moorhead), HF1647 proposes a variety of mostly technical changes to state laws governing public employee pension programs. The House Government Operations and Elections Committee approved the bill May 16 and sent it to the House Ways and Means Committee.

The bill represents the work of the Legislative Commission on Pensions and Retirement — a bipartisan, bicameral group that recommends legislative changes to public employee pension programs, which are governed by statute. The bill would modify actuarial assumptions for salary increases and payroll growth for several retirement plans, bringing them in line with the results of a recent actuarial experience study.

Selected other provisions in the bill include:

- modifying the way the St. Paul Teachers’ Retirement Fund Association’s post-retirement benefits are adjusted until greater funding ratios are achieved;
- increasing from three to five years the period of time after which some employees enrolled in the Duluth Teachers’ Retirement Fund Association become vested;
- specifying that new employees of the Minnesota State Colleges and Universities system are enrolled in the Teachers Retirement Association coverage; and
- a handful of changes relating to specific individuals in various retirement programs.

Rep. Ryan Winkler (DFL-Golden Valley) said the bill is an example of “below-the-radar, good bipartisan work.”

Sen. Julie Rosen (R-Fairmont) sponsors the companion, SF1369, which awaits action by the Senate State Government Innovation and Veterans Committee.

— N. BUSSE

## LEGISLATIVE FOOTBALL



PHOTO BY TOM OLMSCHIED

**Gov. Mark Dayton, left, tells reporters May 16 that he is meeting House and Senate leaders halfway on his tax plan but they are not compromising. He said he is at the “50 yard line,” while they are at the “20 yard line.”**

### Unemployment insurance changes

Employers would save an estimated \$20 million, and requirements for those who apply for unemployment insurance benefits would be simplified under a bill passed by the House May 16.

Sponsored by Rep. Bob Gunther (R-Fairmont) and Sen. John Pederson (R-St. Cloud), HF1396/SF1130\* would enact changes recommended by the state’s Unemployment Insurance Advisory Committee. Passed 113-19, it now returns to the Senate, where a different version passed 65-0 on May 10.

The bill would remove a minimum 2 percent special assessment on employers that goes to pay for interest on federal unemployment insurance loans. Gunther said the change would save employers \$20 million.

One potentially controversial change would repeal a law enacted last year to make it easier for those working at temporary staffing agencies to refuse work and collect unemployment benefits. Neither last year’s law nor the provision in Gunther’s bill to repeal it were recommended by the advisory committee. The provision was not included in the Senate version of the bill.

Selected other provisions include:

- expanding the definition of “immediate

- family member” to include grandparents;
- changing the qualifying requirements to establish a UI benefit account; and
- treating “paid time off” the same as vacation time is treated in delaying unemployment insurance payments.

— N. BUSSE

## Env. & Natural Resources

### Policing waterways for invasives

If you plan on getting onto Minnesota waters this summer, you may want to follow proposed legislation that would affect your use of water-related equipment besides boats.

HF1097/ SF1115\* is intended to help stop the spread of zebra mussels and other aquatic invasive species by requiring people to drain water, remove plugs and open valves before leaving the water.

A conference committee approved details of the omnibus environment policy bill May 17, which now goes back to the House and Senate for consideration.

“I think this is incredibly important to get a handle on this as quickly as possible,” said Rep. Connie Doepke (R-Orono), who lives near Lake Minnetonka.

Sponsored by Rep. Denny McNamara

(R-Hastings) and Sen. Bill Ingebrigtsen (R-Alexandria), the bill would also require watercraft operators to obtain and display a decal on their canoe, motorized boat or other watercraft. The free decal would outline the new regulations and would be available when owners register their watercraft, which is once every three years. After Aug. 1, 2014, violations would become a petty misdemeanor.

The Department of Natural Resources would train conservation officers and others to operate inspection stations near boat ramps. Inspectors would be allowed to visually and physically inspect water-related equipment to determine whether aquatic invasive species, aquatic plants or water remains. If a person transporting the equipment refuses to take corrective action or fails to comply with an order the violation could be reported to a conservation officer or other licensed peace officer.

Also included in the bill is HF716, sponsored by Rep. Bob Gunther (R-Fairmont), which would not require an automatic environmental assessment worksheet for the construction or expansion of some ethanol plants. An environmental assessment worksheet outlines basic facts necessary to determine whether an



environmental impact statement is required for a proposed project.

Also, residents near a proposed state project could find a more difficult time petitioning for an EAW. Under an amendment added by Rep. Dan Fabian (R-Roseau), the number of signatures required to petition for an EAW would increase from 25 to 100 individuals who reside or own property in the county or an adjoining county where the proposed project would be located. In conference committee, Sen. Paul Gazelka (R-Brainerd) unsuccessfully tried to decrease the number to 75, saying it may be too difficult to get 100 signatures in some rural areas.

— S. HEGARTY

## Health & Human Services

### DHS policies, programs modified

The House voted 129-3 May 16 to pass a Department of Human Services continuing care policy bill that would modify disability services and personal care assistance (PCA) programs and make changes to a nursing facility relocation project and hardship area statutes.

Sponsored by Rep. Rod Hamilton (R-Mountain Lake), HF1406 also makes technical and language changes to the telephone equipment distribution program. It now awaits action by the full Senate. Sen. Sean Nienow (R-Cambridge) is the Senate sponsor.

The bill would modify the PCA program to clarify definitions for eligibility and coverage for PCA services that would align with current policy and the comprehensive assessment and clarify who can do PCA assessments. It would also modify long-term care consultations to define administrative functions for assessment for program and service eligibility determinations and level of care for persons who are in need of long-term care services.

The bill would also:

- provide the human services commissioner the authority to indicate on a license whether the physical location of a foster care setting is the primary residence of the license holder;
- include the community residential setting license in the development of the quality outcome standards;
- modify home and community-based rates and standards;
- consolidate certain reporting requirements and modify the PCA program to remove inconsistencies in statute and comply with

- federal waiver and plan requirements; and
- modify the quality outcome standards to exclude customized living services.

— H. LONG

### Sex offender program efficiencies

A bill that would modify existing statutes to improve efficiencies in the state's sex offender program was approved May 13 by the House Ways and Means Committee and sent to the House floor.

Sponsored by Rep. Mary Kiffmeyer (R-Big Lake), HF1478 contains several provisions related to the civil commitment process for registered sex offenders.

Its companion, SF1287, sponsored by Rep. David Hann (R-Eden Prairie), awaits action by the full Senate.

Some of the provisions in the bill include:

- expansion of existing procedures for voluntary re-admission to a secure facility for a civilly committed sex offender who has been provisionally discharged;
- strengthening and clarification of state agency and law enforcement authority roles in apprehending and returning a civilly committed sex offender who is absent without authorization;
- streamlining of sexually dangerous person and sexually psychopathic personality commitment procedures to a single hearing, instead of two;
- modification of the community public notification, which ensures that community notification of the broadest scope available under the law is used when a civilly committed sex offender is going to reside in the community; and
- directing the Department of Human Services to work with the Revisor's Office to develop legislation next session that would reorganize sex offender civil commitment statutes so they are clear and distinguished from statutes that pertain to other civil commitment categories.

— H. LONG

## Housing

### Pole barn safety law signed

Signed  
by  
the  
governor

A 47-year-old father of seven died recently after a fall through a skylight on a pole barn roof. A new law could prevent similar accidents.

Gov. Mark Dayton signed a new law May 13 directing the state building code to require that skylight panels used with

corrugated roofing materials, such as those used in pole barns, have the same load-bearing capacity as the roof surrounding them. It does not apply to skylights with curbs.

The law, sponsored by Rep. Mike LeMieur (R-Little Falls) and Sen. Doug Magnus (R-Slayton), is effective May 14, 2011.

HF529\*/SF916/CH20

— K. BERGGREN

## Local Government

### No more elections for some offices

In what has become a fairly routine occurrence, House members voted May 16 to let a handful of counties make some of their offices appointive rather than elective. Less routine, however, was the list of members voting in favor of the bill.

Sponsored by Rep. Debra Kiel (R-Crookston), HF1544 would apply to the positions of recorder and auditor-treasurer in Freeborn, Marshall and Mower counties. It would provide a process for the county boards to appoint those positions, which are currently elected offices.

Over the years, lawmakers have granted the same authority to numerous other counties, who say those positions have grown more professionalized and that they have trouble recruiting qualified candidates to run for those offices. Though supporters say it's practical, some lawmakers argue it's undemocratic.

One of those who has consistently opposed switching county offices to appointive is Rep. Torrey Westrom (R-Elbow Lake). In spite of his well-known passion for the issue, Westrom announced that he would "shock" his colleagues by voting in favor of the bill. The reason? He said the bill provides a sufficient process for either county residents or the board to reverse the change.

"I don't like this road we're going down, but I like the process that Rep. Kiel has worked on and added into her bill," Westrom said.

The House passed the bill 91-41. It now awaits action by the Senate Rules and Administration Committee. Sen. LeRoy Stumpf (DFL-Plummer) is the Senate sponsor.

— N. BUSSE

## Public Safety

### Bill aims to keep Minnesotans safe

Headed to the governor's desk is a conference committee report that funds



the state's judiciary branch and aims to keep Minnesotans safe.

Sponsored by Rep. Steve Smith (R-Mound) and Sen. Warren Limmer (R-Maple Grove), HF440/SF958\* was passed 71-61 May 19. It was approved 36-28 by the Senate two days earlier. The bill would spend almost \$1.8 billion from the General Fund.

"Our priorities included funding our courts and protecting our constitutional rights and statutory mandates," Smith said.

In relation to projected baseline funding for the 2012-2013 biennium, the Supreme Court, district courts, Court of Appeals and Board of Public Defense would receive a 1.2 percent increase.

"The Tax Court is given a \$70,000 or a 4.4 percent increase," Smith said. "The Board of Judicial Standards is increased \$28,000, or 3.2 percent, to restore funding for investigations and hearings on judicial and misconduct cases. The Sentencing Guidelines Commission and Uniform Laws Commission are held constant at base levels. The Guardian ad Litem Board is reduced \$1.5 million, or 6.1 percent, with a directive to prioritize cases of abuse and neglect over family law cases."

Civil Legal Services would be reduced by \$4 million, or 16.9 percent, to shift those resources into the courts. However, it would receive \$1.2 million in special revenue from attorney registration fees.

The bill aims to address sexually exploited youth by creating a safe harbor policy to protect juveniles involved in prostitution and sex trafficking. It provides that a juvenile under age 16 cannot be prosecuted for a prostitution offense under the state's delinquency code. A 16- or 17-year-old alleged to have committed a first-time prostitution offense must be referred to diversion or child protection.

"It also directs the Department of Public Safety to develop a statewide victim services model for sexually exploited youth, if funding is provided through a private donor or gift," Smith said.

In the area of public safety, the report cuts almost \$12 million from the Office of Justice Programs, transfers \$8.5 million from a fire safety training account and \$5.2 million from a 911 emergency system account to the General Fund and takes \$1 million from the Bureau of Criminal Apprehension.

The report calls for a 65 percent reduction to the Department of Human Rights, and directs that the remaining money be used on enforcement measures while eliminating

the department's state-funded education and research responsibilities.

"We absolutely need this agency to help enforce our laws which are intended to help all Minnesotans," said Rep. Joe Mullery (DFL-Mpls). "This bill really hurts our businesses because it cuts the efforts to help those businesses comply with our laws and avoid huge fines."

The bill would also require offenders with 60 days or less remaining in their sentences to serve that time in a county jail or workhouse, and require the state to participate in the Department of Homeland Security's Secure Communities initiative.

— M. COOK

### Vulnerable adult protections

Signed  
by  
the  
governor

Care providers who sexually abuse vulnerable adults in their care will be required to register as predatory offenders, under a new law that takes effect Aug. 1, 2011.

Sponsored by Rep. Tim Kelly (R-Red Wing) and Sen. Warren Limmer (R-Maple Grove), the law makes reforms to the Vulnerable Adult Act, which was last substantially revised in 1995 to include making it a crime for vulnerable adult care facility workers or caregivers to engage in sexual conduct or penetration with a vulnerable adult in their care. But the law does not include language that requires someone convicted of these crimes to register as a predatory offender.

The law, signed May 18 by Gov. Mark Dayton, will also increase the fourth-degree assault penalty from a misdemeanor to a gross misdemeanor for those who know or have reason to know their target is a vulnerable adult and still assault that person because of the perceived vulnerability and cause bodily harm in the act. Current statute states that a person who assaults a vulnerable adult receives a misdemeanor penalty unless they were the caregiver of the victim, in which case it is a gross misdemeanor.

In Minnesota, a vulnerable adult is defined as someone who receives nursing home care services or has impairments that make it impossible for them to care for themselves on a daily basis and are sufficiently impaired that they cannot protect themselves from maltreatment.

HF447\*/SF195/CH28

— H. LONG

### House repeals primary seatbelt law

The House adopted an amendment to an omnibus judiciary policy bill May 16 that would repeal the state's primary seatbelt law.

Rep. Tom Rukavina (DFL-Virginia), who opposed the legislation when it was passed in 2009, sponsored the repeal, which the House approved 75-55. The omnibus judiciary policy bill, HF1023, sponsored by Rep. Steve Smith (R-Mound), was then passed as amended 105-25. It awaits action by the full Senate. Sen. Warren Limmer (R-Maple Grove) is the Senate sponsor.

The primary seatbelt law is "totally unnecessary and is more of a revenue raiser than a safety issue," Rukavina said. A repeal would return seatbelt violations to being a secondary offense.

Those who spoke in opposition included Rep. Kim Norton (DFL-Rochester), who sponsored the 2009 law.

"Minnesota spent 20 years getting the primary seatbelt law passed," Norton said, adding that over the last two years, compliance has increased and deaths have decreased. "The seatbelt bill has worked, and certainly I hope we don't take a step backwards."

House Minority Leader Paul Thissen (DFL-Mpls) argued that repealing the law would result in a significant loss of revenue to the Department of Public Safety and access to federal highway funds tied to the state having such a law.

Rep. Mark Buesgens (R-Jordan) said House members shouldn't reject the Rukavina amendment just because the primary seatbelt law is tied to federal highway funding.

"How long are we going to sit here and let the federal government hold us hostage?" he asked.

In addition to repealing the primary seatbelt law, HF1023 would make various changes related to the judiciary, including: clarifying placement of vehicle license plates; establishing an administrative dismissal process for submitting proof of insurance in failure to provide vehicle insurance cases; clarifying certain fees and surcharges; streamlining notary provisions and certain lien filing and record procedures; modifying service provisions in order for protection dismissals; amending record retention provisions for probate records; clarifying guardian ad litem expenses; amending spousal maintenance calculations; authorizing the court to issue protective orders for "Safe at Home" participants in legal proceedings; and modifying standards for opening juvenile delinquency proceedings.



PHOTO BY TOM OLMSCHIED

**Sharon Pearson, right, tells reporters May 17 that her daughter Bethany, left, would not be alive if she had not been wearing her seatbelt when her car was T-boned by a truck. The news conference was held in response to the House's vote to repeal the primary seatbelt law as part of the omnibus judiciary policy bill passage the previous night.**

Rep. Phyllis Kahn (DFL-Mpls) unsuccessfully offered an amendment that would require registered vehicles to only have one license plate on the rear bumper.

— H. LONG

Senate. Sen. Geoff Michel (R-Edina) is the Senate sponsor.

— H. LONG

### Sex offender restriction passed

A bill that would aid the courts in protecting sex crime victims from their juvenile offenders was passed by the House May 16.

Rep. Keith Downey (R-Edina) sponsors HF229, which would authorize a judge to bar a juvenile found guilty of a sex crime from residing within 1,000 feet, or three city blocks, of the victim. The bill states that the offender would have to be over age 15 and that the residency restriction could be ordered for all or part of the time that the offender is under court jurisdiction.

The bill was brought to Downey following a case where a juvenile offender received treatment and was released to his family after having molested a young girl. The victim's family asked for a residency restriction order, but was told by the judge that nothing could be done to prevent the offender from living next door upon his completion of the treatment.

It would insert permissive language to ensure the court system fully understands that a judge has the option to issue such restraining orders in cases similar to the one Downey described.

Passed 132-1, it awaits action by the full

## State Government

### Reforms, budget cuts advance

An omnibus state government finance bill containing ambitious plans to reform state services — along with significant budget cuts — is on its way to Gov. Mark Dayton's desk.

Sponsored by Rep. Morrie Lanning (R-Moorhead) and Sen. Mike Parry (R-Waseca), HF577/SF1047\* would fund core state government operations and veterans programs for the 2012-2013 biennium. It would spend a total of \$600.3 million from the General Fund — a 34.2 percent reduction from base funding levels.

On May 19, the House voted 70-62 to re-pass the bill as amended by a conference committee. The Senate re-passed it 37-29 on May 18.

Most agencies funded by the bill would receive a reduction of between 5 and 15 percent in their biennial operating budgets. This includes the Legislature, the constitutional offices, Minnesota Management & Budget, the Revenue Department and many smaller agencies. Beyond the budget cuts, the bill anticipates savings from a wide range of reform initiatives.

One provision would require that the total number of state employees be reduced 15 percent by 2015. The executive branch would have discretion over how to make the reductions. Lanning said the reductions would likely come from normal attrition rather than layoffs.

Another cost-saving measure would make state workers pick up \$90 million of the state's current share of their health insurance costs. Rep. Ryan Winkler (DFL-Golden Valley) said the provision would result in employees' out-of-pocket costs increasing by thousands of dollars annually. He argued it would be unfair to workers.

"This bill insults them; it undermines the confidence and the trust that we have placed in them," he said.

Only two agencies would be exempt from any budget reductions or cost-saving measures: the Military Affairs and Veterans Affairs departments. In fact, the agencies would both receive small budget increases.

"Veterans affairs and military affairs were held harmless; they will not be subject to any additional reduction," Lanning said.

Rep. Phyllis Kahn (DFL-Mpls) criticized the bill for depending on revenues from a tax analytics proposal and a provision to expand a federal offset program. She said the Department of Revenue has not substantiated the \$168 million booked as savings in the bill. She also said cuts to the department would affect its ability to collect taxes effectively.

Other reform initiatives in the bill include:

- establishing a Sunset Advisory Commission to explore opportunities to eliminate, combine or reorganize state agencies;
- cutting the number of deputy and assistant commissioners at state agencies;
- requiring state budget officials to use zero-based budgeting methods;
- consolidating all state information technology staff and operations under the Office of Enterprise Technology;
- freezing state worker salaries until June 30, 2013;
- creating a performance-pay pilot program to fund nonprofits whose work can be demonstrated to have measurable cost savings to the state;
- requiring the Department of Administration to issue requests for proposals for vehicle fleet consolidation, building efficiency improvements and strategic sourcing;
- loosening restrictions on outsourcing



- state services to private contractors; and
- establishing a performance appraisal and performance pay system for state employees.

— N. BUSSE

### State Agency Value Initiate now law

**Signed  
by  
the  
governor**

State agencies that save some of their money rather than spend it all will be rewarded, under a new law.

Sponsored by Rep. Duane Quam (R-Byron) and Sen. David Senjem (R-Rochester), the law will let agencies keep 50 percent of any unspent funds at the end of a budget cycle. The funds will carry over into the next biennium, and agencies and their employees will be able to choose how to spend the money.

The program is called the State Agency Value Initiative, or SAVI. It's designed to mitigate the so-called "Christmas in June" effect. In this alleged practice, agencies spend as much money as possible near the end of a fiscal biennium so as not to appear overfunded.

Quam said he got the idea for the legislation from community college employees who felt that spending money just for the sake of getting the same amount the next time around is wasteful.

Under the provisions, a "peer review panel" will be established in each participating agency to give the employees a say in how the savings are spent. The funds must be used toward projects that support the agency's mission.

Signed May 18 by Gov. Mark Dayton, the law takes effect June 30, 2013, and expires June 30, 2018.

HF299\*/SF543/CH24

— N. BUSSE

### Charities financial reporting

**Signed  
by  
the  
governor**

Charities should have an easier time complying with financial reporting requirements, under a new law.

Sponsored by Rep. Greg Davids (R-Preston) and Sen. Ted Daley (R-Eagan), the law simplifies accounting regulations for charitable organizations as defined by statute. Under the provisions, the state's annual financial reporting requirements would match up more closely with federal requirements, eliminating the need for charitable organizations to report two different sets of numbers.

The law also raises from \$50,000 to \$100,000 the reporting threshold for directors, officers and employees of the

organization and related organizations.

Signed May 18 by Gov. Mark Dayton, the provisions take effect Aug. 1, 2011.

HF786\*/SF615/CH25

— N. BUSSE

### House passes 'strategic sourcing' bill

A proposal to hire outside consultants to help the state look for ways to save money on its purchasing activities won the approval of the House May 16.

Sponsored by Rep. Keith Downey (R-Edina), HF1234 would direct the Department of Administration to seek proposals for "strategic sourcing" consulting services. The plan would involve contracting with a private company to look for efficiencies in the state's procurement operations. They would be paid a percentage of the resulting savings.

House members voted 69-60 in favor of the measure. It now goes to the Senate, where Sen. John Carlson (R-Bemidji) is the sponsor.

Downey said the state spends \$2 billion on various products and another \$2 billion on services. He said the state's newly implemented accounting software would make it easier for a consulting firm to analyze that spending and spot duplicative and inefficient spending.

"For the first time, we will have all agencies, all of their purchasing, all of the vendor contracts, all of their vendor payments in one place, so we have a new opportunity to analyze that spending and find ways to improve it," he said.

Rep. Ryan Winkler (DFL-Golden Valley) criticized the bill as "welfare for private vendors" and doubted whether it would lead to any real savings.

"It doesn't save money; it's not government reform. It's just another business handout to people who come to town with ideas on how to convince state government that they can't do the job," he said.

Rep. John Benson (DFL-Minnetonka) successfully offered an amendment to appropriate \$433,000 to fund the bill. He said the appropriation was called for in a fiscal note provided by Minnesota Management & Budget, which stated that the equivalent of two full-time employees would be needed to run the program. Downey disputed the conclusions of the fiscal note, but accepted the amendment anyway.

— N. BUSSE

## Transportation

### Transportation policy bill to floor

License plates and vehicle lights, driver's training and speed-limit violations on a person's driving record — these are among the provisions in the omnibus transportation policy bill now on its way to the House floor.

Sponsored by Rep. Mike Beard (R-Shakopee), HF1068, as amended, was approved May 16 by the House Ways and Means Committee. A companion, SF920, sponsored by Sen. Joe Gimse (R-Willmar) awaits action on the Senate floor.

Among the provisions in the bill are HF615, sponsored by Rep. Mark Buesgens (R-Jordan), which would allow the classroom/theory portion of driver's education training to be completed through an online program approved by the Department of Public Safety. Sponsored by Rep. Andrea Kieffer (R-Woodbury), HF650 would require carbon monoxide poisoning awareness be part of the driver's education curriculum and be part of the driver's license knowledge test. Rep. Bruce Anderson (R-Buffalo Township) sponsors HF867 that would allow issuance of an instruction permit to someone who has not yet completed the classroom phase of driver's education if certain other conditions are met.

Other provisions in the omnibus bill include:

- HF392, sponsored by Rep. Larry Howes (R-Walker), which would require all school buses used in the state that are manufactured after Jan. 1, 2012, to be equipped with a crossing control arm on the front right bumper that automatically expands out whenever the bus is stopped and the flashing red lights are in use;
- HF537, sponsored by Rep. Dean Urdahl (R-Grove City), which would prohibit speed limit violations of up to 10 mph over the speed limit in 55 and 60 mph zones from going on a person's driving record;
- HF721, sponsored by Rep. Mary Kiffmeyer (R-Big Lake), which would allow a disability placard to be placed anywhere on the vehicle's dashboard;
- HF808, sponsored by Rep. Sarah Anderson (R-Plymouth), which would require the Driver and Vehicle Services Division in the Department of Public Safety to include a mechanism for vehicle owners to donate \$2 for organ donation educational programs as part of vehicle registration and renewal;
- HF906, sponsored by Rep. Tom Rukavina (DFL-Virginia), which would require

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



## INFRARED BLOSSOMS



PHOTO BY ANDREW VONBANK

In this infrared image, Senate Researcher Danna Elling climbs the stairs on the north wing of the Capitol to get to an early morning meeting May 16.

the Department of Transportation to designate by March 15, 2015, one of two specific options as the alternative route for realigning a stretch of Trunk Highway 53 near Virginia, with construction on the new route to begin by June 1, 2015;

- HF1067, sponsored by Rep. Mike Nelson (DFL-Brooklyn Park), which would expand the list of restricted activities on state rail bank property, such as prohibiting plowing and placing buildings or structures; and
- HF1412, sponsored by Rep. Rich Murray (R-Albert Lea), which would allow electric-assisted bicycles on state trails and paths.

— M. COOK

### Anatomical gift program donation

People applying for a driver's license or state identification card are already asked if they want to be an organ donor. They may also be asked to contribute financially.

Rep. Sarah Anderson (R-Plymouth) sponsors HF808 that would establish a

\$2 donation option "for the purposes of public information and education on anatomical gifts."

The money would be used as grants to federally certified organ procurement organizations and nonprofit organizations that advocate for organ and tissue donation. Funds would also cover all Department of Public Safety expenses to implement the program.

Approved 131-0 by the House May 16, it was tabled the next day by the Senate, where Sen. David Senjem (R-Rochester) is the sponsor. The provision is also in the omnibus transportation policy bill, HF1068.

Anderson said more than 2 million Minnesotans are currently signed up for organ donation; a rate of about 50 percent.

"The other eight states that currently have this language in place far exceed organ donation compared to Minnesota," she said. "Alaska has an organ donation checkoff rate of 76 percent; Montana 76 percent; Washington at 72 percent and the list goes

on. This is an effort to make people more aware of this and try and save lives."

— M. COOK

### Omnibus bill passed by House

Critics say transit does not fare well in the omnibus transportation finance conference committee report.

Sponsored by Rep. Michael Beard (R-Shakopee) and Sen. Joe Gimse (R-Willmar), HF1140\*/SF898 checks in at \$4.5 billion in total spending, with \$62.16 million coming from the General Fund. User fees and taxes make up much of the remaining funding. However, the General Fund spending is a \$118 million reduction from current biennial funding.

Passed 71-61 by the House and 36-26 by the Senate May 19, the bill awaits action by the governor.

The bill includes a \$109.44 million reduction to the Metropolitan Council and \$7.62 million reduction to Greater

Minnesota transit. Funding for elderly and disabled transit in Greater Minnesota would be held level, as would special transportation services under the Metropolitan Council.

Beard said the numbers aren't as bad as they may appear because there has been an uptick in Motor Vehicle Sales Tax revenues, of which at least 40 percent must go to transit operations. Beard said it is forecast to provide \$98 million in new transit funds in the upcoming biennium to be split between metro and Greater Minnesota transit.

MVST funds were not designed to "supplant and fully fund" Greater Minnesota transit, said Rep. Terry Morrow (DFL-St. Peter), noting in nine of the last 10 years MVST revenues have not met expectations.

Transit officials warned the cuts could result in sizeable transit fare increases, significant route reductions and the laying off of hundreds of employees.

To help back-fill a portion of its funding

reduction, the report permits the council to transfer uncommitted money in the Livable Communities Fund — used to address affordable and lifecycle housing needs and provide funds to assist communities in carrying out their development plans — and the amounts levied and collected under the right-of-way acquisition loan fund program — used to preserve right-of-way in rapidly growing areas — for transit, paratransit, light rail and commuter rail services.

Permissive language is included that would permit money from the Counties Transit Improvement Board be transferred to the Metropolitan Council for transit operations, subject to a referendum. Beard previously said the board, whose activities to improve transit are funded with a quarter-percent sales tax in five Twin Cities metropolitan area counties, has \$90 million in reserves. He said when the board was authorized in 2008, its first \$30 million went to the Met

Council to help with an operating deficit.

The bill also:

- increases the appropriation from the state airports fund for grants for airport development and assistance by \$1.775 million in fiscal year 2013 only, which reduces the state airports fund balance;
- prohibits MnDOT from expending funds for commuter and intercity passenger rail planning unless there are special circumstances;
- allows for annual permits for transporting oversized waterfront structures;
- expands eligibility for the Gold Star license plate;
- requiring carbon monoxide poisoning awareness in driver's education; and
- establishes a \$2 donation program for promotion of anatomical gifts implemented as part of vehicle registration and driver licensing.

— M. COOK

## FIFTH MINNESOTA



PHOTO BY TOM OLMSCHIED

Civil War re-enactor Lt. Vince Bergdale (Maple Grove) of Company C, Fifth Minnesota Infantry stands as part of the honor guard May 18 in the rotunda during the Civil War Sesquicentennial Day.

# 'Bold and beautiful' or full of inequities?

Confusion exists whether K-12 bill increases or cuts funding

By KRIS BERGGREN

**W**early House members voted 70-55 May 18 to pass the conference committee report for the omnibus education finance bill.

Rep. Pat Garofalo (R-Farmington), a sponsor of HF934\*/SF1030, called it a "bold and beautiful bill" featuring reforms, including a teacher appraisal and effectiveness rating system; expanding school choice through a nonpublic school voucher program for some low-income students; a school report card A-to-F grading system; and changes to teacher tenure and bargaining rights that would prohibit teacher strikes, eliminate seniority-only employment decisions and create five-year renewable tenure. It would increase basic per pupil funding by \$41 over the 2012-2013 biennium.

Rep. Carlos Mariani (DFL-St. Paul) called it "an experiment with unsupportable proposals."

"I see that there are many proven methods of increasing student achievement that are not included in the bill," said Rep. Denise Dittrich (DFL-Champlin), including early childhood education and extended-time revenue.

The conference committee report passed the Senate 37-26 later in the morning where Sen. Gen Olson (R-Minnetrissa) is its sponsor. It now awaits action by the governor.

### \$450 million increase or \$44 million cut?

When the conference report was introduced on the House floor around 2 a.m., DFL members took turns speaking against funding changes and policy provisions they said would create "winners and losers" among state students.

"The inequities that plague education funding currently continue in this bill," Dittrich said.

"If you're a small, rural, isolated, declining-enrollment district with poor property wealth, you're out of luck. No help. Get along, go along on your own. Do the best you can," said Rep. Tom Anzelc (DFL-Balsam Township).

Rep. Mindy Greiling (DFL-Roseville) distributed spreadsheets to members showing net gains in some school districts' per pupil funding compared with baseline spending and losses in others districts, with Duluth, Minneapolis and St. Paul "clearly the biggest losers."

According to Garofalo, the bill's target of \$14.13 billion for the 2012-13 biennium would increase funding by \$450 million in additional state aid. According to Greiling, it represents a \$44 million cut that would hit Duluth, Minneapolis and St. Paul, especially hard, but would also result in per pupil net cuts to many other districts throughout the state.

Each sees the same numbers differently, with Garofalo comparing them to prior year spending and Greiling to the base budget.

"I don't know of any person in this body who campaigned to cut K-12 education. But that's what we're looking at tonight, in the middle of the night," Greiling said.

The voucher proposal drew particular opposition from DFL members.

Mariani said the plan "sucks money out

of our public education system and sends it off to private institutions. With this voucher program we're just going to hand over \$17 million with minimal accountability. And that's on top of the \$11 million tax credit" for private school tuition proposed in the tax bill passed earlier that day.


Rep. Kelby Woodard (R-Belle Plaine) said the scholarships would offer one more school choice option that empowers parents.

"If parents decide this is not an option they want to take, the money never leaves," he said.

The bill would eliminate integration rule, or the statute that requires school districts to establish measures to promote racial integration at school sites within a district or in collaboration with nearby districts. Mariani said the move makes no sense during a time when multicultural skills are more necessary than ever in a global economy and increasingly diverse state.

It would repeal integration aid in fiscal year 2012, to be partially replaced with innovation transition achievement revenue and literacy aid. Compensatory revenue — a complex formula based on district and site concentrations of students in poverty — would be delinked from the basic formula and fixed at \$4,179 per eligible pupil. Combined, the cuts would affect Duluth, Minneapolis and St. Paul schools most, DFL members said.

Garofalo said lawmakers had accommodated some of the governor's positions including restoring part of the regular and excess special education aid growth factor and removing a proposal to close the Perpich Center for Arts Education as a state agency.

He said May 17 that the voucher issue had come up in conversations with Education Commissioner Brenda Cassellius, but would not characterize her or the governor's position on the bill or say if he thinks it's headed for a veto. 



# Trees from start to finish

### Environment finance bill would close tree nursery

By SUE HEGARTY

**T**he House voted 72-61 May 18 to accept a conference committee report that would transfer about \$30 million of account balances into the General Fund and would close one of the state's two tree nurseries.

The proposals are part of HF1010\*/SF1029, the omnibus environment, energy and natural resources finance bill sponsored by Rep. Denny McNamara (R-Hastings) and Sen. Bill Ingebrigtsen (R-Alexandria). It passed the Senate 35-28 May 19 and now awaits action by the governor.

Under the bill, \$14 million would be transferred in fiscal year 2012 from the state's worker's compensation assigned risk plan, followed by \$9 million in fiscal year 2013.

"They were fund balances in accounts where the money was no longer needed," McNamara said. "We're using unspent balances."

Other General Fund transfers would come from the Renewable Development Fund and the auto theft prevention account.

The funds are distributed as grants to local governments for auto theft prevention efforts. Sheriffs and attorneys testified that the program is working, and they did not want to see the grants reduced. However, a \$1.5 million fund balance is expected at the end of this fiscal year, according to Tim Jahnke, financial management director for the Department of Commerce. Jahnke said in committee that more than \$3.4 million is expected to be

awarded in grants, the same as previous years.

Telecommunications Access Minnesota has a fund balance from collecting a 10-cent fee per call. Jahnke said the department had hoped to lower the fee to 4 or 6 cents to draw down the fund balance. With the proposed transfer of \$1.1 million to the General Fund, Jahnke said the fees

could still be reduced, just not as much as previously planned.

Rep. Ryan Winkler (DFL-Golden Valley) raised a broader policy question

about how the finance bill is interrelated to other bills, such as the Legacy funding bill and the omnibus state government finance bill. Cuts to agencies combined with Legacy funding may be construed as supplanting and leave the state open to court challenges, Winkler said.

Instead of using \$3 million to develop the new Lake Vermilion State Park, the Legislative-Citizen Commission

Resources appropriation would be diverted to prevent the closure of more established state parks.

Rep. David Dill (DFL-Crane Lake), whose district includes the new state park, said funds to develop "the most beautiful shoreline in the state are being raided to keep other parks open."

**"They were fund balances in accounts where the money was no longer needed. We're using unspent balances."**

— Rep. Denny McNamara (R-Hastings)



**"The most beautiful shoreline in the state is being raided to keep other parks open."**

— Rep. David Dill (DFL-Crane Lake)



The Department of Natural Resources questioned whether the rerouting of funds would go against the statutory rule that LCCMR funds not replace traditional sources of funding.

### Tree nurseries

Dill said he refused to sign the conference committee report because it would take funds away from the timber industry, which earns money for the General Fund. He said paper companies and related businesses depend upon the state's timber industry to stay competitive in a global market.

According to the bill, the General C.C. Andrews state tree nursery would close by June 30, 2013, and a phase-out plan for the remaining Badoura state tree nursery would be required if management operations draw down more than 10 percent of its reserves in two consecutive fiscal years.

Rep. Tom Anzelc (DFL-Balsam Township) called the state nursery closing a "job killer." Rep. Jean Wagenius (DFL-Mpls) opposed a provision that would sell excess tree stock to licensed nurseries and not to private citizens. No more than 2 percent of sales could be deciduous trees.


In committee, McNamara said there is no reason for the state to compete with the private sector for deciduous tree sales.

### Permitting and agency cuts

Other areas of the bill include changes to permit policies.

Cuts proposed to state agencies, such as the DNR and the Board of Water and Soil Resources, could result in layoffs and slow processing of state permits, which is counterproductive to the streamlining of permits enabled by HF1 and the governor's executive order, Wagenius said.

"We need government to live within its means," said McNamara.

Another provision would raise the number of signatures required by petitioners for an environmental assessment worksheet from 25 to 100 signatures. Rep. Frank Hornstein (DFL-Mpls) said changes to the environmental review policies are a "steady erosion of citizen engagement" that started with HF1. 

# Brain-drain concerns

Tuition increase could be offset by state grant increases in higher education finance bill

By MIKE COOK

**T**he omnibus higher education finance conference committee report cuts much sharper than the budget proposed by Gov. Mark Dayton.

Sponsored by Rep. Bud Nornes (R-Fergus Falls) and Senate President Michelle Fischbach (R-Paynesville), HF1101\*/SF924 would reduce \$411.1 million in funding from the forecast base, about an 11 percent reduction from current biennium spending. Dayton's plan calls for a \$170.9 million base reduction.

Checking in at nearly \$2.51 billion, the bill would cut the University of Minnesota 18.9 percent from forecast base. The Minnesota State Colleges and Universities system would be reduced by 14.3 percent from forecast base.

The Senate bill called for an 18.9 percent General Fund reduction to the university; the House, 17.7 percent; and the governor, 6 percent. The respective MnSCU percentages were 13.3 percent, 15.9 percent and 6 percent.

"It's a good bill when you consider everything that we're dealing with," Nornes said before the House passed the bill 69-57 May 18. The Senate passed it 35-31 May 19, sending it to Dayton's desk.

Officials from both systems note the proposed funding levels are comparable to

1998 while they are serving approximately 40,000 more students. They say the cuts would lead to hundreds of faculty layoffs, thousands of reduced course offerings, program closures, millions of dollars in lost research opportunities and would

hurt Minnesota's competitiveness in future years because of fewer qualified workers.

"If we're going to keep raising tuition the way that we have over the last decade, we will have a Minnesota brain-drain. We'll

have more and more college students leaving Minnesota never to return," said Rep. Terry Morrow (DFL-St. Peter). "I cannot believe that we would want to go

back to last century funding, last century research, last century education, when we need to compete in this century."

However, the state grant program would see an additional

\$21.1 million, a 7.3 percent increase. The House proposed increasing base funding for the state grant program by \$27.1 million; the Senate \$7.2 million; and the governor kept state grant funding at base levels. The bill also provides stable funding for child

care assistance grants to help students with children continue their education.


"The entire focus has been how we can help students," Nornes said. "By granting an increase of funding to the state grant program ... this allows students in every sector of higher education to receive needed aid to assist them in financing their education."

In an effort to ensure students don't bear the brunt of state reductions, MnSCU could not raise tuition by more than 3 percent per year at the two-year state colleges, and by no more than 5 percent in the first academic year and 4 percent in the second academic at the state universities. The annual increase in mandatory fees would be limited to 4 percent, unless a higher rate gets approved by student associations.

It is requested the university also adhere to the 5 percent/4 percent tuition increases and 4 percent fee increase. Because of its autonomy, the Legislature can only request the university do things.

"This bill doesn't help students. It increases their cost; it reduces their access; it destroys their opportunities," said Rep. Jeanne Poppe (DFL-Austin).

Other policy and finance provisions in the bill include:

- 1 percent of fiscal year 2013 university and MnSCU funding is contingent on the meeting of specific criteria;
- encouraging MnSCU and the university to offer a guaranteed tuition plan;
- eliminating the matching grant program that is part of the Minnesota college savings plan;
- lowering of the eligibility age for the senior citizen higher education program from 66 to 62;
- prohibiting use of state or federal funds, for state programs, to support human cloning or for expenses incidental to human cloning; and
- repealing the requirement that public institutions sell American-made clothing and apparel in their bookstores to the extent possible. 



***"By granting an increase of funding to the state grant program ... this allows students in every sector of higher education to receive needed aid to assist them in financing their education."***

— Rep. Bud Nornes  
R-Fergus Falls



***"If we're going to keep raising tuition the way that we have over the last decade we will have a Minnesota brain-drain. We'll have more and more college students leaving Minnesota never to return."***

— Rep. Terry Morrow  
DFL-St. Peter

# Surgical precision

### HHS budget — end-of-session sticking point

By HANK LONG

**A** bill that has traditionally been a sticking point in past session budget negotiations is now in the hands of Gov. Mark Dayton.

The House passed a conference committee report on the omnibus health and human services finance bill 69-63 May 19 that outlines \$1.6 billion in projected General Fund spending reductions for the 2012-2013 biennium. The Senate passed the bill 36-28 about six hours earlier.

"We have worked hard to reach out to the administration and all stakeholders to develop a bill that protects priorities, promotes reform and creates a sustainable system," said Rep. Jim Abeler (R-Anoka), who sponsors HF927/SF760\* with Sen. David Hann (R-Eden Prairie). The conference committee report calls for \$10.9 billion in total health and human services spending.

The governor's health and human services budget proposes \$600 million in cuts for the next biennium, which DFL House members were quick to point out is the more balanced approach than the one the Republican majority in the House and Senate has taken.

"We ought to be trying to figure out how we can keep institutions alive until the economy recovers," said Rep. Thomas Huntley (DFL-Duluth). "We will destroy institutions because of this bill. We will destroy hospitals, some groups that provide

services to people who are handicapped and a lot of other damage."

Republicans said health and human services spending has increased 109 percent in the past decade. The report would cut projected spending by 15 percent.

"We simply cannot afford the spending growth of the last decade," Hann said,

"and this bill takes the necessary steps to get a handle on unsustainable spending."

The report's biggest reduction in spending would come from the

elimination of Medical Assistance eligibility for adults without children beginning Oct. 11, 2011, a provision not included in Dayton's proposed budget. That alone counts for more than \$921 million in savings for the next biennium. Other significant cuts outlined

in the bill include a \$93 million freeze on waiver spending and reforms to managed care and high cost providers that would save \$197 million. The

report calls for restoration of the General Assistance Medical Care and Coordinated Care Delivery Systems programs which would put \$330 million back into the HHS budget. Both programs assist some of the state's poorest residents.

Huntley, the DFL lead on the House

***"If we are not careful, we are going to wind up with our system being unable to serve in a very good way all the people we so very much care about."***

— Rep. Jim Abeler  
(R-Anoka)



***"We ought to be trying to figure out how we can keep institutions alive until the economy recovers."***

— Rep. Thomas Huntley  
(DFL-Duluth).



Health and Human Services Finance Committee, said the Minnesota Hospital Association is not confident any hospital will sign up for the CCDS program because it is underfunded. He read a letter from the Minnesota Hospital Association that urged legislators to vote "no" on the conference report. The Republican plan would result in 125,000 people losing health insurance and take \$1.2 billion out of the state's health care systems, Huntley said.

Abeler said many of these people would be eligible for other plans, and he pointed to a provision in the report that would appropriate \$450 million in health care service programs annually for people earning income between the federal poverty guideline and 125 percent of poverty.


Earlier in the week, House and Senate Republican leaders met with the governor's staff and health and human services commissioners to discuss the differences between their numbers and Dayton's proposed budget. Abeler said the parties have not yet achieved full agreement, but have been working in amenable fashion in attempt to do so.

"We are all about finding a resolution that we will undoubtedly have to do," Abeler said.

Lt. Gov. Yvonne Prettner Solon told conferees May 17 that she hopes they keep in mind the state's most vulnerable citizens as they attempt to negotiate with the governor on a solution.

"It's also very, very important that we keep the (health and human services) infrastructure in place, including the hospitals, the providers, the nursing homes that provide that network toward our community, our Minnesota citizens," Prettner Solon said. "I am hoping you will remember that issue as you go about your deliberations."

Abeler said conference report figures represent overdue reform for a growth in spending that has become unsustainable.

"If we are not careful, we are going to wind up with our system being unable to serve in a very good way all the people we so very much care about," he said. 



# Legacy spending differences

Conference committee needed to determine parks and trails funding

By SUE HEGARTY

**H**ow to divide Legacy funds on parks and trails for the next two years is now in the hands of a conference committee.

The parks and trails fund is shared by the Department of Natural Resources and the Metropolitan Council. Overall, \$38 million is at stake each year of the next biennium. The DNR is appropriated 42 percent for state park operations, which are primarily in Greater Minnesota; the Metropolitan Council receives 42 percent for regional park operations within the seven-county Twin Cities metropolitan area; and the remaining 16 percent is distributed by the DNR as statewide competitive grants.

In HF1061/SF1363\*, the Senate is proposing a 39 percent split between the state parks and seven-county regional parks. That would leave 22 percent of the money for the competitive grant program. That could result in more funds flowing to the 80 counties outside the metro area.

The Senate approved its bill 52-14 May 12 before the House amended and passed the bill 86-45 two days later.

Rep. Bev Scalze (DFL-Little Canada) said the Senate position is not fair to the metropolitan area, which generates 65 percent of the revenue and has 55 percent of the population. She wants to keep the split a 42-42-16 division.

Rural legislators complained that you can't count the state parks as rural regional parks,

so they feel the scale is already tipped in the metro's favor.

"Rural parks are getting a crumb. We're asking for a slightly bigger crumb. We don't think that's unfair," said Rep. Paul Torkelson (R-Nelson Township). He added

that some of the sales tax generated in the seven-county metropolitan area is because Greater Minnesota residents shop, dine or attend events in the area.

Rep. Dean Urdahl (R-Grove City), who sponsors the bill with Sen. Bill Ingebrigtsen (R-Alexandria), said the DNR and council have proffered an agreement to divide the percentages 41-41-18 in fiscal year 2012 and 40-40-20 in fiscal year 2013.

"Each side has compelling arguments. There is no magic percentage," Urdahl said.

"I could have gone far to one side like the Senate, but I didn't. We need to maintain the agreement that we've reached."

Rep. Jim Davnie (DFL-Mpls) asked

members to take off their rural, urban and suburban hats and be good stewards of the parks based on where the need is. "The dollars should follow the utilization because that's where the wear and tear occurs."

Urdahl was quick to point out that the funds are "extra" money and must not substitute traditional funding for parks and trails. He

added that due to increases in sales tax receipts, parks and trails recipients could see an increase in Legacy funding even with lower percentages.


Another area of the bill where the House and Senate differ is in the outdoor heritage fund portion. The House bill sets aside \$759,000 more than the Senate to pay for ongoing costs associated with purchasing additional land with Legacy funds.

An amendment successfully offered by Rep. Steve Draskowski (R-Mazeppa) would prohibit the Lessard-Sams Outdoor Heritage Council from recommending new land acquisitions outside the seven-county Twin Cities metropolitan area for the next 10 years. Rep. Rick Hansen (DFL-South St. Paul) successfully amended the proposal to a 1-year moratorium after Rep. Denny McNamara (R-Hastings) said, "We do not want to tie the hands of future legislators."

Rep. Tom Rukavina (DFL-Virginia) successfully amended the language to allow for the purchase of school trust lands in Greater Minnesota during the moratorium.

Hansen also succeeded in deleting a \$600,000 appropriation from the DNR for outreach and education, and using the funds instead to increase the purchase of permanent conservation easements to protect drinking water.

In the arts and cultural heritage portion of the bill, Rep. Ryan Winkler (DFL-Golden Valley) successfully amended the bill to delete the \$2.8 million county fair grant program and add the funds for capital improvements for two veterans' camps, the Disabled Veterans Rest Camp on Big Marine Lake in Washington County and the Veterans on the Lake campground on Fall Lake in Ely. The camps offer active and veteran service members and their families a place to come together and recreate.

Requiring the DNR commissioner to agree in writing to each proposed easement acquisition purchased with Legacy funds was successfully amended by Rep. Jean Wagenius (DFL-Mpls). 



**"Each side has compelling arguments. There is no magic percentage."**

— Rep. Dean Urdahl  
R-Grove City



**"Rural parks are getting a crumb. We're asking for a slightly bigger crumb. We don't think that's unfair."**

— Rep. Paul Torkelson  
R-Nelson Township

# Two views on taxes

Tax proposals showcase gap to smooth end of session

By LEE ANN SCHUTZ

**T**he session-long debate over new revenue to solve the state's projected \$5.6 billion deficit came to a head May 17 as the House considered the governor's tax proposal in the morning and the conference committee report on the omnibus tax bill late into the evening.

"This is probably our most important vote for our work ahead, for it really is a parting of the roads of the vision for the state, and for the conclusion of session," said House Majority Leader Matt Dean (R-Dellwood).

"We've had this debate all session. ... How much are we really going to grow government, and do we need new revenue?"

Sponsored by Rep. Greg Davids (R-Preston) and Sen. Julianne

Ortman (R-Chanhassen), the conference committee report on HF42\*/SF27 was passed 71-58 by the House after midnight. Later in the day, it was passed 37-28 by the Senate. The governor's budget, in the form of a minority report to HF1261, ended in a 73-60 vote to not accept the report on May 17.

With an expected veto of the omnibus tax bill and session having to end by May 23, the philosophical divide appears to be intensifying between the Republican majority and Gov. Mark Dayton.

Republicans affirmed their commitment to "not a penny more" in new revenue. Their \$34 billion budget is based mostly on cuts and fund transfers, while DFLers characterized Dayton's approach as "fair to all people of Minnesota."

The governor's \$35.8 billion budget proposal would raise taxes on a married couple making over \$300,000 in taxable

income and single taxpayers making more than \$180,000 annually.

In an effort to compromise, he reduced his plan May 16 to \$1.8 billion in new tax revenue from his initial proposal to raise

***"This is a very clear choice between two competing philosophies of government. It's about Minnesotans keeping what they own or helping government take more money."***

— Rep. Doug Wardlow  
R-Eagan

provide \$202.71 million in tax relief during the 2012-2013 fiscal biennium, including a statewide property tax reduction; modification to the K-12 education tax credit to include private school tuition; an increase in the research and development credit; a phased-in income tax subtraction for those receiving military retirement pay; and several sales and use tax exemptions, including on downloadable ringtones.

A new Minnesota Science and Technology Authority would be established, and would receive \$500,000 to provide grants for research projects developed by a college or nonprofit organization or a qualified

\$3.36 billion in new taxes. Throughout the week, however, Dayton stood firm on that amount, along with \$1.9 billion in budget reductions.

The conference committee agreement would



***"We are saying if we build a strong middle class, that is what will build a strong economy. ... Today we are standing for fairness."***

— House Minority Leader  
Paul Thissen  
DFL-Mpls

science and technology company.

The bill would also reduce tax credits over the biennium by \$925.26 million. The greatest amount (\$198.95 million) would come from reductions to the renters' property tax refund, repeal of the Sustainable Forest Incentive Act and elimination of the political contribution refund.

Changes to the state's local government aid and county aid programs are targeted to save \$382.74 million in the biennium. The bill would also extend limits on the ability for local units of government to raise its levy for two years.

The bill changes the homeowners' market value credit, which DFLers say will create an automatic property tax increase for many homeowners and businesses. It also proposes a \$50 million reduction in the state's general levy for commercial industrial property in 2012-2013.


Several sales and use tax conformity issues are also addressed.

"This is a very clear choice between two competing philosophies of government," said Rep. Doug Wardlow (R-Eagan) "It's about Minnesotans keeping what they own or helping government take more money. ... Our founding principles include economic liberty. We need to trust in the people and their choices."

But DFLers said that protection of Minnesota's most vulnerable and tax fairness are priorities reflected in Dayton's proposal.

"A budget and a tax bill are a statement of priorities," said Rep. Kerry Gauthier (DFL-Duluth). "What I see is 140,000 people

losing health care, but 'not a penny more' from the wealthy people of Minnesota. ... This budget has always been about two different Minnesotas."

House Minority Leader Paul Thissen (DFL-Mpls) chastised Republicans for protecting "special interests" at the expense of the state's most vulnerable. "This debate is about how to build a better economy for the state. We are saying if we build a strong middle class; that is what will build a strong economy." 

# BILL INTRODUCTIONS

MAY 13 - 19, 2011  
HOUSE FILES 1705 - 1736

## Friday, May 13

### **HF1705-Mahoney (DFL)** **Jobs & Economic Development Finance**

St. Paul regional ballpark funding provided, city authorized to use design-build or construction manager at-risk method of project delivery, bonds issued and money appropriated.

## Saturday, May 14

### **HF1706-Mullery (DFL)**

#### **Civil Law**

Congregational approval of religious society actions required.

### **HF1707-Marquart (DFL)**

#### **Government Operations & Elections**

Minnesota Civic Compact, Minnesota Youth Council, Volunteer Capacity Building Partnership and the civic innovation fund created; state strategic plan, public policy goals and performance measures establishment required; evaluation process for performance measures achievement established; Office of Ombudsman created; reports required and money appropriated.

### **HF1708-Marquart (DFL)**

#### **Government Operations & Elections**

Minnesota Youth Council established.

### **HF1709-Gruenhagen (R)**

#### **Commerce and Regulatory Reform**

Small employer permitted to retain small employer health coverage when its workforce is reduced to one covered employee.

### **HF1710-Kahn (DFL)**

#### **Civil Law**

Gender-neutral marriage laws provided, and Marriage and Family Protection Act enacted.

### **HF1711-Daudt (R)**

#### **Public Safety & Crime Prevention** **Policy & Finance**

Forensic Laboratory Advisory Board provisions modified.

### **HF1712-Hortman (DFL)**

#### **Government Operations & Elections**

Anoka-Hennepin school district teacher authorized to purchase service credit for voluntary layoff and extended leave of absence despite a failure to make timely payments.

### **HF1713-Barrett (R)**

#### **Transportation Policy & Finance**

State resources prohibited for potential mileage-based user fee.

### **HF1714-Clark (DFL)**

#### **Judiciary Policy & Finance**

Alcohol judicial and health impact fund established to provide property tax relief, and alcohol judicial and health impact fee imposed.

## Monday, May 16

### **HF1715-Mack (R)**

#### **Health & Human Services Reform**

Medical laboratory science professionals licensure established, Board of Medical Laboratory Science created and fees established.

### **HF1716-Marquart (DFL)**

#### **Ways & Means**

Federal disaster assistance money appropriated to match FEMA Public Assistance Program.

### **HF1717-Daudt (R)**

#### **Health & Human Services Reform**

Health care providers prohibited from firearms inquiries.

## Tuesday, May 17

### **HF1718-Dill (DFL)**

#### **Environment, Energy & Natural Resources** **Policy & Finance**

Soudan Underground Mine State Park elevator repair funding provided, bonds issued and money appropriated.

### **HF1719-Gauthier (DFL)**

#### **Health & Human Services Reform**

Driving while impaired crime definition of the term "drug" added and the term "hazardous substance" modified.

### **HF1720-Mullery (DFL)**

#### **Government Operations & Elections**

Rev. Dr. Martin Luther King, Jr. Holiday council created.

### **HF1721-Gunther (R)**

#### **Jobs & Economic Development Finance**

Redevelopment demolition loans authorized.

## Wednesday, May 18

### **HF1722-Koenen (DFL)**

#### **Environment, Energy & Natural Resources** **Policy & Finance**

Maynard; flood relief funding provided, bonds issued and money appropriated.

### **HF1723-Buesgens (R)**

#### **Environment, Energy & Natural Resources** **Policy & Finance**

Sales and use tax rate increase dedicated for natural resources and cultural heritage purposes repealed, and constitutional amendment proposed.

### **HF1724-Brynaert (DFL)**

#### **Transportation Policy & Finance**

Mankato regional transit facility design and construction funding provided, bonds issued and money appropriated.

### **HF1725-Crawford (R)**

#### **Taxes**

Commercial seasonal recreational property definition extended to include facilities for conducting craft and hobby activities.

### **HF1726-Daudt (R)**

#### **Government Operations & Elections**

Presidential electors designation provided and duties specified.

### **HF1727-McElfatrick (R)**

#### **Environment, Energy & Natural Resources** **Policy & Finance**

Soudan Underground Mine elevator shaft emergency repair funding provided, bonds issued and money appropriated.

### **HF1728-Eken (DFL)**

#### **Environment, Energy & Natural Resources** **Policy & Finance**

Becker County waste transfer facility funding provided, bonds issued and money appropriated.

### **HF1729-Erickson (R)**

#### **Taxes**

Minnesota State High School League events temporary tax exemption made permanent.

### **HF1730-Hancock (R)**

#### **Government Operations & Elections**

Terms of office of legislators and executive officers limits placed and constitutional amendments proposed.

### **HF1731-Cornish (R)**

#### **Public Safety & Crime Prevention** **Policy & Finance**

Sex offenders indeterminate sentencing provided and review board created.

## Thursday, May 19

### **HF1732-Cornish (R)**

#### **Public Safety & Crime Prevention** **Policy & Finance**

Uniform use of force standard for peace officers provided.

### **HF1733-Lenczewski (DFL)**

#### **Taxes**

Cigarette and tobacco products taxes and fees increased, definitions modified, study required, floor stocks tax on cigarettes imposed, cigarette sales tax 2011 rate adjusted and money appropriated.

### **HF1734-Mariani (DFL)**

#### **Higher Education Policy & Finance**

Higher education attainment goal set and recommendations required to achieve the goal.

### **HF1735-Benson, J. (DFL)**

#### **Health & Human Services Reform**

Minnesota Companion Animal Protection Act adopted.

### **HF1736-Morrow (DFL)**

#### **Higher Education Policy & Finance**

Minnesota HOPE awards established for financial aid.



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to: House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## Facts and figures about teaching and learning

|   |          |
|---|----------|
| Number of public independent school districts on July 1, 2010 .....   | 333      |
| Number that had an excess levy referendum in 2009 .....   | 302      |
| State education budget proposed for 2012-2013 biennium, in billions .....   | \$ 14.13 |
| K-12 education as approximate percent of state budget .....   | 40       |
| K-12 public school enrollment on Oct. 1, 2009 .....   | 823,826  |
| Students who were enrolled in charter schools .....   | 35,375   |
| Students who received special education services .....  | 122,333  |
| Students who were English language learners .....   | 61,396   |
| Students who were eligible for free or reduced price lunch .....  | 297,744  |
| Pre-K and early childhood enrollment in 2009-2010 school year .....   | 13,933   |
| Number of Minnesota charter schools in 2010-2011 school year .....  | 149      |
| Year City Academy, first charter school in Minnesota and the U.S., opened .....                                       | 1992     |
| Number of Minnesota home-schooled students in 2008-2009 .....   | 15,653   |
| K-12 nonpublic school enrollment on Oct. 1, 2009 .....  | 77,202   |
| Number of nonpublic schools in 2008-2009 school year .....  | 567      |
| Approximate number of students enrolled in Catholic schools, Archdiocese of<br>St. Paul and Minneapolis in 2008 ..... | 32,879   |
| Elementary schools operated by Archdiocese .....  | 85       |
| Secondary schools operated .....  | 13       |
| Number of full-time equivalent public school licensed teachers in 2009 .....  | 52,969   |
| FTEs who are special education teachers .....   | 9,066    |
| FTEs who teach kindergarten .....   | 2,770    |
| FTEs who teach grades 1-6 .....   | 23,123   |
| FTEs who teach grades 7-12 .....  | 21,942   |
| Average years of teaching experience statewide .....  | 14.33    |
| Average charter school licensed teacher salary in 2008 .....  | \$46,792 |
| Average school district licensed teacher salary in 2009 .....   | \$52,414 |
| In 2010-2011 .....  | \$53,680 |
| Average nationwide private school teacher salary in 2008 .....  | \$36,250 |
| ACT scores, 2010 state average, of possible 36 points .....   | 22.9     |
| Rank, nationally .....  | 1        |
| National average ACT score .....  | 21.1     |

— K. BERGGREN

**Sources: Minnesota Association of Charter Schools; Archdiocese of St. Paul and Minneapolis; Minnesota Department of Education; Minnesota Education Statistics Summary, 2009-2010; National Center for Education Statistics, Digest of Education Statistics, 2009; House Fiscal Analysis Department.**

# SESSION WEEKLY



2011 SESSION WRAP-UP

FRESHMEN: DON'T TRY TO KEEP THIS GROUP QUIET

SESSION PHOTO ALBUM

LAW AND VETOES AND MORE TO COME

HF1737 - HF1761

A NONPARTISAN PUBLICATION  
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES  
VOLUME 28, NUMBER 20 • JULY 15, 2011



# Dear Readers:

The Legislature adjourned May 23 and is scheduled to reconvene for the second year of the biennium at noon, Jan. 24, 2012.

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

Most likely there will be a special session called to resolve the budget issues, and we will continue our coverage online of the negotiation process and any special session.

To stay informed, we suggest you follow one or all of our online services:

- Session Daily, the House electronic news source, will be updated during the interim and is accessible on the House home page, [www.house.mn](http://www.house.mn). Subscribers to Session Daily receive e-mail alerts whenever a new article is posted. To subscribe to Session Daily, log on to [www.house.mn/hinfo/sdaily.asp](http://www.house.mn/hinfo/sdaily.asp) or call 651-296-2146 or 800-657-3550.

- For information on any House committee or legislative commission meetings scheduled during the interim, go to [www.house.mn/hinfo/hinfosched.asp](http://www.house.mn/hinfo/hinfosched.asp).
- To subscribe to the house schedule electronic mailing list, go to [www.house.mn/list/join.asp?listname=houseschedule](http://www.house.mn/list/join.asp?listname=houseschedule).
- For information on interim meetings that will be video-streamed online, go to [www.house.mn/htv/schedule.asp](http://www.house.mn/htv/schedule.asp).
- Subscribe to the House Public Information Services' Twitter feed at [twitter.com/MNHouseInfo](https://twitter.com/MNHouseInfo); Facebook page at [www.facebook.com/MNHouseInfo](https://www.facebook.com/MNHouseInfo); and YouTube at [www.youtube.com/user/MNHouseInfo](https://www.youtube.com/user/MNHouseInfo).

To our readers currently on the Session Weekly mailing list, your free subscription will be rolled over to next year. The first issue of Session Weekly for the 2012 session is scheduled to be published Jan. 27, 2012.

— Session Weekly staff

## Contents

**FIRST READING:** State of Uncertainty • 3-5

**NEW LAWS:** 'Leo's Law,' 'Hannah's Law,' license plates and more • 6-25

**FEATURE:** Freshmen zeal for reform influences regular session agenda • 26-28

**RESOURCES:** Roster of House members • 29

**VETOES:** Spending bills, cheeseburger, photo ID, abortion issues • 30-37

**FEATURE:** Pictures tell the story of the regular session • 38-41

**AT ISSUES:** A closer look at the governor's reaction to bills he vetoed • 42-47

**GOVERNOR'S DESK:** Charting new laws, vetoes • 48-53

**BILL INTRODUCTIONS:** HF1737-HF1761 • 54

**RESOURCES:** Follow House news online • 55

**MINNESOTA INDEX:** Session 2011 • 56

## SESSION WEEKLY

Session Weekly is a nonpartisan publication of Minnesota House of Representatives Public Information Services. Produced during session, it covers the previous week's news from the House. No fee.

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

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

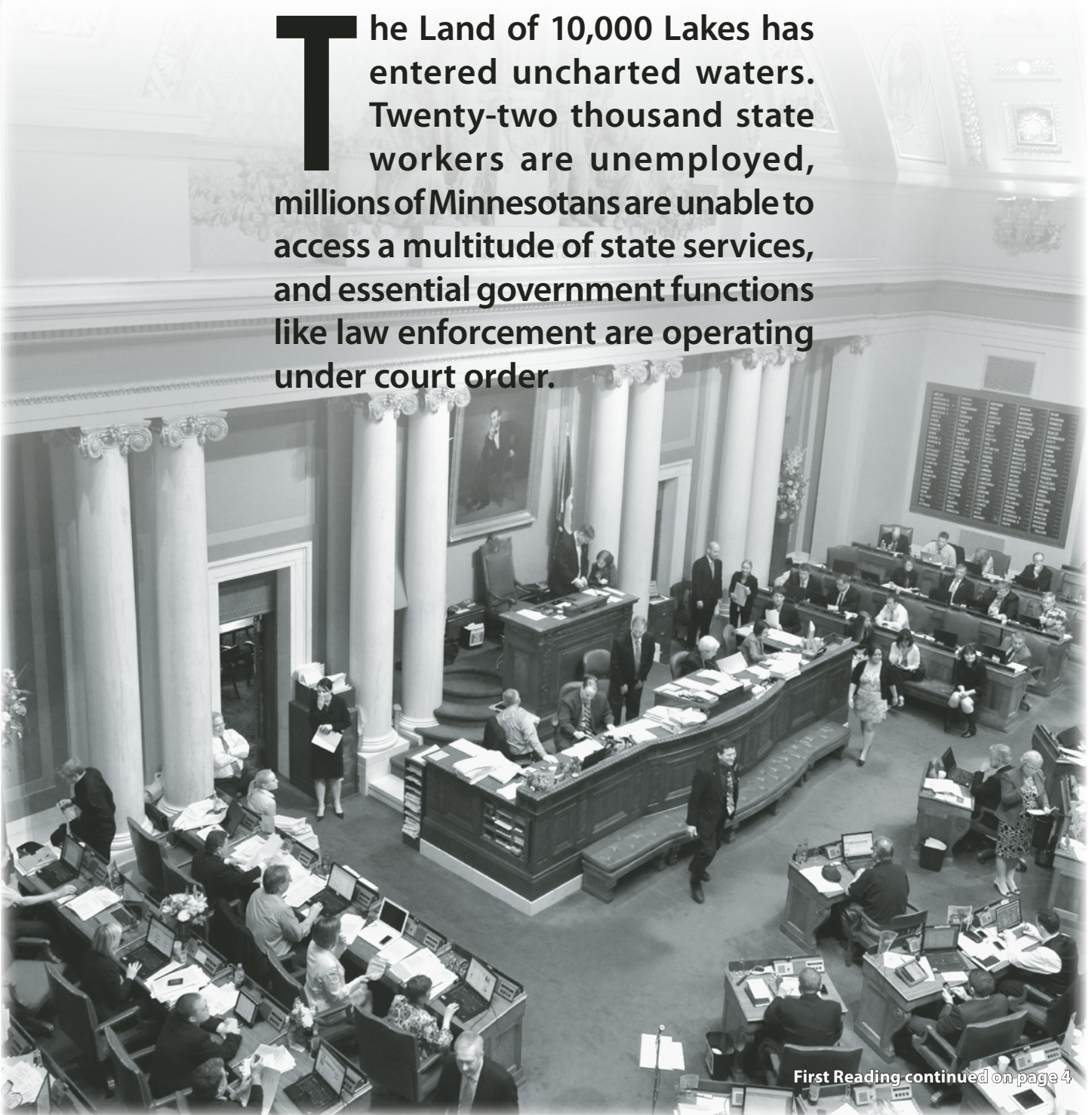


# State of uncertainty

Budget stalemate, government shutdown leave Minnesota in limbo

By Nick Busse

**T**he Land of 10,000 Lakes has entered uncharted waters. Twenty-two thousand state workers are unemployed, millions of Minnesotans are unable to access a multitude of state services, and essential government functions like law enforcement are operating under court order.



First Reading continued on page 4



PHOTO BY TOM OLMSCHIED

**House Speaker Kurt Zellers recognizes Rep. Kim Norton so she can ask a question of Rep. Dean Urdahl during the May 23 floor debate of the Legacy Funding Conference Committee report.**

### First Reading continued from page 3

Such is the fallout from one of the most difficult and controversial legislative sessions in recent memory — a session that ended May 23 with no budget deal.

The impact of Minnesota's ongoing state government shutdown is varied and wide-reaching: state troopers are patrolling the highways, but no one can get new driver's licenses. Nursing homes are open, but 26,000 families are no longer receiving child care assistance. The prisons are open, but state parks are not.

How did we get here?

For the first time in decades, Republicans took control of both houses of the Legislature in 2011, and brought with them a zeal for reining in government. DFL Gov. Mark Dayton wanted to "invest in the future" by raising new revenues for state programs, but pledged to work together with lawmakers to solve the state's looming budget crisis in way that would be fair to everyone.

Initially, there were signs of cooperation. Dayton and the Republicans worked together to streamline environmental permitting for businesses, and enacted an alternative teacher licensure law that House

Speaker Kurt Zellers (R-Maple Grove) called "a generational change in Minnesota."

But the tone quickly changed when it came to the state's more than \$5 billion budget gap. Republicans said Minnesota is taxed enough already; that raising taxes would only weaken the state's sluggish economic recovery. DFLers and Dayton argued new revenues are needed to avoid kicking thousands off of health care coverage and inviting higher property taxes and college tuition.

Fast forward to six months later. The legislative session has come and gone without a budget agreement. The two sides' positions are fundamentally the same as they've been all along. They've narrowed the gap to \$1.4 billion with their latest proposals, but the gulf between their two respective philosophies of government is as wide as ever.

Late in the evening on June 30, Dayton announced the bad news.

"I deeply regret that the last week of intense negotiations... have failed to bridge the divide between us," he said.

### No agreement

For much of June, Dayton and legislative leaders met off and on behind closed doors

for budget talks. As negotiations intensified ahead of the June 30 deadline to prevent a shutdown, they agreed to a "cone of silence" that prevented either side from divulging details on the discussions.

For weeks, reporters camped outside the negotiating rooms waiting for word on whether progress was being made. But in the end, the cone of silence was lifted only to announce that a shutdown was imminent.

"This is going to be, I think, one of those moments in our state's history we'll look back on and be very disappointed," Zellers said.

On specific budget areas such as K-12 education, Dayton and the leaders made significant progress toward compromise. But on the overall issue of taxation and spending, they remained worlds apart.

From the beginning, Dayton argued the state needed additional revenue, and he proposed raising taxes on high-income earners. He originally proposed \$3.2 billion in new revenues, but later revised it down to \$1.8 billion. He has now reduced it to \$1.4 billion, and says he will go no further.

"I'm willing to compromise, I'm willing to meet halfway, but I'm not willing to give up what I believe and what I was elected by the



people of Minnesota to do,” he said.

Republican leaders said their proposed budget was already the largest in the state’s history and that no new revenue would be needed. Zellers said the governor’s proposed spending levels are unsustainable.

“We’re talking about runaway spending that we can’t afford. And we will not saddle our children and grandchildren with mounds of debts, with promises for funding levels that will not be there in the future,” he said.

Republican leaders offered to scrap their original plans for \$200 million in tax relief and put the money instead toward increased spending. Dayton accepted that plan, but rejected Republican proposals to increase the K-12 aid payment shift and bond for future tobacco settlement payments — sources of alternative revenue that Dayton said would only kick the can further down the road.

### Endgame remains unclear

On July 1, the state began an unprecedented state government shutdown. A judge ordered that essential government services like law

enforcement and payments to school districts continue at their previous funding levels, but other parts of the government remain closed indefinitely.

Republican lawmakers have proposed passing a “lights-on” bill that would fund government services temporarily, and called on Dayton to call a special session for that purpose. Dayton called it a “publicity stunt,” and insists that he will not call lawmakers back to St. Paul until there is a global budget agreement.

Republicans argue Dayton “threw in the towel,” to use Zellers’ words, on budget negotiations at a time when lawmakers were still ready and able to work. He and other Republican leaders laid the responsibility for the shutdown squarely at Dayton’s feet, and say his motivation is political.

“This governor has chosen maximum pain — maximum pain for political gain,” said Sen. Geoff Michel (R-Edina).

Dayton and lawmakers have met several times since the shutdown began, but have made no progress toward agreeing on a dollar amount for state spending. At their July 6 meeting, Zellers and Senate Majority Leader

Amy Koch (R-Buffalo) heard Dayton’s latest proposal: a \$1-per-pack tax increase on cigarettes. Zellers called the governor’s proposal “very disappointing and a step backwards.”

“We’ve made it very clear that we do not believe we need a tax increase to balance our budget,” Zellers said.

Dayton said the Republicans’ comments show they are unwilling to compromise. He said he’s trying to come up with alternative ways to raise enough revenue to bridge the \$1.4 billion gap that remains between his budget plan and theirs, but that they refuse every plan he offers.

“Once again, it’s their proposal or nothing at all. And that’s just not responsible leadership,” Dayton said.

From the Republicans’ perspective, they’re only fulfilling their duty to their constituents, to whom they promised a new way of governing that includes no new taxes.

“If that’s what we were elected on, how do our members go back home and say we gave up on all of our principles to the governor?” he said. 🇺🇸



PHOTO BY TOM OLMSCHIED

With the date and time when the House is scheduled to reconvene on the Vote Register above his head, Rep. Dean Urdahl packs up paperwork and personal items from his Chamber desk after the House adjourned the 2011 legislative session.



# NEW LAWS

JANUARY 4 - MAY 23, 2011

Editor's note: The following are the governor's actions on bills through May 31, 2011. Designations used in New Laws and Vetoes summaries: HF-House File; SF-Senate File; CH-Chapter; and \*-the bill version considered by the House or the bill language signed by the governor.

## Budget

### Deficiency spending and claims

Though lawmakers ended the session without an agreement on how to fund state government in the next biennium, a new law puts the finishing touches on the 2010-2011 biennial budget.

Sponsored by Rep. Steve Smith (R-Mound) and Sen. Michael Jungbauer (R-East Bethel), the law makes deficiency appropriations to multiple state agencies and pays out claims against the state. Unless otherwise noted, it is effective June 1, 2011.

Article 1 of the law appropriates \$1,123 in fiscal year 2011 and \$59,683.29 in fiscal year 2012 to settle claims against the state. Recipients include prison inmates who were injured while performing sentence-to-service work (effective July 1, 2011) and an individual whose property tax refund check expired because medical problems prevented her from cashing it.

The claims article represents the work of the Joint House-Senate Subcommittee on Claims.

Article 2 of the law makes changes in state spending for the fiscal biennium, which ended June 30, 2011. These provisions were all originally included in budget bills that were ultimately vetoed by Gov. Mark Dayton.

Selected provisions include:

- slightly more than \$2 million for the Department of Public Safety to provide disaster relief matching funds for communities affected by storms and flooding in western Minnesota in 2009;
- \$471,000 for the Office of the Secretary of State to cover recount costs and legal fees;
- \$38,000 for deficiency funding for the Tax Court;
- reducing by \$3 million the fiscal year 2011 General Fund appropriation to the Minnesota Sex Offender Program; and

- reducing \$11.8 million from the COBRA premium state subsidy program in fiscal year 2011.

Article 3 makes adjustments to the education spending forecast for fiscal year 2011. Article 4 makes similar adjustments to human services spending.

HF104/SF54\*/CH113

— N. BUSSE

## Business & Commerce

### Elevator upgrade extension

Owners who receive a department or municipal inspector's notice that an elevator upgrade is needed before a new law's effective date, which is Aug. 1, 2011, have until Dec. 30, 2011, to submit a compliance plan to the Department of Labor and Industry. Those who receive a notice after that date must submit a plan by the later of Dec. 30, 2011, or 60 days after receiving the notice.

Upgrades must be completed by the later of Jan. 29, 2012, or three years after they submit their plan. If owners don't comply within those deadlines, the elevator may be taken out of service.

The law is sponsored by Rep. Tom Hackbarth (R-Cedar) and Sen. James Metzen (DFL-South St. Paul).

HF664\*/SF617/CH26

— K. BERGGREN

### Insurance paperwork reduced

A new law requires insurance companies to give or obtain property-casualty insurance notices in the form in which an application is made, whether electronically or in writing.

It also permits verbal authorization in lieu of signed authorization if an insurance company retains an electronic record of the verbal authorization. A company's authorization from the customer to collect personal information must be in writing or in the same form as the application.

The bill also eliminates a requirement that an insurance appraiser be a Minnesota resident.

Rep. Joe Hoppe (R-Chaska) and Sen. Paul Gazelka (R-Brainerd) sponsor the law, which takes effect Aug. 1, 2011.

HF895\*/SF590/CH52

— K. BERGGREN

### Microbrew taprooms may open

The so-called "Surly Bill" will allow microbreweries to open on-site taprooms where they can hold tasting events and sell their own beer. That option is a cornerstone of the planned expansion of the Surly Brewing Company, which expects to add jobs and draw new business for special events such as beer tastings.

That is the most notable provision in the omnibus liquor law, sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) and Sen. Chris Gerlach (R-Apple Valley).

The law, effective May 25, 2011, unless otherwise noted, also:

- allows bed and breakfasts that are permitted to serve two glasses of wine to be able to also serve 12 ounces of Minnesota beer;
- allows a municipality to issue a temporary license to a wine association authorizing them to sell no more than two glasses of wine per customer at an annual festival (effective Aug. 1, 2011);
- sets bond amounts for microdistilleries manufacturing less than 40,000 proof gallons (effective Aug. 1, 2011);
- allows the Metropolitan Airports Commission to issue on-sale liquor licenses;
- permits municipalities to issue a temporary liquor license to farm wineries for on-sale at a county fair in that municipality;
- allows private colleges to obtain liquor licenses for special event liquor sales from the municipality where they are located instead of needing legislative approval;
- clarifies the boundary around Minnesota State University, Moorhead, for purposes of limiting sales of alcohol within a more contiguous area around the campus;
- allows White Bear Township to issue on- and off-sale liquor licenses within the township;
- permits the city of Rochester to issue 26 off-sale liquor licenses;
- allows cities or municipalities to issue liquor licenses at auto racing facilities; and
- provides for an interim study with respect to beer sales at baseball venues (effective Aug. 1, 2011).

HF1326\*/SF918/CH55

— K. BERGGREN

## Insurance, mortgage law updated

Certain technical updates to statutes governing insurance and mortgage-related transactions are made in a new law.

Except where otherwise indicated, the law, sponsored by Rep. Joe Hoppe (R-Chaska) and Sen. Dan Sparks (DFL-Austin), takes effect Aug. 1, 2011.

Among its provisions, the law:

- allows the term “negative trend” to be used in relation to a property and casualty insurance company as well as a life and health insurance company;
- eliminates an obsolete reference to farmers mutual fire insurance companies, which no longer exist in Minnesota;
- repeals some language related to creation of certain types of separate financial accounts by life insurance companies;
- effective Jan. 1, 2010, reduces the statutory minimum premium reserve required for domestic title insurance companies from 8 percent to 6.5 percent of the risk borne by the title insurance company;
- repeals a Department of Commerce rule limiting bank accounting rules for improvements made on bank-owned foreclosed property; and
- requires mortgage servicers to disclose to a borrower, upon request, who actually owns their mortgage loan and that entity’s contact information.

HF1473/SF1208\*/CH61

— K. BERGGREN

## Home repair contractors

Minnesota home repair contractors have been busy during the past few years as homes have taken a beating from hail storms, twisters and other natural disasters.

A new law modifies a 2010 law relating to contracts for residential home repair, and it offers more consumer protection from “fly-by-night” contractors, including those from out of state, who compete for Minnesota contracts after storms or natural disasters.

The law will add siding contractors and roofing contractors to those prohibited from offering to pay for an insured’s deductible or to compensate an insured as an incentive to gain a contract. It also broadens the current law’s language regarding the types of inducements that contractors are forbidden from offering to property owners. It also gives the labor and industry commissioner authority to enforce the law.

## LEGISLATIVE LEADERS REACT



PHOTO BY TOM OLMSCHIED

**House Speaker Kurt Zellers, left center, reacts during a June 2 news conference to Gov. Mark Dayton’s earlier remarks that the Legislature is unwilling to compromise on a state budget. House Majority Leader Matt Dean, from left, Sen. Majority Leader Amy Koch and Sen. Geoff Michel also took part in the news conference.**

Rep. Tim Sanders (R-Blaine) and Sen. Benjamin Kruse (R-Brooklyn Park) sponsor the law, which takes effect Aug. 1, 2011.

HF1420/SF249\*/CH63

— K. BERGGREN

## Dentist, insurance provider contracts

The Minnesota Dental Association has been pushing for legislation to give its members greater protection from insurance plan auditing practices that some dentists say have become unfair and have negatively impacted their businesses. A new law modifies several provisions that regulate provider agreements between dental insurers and dentists.

Sponsored by Rep. Greg Davids (R-Preston) and Sen. Ray Vandever (R-Forest Lake), the legislation states any changes in terms of an existing contract between a dental organization and a dentist must be disclosed to the dentist at least 90 days before the effective date of the proposed change.

The law also requires an organization conducting an audit of a dental provider to:

- provide a written explanation of the reason for the audit and the process the dental organization intends to use to audit patient charts, as well as a written explanation

of the processes available to the provider once the dental organization completes its review of the audited patient records;

- allow the provider a reasonable period of time from the date that the provider receives the verified audit or investigation findings to review, meet and negotiate a resolution to the audit or investigation; and
- use a licensed dentist whose license is in good standing to review patient charts.

The MDA has lobbied for changes in the new law that state dental insurance providers are no longer allowed to set a fee for a particular type of service unless it is covered in a plan they provide to enrollees. Association members said that when dental insurance providers previously placed caps on fees for non-covered services, dental businesses were then forced to shift costs to other services they provide for patients. The new law no longer allows dental insurance providers to place capped fees on dental procedures they do not cover in their plans.

The law takes effect Aug. 1, 2011.

HF122/SF302\*/CH64

— H. LONG



## NEW LAWS

### Reverse mortgage redemption

A reverse mortgage secures a home loan in which the homeowner receives monthly payments or a lump-sum payment from the lender, and the loan is repaid when the property is sold, often after the owner's death. It's often used by elderly people to secure cash flow from the equity in their home.

A new law specifies that a reverse mortgage foreclosure is subject to a 12-month redemption period instead of six months as with conventional mortgages. A redemption period is the time after the foreclosure sale during which the owner can regain ownership by paying off the mortgage loan in full.

The law also streamlines certain procedures in real estate law that will make it cheaper and easier to correct title defects and terminates purchase agreements that the buyer has failed to fulfill. It clarifies definitions to be used in relationship to the federal estate tax law changes that took effect Feb. 17, 2010, for deaths occurring in 2010 or after. It also delays the effective date of unrelated 2010 legislation that extends the time limits for collecting unpaid child support judgments.

The law is sponsored by Rep. Doug Wardlow (R-Eagan) and Sen. Linda Scheid (DFL-Brooklyn Park).

HF395/SF137\*/CH66

— K. BERGGREN

### Pawn shop regulations eased

In a tough economy, pawnbrokers are a thriving sector. A new law will make it easier for them to manage their inventory.

The law standardizes a 60-day maximum redemption period for a pawn transaction. It allows pawnbrokers to return, sell or remove inventory from display after the redemption period is reached, or after 31 days for inventory purchased other than through a pawn transaction.

It also repeals a state requirement that pawn shops be located at least 10 driving miles from any casino.

Except for the standardized redemption period, municipalities may regulate pawn businesses or transactions more restrictively.

The law, sponsored by Rep. Tim Sanders (R-Blaine) and Sen. David Brown (R-Becker), takes effect Aug. 1, 2011.

HF1152/ SF955\*/CH82

— K. BERGGREN

### Insurance claims law modernized

Consumer insurance claims statutes written decades ago didn't include insurance for products that hadn't been invented such as cell phones and other portable electronic devices, much less computerized claims processing systems.

A new law brings insurance statutes covering portable electronics claims into the 21st century.

The law allows claims processors who

### 2011 New Laws online

A complete review of all new laws passed this year is available on the New Laws 2011 Web page, [www.house.mn/hinfo/NewLaws/NewLawsmain.asp](http://www.house.mn/hinfo/NewLaws/NewLawsmain.asp).

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

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

are not licensed insurance adjusters, but are supervised by one, to enter data into an automated claims adjustment system. The computerized system is designed for data collection, calculation and final resolution of portable electronics insurance claims. A licensed adjuster may supervise up to 25 people for that purpose.

The law makes other clarifications about who is eligible to seek a Minnesota portable electronics claims adjuster license, including those with out-of-state licensure and residents of Canada under certain conditions.

The law, sponsored by Rep. Kurt Daudt (R-Crown) and Sen. Dave Thompson (R-Lakeville), takes effect Jan. 1, 2012.

HF1405\*/SF1125/CH95

— K. BERGGREN

### GOVERNOR'S RESIDENCE MEETING



PHOTO BY TOM OLSCHIED

House Speaker Kurt Zellers, left, and House Majority Leader Matt Dean leave the governor's residence June 3 after meeting with Gov. Mark Dayton and talking with the press.



## Employers can organize tip sharing

Rep. Sarah Anderson (R-Plymouth) worked her way through college as a restaurant server. A new law she sponsors with Sen. Dave Thompson (R-Lakeville) makes it easier for restaurant workers to pool their tips or for a restaurant owner to safeguard them for employees.

The law allows employers, at their employees' request, to safeguard and disburse tips according to a sharing agreement; and to report the amounts received for tax purposes. Employers may not coerce employees to share gratuities.

The law takes effect Aug. 1, 2011.

HF809/SF1280\*/CH105

— K. BERGGREN

## Easier filing for businesses

When businesses register with the state electronically instead of using the paper process, it saves money for taxpayers and business owners. A new law will make it easier for businesses to file their records online.

Sponsored by Rep. Pat Mazorol (R-Bloomington) and Sen. Benjamin Kruse (R-Brooklyn Park), the law makes changes recommended by the Office of the Secretary of State's business services division. It removes a number of statutory stumbling blocks to implementing an online filing system. It takes effect Aug. 1, 2011.

Selected provisions include:

- standardizing the types of data required to be printed on certificates issued to businesses;
- streamlining the filing process for business trusts and municipal power and gas agencies; and
- eliminating mandates requiring the Secretary of State to use the U.S. Postal Service rather than electronic means to provide certain notices to businesses.

Some changes made by the law are not directly related to online filing. Some of these include providing for revocation for limited liability partnerships if they fail to maintain a registered agent, and allowing an out-of-state LLP to use an alternate name in Minnesota.

HF1643/SF1234\*/CH106

— N. BUSSE

## Insurance law updates are made

A series of provisions in a new law will give some Minnesota businesses easier access

to specialized property-casualty insurance available only through "nonadmitted insurance companies," which are not licensed in Minnesota, or through surplus lines insurance brokers, instead of through an "admitted" or licensed insurer.

Sponsored by Rep. Joe Hoppe (R-Chaska) and Sen. Roger Chamberlain (R-Lino Lakes), the law brings state statute into conformity with 2010 federal law changes made in the Dodd-Frank National Reinsurance Reform Act. The related provisions are effective for nonadmitted insurance policies that take effect after July 20, 2011.

Other provisions make technical changes to health insurance law. They include updates to the list of statutes under which a person is eligible for coverage in the state's high-risk pool, the Minnesota Comprehensive Health Association; plus a new waiver of the preexisting condition limitation for Minnesota residents covered by a community-based health care coverage program who apply for MCHA coverage within 90 days of termination of the community-based coverage.

The law, which has various effective dates, also makes other changes to statutes governing professional licensing, continuing education, health insurance and worker's compensation self-insurance.

HF1394/SF1045\*/CH108

— K. BERGGREN

## Civil Law

### Civil immunity for school districts

Research shows that people who have regular access to recreational facilities are more likely to exercise regularly.

That is the contention of the Minnesota chapter of the American Heart Association and the Minnesota Healthy Kids Coalition, organizations that believe adults and children, particularly those in rural communities, would be more likely to engage in physical activity if schools felt more comfortable allowing outside groups to use their recreational amenities.

A new law clarifies a statute that provides civil immunity for school districts that make their facilities available for recreational use by members of the public. That immunity bars a person from holding the district liable for an injury or loss resulting from the use of the

school facility for recreational activity.

Sponsored by Rep. Bob Dettmer (R-Forest Lake) and Sen. Ted Daley (R-Eagan), the law states that a school district would still be subject to liability for certain conditions that would entitle a trespasser to seek damages, such as a highly dangerous hazard on the property, if the district knew of its existence but did not remove it or post a warning. The legislation does not affect any existing duty owed by the school district.

Dettmer, a retired physical education teacher, said the law represents one of many small steps in combating obesity among children and adults.

The law is important to many rural communities around the state where public schools are the only indoor facilities to engage in physical activity, American Heart Association officials said.

The law is effective May 25, 2011.

HF1343\*/SF1068/CH57

— H. LONG

### Ambulance claims left to the state

There are two means for licensed ambulance services to obtain the state's help in collecting unpaid charges — by submitting revenue recapture claims directly to the Department of Revenue, or by having the county in which the ambulance service operates submit the claims on behalf of the ambulance service. The Department of Revenue then offsets the claims against any state payments due to the taxpayer who hasn't paid the ambulance service, such as income tax refunds, property tax refunds or lottery winnings.

A new law clarifies the department's authority to do what it's already doing — accepting claims directly from ambulance services, according to the law's sponsor, Rep. Greg Davids (R-Preston).

The law, also sponsored by Sen. Julianne Ortman (R-Chanhassen), eliminates the authority for counties to act as collecting agents and charge fees to ambulance service to offset the cost of submitting claims on their behalf. An ambulance service that is owed money could turn to the department to address the claim.

The law is effective May 25, 2011.

HF258\*/SF217/CH71

— L. SCHUTZ

## Targeted misdemeanor term clarified

Sponsored by Rep. Ernie Leidiger (R-Mayer) and Sen. Dan Hall (R-Burnsville), a new law reinstates the violation of a domestic abuse no contact order as a targeted misdemeanor. In its direction to the revisor's office last year, the Legislature left out direction to include the new language in the statute recodification.

Under current law, peace officers must fingerprint those arrested for or convicted of a targeted misdemeanor. Those records are then forwarded to the Bureau of Criminal Apprehension. The BCA requested the change.

The law takes effect Aug. 1, 2011.

HF921/SF882\*/CH79

— M. COOK

## Voters to decide marriage definition

As Minnesotans watch candidates line up for the 2012 presidential ticket, they can be assured of one ballot question that will likely be a catalyst for high voter turnout.

The House and Senate passed legislation to put a constitutional amendment on the November 2012 ballot asking voters whether to define marriage as "only a union of one man and one woman."

Sponsored by Rep. Steve Gottwalt (R-St. Cloud) and Sen. Warren Limmer (R-Maple Grove), the measure does not require gubernatorial approval. However, Gov. Mark Dayton issued a "veto" letter as a symbolic gesture of his opposition.

"Although I do not have the power to prevent this ... I urge Minnesotans to reject this mean-spirited, divisive, un-Minnesotan and un-American amendment," he wrote.

Opponents and proponents rallied at the Capitol for several days before and during the floor debate, chanting, singing and displaying signs with their views. During a nearly five-hour debate inside the House Chamber, several legislators gave personal accounts of why they oppose the bill, but few expressed why they favored the measure.

Rep. Karen Clark (DFL-Mpls), who has been in a committed gay relationship for more than 22 years, said she had hoped to one day legally marry her partner in Minnesota while her parents could still attend. Her mother has passed away and now she is considering going to Iowa where gay marriage is legal so her 94-year-old father can bear witness.

Gottwalt defended the bill, saying current law does not allow same sex marriage, but

## BUDGET NUMBERS



PHOTO BY TOM OLMSCHEID

**Minnesota Management & Budget team leader Britta Reitan, left, points out numbers to Commissioner Jim Schowalter, center, as Revenue Commissioner Myron Frans looks on June 7 while the Legislative Commission on Planning and Fiscal Policy debates the latest Republican budget offer made to Gov. Mark Dayton.**

that the issue is too important to allow judges or the Legislature the opportunity to change law alone if they felt inclined to do so. "There are people for and against from all walks of life and they should be allowed to vote on it."

HF1615/ SF1308\*/CH88

— S. HEGARTY

## Common interest community statutes

A Minnesota State Bar Association legislative committee found that certain aspects of a 2010 law that repealed provisions regulating common interest communities only applied to common interest communities that were formed after the law went into effect on Aug. 1, 2010. A new law recodifies certain laws that apply to common interest communities created before the 2010 law went into effect.

A common interest community includes a condominium development, a homeowners association or cooperative. Other provisions in the "Minnesota Common Interest Ownership Act," include:

- clarification of language related to recording of a document that modifies the description of an existing tax parcel (that document will require a certification from the county treasurer as to delinquent and current taxes);

- clarification of the process for establishing a new common interest community on property that is severed from an existing common interest community;
- clarification that when certain easements, leases and licenses affecting common elements are amended that the consent of the unit owners is required;
- clarification that when certain documents are recorded in connection with a transfer of special declarant rights they are recorded against title for all units in the common interest community; and
- clarification that the homeowner-controlled association has the authority to terminate certain contracts entered into by the developer, following procedures and with exceptions created in the law.

The law also contains several court-related provisions, including:

- a court may issue a protective order to prevent disclosure of a "Safe at Home" program participant's location if a participant is involved in a legal proceeding as a party or witness;
- clarification that district court administrators will supervise court reporters as agreed upon with their collective bargaining representatives and

that court reporters who serve in the judicial district courts and are appointed by individual judges shall remain under the supervision of the judge who appointed them;

- clarification that a county board will assign one of its officers to process a lien by a hospital or public assistance agency against a patient or client; previous language stated that such a lien should be filed with the district court administrator;
- authorization for an order for dismissal of an order for protection shall be served on a respondent personally or by certified mail;
- addition of language to allow digital images and other electronic methods of copying probate files to be considered as a state archives commission-approved record. A court administrator of any county upon order of the judge exercising probate jurisdiction may destroy all the original documents in any probate proceeding of record provided commission-approved copies are on file.

Rep. Steve Smith (R-Mound) and Sen. Warren Limmer (R-Maple Grove) sponsor the law, which has various effective dates.

HF1023\*/SF874/CH116

— H. LONG

## Consumers

### Steering rental customers clear

Minnesota car rental companies will have a level playing field when it comes to temporary rentals to customers whose cars are being repaired.

A new law requires insurance companies to notify consumers they have the right to choose any rental vendor. It will prevent the common practice of insurance companies steering customers toward national car rental companies with whom they have contracts, instead of locally based businesses.

Rep. Joe Atkins (DFL-Inver Grove Heights) sponsors the law with Sen. Roger Chamberlain (R-Lino Lakes).

The law is effective Aug. 1, 2011, and applies to claims incurred on or after that date under insurance policies issued or renewed on or after that date.

HF859/SF508\*/CH78

— K. BERGGREN

## Education

### School bus changes made

Three changes in pupil transportation enacted in a new law will make it easier for students who attend area learning centers and those requiring lift buses on field trips to get to school or participate in activities.

Rep. Carol McFarlane (R-White Bear Lake) and Sen. Sean Nienow (R-Cambridge) sponsor the law, which allows a school district to provide transportation between buildings for students attending an area learning center, if there is space on an existing bus. This section is effective Aug. 1, 2011.

Effective July 1, 2011, the education commissioner must develop and maintain a list of school bus safety training instructional materials.

It also allows special education transportation expenses to include transportation of pupils for a curricular field trip on a school bus equipped with a power lift when a student's disability requires it. This section is effective for revenue for fiscal year 2012 and later.

HF1179\*/SF939/CH103

— K. BERGGREN

## Elections

### New process for filling vacancies

It used to be that if a candidate for a nonpartisan office died or withdrew from the race, the process of replacing them could fill the ballot with potentially dozens of replacement candidates. A new law is designed to prevent that from happening.

Sponsored by Rep. Tim Sanders (R-Blaine) and Sen. Warren Limmer (R-Maple Grove), the law is designed to decrease the chance that large number of candidates will show up on the General Election ballot vying for the same office. It affects nonpartisan offices, which include local and judicial races.

Unless otherwise noted, its provisions are effective May 25, 2011.

If only one or two candidates file to run for a particular office, a primary is not required; they both simply appear on the General Election ballot. But under the old statute, if one of those candidates withdrew from the race, anyone who gathered enough signatures

for a nominating petition could get on the ballot. The end result was that numerous candidates — more than two dozen, in the case of one judicial race in 2010 — could appear on the General Election ballot.

The law changes the process so that candidates looking to fill a vacancy in nomination no longer enter the race by way of a nominating petition, but rather by filing in the same manner as regular candidates, including a two-day withdrawal period. This will speed up the process and help narrow down the potential field of candidates. It also allows for replacement candidates to run in a primary when one is needed.

The law also changes the process when a candidate dies after winning the primary by providing that the election goes forward anyway. If there were more than one candidate, the other candidate would win; if the deceased was the sole candidate in the race, then a vacancy in office would be created. Laws already in place determine how such a vacancy is to be filled.

The law pushes the filing deadline for candidates in cities and school districts that hold their General Elections in November but do not have primaries back by one week. Effective Aug. 1, 2011, the law also gives county canvassing boards the choice of conducting their canvassing on the second rather than the third day following the state primary.

HF1408/SF1009\*/CH65

— N. BUSSE

## Employment

### Helping libraries assist job-seekers

Out-of-work Minnesotans have increasingly turned to public libraries to look for job openings, post applications and build their resumes online. A new law is designed to help libraries coordinate with workforce centers to help the unemployed.

Sponsored by Rep. Carol McFarlane (R-White Bear Lake) and Sen. Carla Nelson (R-Rochester), the law requires Gov. Mark Dayton to appoint a representative from public libraries to the Governor's Workforce Development Council. The individual would serve as an advisor.

The law takes effect May 25, 2011.

The council helps guide the state's workforce development efforts. Among other activities,



it develops policy recommendations to administer the state's 52 workforce centers. Run by the Department of Employment and Economic Development, the workforce centers help Minnesotans look for jobs and prepare for career changes.

Supporters of the new law say libraries have become a kind of information center for those who don't have Internet access at home and need help using computers, especially older Minnesotans.

HF844\*/SF1204/CH74

— N. BUSSE

## Unemployment insurance changes

Effective July 1, 2011, the definition of "immediate family member" under Minnesota unemployment insurance law will include grandparents.

It's one of several changes made under a new law that makes technical and housekeeping changes to the state's unemployment insurance statutes. Unless otherwise noted, its provisions take effect Aug. 1, 2011. Rep. Bob Gunther (R-Fairmont) and Sen. John Pederson (R-St. Cloud) are the sponsors.

Among the more significant provisions, the law changes the definition of "suitable employment" with regard to temporary staffing services. The definition is used to determine who may collect unemployment insurance benefits. "Suitable employment" will now include jobs with temporary staffing services for those whose wage credits are at least 25 percent from temporary staffing jobs. The threshold under current law is 45 percent. The effect will be to make it harder for those receiving benefits to reject job offers from temporary staffing agencies and still receive benefits.

The law removes a minimum 2 percent special assessment on employers' payroll taxes that goes to pay down interest on federal unemployment insurance loans. The effect will be to give the Department of Employment and Economic Development discretion to set the assessment at anywhere from 0 percent to 8 percent, as needs dictate.

The minimum requirements to establish a benefit account are modified so that an applicant's wage credits must be at least \$2,400 or roughly 5.3 percent of the state's average annual wage in the preceding one-year base period. The change will affect benefit applications on or after Oct. 29, 2012. Additionally, the requirements to

establish a new benefit account after the expiration of a benefit year on a previous account are changed to conform to these new requirements. This part takes effect May 26, 2011.

Another change will provide that personal time off and sick pay are treated the same as vacation pay for purposes of delaying payment of unemployment insurance benefits.

HF1396/SF1130\*/CH84

— N. BUSSE

## Workers' compensation changes

Sponsored by Rep. Andrea Kieffer (R-Woodbury) and Sen. Ted Lillie (R-Lake Elmo), a new law enacts a series of recommendations of the Workers' Compensation Advisory Council. Unless otherwise noted, its provisions take effect Aug. 1, 2011.

The council is made up of representatives of the state's major business and labor organizations, and recommends changes to statutes governing the workers' compensation program. The legislation they propose is usually considered noncontroversial.

Selected changes made by the law include:

- establishing a new timeline for settlement and pretrial conferences;
- clarifying who may serve as a workers' compensation judge, and that requirements for compensation judges are distinct from temporary administrative law judges;
- establishing that only compensation judges may conduct workers' compensation proceedings;
- providing that only the commissioner of labor and industry or a workers' compensation judge may issue written decisions and assess penalties;
- clarifying when a compensation judge must be removed from a case;
- effective May 28, 2011, providing for exceptions, under certain conditions, from the requirement that an award to a disabled employee for home remodeling or construction to accommodate the individual's disability be certified by a licensed architect;
- also effective May 28, 2011, raising the limit on awards for remodeling or construction to accommodate an employee's disability from \$60,000 to \$75,000; and

- directing the Department of Labor and Industry to replace the "average wholesale price" standard in Minnesota Rules with the "wholesale acquisition cost" standard in regard to medical fees.

The law also authorizes a one-time appropriation of \$600,000 from the special compensation fund to implement a case management and electronic filing system at the Office of Administrative Hearings.

HF1362/SF1159\*/CH89

— N. BUSSE

## Energy

### Ratepayers and utilities policies

An omnibus energy policy law ends a renewable development grant program this year and requires the Public Utilities Commission to evaluate spent nuclear fuel storage costs for the next 200 years. The law also repeals a utility's ability to incrementally increase consumer rates based on natural gas usage amounts.

The Initiative for Renewable Energy and the Environment's \$5 million grant program, which was set to expire next year, will instead sunset July 1, 2011. IREE provides grants to the University of Minnesota and at rural campuses and experiment stations for research and development of renewable energy technologies.

Recognizing that the failure of the federal government to establish a national site for the disposal of spent nuclear fuel may result in that material remaining stored at reactor sites for an extended period of time, the law requires Xcel Energy to estimate the impacts on ratepayers if the spent fuel stays in Minnesota for 60, 100, and 200 years after the reactors shut down. In its triennial review of Xcel's required plan describing the amount of funds it is setting aside for eventual decommissioning of its Monticello and Prairie Island nuclear plants, the commission is now required to evaluate the costs storing the spent fuel imposes on the state and the community in which it is located. The commission is required to submit a report to the Legislature that explains its funding decisions regarding decommissioning and any progress made by the federal government to remove spent nuclear fuel from the state.

Another measure revokes a utility's ability

## THISSEN'S MESSAGE



PHOTO BY TOM OLMSCHIED

A paper that House Minority Leader Paul Thissen brought to a June 9 meeting of the Legislative Commission on Planning and Fiscal Policy reflects his caucus' opinion of the Republican majority's budget compromise.

to charge inverted block rates, which are intended to encourage energy conservation by incrementally increasing consumer rates as usage increases.

Sponsored by Rep. Mike Beard (R-Shakopee) and Sen. Julie Rosen (R-Fairmont), the other key provisions include:

- enabling a utility to propose a multi-year rate plan for up to three years beginning May 31, 2012 (effective May 28, 2011);
- eliminating the Energy Intervention Office and the position of reliability administrator within the Commerce Department and giving the department more flexibility to reallocate a \$1 million appropriation for the former administrator (effective July 1, 2011); and
- allowing a utility to electronically notify customers of their rights and responsibilities with respect to the state's Cold Weather Rule that prohibits winter disconnections under certain conditions (effective May 28, 2011).

HF1025/SF1197\*/CH97

— S. HEGARTY

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

## Env. & Natural Resources

### DNR property transaction list OK'd

Sponsored by Rep. Tom Hackbarth (R-Cedar) and Sen. John Carlson (R-Bemidji), a new law allows the Department of Natural Resources to sell, buy and exchange surplus land in state forests and parks.

Each year, the DNR develops a recommended list of property that it wishes to buy, sell or exchange and the properties are packaged into the lands bill. Several tax-forfeited properties in many counties are included in the law, which was effective March 3, 2011.

HF55\*/SF48/CH3

— SUE HEGARTY

### Residents can buy public land parcels

Residents can volunteer to help maintain wildlife management areas, under a new program administered by the Department of Natural Resources. Effective May 28, 2011, the Minnesota adopt-a-WMA program allows individuals, civic and outdoors groups to work in conjunction with DNR officials to make improvements to WMAs and to receive recognition through posted signage.

Sponsored by Rep. Dan Fabian (R-Roseau)

and Sen. John Carlson (R-Bemidji), the law also includes the addition and deletion of several tracks of public land. State park boundaries will expand for Scenic State Park and William O'Brien State Park. The Hayes Lake State Park boundary will shrink.

Other places where public land will be added include Greenleaf Lake State Recreation Area, the Iron Range Off-Highway Vehicle Recreation Area and Smoky Hills State Forest. The law stipulates that any revenue generated from mineral rights or leases purchased within the Iron Range OHV Recreation Area, other than Trust Fund land, be deposited into a natural resource fund dedicated account.

A portion of Lost River State Forest in Roseau County will be removed from the state forest and redesignated as land within the Roseau Lake WMA. Several acres of land used as a picnic and playground area bordering Town Lake and the Otter Tail River in Becker County may be sold to a local government, provided it remains open to the public.

Several counties and the DNR have tax-forfeited land for public sale, including Carlton, Cass, Douglas, Itasca, Pine, St. Louis and Stearns. Private sales of public land is also provided for in Becker, Douglas, Itasca, Marshall, Pine, Otter Tail, St. Louis and Watonwan counties. And in Winona County, about 1.4 acres on Alcorn Island along the south side of Interstate 90 will be conveyed to the U.S. Fish and Wildlife Service after the Dresbach bridge project is completed. Land sales are effective on or after May 28, 2011.

There is also a provision that permanently validates Dakota County's reversionary interest in the land deeded to the state for use as the Minnesota Zoo. The agreement is effective when the county board also approves the measure.

HF1230/SF712\*/CH98

— S. HEGARTY

## Health & Human Services

### Nursing home moratorium

In the fall of 2010, a nursing home in New Richland was evacuated due to rising water levels in the building following the aftermath of an historic rain storm. Storm damage left the New Richland Care Center, a

50-bed facility, closed for three months. The facility still received a state bed surcharge that amounted to \$20,000 for the number of beds it holds even though it was not housing anyone while it was closed for repair.

A new law ensures that nursing homes do not receive a surcharge for the time they are closed or evacuated for flooding or other natural disasters.

Sponsored by Rep. Joe Schomacker (R-Luverne) and Sen. Julie Rosen (R-Fairmont), the legislation also modifies the criteria and process under which the health commissioner, in coordination with the human services commissioner, may approve the addition of new licensed and certified nursing home beds. A moratorium currently exists on new nursing home beds in Minnesota, but the law provides for exception in locations declared as “hardship areas,” where there is demonstrated insufficient access to nursing home beds.

Other provisions included in the law:

- allows the health commissioner to approve a request for consolidation of nursing facilities;
- requires the human services commissioner to calculate a property payment rate adjustment, based on the net cost savings to the state of a nursing facility consolidation; and
- amends the law related to nursing home reimbursement by adding a new subdivision that provides a method for determining budget-neutral nursing facility rates for relocated beds.

The law is effective May 14, 2011.

HF937/SF626\*/CH22

— H. LONG

## CPR requirements at day care centers

Sponsored by Rep. Mary Liz Holberg (R-Lakeville) and Sen. Dan Hall (R-Burnsville), a new law requires all teachers and assistant teachers to successfully complete CPR training, including CPR techniques for infants and children. At least one staff person with training must be present during field trips and when transporting children. The training would have to occur within 90 days after the start of employment.

It takes effect Aug. 1, 2011.

Prior to the law, day care centers were required to have at least one trained staff person present in the facility when children are present.

The so-called “Hannah’s Law” is named

after a 4-year-old girl who died in June 2010 after choking on a grape at a child care center.

Day care centers account for about half of the care for children in the state.

HF235\*/SF381/CH23

— H. LONG

## Youth psychiatric facility to expand

The recently opened PrairieCare children and adolescent psychiatric hospital wants to expand its 20-bed facility in Maple Grove. It needed legislative approval because of an existing moratorium on construction of new hospitals.

Sponsored by House Speaker Kurt Zellers (R-Maple Grove) and Sen. Julie Rosen (R-Fairmont), a new law amends the existing moratorium exception that first allowed construction of the 20-bed hospital specifically geared for individuals age 21 and younger, by adding that the permitted project includes expansion for the hospital for up to 50 beds.

The law states that no further public interest review by the Department of Health is necessary to grant the exception.

The hospital moratorium was enacted in the early 1980s to prevent the overbuilding of hospital facilities in the Twin Cities metropolitan area. Since that time, the Legislature has granted 24 exceptions, including in 2009 to add the 20-bed PrairieCare children and adolescent psychiatric inpatient facility in Maple Grove.

The law is effective Aug. 1, 2011.

HF1018/SF749\*/CH51

— H. LONG

## Strict pro athlete drug tests OK

Minnesota drug testing laws will recognize labor agreement provisions regarding drug and alcohol testing for professional athletes, under a new law that takes effect Aug. 1, 2011.

Professional sports contracts often include drug testing requirements that are more stringent and tougher than Minnesota laws. The measure has the support of professional teams and labor organizations.

Rep. Steve Simon (DFL-St. Louis Park) and Sen. John Pederson (R-St. Cloud) sponsor the law.

HF1422/SF1265\*/CH62

— K. BERGGREN

## Health services provisions modified

A 2009 law required the Department of Human Services to develop a uniform statewide rate setting methodology to replace the county negotiated rates with providers of mental and chemical health care.

On top of those required changes, the federal Centers for Medicare and Medicaid Services recently instructed the state to modify its rate setting methodology to improve integrity of its continuum of services for individuals with complex needs related to mental and chemical health care services.

A new law, sponsored by Rep. Diane Anderson (R-Eagan) and Sen. Scott Newman (R-Hutchinson), makes notable changes to chemical and mental health care-related statutes in order to reflect the 2009 legislative directive and to streamline the chemical and mental health care-related areas of the department to conform to the recent federal instruction. The changes reflect a three-tiered Medical Assistance reimbursement system.

Many of the changes were developed from the work of a 2010 Legislature-appointed task force charged with making recommendations to the human services commissioner on ways to improve quality care access for individuals with complex conditions, including mental illness, chemical dependency, traumatic brain injury and developmental disabilities. The result of the task force’s work is reflected in the new law that changes existing statutes related to care for such individuals.

Provisions contained in the new law include:

- an adult diagnostic assessment update to be completed when an assessment has been completed within three years preceding admission for health services and there has been no marked change in the client’s mental health status;
- changes to the consolidated chemical dependency treatment fund section of law due to a provision passed by the Legislature instructing the department to develop a new chemical dependency rate methodology that is uniform statewide;
- changes to the law authorizing Medical Assistance payments for intensive rehabilitation mental health services by requiring the commissioner to streamline the rate setting process of a certified community treatment teams and intensive residential services;
- changes to the definition of “intensive nonresidential rehabilitative mental health



## NEW LAWS

services” and clarifies that these services are for recipients ages 16 to 21 with a serious mental illness or co-occurring mental illness and substance abuse addiction;

- modifying the foster care licensing moratorium by carving out an exception for the commissioner of human services to grant new foster care licenses if needed due to restructuring of state-operated services; and
- requiring that a mobile crisis intervention team must be available to meet face to face with a person in a hospital emergency room in a mental health crisis. The law also adds to the list of issues that must be evaluated in the crisis assessment, including the recipient’s preferences as communicated verbally or in a health care directive treatment plan, crisis prevention plan, or a wellness recovery action plan. This law takes effect Aug. 1, 2011.

H1500/SF1285\*/CH86

— H. LONG

### Preventing youth concussion harm

A concussion can have harmful, long-lasting effects on some youth who have had more than one, according to medical experts.

Rep. Rod Hamilton (R-Mountain Lake) and Sen. Michelle Benson (R-Ham Lake) sponsor a new law to boost education and monitoring requirements for adults and young athletes involved in organized sports.

Coaches and youth sports officials must remove athletes from play or practice if they show signs of a concussion or are suspected to have sustained one. The athletes may only return to play if a medical professional experienced in treating concussions determines they are ready.

Organizers of fee-based youth athletics, including cities, businesses, nonprofit organizations, and sports governing bodies organizing school-sponsored sports, must provide all parents, athletes, coaches and officials with Centers for Disease Control information about signs and symptoms of

concussion, and protocols if one is suspected. An initial online training with renewal every three years is required for coaches and officials.

The law defines who is an athlete covered under this law, who is a qualified health care provider to make a determination about an athlete’s readiness for play, and the responsibilities of the sports governing body with oversight of the sport or team. Most of the law takes effect Sept. 1, 2011, or at the beginning of the 2011-2012 school year.

HF905/SF612\*/CH90

— K. BERGGREN

### Food inspection exceptions

The efforts of a couple of self-professed “church ladies” from Goodhue County saved their church dinners thanks to a new law that exempts meals served by faith-based organizations from certain Health Department food inspection regulations, including inspections.

Sponsored by Rep. Steve Drazkowski

### VIKINGS STADIUM



PHOTO BY TOM OLMSCHEID

Minnesota Vikings owner Zygi Wilf talks with the Capitol press corps after a June 14 meeting that included, *from left*, Metropolitan Sports Facilities Commission Chairman Ted Mondale, Ramsey County Commissioner Tony Bennett, Gov. Mark Dayton, Rep. Morrie Lanning, team president Mark Wilf, Sen. Julie Rosen and Ramsey County Commissioner Rafael Ortega on funding for a new Vikings stadium.

## NEW LAWS

(R-Mazeppa) and Sen. John Sterling Howe (R-Red Wing), the legislation grants certain organizations with tax-exempt status exemption from food regulation statutes. It would also affect organizations that are affiliated with or related to a sportsman organization. It also adds a limitation that events must be held in the organization's building or on the grounds.

Pat Irrthum and Kathy Theel began their efforts to reform the law that jeopardized their church dinners at St. Paul's Catholic Church in Zumbrota after Goodhue County relinquished its food inspection service for nonprofits last year as a cost saving measure. The Department of Health took over the duties for the county and last spring informed parishioners at the church and other area churches that they were in violation of a state law that requires permits for nonprofit events where homemade food is served. Irrthum testified in House and Senate health committees that her church never received previous communication prior to the health inspector's arrival at their parish.

The law exempts church dinners from inspection provided that a certified food manager, or a volunteer trained in a food safety course, trains the food preparation

workers in safe food handling practices. The exemption does not apply to faith-based organizations at the state fair or county fairs or to faith-based organizations that choose to apply for a license.

The law also states that school concession stands that serve commercially prepared, non-potentially hazardous foods are exempt from food inspection.

Additionally, the law adds an exception for food service events following a disaster as long as commercially prepared, non-potentially hazardous food is served.

The law is effective Aug. 1, 2011.

HF637/SF477\*/CH92

— H. LONG

### 'Leo's Law' to raise awareness

Sponsored by Rep. Rod Hamilton (R-Mountain Lake) and Sen. Doug Magnus (R-Slayton), a new law establishes the third week of every September as Mitochondrial Disease Awareness Week. During this time, Minnesotans will be urged to become better informed about mitochondrial diseases, which affect mitochondria — the "power plants" in every cell of the body.

The provisions may be cited in statute as "Leo's Law," so named after Leo James Chapman-Nesseth, a 1-year-old who died

from a mitochondrial disorder in 2010. Hamilton said he was contacted by the boy's parents, who suggested legislation to raise awareness of the condition.

According to the United Mitochondrial Disease Foundation's website, Mitochondrial disorders occur when the power plants in a body's cells fail to convert oxygen and food into energy. They can cause a wide range of serious health problems, from strokes and seizures to organ failure and immune system problems. Mitochondrial diseases can be inherited, or they can develop due to environmental factors.

The law takes effect Aug. 1, 2011.

HF287/SF361\*/CH104

— N. BUSSE

### Nursing home rate formula changes

The state and federal human services departments have been working to adapt reimbursement formulas for nursing homes as the population and needs of nursing home residents continue to change. As a result, the federal government recently updated its requirements for resident reimbursement classification formulas at nursing homes.

A new law conforms state statutes to new federal requirements related to case mix classifications and reimbursement rates at nursing homes. Rep. Joe Schomacker (R-Luverne) and Sen. David Hann (R-Eden Prairie) sponsor the legislation, which makes changes to resident reimbursement classification rates.

The new rates will be based on an updated minimum dataset or any new version mandated by the Centers for Medicare and Medicaid Services that nursing facilities are required to complete for all residents. The new law also states that the health commissioner shall establish resident classes according to updated resource utilization groups.

Two unrelated provisions are included in the law.

Offered by Rep. Tina Liebling (DFL-Rochester), one makes technical and clarifying changes to statutes regarding body art technician licensing and inspection.

The other provision, offered by Rep. Morrie Lanning (R-Moorhead), permits counties and the state to contract with facilities in a bordering state for detoxification services for Minnesota residents. It also allows Minnesota detoxification facilities to contract with bordering states to provide

### COMMISSION AND COMMISSIONER



PHOTO BY TOM OLMSCHIED

House members of the Legislative Commission on Planning and Fiscal Policy, from left, Rep. Ann Lenczewski, Rep. Morrie Lanning, Rep. Mindy Greiling, Rep. Pat Garofalo and Rep. Steve Drazkowski listen as Minnesota Management & Budget Commissioner Jim Schowalter explains Gov. Mark Dayton's listing of critical state employees during a June 15 hearing.



services to residents of the bordering states.

The law takes effect Jan. 1, 2012.

HF1508/SF1286\*/CH110

— H. LONG

## Donation for anatomical gift program

In addition to being asked if they want to be an organ donor, people applying for a driver's license or a state identification card will be asked to contribute financially to an awareness campaign. The same question will be posed when registering and transferring title on a motor vehicle.

Sponsored by Rep. Sarah Anderson (R-Plymouth) and Sen. David Senjem (R-Rochester), a new law establishes a \$2 donation option "for the purposes of public information and education on anatomical gifts."

The money will be used as grants to federally certified organ procurement organizations and nonprofit organizations that advocate for organ and tissue donation. Funds will also cover all Department of Public Safety expenses to implement the program.

Anderson said more than 2 million Minnesotans have already signed up for organ donation, a rate of about 50 percent, but the percentage is much higher in the eight states that have similar programs.

The law takes effect Jan. 1, 2012.

HF808\*/SF892/CH80

— M. COOK

## Higher Education

### Student data protection exemption

Postsecondary institutions will have increased liability protection when disclosing student data.

Sponsored by Rep. Bud Nornes (R-Fergus Falls) and Sen. Jeremy Miller (R-Winona), a new law exempts an institution of higher education that provides student data or records to the Office of Higher Education from liability related to "any breach of confidentiality, disclosure, use, retention, or destruction of the records" of the data by any of the individuals having access to the data.

Nornes said colleges are concerned about the increased risks they are taking when sharing required information with the office, especially when improper data disclosure could lead to things like identity theft.

All institutions that participate in the

state financial aid program must now submit student record data to the office for research and program evaluation. However, the state is creating a state longitudinal education data system that will combine K-12 and higher education data and eventually workforce data. In addition to educational state departments or agencies, the information will be available to the Office of Enterprise Technology and the Department of Employment and Economic Development. School officials are uncomfortable with the increased level of risk as more agencies have data access.

The law takes effect Aug. 1, 2011.

HF1130/SF799\*/CH93

— M. COOK

## Housing

### Foreclosure evictions and renters

The increase in foreclosures has caused the need for some statutes to be clarified that were enacted in 2010 to deal with the issue.

A new law, sponsored by Rep. Peggy Scott (R-Andover) and Sen. Bill Ingebrigtsen (R-Alexandria), clarifies situations addressed in a 2010 law related to property that is being rented out, with a lease, at the time of a foreclosure. The new language makes clear that the statute is about eviction action directed at residential property or a dwelling.

The provisions relate to foreclosures on or before Dec. 31, 2012. The law takes effect May 25, 2011.

HF1443/SF1162\*/CH58

— L. SCHUTZ

## Local Government

### Kittson, Marshall appointed offices

A new law grants the boards of commissioners in Kittson and Marshall counties authority to fill their respective county recorder and county auditor-treasurer positions by appointment instead of by popular vote.

Transitioning certain county offices from elected to appointed positions has become a routine occurrence in recent years. Lawmakers have granted similar authority to many other counties, where officials say the positions have grown more professionalized, and that they have trouble recruiting qualified candidates to run for

those offices. Supporters say it's practical, while opponents argue it's undemocratic.

The law provides that the current officeholders may finish their current terms before the county boards appoint replacements. The counties must provide public notice and the opportunity for public comment before adopting resolutions providing for the changes. The resolutions must be approved by at least 80 percent of the respective county boards. The change must be put to a popular vote if a petition is filed.

The law further provides that residents of the county may force the positions to revert back to elected offices by way of a reverse referendum. If the county board members choose to make the offices elective after they've been made appointive, they must wait at least three years until after the initial change.

The law is effective upon local approval.

HF954\*/SF642/CH99

— N. BUSSE

### Red Wing golf course sale authorized

The City of Red Wing wants to let a private investor buy its municipally owned golf course, but first it needs permission from state lawmakers. A new law allows the deal to go through.

Red Wing owns Mississippi National Golf Links, a 36-hole public golf course. The city contracts with a private firm to run it, but still ends up paying certain capital and maintenance costs. City officials say selling the course would save local taxpayers money while allowing the course to continue to operate.

Effective upon local approval, the law gives the city authority to sell the golf course, as long as the facilities remain open for public use. Also, effective May 25, 2011, the law allows the Department of Administration to give the city ownership of the road leading to the course.

The land on which the course resides was declared surplus state property in the 1970s, and Red Wing obtained it from the state by way of a special law passed in 1976. Supporters of the new law said it was unclear whether the law allows the city to sell the land, so city officials needed lawmakers to grant them the authority.

Rep. Tim Kelly (R-Red Wing) and Sen. John Sterling Howe (R-Red Wing) are the sponsors.

HF1017/ SF779\*/CH43

— N. BUSSE



## SPREADSHEET PROPOSAL



PHOTO BY TOM OLMSCHIED

**House Speaker Kurt Zellers and Senate Majority Leader Amy Koch tell the Capitol press corps June 15 that they will present Gov. Mark Dayton their budget spreadsheet the following day.**

### Detachment and annexation

Effective Aug. 1, 2011, property owners whose land sits on a municipal boundary line may have an easier time switching cities.

Sponsored by Rep. Larry Howes (R-Walker) and Sen. Sean Nienow (R-Cambridge), a new law once again makes it easier for a property owner to initiate the process of detaching from one city and being annexed to the adjacent city. Under the provisions, property owners will be able to petition to have their land detached and annexed as long as one of the two affected municipalities supports the switch. Previously, the law stated that both cities must agree to it.

With the support of a resolution from one of the affected cities, a property owner could take his case to an administrative law judge, who would have the power to order the concurrent detachment and annexation.

The law essentially reverses legislation passed in 2006 that took away the ability for individual property owners to initiate a proceeding with only one city's support. The proposed change was one of two recommendations from the Municipal Boundary Adjustment Advisory Task Force — a bipartisan panel assembled by the Legislature to review annexation laws. The task force issued its final report in 2009.

HF753\*/SF792/CH115

— N. BUSSE

### Military & Vet. Affairs

#### Expired driver license renewals

Minnesota active military service members serving outside the state will have one year after they are discharged from active duty to renew an expired driver's license

Sponsored by Rep. Dean Urdahl (R-Grove City) and Sen. Ted Daley (R-Eagan), the law extends renewal time from 90 days to one year. The law is effective July 1, 2011, and applies to Minnesota driver's licenses valid on or after that date.

HF186\*/SF395/CH54

— S. HEGARTY

#### Gold Star plate options expanded

Since October 2009, a surviving spouse or parent of a service member who dies while serving honorably in active service has been eligible to receive a complimentary gold star license plate.

Effective Aug. 1, 2011, a new law expands plate eligibility to surviving legal guardians and the service member's brothers, sisters and children. Rep. John Kriesel (R-Cottage Grove) and Sen. Bill Ingebrigtsen (R-Alexandria) sponsor the law.

The law also contains a provision to decrease license and state identification card fees, while increasing vehicle registration filing fees.

Effective July 1, 2011, the cost of a Class D driver's license will drop from \$22.25 to

\$17.25. Fees for renewing vehicle licenses will increase from \$4.50 to \$6 and other transactions will increase from \$8.50 to \$10. There will not be a filing fee charged for surrendering a vehicle title.

There are two types of registration centers: state-operated and independently operated deputy registrar locations. Fees paid at state-operated locations will go toward the purchase of a Minnesota licensing and registration mainframe to replace the current 30-year-old system. The transaction fees paid at deputy registrar offices can be used to give the employees their first wage increase in eight years.

Section 4 of the law allows the Department of Veterans Affairs to accept federal funds, effective July 1, 2011.

Also beginning July 1, 2011, residents involved in work therapy programs at state veterans homes may work on a broader array of projects. Kriesel said a project to work on kickstands had to be refused because of current prescriptive language.

HF232\*/SF179/CH117

— S. HEGARTY

### Public Safety

#### Tougher penalty for fleeing officer

The crime of fleeing a peace officer when the result of doing so results in a death that does not constitute murder or manslaughter has been modified.

Effective Aug. 1, 2011, a new law extends current law to situations where a suspect initially flees police in a motor vehicle, but abandons the vehicle and continues to flee in another way.

Current flee-on-foot statute does not address penalties for causing serious harm or death to others if pursuit of a felonious criminal goes from vehicle to foot. However, if the occupants are still in the car, they can be charged for all the harm caused by their actions.

The impetus for the bill occurred on Nov. 1, 2007, when Mark Bedard, an officer with the Minneapolis Park Police, was in pursuit of two suspects in a pair of drive-by shootings.

After the suspects bailed from their vehicle, the chase continued on foot until Bedard was hit by a squad car in an alley. He died nine days later.

Because Bedard's injuries occurred during a foot chase, the suspects could not be charged under statute. They did plead guilty to felony drive-by shooting and received sentences of less than four years in prison.

Rep. John Kriesel (R-Cottage Grove) and Sen. John Harrington (DFL-St. Paul) are the sponsors.

HF361\*/SF515/CH32

— M. Cook

## Safety equipment purchase or lease

It used to be that if a city wanted to buy a used fire truck or police cruiser from another local government, they would have to go through a competitive bidding process. Effective Aug. 1, 2011, local governments can purchase public safety equipment directly from a single source when it makes financial sense.

A new law exempts public safety equipment from municipal contracting statutes, which normally require cities and counties to use competitive bidding or best value alternative processes to buy equipment. Under the provisions, a local government can skip competitive bidding "if the equipment is clearly and legitimately limited to a single source of supply, and the contract price may be best established by direct negotiation."

The law also authorizes local governments to issue certificates of indebtedness or capital notes to lease public safety equipment for up to 15 years.

Rep. David Hancock (R-Bemidji) and

Sen. Ray Vandever (R-Forest Lake) are the sponsors.

HF1139\*/SF921/CH33

— N. Busse

## Synthetic marijuana banned

Synthetic marijuana, also known as K2 or Spice, is a mix of common herbs sprayed with synthetic chemicals that mimic the effects of marijuana. It is sold in head shops and in stores as incense or potpourri under names like Demon, Triple X and Mr. Nice Guy, but is being used as an inhalant for people to get high. There is no minimum age to purchase the product.

Effective July 1, 2011, it will be a gross misdemeanor to sell synthetic marijuana and a person in possession of such a substance will be guilty of a misdemeanor.

Rep. John Kriesel (R-Cottage Grove), who sponsors the law with Sen. Dan Hall (R-Burnsville), said it has been known to cause serious health problems, including seizures. In the first 11 months of 2010 there were more than 2,500 calls nationwide to poison control centers because of synthetic marijuana use. It has been banned in 17 countries and 11 other states.

Effective May 25, 2011, the law amends the definition of "mixture" in first- through third-degree controlled substance possession crimes. It establishes that "the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture except in cases where the mixture contains four or more fluid ounces of fluid." Law enforcement can still charge sale offenses based on total weight of the mixture. This provision is from HF479/SF502, sponsored by Rep. Phyllis Kahn (DFL-Mpls) and Sen. Sandy Pappas (DFL-St. Paul).

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 in 2009 the charge was appropriate under the current definition of mixture.

This provision was overwhelmingly approved in 2010, but vetoed by former Gov. Tim Pawlenty, who said the bill "waters down current criminal justice practices and

standards related to the weight of controlled substances found in water pipes."

Substances known as 2C-E and 2C-I, "plant food," "bath salts" and synthetic cannabinoids will be added to the Schedule I drugs in the controlled substances chapter of state law, effective July 1, 2011. This is from HF1359, sponsored by Rep. Bob Barrett (R-Shafer).

These substances, which provide an amphetamine/hallucinogen-like high and can produce severe psychological and behavioral problems, have been accessible through head shops and online. In March 2011, a 19-year-old in Blaine died and 10 others became seriously ill from using these drugs.

Effective July 1, 2011, the definition of "analog" is added to the controlled substances chapter of state law; thereby, allowing the Board of Pharmacy to automatically add a substance to a list of Schedule I drugs that are illegal without having to first get legislative approval. This is from HF1520/SF1333, sponsored by Rep. Joe Mullery (DFL-Mpls) and Sen. Linda Berglin (DFL-Mpls).

Finally, the law eliminates the board's obligation to undertake an annual review of the controlled substance schedules. This is effective Aug. 1, 2011.

HF57\*/SF1166/CH53

— M. Cook

## Disaster relief technical changes

Lessons learned from flood relief efforts in the wake of the September 2010 floods in southern Minnesota form the basis for a package of mostly technical changes to the state's disaster relief statutes.

Sponsored by Rep. Steve Drazkowski (R-Mazeppa) and Sen. Mike Parry (R-Waseca), a new law makes a number of changes to how state agencies are allowed to spend disaster relief funds. Unless otherwise noted, it takes effect Aug. 1, 2011.

The law will allow unspent funds from the October 2010 disaster relief law to be used for grants to cover a portion of outstanding municipal bond debt for water and sewer infrastructure in counties affected by the 2010 floods. This provision takes effect May 25, 2011. Another provision allows state funds to be used to pay the local share of flood hazard mitigation grants. This section is effective retroactively to Oct. 19, 2010.

Selected other changes made by the law include:

- permitting the Board of Water and Soil Resources to use disaster-related funds to address “critical conservation problems” and extend disaster relief grants for up to two years;
  - clarifying how disaster enrollment impact aid is to be calculated by the Department of Education;
  - restricting the use of money from the Minnesota Investment Fund to address physical damages only;
  - providing that organizations receiving forgivable loans from the Minnesota Investment Fund must remain in the community for five years, after which a loan forgiveness schedule must be followed;
  - allowing the Health Department to waive the 60-day written notice requirement regarding layaway of nursing home beds;
  - allowing certain transportation-related funds to be used for demolition and design purposes for road and bridge reconstruction projects; and
  - allowing the Public Safety Department to use flood relief appropriations to help coordinate long-term recovery activities.
- HF1088/SF1044\*/CH67

— N. BUSSE

## Sex offender residency restrictions

A young girl was molested by her next door neighbor. The juvenile offender received treatment as part of a plea bargain and was released to his family. The victim’s family asked for a residency restriction order, but were told by the judge hearing the case that nothing could be done to prevent the offender from living next door upon his completion of treatment.

Apparently the judge was wrong.

A new law authorizes a court to bar a juvenile found guilty of a sex crime from residing within 1,000 feet, or three city blocks, of the victim.

Sponsored by Rep. Keith Downey (R-Edina) and Sen. Geoff Michel (R-Edina), the law inserts permissive language to ensure the court system fully understands that a judge has the option to issue such restraining orders in cases where the juvenile offender is over age 15 and does not live in the same home as the victim.

The law also states that the residency restriction could be ordered for all or part of the time that the offender is under court jurisdiction.

The law is effective Aug. 1, 2011.  
HF229\*/SF76/CH72

— H. LONG

## Donating public safety equipment

Some larger fire departments receive grants to upgrade their equipment, leaving them with the problem of how to dispose of used equipment that still may be in good working order. Donating to smaller departments is problematic because of the possible liability issue. So some departments simply mothball the equipment and some ship it to other countries.

Rep. Tara Mack (R-Apple Valley) and Sen. Warren Limmer (R-Maple Grove) sponsor a new law that will extend civil immunity to a municipality that donates vehicles and equipment used in firefighting, ambulance and emergency medical treatment services, rescue and hazardous materials response.

The issue of concern to city officials is that equipment exposed to high heat situations may not perform as expected and the donating government jurisdiction could be held liable.

The law is effective Aug. 1, 2011.  
HF695\*/SF735/CH75

— L. SCHUTZ

## Adding felony theft to racketeering

Another tool has been added for law enforcement and prosecutors to go after organized retail crime leaders and those performing the thefts.

Effective Aug. 1, 2011, felony theft will be added the list of eligible offenses for which an offender can be charged with racketeering.

Rep. Kelby Woodard (R-Belle Plaine), who sponsors the law with Sen. Scott Newman (R-Hutchinson), said to be affected by this change a person would have to be part of an organized crime group and have three or more criminal acts within 10 years at the felony level. Felony theft is defined as stealing something valued at more than \$1,000.

The maximum penalty for racketeering is a 20-year felony.

Supporters emphasized the law is not about going after a teenager that steals a compact disc, rather it is about going after teams of sophisticated, well-connected criminals with specific roles who steal high-end products with the intent of reselling them.

In Minnesota, it is estimated that approximately \$33 million is lost in annual

sales tax revenue due to organized retail crime.

HF1001/SF680\*/CH81

— M. COOK

## Protecting law enforcement assistants

New legal protections will be afforded reserve law enforcement officers, horses operated by reserve officers, utility workers and postal carriers.

Sponsored by Rep. Ron Shimanski (R-Silver Lake) and Sen. Scott Newman (R-Hutchinson), a new law adds to the statutory definition of law enforcement reserve officers and will make it a gross misdemeanor to assault such a person. Additionally, horse-mounted reserve officers or trail horses will be given the same protection afforded to mounted peace officers and their horses, “while the reserve officer is operating at the direction of, under the control of, or on behalf of a peace officer or a law enforcement agency.”

The impetus came from an incident last summer when a driver in McLeod County failed to follow the directive given by a volunteer uniformed member of the sheriff department’s mounted posse to a proper parking location. The driver drove in such a way that one mounted posse member had to take evasive action so as not to be hit, but the vehicle contacted the horse of another member.

The law, effective Aug. 1, 2011, also expands the gross misdemeanor fourth-degree assault crime to include attacks against utility employees and contractors, as well as postal carriers while involved in their professional duties. This provision was initially HF1103, sponsored by Rep. Joe Mullery (DFL-Mpls).

Supporters said it is a matter of fairness because a person who assaults a city water meter reader can be charged with a gross misdemeanor, but if a gas company technician or a postal carrier is assaulted in the course of his or her duties it is only a misdemeanor.

HF506/SF301\*/CH85

— M. COOK

## E-charging expansion authorized

Currently, e-charging — the electronic transmission of data and documents — can be used by law enforcement, prosecutors and the courts during the process of charging an adult with a crime.



Sponsored by Rep. Joe McDonald (R-Delano) and Sen. Scott Newman (R-Hutchinson), a new law will expand the use of e-charging for apprehending, prosecuting or adjudicating juveniles or adults for a crime, delinquent act or petty misdemeanor. It will also include use by the Department of Public Safety in its administration of license revocations under the implied consent law.

Supporters said that e-charging eliminates paper, eliminates errors made by redundant data entry and reduces the use of officer time for transporting charging documents for signature and filing.

A cost study conducted by Carver County indicated the change could save about \$500,000 over the next five years.

HF1270/SF881\*/CH91

— M. COOK

### Modifying sex offender treatment

A new law modifies existing statutes to improve efficiencies in the state's sex offender treatment program.

Some of the changes include:

- creating procedures for voluntary readmission to a secure facility for a civilly committed sex offender who has been provisionally discharged;
- strengthening and clarifying state agency and law enforcement authority roles in apprehending and returning a civilly committed sex offender who is absent without authorization;
- streamlining the sexually dangerous persons and sexually psychopathic personality commitment procedures to a single hearing, instead of two;
- modifying the community public notification, which ensures that community notification of the broadest scope available under the law is used when a civilly committed sex offender is going to reside in the community; and
- directing the Department of Human Services to work with the Revisor's Office to develop legislation in 2012 that would reorganize sex offender civil commitment statutes so they are clear and distinguished from statutes that pertain to other civil commitment categories.

Sponsored by Rep. Mary Kiffmeyer (R-Big Lake) and Sen. David Hann (R-Eden Prairie), the legislation was brought forward by program staff.

### RUNNING THE NUMBERS



PHOTO BY ANDREW VONBANK

**House Speaker Kurt Zellers, holding a Republican-prepared budget spreadsheet, and Sen. Majority Leader Amy Koch speak to the Capitol press corps June 16 following a budget meeting with Gov. Mark Dayton.**

The law is effective May 28, 2011.  
HF1478/SF1287\*/CH102

— H. LONG

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

### Recreation & Tourism

#### Helping bingo halls survive

A change to the state's charitable gambling laws is meant to help bingo halls survive an era of shrinking revenues.

## NEW LAWS

Sponsored by Rep. Kim Norton (DFL-Rochester) and Sen. David Senjem (R-Rochester), a new law lowers the minimum percentage of gross profits that bingo halls must pay to charities. Effective May 25, 2011, the minimum requirement is lowered from 30 percent to 20 percent.

Supporters say the state's dwindling number of bingo halls have experienced a decline in business, and risked shuttering permanently under the old requirement. The change would not apply to other forms of charitable gambling like pull tabs.

HF1633/SF994\*/CH77

— N. BUSSE

### Definition of a swimming pond

Swimming ponds are currently exempt from most of the Department of Health regulations that govern operation, maintenance, design, installation and construction of public pools. That exemption was due to expire on June 30, 2011, but a new law, sponsored by Rep. Bill Hilty (DFL-Finlayson) and Sen. Tony Lourey (DFL-Kerrick), removes the exemption expiration.

The legislation was proposed after a December 2010 department report recommended the state continue to regulate public swimming pools and ponds differently.

The Legislature has defined a swimming pond as "an artificial body of water contained within a lined, sand-bottom basin, intended for public swimming, relaxation, or recreational use that includes a water circulation system for maintaining water quality and does not include any portion of a naturally occurring lake or stream."

There are six public swimming ponds in the Twin Cities metropolitan area: Zimmerman, Osseo, Lake Elmo, Excelsior, Eden Prairie and Shakopee. Public swimming ponds in Greater Minnesota are located in Warroad, Glyndon, Cloquet, Mankato, Blooming Prairie and New Ulm. The law is effective May 25, 2011.

HF763\*/SF491/CH83

— H. LONG

## State Government

### Geospatial Advisory Council changes

The Minnesota Geospatial Information Office, known informally as "MnGeo," is advised by two groups: the State Government

Geospatial Advisory Council, which focuses on agency-related GIS issues, and the Statewide Geospatial Advisory Council, which focuses on the state's broader GIS community as whole.

A new law adds tribal governments to the list of organizations that must be represented on the statewide council. It also changes the makeup of the state government council so that its members are appointed by certain designated organizations rather than commissioner of administration. Finally, it extends the life of both councils to June 30, 2015.

The law takes effect June 30, 2011. Rep. Phyllis Kahn (DFL-Mpls) and Sen. Chuck Wiger (DFL-Maplewood) are the sponsors. HF1411/SF1270\*/CH68

— N. BUSSE

### Statute clarifications, corrections

Each year, after session ends, the Office of the Revisor of Statutes reviews the statutes and proposes clarifications and corrections to the Legislature the following session. This could include such items as incorrect cross references and grammatical errors.

A new law makes clarifications and corrections from sessions past, not including the 2011 session. Any necessary clarifications and corrections affecting law enacted in 2011 will be proposed in a different bill, to be considered during the special session.

The law, which takes effect Aug. 1, 2011, is

sponsored by Rep. Doug Wardlow (R-Eagan) and Sen. Warren Limmer (R-Maple Grove). HF1220/SF885\*CH76

— L. SCHUTZ

### Insurance reinstated for one worker

A retired state employee who accidentally missed payments on his insurance premiums will be let back into the State Employee Group Insurance Program.

A new law sponsored by Rep. Tony Cornish (R-Good Thunder) and Sen. John Carlson (R-Bemidji) will apply to a single former state employee. The individual in question, a 27-year law enforcement officer who took early retirement, lost his eligibility to stay on the SEGIP program after missing a series of premium payments in 2010. Cornish said the man believed someone else was paying his premiums while he was away on business in another state. The law will allow the employee the option to reinstate his coverage after he pays any unpaid back premiums.

The law is effective May 28, 2011.

HF1144\*/SF849/CH100

— N. BUSSE

## Taxes

### Green Acres tax law reformed

Because of unintended consequences resulting from 2008 and 2009 changes

### WHAT'S AT STAKE



PHOTO BY TOM OLMSCHEID

House Minority Leader Paul Thissen, left, and Senate Minority Leader Tom Bakk joined Gov. Mark Dayton June 22 at a news conference on the state's budget.



## NEW LAWS

to the Green Acres and Rural Preserves programs, the programs were again tweaked this year. Sponsored by Rep. Mike LeMieur (R-Little Falls) and Sen. Jeremy Miller (R-Winona), the new law applies to taxes payable beginning in 2012.

In 2008, legislators created a dual tax classification system for productive agricultural land (2a) and non-productive rural vacant land (2b). Furthermore, the law provided that the non-productive land would only be allowed to remain in the Green Acres program until sale or transfer to a new owner. One year later, the Legislature created a new program called Rural Preserves for the non-productive land, which had tax benefits similar to Green Acres, and provided that no non-productive land would be allowed in Green Acres after taxes payable in 2013. In order for land to be enrolled in Rural Preserves, a farmer was required to develop a conservation plan for the land, and to sign a covenant that the land would not be developed or farmed for a period of years. Property owners and county assessors explained problems with the revisions.

Effective April 16, 2011, the law no longer requires farmers to develop a conservation plan or to sign a covenant agreement to enroll in Rural Preserves.

The law also requires that Rural Preserve land, of any size, be contiguous to property enrolled in Green Acres and under the same

ownership. Previously, a minimum 10 acres was required.

An aerial photograph or satellite image of the property that clearly defines the land being enrolled is now required as part of the enrollment process. If a property owner wants to remove land from either program before the authorized date, three years of deferred taxes will become due.

Effective April 16, 2011, interested parties will work toward an alternative method for determining the taxable value of enrolled agricultural and rural vacant land. A report is due by Feb. 15, 2012.

The 2011 enrollment period to get into the Rural Preserves tax relief program was extended until Aug. 1, 2011, due to program reforms made by lawmakers this session.

HF12\*/SF222/CH13

— S. HEGARTY

### Tax bill gets support

Despite the word “taxes” in its title, the omnibus tax policy law received bipartisan support in the Legislature, and was signed into law by Gov. Mark Dayton.

Sponsored by Rep. Greg Davids (R-Preston) and Sen. Julianne Ortman (R-Chanhassen), the law contains mainly noncontroversial tax policy provisions, many put forward by the Revenue Department.

Tax treatment for those raising horses prompted concerns in the House Taxes

Committee as well as on the House floor. Over the years, there has been confusion for some over how to differentiate in the tax code those who have horses as a hobby, and those who use them as part of an agricultural business. While a provision in the House language would have allowed more equine-related enterprises to be classified as agricultural, this was removed by amendment in the Senate.

The law addresses some tax increment financing changes and modifications for the cities of Ramsey, Lino Lakes, Cohasset and Sauk Rapids. It also extends the ability to use TIF for market-rate housing developments to July 31, 2012, for projects that begin before Jan. 1, 2012.

Other provisions in the law include:

- modifying a 2010 law related to owner-occupied resorts to provide that two such properties located in the same town can be combined for tax purposes if they are each owned by different limited liability companies, as long as they have the same membership;
- defining of the word “interns” for use in the angel investment credit program and setting an intern minimum wage requirement. This provision is retroactive to Jan. 1, 2011;
- expanding the definition of “agricultural products” to include the production for sale of game birds and waterfowl by a Department of Natural Resources-licensed game farm, provided that at least 500 birds were raised or used for breeding stock on the property during the year; and
- agricultural land that is owned, and used for the purposes of a homestead by an individual who is a shareholder, member, or partner of the corporation, venture, company or partnership is entitled to receive the first tier homestead class rate, under certain conditions.

HF1219\*/SF869/CH112

— L. SCHUTZ

### COMPROMISE URGED



PHOTO BY TOM OLMSCHIED

While House Speaker Kurt Zellers and Sen. Majority Leader Amy Koch address the press after meeting with Gov. Mark Dayton June 22, Kyle Nelson holds his “Be Heros, Compromise” sign outside the governor’s office.

## Transportation

### Roadway to be returned

About a 4.5-mile stretch of roadway will be transferred from the state’s trunk highway system to the county state-aid system.

Sponsored by Rep. Tom Anzelc (DFL-Balsam Township) and Sen. Tom Saxhaug (DFL-Grand Rapids), a new law will turn



## NEW LAWS

back to Koochiching County a portion of Trunk Highway 332, which runs between U.S. Highways 71 and 53 south of International Falls.

Anzelc said an agreement between the state and county indicates that this stretch of road is more appropriately under county jurisdiction. Because all trunk highways are listed in state statute, legislation is needed to turn one over to city or county jurisdiction.

Turned back routes are not typically high priorities on the state highway system, but can be high priority for the local community. This way, the local jurisdiction can put the roadway high on its priority list and pick up associated ongoing maintenance costs.

This transfer will be implemented with a one-time payment from the state's turnback account. Whenever the state turns back a road it is brought up to state-aid standards or, if the road is in pretty good shape, a financial agreement is reached with the local entity to give them a lump sum for when the road needs to be rehabilitated.

The law takes effect the day after the transportation commissioner sends notice to the revisor of statutes that conditions necessary to make the transfer have been satisfied.

HF724\*/SF520/CH34

— M. Cook

### Annual hauling permits enacted

When Lake Area Docks & Lifts wants to transport an oversized boat lift or dock between its store and a lake or river via a trunk highway, it will no longer need to get a special permit each time from the Department of Transportation.

Sponsored by Rep. Bud Nornes (R-Fergus Falls) and Sen. Gretchen Hoffman (R-Vergas), a new law will allow the authorization of annual permits for such businesses in the state. A single trip permit costs \$15, while the new annual permit will be \$120, the same as a current rate for hauling boats. The law is effective May 25, 2011.

Nornes said it will make business a little easier because a dealer won't need to apply for a permit each time, and it should make consumers happier because their boat lift or dock can be delivered without delay.

MnDOT officials said they could simply revamp the boat permit, instead of expending money to create a whole new permit.

HF80/SF67\*/CH44

— M. Cook

### Motor vehicle provisions passed

More automobile dealers will be permitted to keep vehicle titles in a centralized location in Minnesota for a multi-location auto dealership group, if a request to do so is approved by the Department of Public Safety.

Supporters said this new law will create efficiencies when it comes to storing records. It is effective Aug. 1, 2011.

Sponsored by Rep. Bruce Vogel (R-Willmar) and Sen. David Senjem (R-Rochester), the new law also clears up vehicle registration when coming out of a daily rental fleet, such as when companies like Avis or Hertz want to sell vehicles they'd been using as rentals.

Fleet companies have the ability to register their vehicles for a shorter period than the usual 12 months, such as for four months at a time. However, when a dealer sells a vehicle the registration has to be for 12 months, so there has been some confusion about when a vehicle's registration needs to be renewed by the customer who bought the vehicle.

The law eliminates a provision that a vehicle title be stamped with the end date of the registration period when the vehicle is used for rentals by a vehicle lessor and registered for less than 12 months.

HF493\*/SF341/CH48

— M. Cook

### Disability motorcycle plates

Things will get easier for those wanting parking privileges for their motorcycle.

Sponsored by Rep. Ron Shimanski (R-Silver Lake) and Sen. Al DeKruif (R-Madison Lake), a new law will modify issuance of disability plates and certificates.

Under current law, persons with a disability are allowed one handicap placard and one set of handicap license plates, although individuals may apply to the State Council on Disability for a second set. The council has generally given its approval when the second set is for a motorcycle.

Effective Aug. 1, 2011, the Driver and Vehicle Services Division of the Public Safety Department can issue disability plates for a motorcycle for a person that may already have disability certification on another motor vehicle, and must design a certificate that can be secured to a motorcycle.

Supporters said the handicap plates are generally put on a person's personal vehicle, and a placard is not suitable for use on a

motorcycle. Without a handicap plate or placard they have to walk from further out in a parking lot.

HF1094/SF478\*/CH60

— M. Cook

### Carbon monoxide awareness

The Department of Public Safety must include information on carbon monoxide poisoning in driver's education training, must ask a question about carbon monoxide on the driver's exam and is required to include information about carbon monoxide in the driver's manual.

The law is effective May 25, 2011, except for the exam portion, which takes effect Jan. 1, 2012.

Sponsored by Rep. Andrea Kieffer (R-Woodbury) and Sen. Chuck Wiger (DFL-Maplewood), the so-called "Tyler's Law" is the result of a December 2010 tragedy when Tyler Lavers, a sophomore at the University of Minnesota, was accidentally killed when installing stereo speakers in his car.

He backed his car into the garage at the family's cabin to be closer to the tools and best lighting. With the garage door open, he started the car at some point to test his speakers. Despite a ventilated garage, the very cold air created a higher output of carbon monoxide from his engine, and combined with a small space, allowed the deadly poison to concentrate where he was and ultimately kill him.

It is estimated that 15-20 Minnesotans die each year from carbon monoxide poisoning.

HF650\*/SF1042/CH70

— M. Cook

### Diversion program expansion

A driver's license reinstatement diversion program established in 2009 has been green-lighted for two more years and expanded.

Sponsored by Rep. Tim Kelly (R-Red Wing) and Sen. Scott Newman (R-Hutchinson), a new law extends the pilot project scheduled to sunset on June 30, 2011, for another two years. It will also permit counties to establish a program, not just cities.

The law is effective May 28, 2011.

The program provides an alternate path of re-licensure for those driving without a license. It is directed at people who want to get valid, but for various reasons, such as limited finances, are unable to do so.

Under the program, those charged with

## GOVERNOR ARRIVES

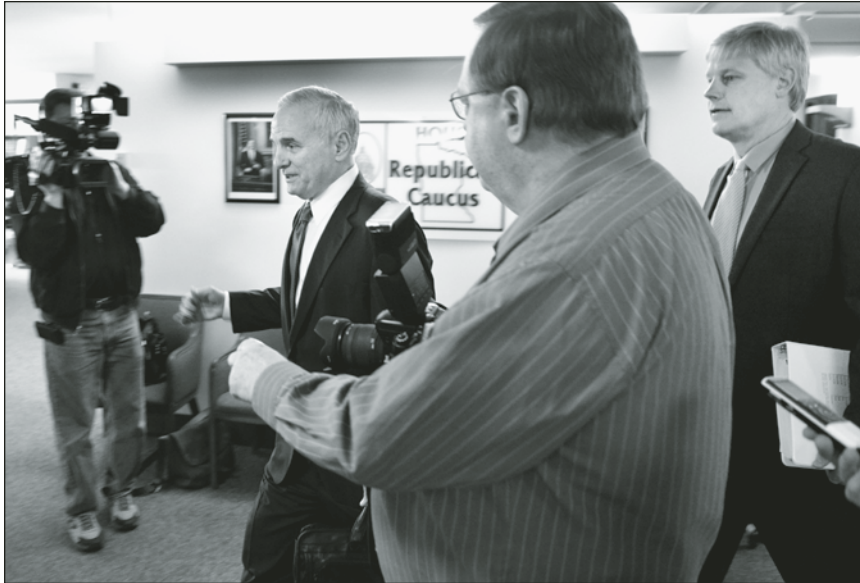


PHOTO BY TOM OLMSCHIED

Gov. Mark Dayton makes his way through the Capitol press corps June 24 as he arrives at House Speaker Kurt Zellers' office to begin budget negotiations with Republican legislative leaders. House Minority Leader Paul Thissen, right, follows Dayton into the meeting.

driving after suspension or revocation, but who have not yet entered a plea, can participate. In exchange for a diversion driver's license, participants must maintain insurance, make regular payments toward the outstanding fines and complete a class that teaches life and financial management skills. Offenders pay for program costs.

Duluth, St. Paul, South St. Paul, West St.

Paul and Inver Grove Heights took part in the pilot program, and Isanti joined in July 2010. The public safety commissioner can permit other cities to establish a program.

As of Dec. 31, 2010, the program had 1,781 eligible participants, of which the average participant had seven outstanding citations with an average balance of \$1,700. Supporters noted the program had returned

close to \$500,000 back to participating cities.  
HF387\*/SF471/CH87

— M. COOK

## Clarifying pickup registration, plates

A distinction will be established through a new law in registration and license plate display between commercial and non-commercial pickup trucks.

Pickup trucks with a rated capacity of one ton or more are currently registered as trucks, while smaller pickup trucks are registered as passenger automobiles, meaning the owner pays a registration tax on the same schedule as other passenger-type vehicles.

According to Rep. Deb Kiel (R-Crookston), who sponsors the law with Sen. Michael Jungbauer (R-East Bethel), one-ton pickup trucks are displayed as Y class truck plates for the purposes of registration and taxation; however, these owners are occasionally stopped by law enforcement and subject to commercial vehicle compliance checks, even if they are not used in commercial vehicle operations. Under the law, a new license plate would identify certain trucks as non-commercial, thereby avoiding unnecessary road compliance checks by law enforcement.

The law, which takes effect Aug. 1, 2011, changes a 2008 law on pickup truck registration that was set to take effect in 2012.

HF1105\*/SF1058/CH109

— M. COOK

## Frequently called numbers

Area code 651

### House Public Information Services

175 State Office Building ..... 296-2146  
Toll-free..... 800-657-3550

### Chief Clerk of the House

211 Capitol ..... 296-2314

### House Index

211 Capitol ..... 296-6646  
Meeting Call Line, House..... 296-9283

### House Sergeant-at-Arms

190 State Office Building ..... 296-4860

### House Research

600 State Office Building ..... 296-6753

### Senate Information

231 Capitol ..... 296-0504  
Toll-free..... 888-234-1112

### Secretary of the Senate

231 Capitol ..... 296-2344  
Voice mail/order bills..... 296-2343

### Senate Index

110 Capitol ..... 296-2887

### Senate Sergeant-at-Arms

G-1 Capitol/Chamber ..... 296-1119/296-7159

### Senate Counsel, Research and Fiscal Analysis

G-17 Capitol..... 296-4791

### Legislative Reference Library

645 State Office Building ..... 296-8338

### Governor's Office

130 Capitol ..... 201-3400

### Attorney General's Office

102 Capitol ..... 296-6196

### Secretary of State's Office

Election Center

180 State Office Building ..... 215-1440

Toll-free..... 877-600-8683

Business Services

60 Empire Dr., Suite 100

St. Paul 55103..... 296-2803

Toll-free..... 877-551-6767

### State Auditor

525 Park St., Suite 500

St. Paul 55103..... 296-2551

# Freshmen power

### Zeal for reform influences session agenda

BY KRIS BERGGREN AND HANK LONG

**C**onventional wisdom holds that the House Class of 2011 “right”-sized the session’s agenda. Of the 37 new members, 33 are Republicans who represent what many pundits termed a “wave of political conservatism” in the 2010 election.

Professionally, they’re from diverse backgrounds, including farmers, teachers, a soldier, a photographer, a day care provider, insurance agents, a lawyer and small-business owners. Politically, it’s been said by supporters and critics alike that they present a united front, which House Minority Leader Paul Thissen (DFL-Mpls), describes as “very conservative and leaning towards the Tea Party position.”

How do they describe themselves?

“Headstrong, and a little naïve and a little daring,” said Rep. Joe McDonald (R-Delano).

“It’s really kind of an even keel group of people that come from all different walks of life,” said Rep. Kurt Daudt (R-Crown), elected by his fellow Republican freshmen to represent them on the caucus executive board.

“It’s tough to lump us all in a class,” said Rep. John Kriesel (R-Cottage Grove), an outspoken war veteran who voted against his caucus majority on the marriage amendment.

The group that arrived at the Capitol in January is often mischaracterized by the media as an organized “Tea Party” bloc, Daudt said.

“But I do think they all campaigned on a message that, ‘Hey, let’s get Minnesota back into economic prosperity, let’s create jobs, let’s turn this economy around to get Minnesota back on the right track by attracting businesses and really being a pro-job creation environment,’” he said.

Maybe they aren’t a “bloc,” but the voting power of the freshmen class helped pass

bills featuring spending limits, no new revenue and government reform plus an add-on slate of social issues such as abortion limits, a constitutional amendment to define marriage and requiring voters to prove their identity.

Although Rep. Bob Barrett (R-Shafer) said freshmen legislators have made it clear to their caucus where their principles lay — such as smaller government that costs less — he believes first-termers have been productive in understanding their role within the Legislature.

“Anyone who is new in their position can’t come in there, guns-a-blazing,” he said. “We should be listening a lot more than we are talking, and I think, as the new group of freshmen, we’ve done that.”

The new majority’s zeal for conservative reform was countered by the red pen of DFL Gov. Mark Dayton, who vetoed all but one of the budget bills passed by the Legislature during its regular session. As the session closed with a budget stalemate, Dayton said he believed a group of newcomers representing “the extreme right wing” of the Republican Party pressured their caucus leaders to refuse to compromise on a tax increase.

“I don’t think leadership needed our coaxing,” said McDonald. “If we contributed to their determination to hold the line on the budget then we’ve done what I think the people elected us to do: cut some wasteful spending, lower taxes and balance the budget.”

### Leadership views

Are those principles so extreme? They served as a campaign platform — along with creating jobs — for many lawmakers, including House Speaker Kurt Zellers (R-Maple Grove).

The Republican House leader calls most of the new group “center-right” and said their values generally match his own. “My voting record especially when it comes to spending is, I’m as conservative on fiscal issues and probably most issues as anybody here,” Zellers said.

He’s impressed with his freshmen’s chops — they’ve carried “complicated” bills that he doubted many of his own Class of 2003 could have pulled off.

“On the reform side our freshmen have been dynamic. Our freshmen are interesting in that they’re not really freshmen,” said Zellers. He said the life experience and personalities of this year’s class have given them the tools to carry significant bills through an often heated and very public process.

For example, Rep. Pam Myhra (R-Burnsville) carried a significant education bill proposing a statewide literacy plan featuring a third-grade retention policy for students unable to read. She learned from the give-and-take of the committee process that a bill gets better with the vetting and tweaking throughout the session.

“You take an idea that you feel passionately about or that has come from a constituent and mold it like clay. And as you bring it forward to your colleagues on both sides of the aisle they have really good ideas. One of the things a DFL colleague mentioned was the need for instructing teachers in more effective ways of teaching reading. And that was emphasized in the final bill presented to the governor,” Myhra said.

Myhra also said party leaders respected all members’ ideas and contributions.

“I’ve never sensed that because I’m a freshman it’s diminished my influence in the caucus,” she said.

### “Open mic night”

To build communication and trust, Zellers used tools he learned during his early years. For one, he asked first-year Republicans





PHOTO BY ANDREW VONBANK

**The House's freshmen members have held considerable sway during their first year in office.**

to elect one of their ranks to serve on the executive team.

"It was important they felt not only were they part of the process but they had representation on our leadership team, a seat at the table. I learned that from (former House Speaker) Steve Sviggum."

One practice that helped freshmen find their sea legs was the regular Monday post-floor session "open mic night." During these gatherings, new members could ask anything – and they did, from whether they ought to bring a toothbrush and pajamas for late night sessions to "deep philosophical questions" to demands for justifying budget targets.

"If there's one question we hear time and time again, it's 'Well, why?'" Zellers said. "We're going to spend this much money on this budget, 'Well, why?' This is a priority to us and these dollars are for education, these dollars are for higher ed, 'Well, why?'"

"The extra time helped us come along in caucus and as a leadership team," he said.

### **Social versus spreadsheet priorities**

Leaders' attention to new members' needs didn't help them get a budget enacted by the end of session, however.

After tending to spreadsheet priorities by passing a budget that held state spending to \$34 billion without raising revenue, the House took up social issues that drew fire, such as abortion limits and a constitutional amendment to ban gay marriage.

That's where the conservative class's influence came into play, believes Rep. Carly Melin (DFL-Hibbing), one of only four new members of the party currently in the minority.

"I thought that the Republican freshmen went to St. Paul to create jobs too," Melin said. "Yet we wasted how many hours talking about divisive social issues?"

Others downplay that argument. McDonald said he spent just seven hours on the marriage amendment while it was debated on the House floor.

"We're able to do many things at once. ...

There is no reason we can't be working on many projects at one time," McDonald said.

In contrast, Kriesel believes the end-of-session focus on social issues didn't serve the people of Minnesota. "Right or wrong, what's the thing that sticks out about the end of session? The marriage amendment. And so perception is reality."

### **Compromise or caving in?**

Merely passing fiscal or policy bills isn't enough, and there's the rub. The majority has to pass bills the governor will sign into law.

What to some is pragmatic compromise others might call caving in.

"I think we are willing to compromise to a certain extent," Daudt said, "but the way we are seeing the word used, as it's being used by the governor right now, is not compromise. The term I would use instead is 'playing games.'"

Days before a possible state shutdown, Rep.

Doug Wardlow (R-Eagan) remained hopeful the governor and Republican leadership could come to a budget solution, but he too, said the word “compromise,” as it was used in the context following the legislative session, is the crux of the problem.

“There is no compromise between right and wrong,” said Wardlow. “It’s difficult sometimes to discern what the right answer and wrong answer is. And people have different opinions about that. So you compromise in your attempts to define what the right or wrong answer is, but that doesn’t mean there isn’t a right answer.”

Melin said sticking to your guns is “admirable, but it doesn’t work in politics. You might run on one thing, but when you get to St. Paul, you’re trying to strike a deal with hundreds of other people,” she said.

Kriesel also called for practicality from both sides of the aisle. “People need to be reasonable right now because there’s a lot on the line. Saying we’re not budging, that’s fine. But it’s not reasonable. What do we teach our kids? What do we expect when we’re dealing with people? We say, you need to compromise, but then some of us don’t,” he said.

Compromise, Thissen said, not only means accepting things that you don’t necessarily agree with, “but more importantly, that your base doesn’t necessarily agree with.”

“What Minnesotans want are legislators who are willing to come to the middle and simply not just appease their base. That’s what the Democrats in the Legislature did with Gov. Pawlenty ... and I think that’s where the Republicans need to move.”

Nobody’s immune from the pressures of running for office or of considering whether their vote will cost them at the ballot box. Kriesel said he tries not to think about that but rather, to vote his conscience. “You’ve got to think about what’s right regardless of whether or not if it’s going to hurt you or help you in your campaign next year.” 🗳️

### Stay Informed

- Subscribe to Session Weekly: [www.house.mn/hinfo/subscribesw.asp#bymail](http://www.house.mn/hinfo/subscribesw.asp#bymail)
- Subscribe to Session Daily: [www.house.mn/list/join.asp?listname=sessiondaily](http://www.house.mn/list/join.asp?listname=sessiondaily)
- Follow us on Twitter: [twitter.com/MNHouseInfo](https://twitter.com/MNHouseInfo)
- Like us on Facebook: [www.facebook.com/MNHouseInfo](https://www.facebook.com/MNHouseInfo)
- View our videos on YouTube: [www.youtube.com/user/MNHouseInfo](https://www.youtube.com/user/MNHouseInfo)
- For information on any of these services: 651-296-2146 or 800-657-3550



***“Anyone who is new in their position can’t come in there, guns-a-blazing. We should be listening a lot more than we are talking, and I think, as the new group of freshmen, we’ve done that.”***

— Rep. Bob Barrett  
R-Shafer



***“I’ve never sensed that because I’m a freshman it’s diminished my influence in the caucus.”***

— Rep. Pam Myhra  
R-Burnsville



***“I thought that the Republican freshmen went to St. Paul to create jobs too. Yet we wasted how many hours talking about divisive social issues?”***

— Rep. Carly Meline  
DFL-Hibbing



***“I think we are willing to compromise to a certain extent. But the way we are seeing the word used, as it’s being used by the governor right now, is not compromise. The term I would use instead is ‘playing games.’”***

— Rep. Kurt Daudt  
R-Crown



***“It’s difficult sometimes to discern what the right answer and wrong answer is. And people have different opinions about that. So you compromise in your attempts to define what the right or wrong answer is, but that doesn’t mean there isn’t a right answer.”***

— Rep. Doug Wardlow  
R-Eagan



***“You’ve got to think about what’s right regardless of whether or not if it’s going to hurt you or help you in your campaign next year.”***

— Rep. John Kriesel  
R-Cottage Grove

# 2011-2012 Minnesota House of Representatives Members

| District | Member/Party              | Room* | Phone<br>651-296- | District | Member/Party             | Room* | Phone<br>651-296- |
|----------|---------------------------|-------|-------------------|----------|--------------------------|-------|-------------------|
| 48B      | Abeler, Jim (R)           | 479   | 1729              | 57A      | Kriesel, John (R)        | 451   | 4342              |
| 19A      | Anderson, Bruce (R)       | 365   | 5063              | 50A      | Laine, Carolyn (DFL)     | 287   | 4331              |
| 38A      | Anderson, Diane (R)       | 525   | 3533              | 9A       | Lanning, Morrie (R)      | 379   | 5515              |
| 13A      | Anderson, Paul (R)        | 445   | 4317              | 34A      | Leidiger, Ernie (R)      | 415   | 4282              |
| 43A      | Anderson, Sarah (R)       | 549   | 5511              | 12B      | LeMieur, Mike (R)        | 567   | 4247              |
| 3A       | Anzelc, Tom (DFL)         | 307   | 4936              | 40B      | Lenczewski, Ann (DFL)    | 317   | 4218              |
| 39B      | Atkins, Joe (DFL)         | 209   | 4192              | 66A      | Lesch, John (DFL)        | 315   | 4224              |
| 15B      | Banaian, King (R)         | 411   | 6612              | 30A      | Liebling, Tina (DFL)     | 357   | 0573              |
| 17B      | Barrett, Bob (R)          | 413   | 5377              | 55A      | Lillie, Leon (DFL)       | 281   | 1188              |
| 35A      | Beard, Michael (R)        | 417   | 8872              | 59A      | Loeffler, Diane (DFL)    | 335   | 4219              |
| 43B      | Benson, John (DFL)        | 289   | 9934              | 56A      | Lohmer, Kathy (R)        | 521   | 4244              |
| 30B      | Benson, Mike (R)          | 515   | 4378              | 42B      | Loon, Jenifer (R)        | 403   | 7449              |
| 37B      | Bills, Kurt (R)           | 533   | 4306              | 37A      | Mack, Tara (R)           | 557   | 5506              |
| 23B      | Brynaert, Kathy (DFL)     | 327   | 3248              | 67A      | Mahoney, Tim (DFL)       | 237   | 4277              |
| 35B      | Buesgens, Mark (R)        | 381   | 5185              | 65B      | Mariani, Carlos (DFL)    | 203   | 9714              |
| 45B      | Carlson Sr., Lyndon (DFL) | 283   | 4255              | 9B       | Marquart, Paul (DFL)     | 313   | 6829              |
| 58B      | Champion, Bobby Joe (DFL) | 329   | 8659              | 41B      | Mazorol, Pat (R)         | 581   | 7803              |
| 61A      | Clark, Karen (DFL)        | 277   | 0294              | 19B      | McDonald, Joe (R)        | 523   | 4336              |
| 24B      | Cornish, Tony (R)         | 437   | 4240              | 3B       | McElfatrick, Carolyn (R) | 545   | 2365              |
| 8B       | Crawford, Roger (R)       | 421   | 0518              | 53B      | McFarlane, Carol (R)     | 597   | 5363              |
| 17A      | Daudt, Kurt (R)           | 487   | 5364              | 57B      | McNamara, Denny (R)      | 375   | 3135              |
| 31B      | Davids, Greg (R)          | 585   | 9278              | 5B       | Melin, Carly (DFL)       | 309   | 0172              |
| 62A      | Davnie, Jim (DFL)         | 215   | 0173              | 65A      | Moran, Rena (DFL)        | 227   | 5158              |
| 52B      | Dean, Matt (R)            | 459   | 3018              | 23A      | Morrow, Terry (DFL)      | 211   | 8634              |
| 52A      | Dettmer, Bob (R)          | 473   | 4124              | 58A      | Mullery, Joe (DFL)       | 387   | 4262              |
| 6A       | Dill, David (DFL)         | 273   | 2190              | 10B      | Murdock, Mark (R)        | 593   | 4293              |
| 47A      | Dittrich, Denise (DFL)    | 311   | 5513              | 64A      | Murphy, Erin (DFL)       | 345   | 8799              |
| 33B      | Doepke, Connie (R)        | 579   | 4315              | 6B       | Murphy, Mary (DFL)       | 343   | 2676              |
| 41A      | Downey, Keith (R)         | 407   | 4363              | 27A      | Murray, Rich (R)         | 439   | 8216              |
| 28B      | Drazkowski, Steve (R)     | 401   | 2273              | 40A      | Myhra, Pam (R)           | 517   | 4212              |
| 2A       | Eken, Kent (DFL)          | 243   | 9918              | 46A      | Nelson, Michael V. (DFL) | 229   | 3751              |
| 16A      | Erickson, Sonda (R)       | 509   | 6746              | 10A      | Nornes, Bud (R)          | 471   | 4946              |
| 1A       | Fabian, Dan (R)           | 431   | 9635              | 29B      | Norton, Kim (DFL)        | 233   | 9249              |
| 20A      | Falk, Andrew (DFL)        | 239   | 4228              | 14A      | O'Driscoll, Tim (R)      | 369   | 7808              |
| 11B      | Franson, Mary (R)         | 429   | 3201              | 64B      | Paymar, Michael (DFL)    | 301   | 4199              |
| 26B      | Fritz, Patti (DFL)        | 253   | 8237              | 31A      | Pelowski Jr., Gene (DFL) | 295   | 8637              |
| 36B      | Garofalo, Pat (R)         | 537   | 1069              | 32A      | Peppin, Joyce (R)        | 503   | 7806              |
| 7B       | Gauthier, Kerry (DFL)     | 225   | 4246              | 4A       | Persell, John (DFL)      | 223   | 5516              |
| 15A      | Gottwalt, Steve (R)       | 485   | 6316              | 49B      | Petersen, Branden (R)    | 577   | 5369              |
| 60A      | Greene, Marion (DFL)      | 331   | 0171              | 45A      | Peterson, Sandra (DFL)   | 337   | 4176              |
| 54A      | Greiling, Mindy (DFL)     | 393   | 5387              | 27B      | Poppe, Jeanne (DFL)      | 291   | 4193              |
| 25A      | Gruenhagen, Glenn (R)     | 575   | 4229              | 29A      | Quam, Duane (R)          | 569   | 9236              |
| 24A      | Gunther, Bob (R)          | 591   | 3240              | 5A       | Rukavina, Tom (DFL)      | 303   | 0170              |
| 48A      | Hackbarth, Tom (R)        | 409   | 2439              | 53A      | Runbeck, Linda (R)       | 583   | 2907              |
| 22B      | Hamilton, Rod (R)         | 559   | 5373              | 51A      | Sanders, Tim (R)         | 449   | 4226              |
| 2B       | Hancock, David (R)        | 529   | 4265              | 54B      | Scalze, Bev (DFL)        | 259   | 7153              |
| 39A      | Hansen, Rick (DFL)        | 247   | 6828              | 22A      | Schomacker, Joe (R)      | 433   | 5505              |
| 66B      | Hausman, Alice (DFL)      | 255   | 3824              | 49A      | Scott, Peggy (R)         | 477   | 4231              |
| 61B      | Hayden, Jeff (DFL)        | 389   | 7152              | 18A      | Shimanski, Ron (R)       | 367   | 1534              |
| 46B      | Hilstrom, Debra (DFL)     | 261   | 3709              | 44A      | Simon, Steve (DFL)       | 279   | 9889              |
| 8A       | Hilty, Bill (DFL)         | 207   | 4308              | 55B      | Slawik, Nora (DFL)       | 245   | 7807              |
| 36A      | Holberg, Mary Liz (R)     | 453   | 6926              | 63B      | Slocum, Linda (DFL)      | 359   | 7158              |
| 34B      | Hoppe, Joe (R)            | 563   | 5066              | 33A      | Smith, Steve (R)         | 543   | 9188              |
| 60B      | Hornstein, Frank (DFL)    | 213   | 9281              | 42A      | Stensrud, Kirk (R)       | 553   | 3964              |
| 47B      | Hortman, Melissa (DFL)    | 377   | 4280              | 21A      | Swedzinski, Chris (R)    | 527   | 5374              |
| 14B      | Hosch, Larry (DFL)        | 349   | 4373              | 63A      | Thissen, Paul (DFL)      | 267   | 5375              |
| 4B       | Howes, Larry (R)          | 491   | 2451              | 51B      | Tillberry, Tom (DFL)     | 231   | 5510              |
| 7A       | Huntley, Thomas (DFL)     | 351   | 2228              | 21B      | Torkelson, Paul (R)      | 371   | 9303              |
| 67B      | Johnson, Sheldon (DFL)    | 217   | 4201              | 18B      | Urdahl, Dean (R)         | 571   | 4344              |
| 59B      | Kahn, Phyllis (DFL)       | 353   | 4257              | 13B      | Vogel, Bruce (R)         | 507   | 6206              |
| 26A      | Kath, Kory (DFL)          | 201   | 5368              | 62B      | Wagenius, Jean (DFL)     | 251   | 4200              |
| 28A      | Kelly, Tim (R)            | 565   | 8635              | 12A      | Ward, John (DFL)         | 221   | 4333              |
| 56B      | Kieffer, Andrea (R)       | 531   | 1147              | 38B      | Wardlow, Doug (R)        | 551   | 4128              |
| 1B       | Kiel, Debra (R)           | 423   | 5091              | 11A      | Westrom, Torrey (R)      | 443   | 4929              |
| 16B      | Kiffmeyer, Mary (R)       | 501   | 4237              | 44B      | Winkler, Ryan (DFL)      | 321   | 7026              |
| 50B      | Knuth, Kate (DFL)         | 323   | 0141              | 25B      | Woodard, Kelby (R)       | 539   | 7065              |
| 20B      | Koenen, Lyle (DFL)        | 241   | 4346              | 32B      | Zellers, Kurt (R)        | 463   | 5502              |



# VETOES

JANUARY 4 - MAY 23, 2011

## Civil Law

### Public defender eligibility statutes

A 2010 legislative auditor's report on the state's public defender system concluded that increasing workloads are affecting the ability of public defenders to represent clients and the operation of state courts.

A bill to address those issues by streamlining the process of issuing public defenders was vetoed by Gov. Mark Dayton, who believes some provisions would have had "serious consequences for low-income individuals seeking counsel."

Sponsored by Rep. Steve Smith (R-Mound) and Sen. Warren Limmer (R-Maple Grove), the bill included recommendations from the legislative auditor's report and the Minnesota Board of Public Defense that would have made changes to provisions regarding public defender representation, including eligibility, appointment and reimbursement obligations. The provisions were also included in the vetoed omnibus judiciary and public safety finance bill.

Included was a provision that would have established criteria to determine eligibility for public defender representation based on the offense level charged and the defendant's income. A defendant charged with a misdemeanor offense would have been eligible for a public defender if their income did not exceed 125 percent of the federal poverty guidelines. Defendants facing a gross misdemeanor or felony charge would have been eligible for a public defender if they had an income no greater than 150 percent or 175 percent of the guidelines, respectively.

In his veto message, Dayton said he believes the legislation's tiered income levels for eligibility to seek a public defender are "far too low," and as a result would have jeopardized the constitutional right to counsel for low-income individuals.

Other provisions in the bill would have:

- required the court, prior to appointing a public defender, to inquire whether a prosecutor intends to certify a misdemeanor as a petty misdemeanor, and if an offense is certified as a petty misdemeanor, a defendant would not be eligible for a public defender;
- required a defendant who is or becomes able to make partial payments to reimburse the state for the cost of the public defender, including requiring the court to evaluate a defendant's ability to make partial payments if the court originally determined that the defendant was financially unable to afford counsel due to the private retainer fee;
- allowed the court to appoint a public defender if the defendant, through any combination of liquid assets and current income, would be unable to afford private counsel; and
- prohibited the appointment of a public defender if a defendant is financially able to retain counsel but refuses to do so, refuses to execute the required financial

statement or waives the right to a public defender.

HF988\*/SF952/CH94

— H. LONG

## Consumers

### A veto for super-sizing

During the last seven sessions, Rep. Dean Urdahl (R-Grove City) has advocated that if you are what you eat, then you are responsible for the excess poundage that ensues and that should not be cause for a lawsuit.

Gov. Mark Dayton agrees with the intent of the bill's sponsors, Urdahl and Sen. David Hann (R-Eden Prairie), but he vetoed the bill because it goes beyond the goal "to hold individuals responsible for their dietary choices." He wrote in his veto message the bill would give companies too broad an exemption from liability.

Known as the "cheeseburger bill," it would make establishments associated with the production or delivery of a food or

## NOTHING TO SAY



PHOTO BY TOM OLMSCHIED

House Minority Leader Paul Thissen has nothing to say to the Capitol press corps as he enters a conference room for state budget talks June 26.

nonalcoholic beverage immune from civil liability based on an individual's weight gain, obesity or related health condition resulting from the long-term purchase or consumption of that food or beverage.

Dayton wrote: "Unfortunately, this bill provides to companies that manufacture, distribute or sell nonalcoholic beverages civil immunity, except for 'any other material violation of federal or state law applicable to the manufacturing, marketing, distribution, advertising, labeling, or sale of food, if the violation is knowing and willful...' That requirement of being knowing and willful creates too broad an exemption from liability, according to legal experts with whom I consulted."

The closest any of Urdahl's previous efforts have gotten to becoming law was in 2005, when it passed the Republican controlled House, only to die in the DFL controlled Senate.

HF264\*/SF160/CH101

— L. SCHUTZ

## Education

### Teacher basic skills bill vetoed

Although Gov. Mark Dayton hopes teachers eventually will have to pass a basic skills examination in reading, writing and mathematics before they're in charge of a classroom, he vetoed a bill that would have made it law.

The bill, sponsored by Rep. Andrea Kieffer (R-Woodbury) and Sen. Ted Daley (R-Eagan), would have required those entering teacher preparation programs on or after Jan. 1, 2014, to pass a basic skills exam first. Those entering such a program before that date would have had to pass it as one of several requirements for earning an initial teaching license.

"Increasing the rigor of standards for Minnesota teacher candidates is a goal I share with the Legislature," Dayton wrote in his veto message, but added that two "problematic provisions" in the bill prevented him from signing it.

One would have allowed teachers licensed out-of-state to be granted a one-year teaching license, during which period they would have to pass the skills exam. Dayton said that "contradicts efforts in the rest of the bill" to boost rigor, and places fewer requirements on those licensed out-of-state than on Minnesota candidates.

The governor also said the bill lacked a requirement that higher education teacher preparation programs provide remediation for teacher candidates who don't pass the skills exam, which he said puts poor test-takers at a disadvantage even if they show promise as future teachers.

"If you were to include language in an education bill during special session that would eventually require individuals to pass the Basic Skills Test before they enter a teacher preparation program, I would support it," he wrote.

HF183/SF170\*/CH45

— K. BERGGREN

### No early ed? No K-12 policy law

Gov. Mark Dayton agreed with a few provisions in the omnibus education policy bill sponsored by Rep. Sondra Erickson (R-Princeton) and Sen. Gen Olson (R-Minnetrista), such as a statewide plan to promote literacy by third grade. On balance, he could not support the bill and sent it back to lawmakers.

Dayton wrote in his veto letter that other provisions "must be removed or resolved before I can support it" and indicated he was troubled by its lack of an early childhood education plan.

The original literacy proposal sponsored by Rep. Pam Myhra (R-Burnsville) would have ended "social promotion" of children who cannot read at grade level by the end of third grade, and required earlier and frequent literacy assessment, parent notification and targeted reading interventions. By the time the omnibus bill reached the governor, the controversial retention policy was removed but the supports and literacy monitoring were retained.

The governor appreciated proposals regarding principal development and evaluation, but did not support a two-year probationary period for principals and assistant principals while teachers have three years of probation. He called a proposed three-year probationary period any time a teacher switches school districts "excessive and unwarranted, even with the school board's option to modify it."

Dayton also found limitations on the education commissioner's role in rulemaking related to academic standards "unacceptable." The bill would have required the Legislature to approve the standards before their adoption by the Education Department; Dayton

wrote that the proposal would add a "layer of bureaucratic delay, which runs contrary to our shared desire to streamline government decision-making and reduce its timelines."

The bill also would have prohibited the commissioner from adopting Common Core Standards without legislative approval. Dayton said U.S. Secretary of Education Arne Duncan called him to urge his support of the standards, already adopted by 42 other states.

The governor wrote that a proposed pilot program allowing small groups of school districts to operate as charter schools "has not been crafted carefully enough to be enacted." The plan triggered his concerns about their governance, funding allocation, accountability for student performance and whether they would honor collective bargaining agreements.

Finally, the governor cited the lack of early childhood funding or programs as a key reason for his lack of support for the bill.

"I am also extremely reluctant to sign any education policy or funding bill, which does not contain language and/or funding for early childhood education. ... Such drastic and misguided actions would wrongfully reverse the state's modest progress in supporting this critically needed service," he stated.

"After all of the rhetoric during the legislative session about closing the achievement gap, it is incomprehensible why early childhood education programming and funding, which educational experts say is the key first step toward education equity, would be eliminated."

HF1381\*/SF1167/CH114

— K. BERGGREN

## Elections

### Photo ID for voters vetoed

Gov. Mark Dayton nixed a plan to require all Minnesotans to present a valid photo ID card before voting.

Sponsored by Rep. Mary Kiffmeyer (R-Big Lake) and Sen. Warren Limmer (R-Maple Grove), the bill would have required all voters to present a valid state-issued photo ID with their current address before casting their ballots. Limited exceptions would have been made for those in nursing homes, battered women's shelters and similar facilities.

The issue of whether to require voters to show a photo ID has long been a top priority for



## AFTER MEETING



Senate Majority Leader Amy Koch, from left, Gov. Mark Dayton and House Speaker Kurt Zellers meet with the Capitol press corps after the trio had more bu

Republicans, who say doing so would prevent illegal voting and boost public confidence in the integrity of elections. In his veto letter, Dayton disagreed, and said the state's election system is already "the best in the nation."

"The push to require photo identification in order to vote has been based on the premise that voter fraud is a significant problem in Minnesota," he wrote. "I do not believe that to be the case."

Most DFL lawmakers opposed the bill, arguing that requiring a valid photo ID for voting would present a hardship for senior citizens, college students, persons with disabilities and certain other groups. Dayton cited this lack of bipartisan support as among his reasons for vetoing the bill.

The governor further argued that the bill would have created an unfunded mandate on local governments, who would have to shoulder the cost of upgrading their election

systems at a time when they are losing state aid. He also said a provision in the bill to change the canvassing date for the state primary would have violated a federal law related to military voters stationed overseas.

Along with his veto, Dayton issued an executive order creating a Task Force on Election Integrity. Made up of lawmakers of both parties and various state and local officials, the group will be charged with finding ways to "modernize the state's elections, while protecting citizens' fundamental right to vote."

In addition to requiring photo ID, the bill would have provided that voters without an ID could cast a provisional ballot. The ballot would have been counted if they verified their identity to local authorities within seven days after an election. The practice of vouching as a means of same-day registration would have been eliminated.

Voters without a current photo ID could have applied for a free voter ID card from the state, under the provisions. The bill would also have provided for a system of electronic polling place rosters to replace the current paper-based system; however, adoption of the new rosters would have been optional to each local government.

HF210/SF509\*/CH69

— N. BUSSE

## Energy

### Coal power exemption is vetoed

Gov. Mark Dayton vetoed a measure sponsored by Rep. Mike Beard (R-Shakopee) and Sen. Julie Rosen (R-Fairmont) that would have allowed up to 1,500 megawatts of coal-generated electricity to be imported into the state.





PHOTO BY TOM OLMSCHEID

udget discussions June 27.

“Minnesota must continue on the path of progress to a sustainable, clean and safe energy future, rather than increasing our already heavy reliance upon coal-fired electricity, which threatens our health and climate,” Dayton wrote in his veto letter. He further made the case that there is no current need for additional baseload power due to the economic downturn.

As introduced, the proposed legislation would have repealed an existing ban on the construction of or purchases from new coal powered plants that contribute to statewide greenhouse gas emissions. The final bill would have simply allowed a 1,500-megawatt exemption to this prohibition, which would have enabled Great River Energy to purchase power from a new coal facility in North Dakota.

Earlier, GRE had requested an exemption from the Public Utilities Commission, as

provided for in the existing law, to import electricity from the new Spiritwood coal plant near Jamestown, N.D., scheduled to open next year. GRE proposed to offset the plant’s greenhouse gas emissions with carbon reduction projects. But environmental groups objected on the grounds that some of the proposed offsets would have occurred anyway and should not count toward offsetting carbon emissions.

The commission decided it needed more evidence and referred the matter to the Office of Administrative Hearings. A recommendation by an administrative law judge is anticipated by Sept. 19, 2011. Public comments are due in July and a final PUC decision is expected by December 2011.

HF72/SF86\*/CH96

— S. HEGARTY

## Env. & Natural Resources

### Agency reductions unacceptable

A bill to fund state environment, energy and commerce departments was vetoed by Gov. Mark Dayton, who felt the budget reductions to the agencies were too steep and would have “harmful effects” on Minnesotans.

The governor, who had recommended less than a 7 percent reduction to the Pollution Control Agency, objected to a 67 percent General Fund reduction to the agency. He said the cuts would delay, rather than streamline, the permitting process because of staff reductions. The agency’s overall reduction was less than 20 percent when adjusted for fund transfers, which he also opposed. “Some of the cuts will

directly undo the gains made in the timely environmental review and permitting of projects my executive order and House File 1 accomplished earlier this year,” Dayton wrote in his veto letter.

Sponsored by Rep. Denny McNamara (R-Hastings) and Sen. Bill Ingebrigtsen (R-Alexandria), the bill would have transferred millions of dollars from several dedicated accounts to the General Fund, including \$24.5 million from the worker’s compensation assigned risk plan. “These funds are paid by businesses and individuals for specific and limited purposes,” Dayton wrote.

The biennial budget would have contained appropriations for the Department of Natural Resources, the Pollution Control Agency, Board of Water and Soil Resources, Department of Commerce, the Metropolitan Council and the Minnesota Zoo.

Within the DNR, \$93.7 million of the \$439.5 million budget would have been from the General Fund. The rest would have come from dedicated sources, such as the Game and Fish, Permanent School, and Remediation funds. The governor objected to General Fund reductions for the forest management programs and the elimination of one of the state’s forest nurseries.

Nearly \$5.7 million from the environment and natural resources fund, combined with \$3.3 million from the General Fund, would have been spent on preventing aquatic invasive species. The Legislative-Citizen Commission on Minnesota Resources makes recommendations to the Legislature about how to spend the environment and natural resources fund, comprised of state lottery receipts. Some LCCMR recommended projects were replaced in committee hearings to address “emerging issues” such as aquatic invasive species prevention efforts. In his veto letter, Dayton said the state needs a long-term and dedicated funding source for prevention.

Legislators refrained from increasing or establishing new fees in the Game and Fish Fund, even at the request of stakeholder groups. Dayton supported fee increases and had projected \$18 million in additional revenue from hunting and fishing license fees.

Since fiscal year 2002, the Board of Water and Soil Resources has implemented cost-saving measures and Dayton said the agency was in no position to absorb a \$7 million proposed cut. Likewise, cuts to the Department of Commerce, which

protects consumers and investigates fraud allegations in banking, insurance and several other industries, would have serious impacts on the department’s ability to perform its core mission, according to Dayton.

In addition, he opposed a planned \$950,000 Insurance Fraud Prevention Account transfer to the General Fund. Restrictions to new coal-fired power were also contained in the bill. “This issue is moving through the legislative process on its own and has no place in an omnibus budget bill,” Dayton wrote. A scientific study of the affects of sulfates on wild rice that was supported by the governor and lawmakers also was in the vetoed legislation.

HF1010\*/SF1003/CH46

— S. HEGARTY

## Game & Fish

### ATV definitions kill outdoors bill

Proposed changes to how all-terrain vehicles would be classified for licensing sparked a veto of the omnibus game and fish bill by Gov. Mark Dayton. “Polaris and Arctic Cat employ over 4,000 Minnesotans and generate more than \$2 billion into the state’s economy. The provisions in this legislation that modify the definitions of Class 1/Class 2 ATVs will have a detrimental impact on these job providers,” Dayton wrote in his veto letter.

Rep. Tom Hackbarth (R-Cedar) and Sen. Bill Ingebrigtsen (R-Alexandria) sponsored the measures.

Hackbarth said a small percentage of ATV trails are designed for smaller machines but that some of the larger, multi-rider machines are being manufactured to fit into the smaller class category, which can lead to increased trail damage on the trails designated for smaller machines. After a stakeholder group had reached consensus on classification rules, Hackbarth amended the language. (Secs. 11-13)

“I hope the Legislature will reconsider the stakeholder recommendations,” Dayton continued.

Dayton also hoped legislators could find a compromise on the number of northern pike experimental and special management lakes. The bill would have required the Department of Natural Resources to reduce the number of designated lakes with enhanced regulations from 119 to 90, which the DNR opposed. (Sec. 57)

The governor also objected to a section of the bill that would have opened Cass Lake to spearing by those other than tribal nations. It also would have prohibited spearing restrictions of northern pike, “which may diminish the quality of northern pike fishery,” Dayton wrote.

An agricultural-related provision would have included harvested cornfields in the definition of a pasture. This would have enabled livestock farmers to let cattle graze in the cornfield without a feedlot permit.

“Changing the state’s definition of pasturing ... would be counter to the federal requirement that these facilities be subject to permit if their animals are confined in one location for a long time,” Dayton wrote.

Also held up due to the veto are proposed regulations:

- compensating farmers for fence damage caused by elk;
- requiring revised inspection and other standards for fish and bait;
- adding the gray wolf to the definition of small game and eliminating the five-year waiting period for a gray wolf season following federal delisting;
- amending the definition of an “undressed bird”;
- adding dead animals to the definition of “wild animals”;
- making it a gross misdemeanor to take big game during the time a person is prohibited from obtaining a big game license;
- allowing the commissioner to give Purple Heart medal recipients and those with a service-connected disability rated at 100 percent certain hunting and fishing license preferences;
- allowing motorists who hit and kill a deer first right to keep the animal;
- allowing a certified nurse practitioner or certified physician assistant to certify a visually impaired hunter to use a scope or a disabled hunter to use a crossbow or to shoot from a vehicle;
- eliminating deer stand height restrictions;
- authorizing road authorities to kill beavers that disrupt roadways and enabling counties or townships to set a bounty on coyotes;
- restricting the DNR’s ability to establish antler point restrictions for Series 300 deer hunt areas; and
- authorizing Lutsen Ski Resort to take more than 2 million gallons of water



per day from the Poplar River.  
HF984/SF943\*/CH111

— S. HEGARTY

## Health & Human Services

### State funding of abortions

Supporters of proposed legislation to end state funding for abortion believe taxpayers shouldn't have to foot the bill for an "abhorrent" act. Those who oppose it argue that it not only takes choice away from Minnesota's poorest residents, but comes in conflict with the state constitution.

Gov. Mark Dayton vetoed the bill, saying it infringes upon a woman's basic right to health and safety and that its language does not contain a clear definition of a "state-sponsored health program."

Sponsored by Rep. Peggy Scott (R-Andover) and Sen. Dave Thompson (R-Lakeville), the legislation would have prohibited the use of funding for state-sponsored health programs for abortions, except to the extent required for continued participation in a federal program.

The bill contained a severability clause, stating that if any portion of the legislation were to be found unconstitutional, that portion would be declared to be severable and the balance of the legislation would remain effective notwithstanding such unconstitutionality.

"The legislature intends that it would have passed this section, and each provision, section, subdivision, sentence, clause, phrase, or word irrespective of the fact that any one provision, section, subdivision, sentence, clause, phrase, or word is declared unconstitutional," the bill states.

HF201\*/SF103/CH56

— H. LONG

### Abortions after 20 weeks gestation

Developments over the last few decades in prenatal medical technology have found that at as early as 20 weeks gestation, a human fetus can feel pain. That's the contention of those who support the so-called "Pain-capable Unborn Child Protection Act." But critics, including Gov. Mark Dayton, believe the legislation would have infringed upon a woman's basic right to health and safety. Dayton, who vetoed the bill, said it would have forced doctors to make critical

medical decisions, but prevented them from considering the best interests of their patients.

Sponsored by Rep. Mary Liz Holberg (R-Lakeville) and Sen. Gretchen Hoffman (R-Vergas), the bill would have made an exception for instances where it can be medically proven that the survival of the fetus poses a greater risk of death to the woman or of substantial and irreversible physical impairment of a major bodily function. Findings of fact related to scientific research that supports the legislation were contained within the bill.

Doctors who perform an abortion after 20 weeks post-fertilization would have been charged with a felony offense, under the bill. No penalty would have been assessed against the woman upon whom an abortion is performed or induced or attempted to be performed or induced.

The bill would have created in the special revenue fund an account entitled the "Pain-Capable Unborn Child Protection Act" litigation account for the purpose of providing funds to pay for any costs and expenses incurred by the state attorney general in relation to actions surrounding its defense.

HF936\*/SF649/CH59

— H. LONG

## Housing

### Fire sprinkler bill doused by veto

Adding home fire sprinklers can cost between \$1.60 and \$8 per square foot to the cost of a new home – but sprinklers are the most effective way to prevent fatalities in the event of a house fire. That's especially true with new construction methods and materials which are more highly flammable than much older home construction.

The goal of preventing fatal fires was a key reason for Gov. Mark Dayton's veto of a bill sponsored by Rep. Joyce Peppin (R-Rogers) and Sen. Warren Limmer (R-Maple Grove) that would have prohibited the state building or fire code or a local political subdivision from requiring sprinklers be installed in new single family home construction, but would have required contractors to offer prospective homeowners the option to install sprinklers.

"Any objections to such a policy are best considered in the regular code adoption process," Dayton wrote in his veto message. The governor also noted the requirement

is part of the International Residential Building Code that will soon be considered for adoption in Minnesota.

HF460\*/SF297/CH47

— K. BERGGREN

### No mobile home park water billing

An estimated 80 percent of the 180,000 Minnesotans who live in manufactured home parks are low-income. Gov. Mark Dayton vetoed a bill he feared could have increased their housing costs.

The bill, sponsored Rep. Tim Sanders (R-Blaine) and Sen. Warren Limmer (R-Maple Grove), would have allowed submetering in manufactured home parks, at the park owner's expense, so residents would pay a separate water charge for what they actually use, rather than an amount rolled into their rent check. However, there was no guarantee the overall monthly rent that now covers utilities would decrease to reflect a separate bill for the cost of water.

"I cannot support legislation that could drive up rent for some of the poorest Minnesotans, especially while high unemployment persists," Dayton wrote in his veto message.

Another provision would have repealed the 2007 ban on air admittance valves in plumbing systems. The valves are allowed in 39 states and are used internationally, but are prohibited in Minnesota because of concerns they are unreliable and may allow sewer gas to leak into a home if they fail.

HF562\*/SF406/CH73

— K. BERGGREN

## State Government

### House, Senate district lines rejected

Redistricting happens every 10 years, and with it comes the partisan rancor — so much so that the state has a long history of the courts completing the task of setting district boundaries, left wanting of a bipartisan agreement and approval from the governor.

It appears configuration of the House/Senate district map will once again be left up to the courts. Gov. Mark Dayton vetoed a bill adopting a legislative district plan for use in 2012 and 10 years after.

His principles that any map have bipartisan support and not be drawn with the intent of protecting or defeating incumbents had not



been considered, he wrote in his veto letter.

"This bill violates that principle. It pairs five DFL senators, but only one Republican senator. It pairs 14 DFL representatives, but only six Republicans. In each pair, one incumbent must either move, not run for re-election or be defeated."

Further, Dayton said the bill lacked bipartisan support. "After all DFL amendments to the districting principles were defeated, both in committee and on the floor. ... and the plan received no DFL votes in either the House or the Senate."

The bill, sponsored by Rep. Sarah Anderson (R-Plymouth) and Sen. Geoff Michel (R-Edina), reflected the state's population migration from the rural areas to the Twin Cities metropolitan area, and the outflow from the cities' central core — all resulting in substantial suburban and exurban growth.

The plan would have kept the number of House and Senate districts the same at 134 and 67 respectively. Based on the 2010 census results, the ideal population in each House district is 39,582 and 79,163 for the Senate. Current numbers are 36,713 and 73,425 respectively.

The deadline for any new map to be in place is Feb. 21, 2012, or 25 weeks before the primary election.

HF1425\*/SF1428/CH35

— L. SCHUTZ

## No to new congressional district lines

If the Legislature passed a new congressional map that was drawn to protect or defeat incumbents, Gov. Mark Dayton said that it would be met with a veto.

True to his word, he vetoed a bill adopting a congressional district plan for use beginning in 2012.

"Congressional districts must endure for a decade. They must provide fair representation for voters of all political parties," he wrote in his veto letter. He said the map creates safe seats for six incumbents, while the "First District has been drawn for the purpose of defeating the incumbent."

Sponsored by Rep. Sarah Anderson (R-Plymouth) and Sen. Geoff Michel (R-Edina), the bill laid out the state's eight congressional districts, each with an ideal population, based on the 2010 census results, of 662,991.

The configuration would have significantly changed the 7th and 8th districts, which would

align east to west instead of north-south.

No DFL member voted for the map, prompting Dayton to write that his previous letter had "made clear that, to earn my approval, the plan must be passed with strong bipartisan support, both in committee and on the floor. This bill was not."

He also upheld DFL criticism that the map, as he wrote, "was unveiled and adopted with little opportunity for public analysis and reaction."

Every 10 years after the census, the Legislature is charged with changing the legislative and congressional lines to reflect the population shifts. However, for decades, the contentious political process has led the courts to redraw the lines. It appears this year will be no different.

The deadline for any new map to be in place is Feb. 21, 2012, or 25 weeks before the primary election.

HF1426\*/SF1246/CH36

— L. SCHUTZ

## Taxes

### Tax bill's 'destabilizing effects'

The session-long debate over new revenue to solve the state's projected \$5.1 billion deficit ended with Gov. Mark Dayton vetoing the omnibus tax bill.

"Your tax proposal would require most Minnesota property owners and renters to pay higher property tax," he wrote in his veto letter. By contrast, he reiterated that his proposal to balance the budget by a combination of cuts and raising taxes on the top 2 percent of Minnesota income earners is a more equitable approach. He said the bill shifts the state's budget problem to local units of government and property taxpayers.

Sponsored by Rep. Greg Davids (R-Preston) and Sen. Julianne Ortman (R-Chanhassen), the bill would have provided \$202.71 million in tax relief during the 2012-2013 fiscal biennium, including a reduction in the state general property tax levy on commercial-industrial property; modification to the K-12 education tax credit to include private school tuition; an increase in the research and development credit; a phased-in income tax subtraction for those receiving military retirement pay; and several sales and use tax exemptions, including on downloadable ringtonges.

But Dayton contends the bill would make unnecessary and geographically imbalanced cuts to local government aid, including a phase-out of aid to Minneapolis, St. Paul and Duluth. He summarizes that the reductions could mean a \$400 million cut for "critical local services" and increase property taxes by that amount over the next year and by over \$1.2 billion during the next three years. He said this increase would "fall disproportionately on low- and middle-income Minnesotans." Republicans say cuts to LGA do not necessarily translate to higher property taxes.

A new Minnesota Science and Technology Authority to provide grants for research projects received bipartisan support from the Legislature and was included in the vetoed bill. While Dayton did not reference the proposal, he did highlight the bill's attempt to address other business concerns. "We agree on the importance of expanding and improving the Research and Development Tax Credit and the Angel Investor's Tax Credit," he wrote in his veto letter. He left open the possibility of supporting similar measures. He noted the bill would also raise property taxes on Minnesota businesses by \$89 million in fiscal year 2012.

The bill would have reduced payments to individuals over the biennium by \$925.26 million. The greatest amount (\$198.95 million) would come from reductions to the renters' property tax refund, repeal of the Sustainable Forest Incentive Act and elimination of the political contribution refund.

Changes to the state's local government aid and county program aid programs would save \$382.74 million in the biennium, Republicans say.

The bill would also extend limits on the ability for local units of government to raise their levies for two years. It would use \$60 million from the Douglas J. Johnson Fund, an Iron Range economic development fund, to help balance the budget. Dayton pointed to the irony of cutting local government aid, while extending authority for nine cities to impose local option sales taxes, which he noted could increase sales taxes by \$17 million.

Several income and sales tax conformity issues were addressed in the bill that Dayton lauded. "I appreciate that the Legislature included conformity to most federal tax law changes in the bill and included provisions necessary to maintain Minnesota's

## No DEAL



PHOTO BY ANDREW VONBANK

**Surrounded by their Republican colleagues, Senate Majority Leader Amy Koch and House Speaker Kurt Zellers address the Capitol press corps June 30 after Gov. Mark Dayton announced no deal was reached to prevent a state government shutdown.**

conformity to the streamlined sales and use tax agreement,” he wrote.

Dayton summarized the bill as having a destabilizing effect on the state-local finance system and that it would “exacerbate our ongoing budget challenges by beginning new tax expenditures in future years and eliminating state budget reserves.”

HF42\*/SF27/CH38

— L. SCHUTZ

## Transportation

### Finance bill gets red light

The omnibus transportation finance bill quickly reached a dead end.

Although Gov. Mark Dayton liked part of the package presented to him, he took a red pen to the proposed legislation.

Sponsored by Rep. Michael Beard (R-Shakopee) and Sen. Joe Gimse (R-Willmar), the proposal checked in at \$4.5 billion in total spending, although just \$62.16 million would have come from the General Fund. User fees, taxes, and federal aid were to make up much of the remaining funds. However, the General Fund spending would have been a \$118 million reduction from current biennial funding.

Dayton took particular aim at the lack of transit funding.

The bill included a \$109.44 million reduction to the Metropolitan Council and \$7.62 million reduction to Greater Minnesota transit for the biennium. Funding for elderly and disabled transit in Greater Minnesota would have been held level, as would special transportation services under the Metropolitan Council.

But Beard said there has been a rise in Motor Vehicle Sales Tax revenues dedicated to transportation funding, of which at least 40 percent must go to transit operations. Beard said it is forecast to provide \$98 million in new transit funds in the upcoming biennium to be split between metro and Greater Minnesota transit. Opponents noted that in nine of the last 10 years MVST revenues have not met expectations.

“I believe that providing comprehensive and reliable transit services, both in the Metro Area and in Greater Minnesota, are essential components of the transportation system in Minnesota,” Dayton wrote in his veto letter. “Transit services improve labor market efficiency, freeway performance, and air quality in the metro area, while sustaining economic viability in Greater Minnesota. The draconian cuts to transportation in this bill are unacceptable to me.”

Transit officials warned the cuts could result in sizeable fare increases, significant route reductions and the

laying off of hundreds of employees.

The governor noted that cuts to Greater Minnesota transit would mean 101,000 fewer hours of service, about a 10 percent cut, and would result in the loss of about 50 jobs.

“People who use local public transit are disproportionately elderly, disabled, or low income,” Dayton wrote.

To help backfill a portion of its funding reduction, the bill would have permitted the Met Council to transfer uncommitted money in its livable communities fund — used to address affordable and lifecycle housing needs and provide funds to assist communities in carrying out their development plans — and the amounts levied and collected under the right-of-way acquisition loan fund program — used to preserve right-of-way in rapidly growing areas — for transit, paratransit, light rail and commuter rail services. It also allowed for use of other portions of the Met Council budget to fund transit operations. Dayton opposes the idea of using non-transit funds generated from property taxes for transit activities.

Permissive language was included that would permit money from the Counties Transit Improvement Board be transferred to the Metropolitan Council for regular-route bus transit operations. Beard said the board, whose activities to improve transit are funded with a quarter-percent sales tax in five Twin Cities metropolitan area counties, has about \$90 million in available funds. He said when the board was authorized in 2008, its first \$30 million went to the Met Council to help with an operating deficit.

The bill did not contain an appropriation to the Department of Transportation for commuter and intercity passenger rail planning. With no money allocated, the bill would likely have resulted in the closing of MnDOT’s Passenger Rail Office, according to Dayton.

Sans the office, the governor said federal funding for rail activity would be relinquished. In order to receive federal funding, the office must administer existing agreements to ensure federal grant requirements are met.

Dayton was not entirely critical of the bill. For example, he liked that it would have provided some funds for a new trunk highway development account.

HF1140\*/SF898/CH49

— M. COOK



# Pictures tell the story of session

**By KRIS BERGGREN**

Republicans officially took the leadership gavel Jan. 4 when House Speaker Kurt Zellers (R-Maple Grove) was sworn in by Hennepin County District Court Judge Ron Abrams. The new majority's budget and policy priorities – and reaction to them — characterized the session.

The May 23 adjournment deadline arrived with a balanced budget submitted to the governor featuring significant spending cuts to health and human services, higher education, local government aid and state government. In response, students, union members, people with disabilities and other protesters turned out at the Capitol to protest the proposed cuts and demand a higher income tax on wealthy Minnesotans to lessen the funding reduction impacts.

As the deadline loomed, floor sessions grew longer and lasted later into the night. In the last days of session, a bill to ask voters to constitutionally define marriage came to a vote and the Capitol reverberated with the chants and songs of groups for and against the proposal, arguably the defining social issue of the session. The crowd's din drowned out members' voices each time the massive House Chamber doors opened.

Gov. Mark Dayton signed some bills intended to help create or keep jobs in Minnesota, including one that gives small brewers more tools to compete in a growing national market for craft beer, and HF1, which tightens environmental permitting efficiency and shortens the time businesses must wait to build or expand facilities.

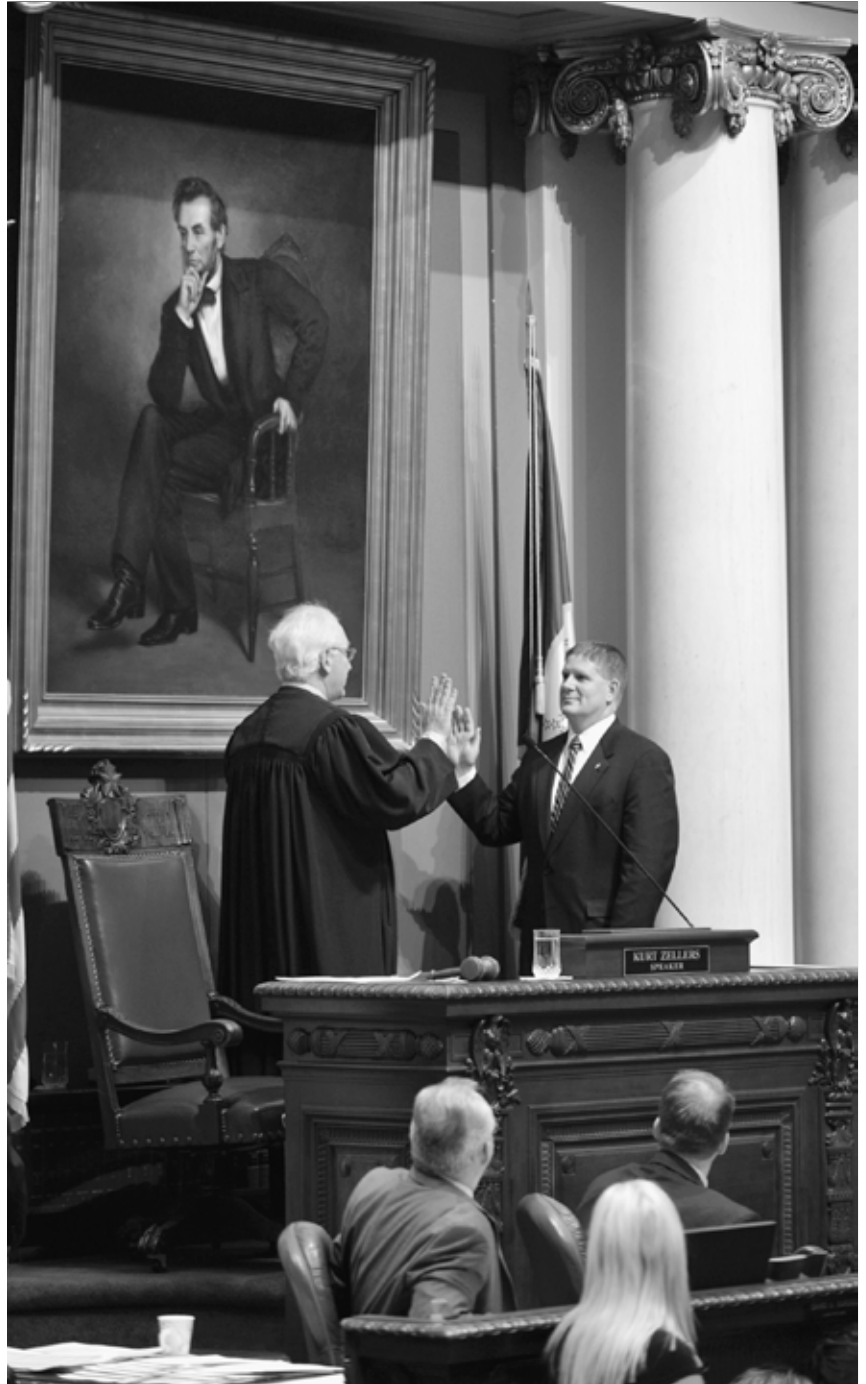


PHOTO BY TOM OLMSCHIED

**House Speaker Kurt Zellers (R-Maple Grove) is sworn in Jan. 4 by Hennepin County District Court Judge Ron Abrams.**





PHOTO BY ANDREW VONBANK

Rep. Jean Wagenius (DFL-Mpls) and Rep. Steve Drazkowski (R-Mazeppa) review a proposed redistricting map of Congressional districts in the retiring room May 13.

PHOTO BY TOM OLMSCHEID

House Public Safety and Crime Prevention Policy and Finance Committee Chairman Tony Cornish (R-Good Thunder) sponsors a bill that would give Minnesotans more latitude to use arms in self-defense against home intruders. Here he listens to floor debate on the omnibus public safety and judiciary finance bill.



PHOTO BY ANDREW VONBANK

Rep. Mary Kiffmeyer (R-Big Lake) demonstrates electronic voting equipment during a Feb. 8 hearing on a bill she sponsors that would require voters to show photo identification before receiving their ballot.



PHOTO BY TOM OLMSCHEID

Students from the Minnesota State Colleges and Universities system rallied Feb. 18 against tuition hikes they fear would result from the omnibus higher education finance bill.



PHOTO BY KRISTIN SCHUE

Traditional marriage advocates and gay marriage supporters descended on the Capitol late in the session as legislators voted to put a constitutional amendment question on the 2012 ballot asking if marriage shall be limited to one man and one woman.



PHOTO BY TOM OLMSCHIED

Rep. Jenifer Loon (R-Eden Prairie) sponsors a law that will help create jobs in the growing craft beer industry. With Loon at a House Commerce and Regulatory Reform Committee hearing is Omar Ansari, founder and president of Surly Brewing Co.



PHOTO BY ANDREW VONBANK

Rep. Jim Abeler and Sen. David Hann led the conference committee April 12 on the omnibus health and human services finance bill that proposed to reduce projected General Fund spending.



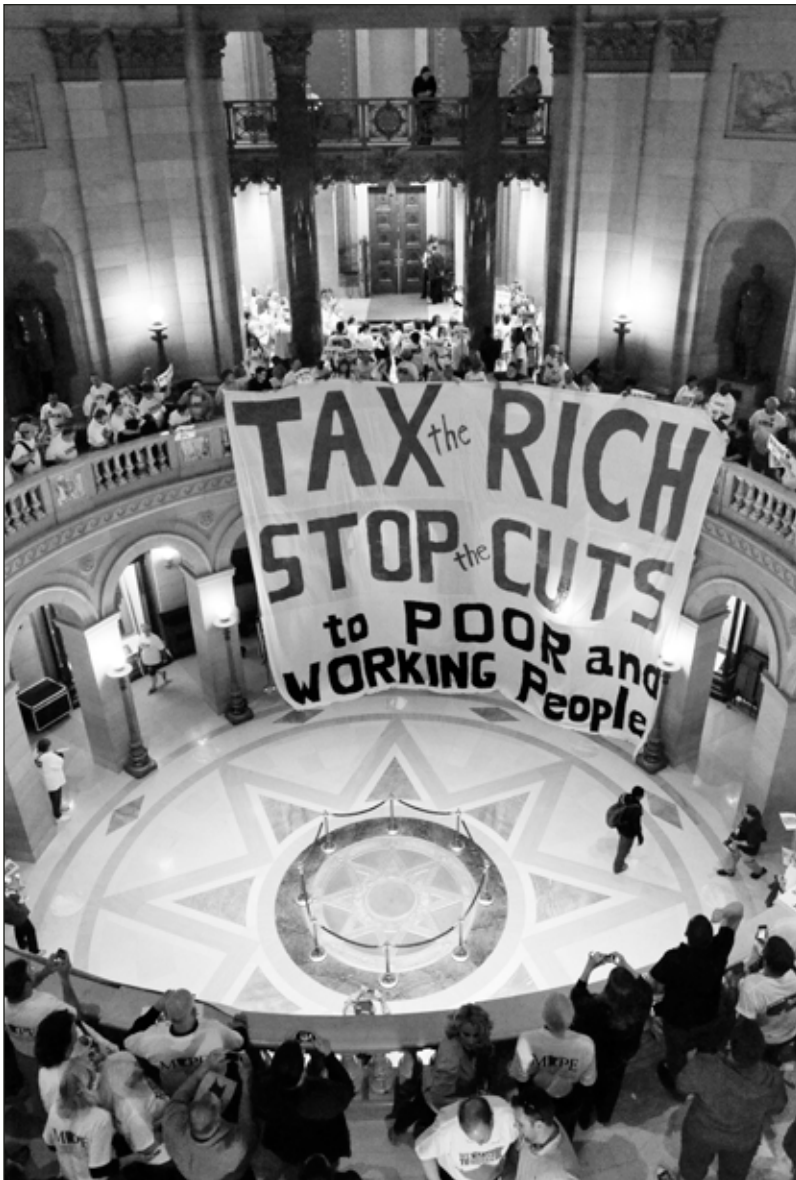


PHOTO BY ANDREW VONBANK

Protesters unfurled a huge banner over the second-floor railing of the Capitol Rotunda May 23, the last night of the 2011 session.



PHOTO BY TOM OLMSCHIED

Former Florida Gov. Jeb Bush spoke to education policymakers April 26 about his state's reforms that served as a model for Minnesota proposals this year, including a third-grade retention policy for struggling readers.



PHOTO BY TOM OLMSCHIED

Minneapolis Mayor R.T. Rybak and St. Paul Mayor Chris Coleman shared their concerns March 16 about how proposed cuts to local government aid would affect the state's two largest cities.

PHOTO BY TOM OLMSCHIED

Rep. Dean Urdahl (R-Grove City), sponsor of the Legacy funding bill, holds up seven fingers for the minutes left in the session before midnight May 23. The bill would have appropriated funds raised from a 0.375 percent tax approved by voters in 2008, for arts and environmental purposes.





# Too much reform?

Gov. Dayton says bill too aggressive in proposed cuts

By Nick Busse

**O**ne of the session's major omnibus bills included sweeping state government reforms that went too far in the eyes of Gov. Mark Dayton, who vetoed the measure.

Sponsored by Rep. Morrie Lanning (R-Moorhead) and Sen. Mike Parry (R-Waseca), the first omnibus state government finance bill would have slashed General Fund spending by more than one-third on core state government operations. It also proposed reducing the state workforce by 15 percent over four years and cutting \$90 million from employer contributions to the state employees' health insurance program.

HF577/SF1047\*/CH40

### Shared commitment to efficiency

In his veto message, Dayton said he shared lawmakers' commitment to more efficient, streamlined government services; however, he said the bill was too aggressive in cutting agencies' budgets and staff complements.

"Such extreme reductions to agency operations would jeopardize core government functions and substantially impair the state workforce," he wrote.

Overall, the bill would have provided funding for core state government operations and veterans programs for the 2012-2013 biennium. Affected agencies included Minnesota Management & Budget as well as the departments of Revenue, Administration, Veterans Affairs and Military Affairs. Funding for the Legislature and the state's constitutional offices was also provided in the bill, along with many smaller state agencies and quasi-state agencies (i.e. the Minnesota Historical Society).

It proposed a total of \$600.3 million in General Fund spending — a 34.2 percent reduction from the projected base. In general, most agencies would have received a 5 percent

to 15 percent operating budget reduction. Only two agencies — the departments of Veterans and Military Affairs — would have had their funding increased, under the provisions.

Dayton said the reductions would make many of the proposed reforms difficult to implement. As an example, he cited MMB, which would have its budget cut by 10 percent while being asked to implement zero-based budgeting, an employee gain-sharing program and other reforms — all while simultaneously reducing the number of agency staff.

"This bill makes substantial reductions in operating funding even as it establishes multiple, new requirements for state agencies," Dayton wrote.

The governor also criticized the bill for booking new General Fund revenues from proposed tax analytics and federal offset programs. He said the bill recognized \$169 million in new revenue from these initiatives that Department of Revenue analysts "cannot substantiate."

### Reshaping state government

Though the bill's funding provisions did not touch all state government agencies, many of its policy provisions would have. Among these were many proposals to fundamentally reshape state government.

The bill would have impacted the state's workforce in a number of ways. The 15 percent reduction in the state's workforce would have been required by June 30, 2015. Rather than an across-the-board cut across all state agencies, Dayton and his administration would have been authorized to distribute the reduction among the

agencies however they saw fit, using attrition, layoffs, furloughs and a hiring freeze.


A salary freeze would have been required for all state employees until at least June 30, 2013. This provision, and another requiring that the State Employee Group Insurance Program find \$90 million in General Fund savings by making state workers pay a larger share of their health insurance costs, were criticized in Dayton's veto letter. He said the provisions undermined the collective bargaining process by setting statutory goals for labor contracts.

The bill would have established a Sunset Advisory Commission to explore opportunities to eliminate, combine or reorganize state agencies. A rotating 12-year schedule would have been established for the commission to review each agency. Following the review, the agencies would expire unless lawmakers took action to continue their existence.

State budget officials would have been required to phase in the use of zero-based budgeting, under the bill's provisions. Agencies would have been required to present lawmakers with detailed budgets including multiple alternative funding levels and performance data for each individual program being funded.

The Office of Enterprise Technology would have assumed control of all of the state's information technology operations, procurement and staff. The goal was to save money, streamline services and improve the security and stability of critical IT infrastructure.

Selected other reform initiatives in the bill included:

- cutting the number of deputy and assistant commissioners at state agencies;
- requiring the Department of Administration to issue requests for proposals for vehicle fleet consolidation, building efficiency improvements and strategic sourcing;
- allowing cities of the first class and all counties to contract with private accounting firms instead of the Office of the State Auditor to do their audits;
- loosening restrictions on outsourcing state services to private contractors; and
- establishing a performance appraisal and performance pay system for state employees. 

# Jobs and housing bill vetoed

Plan would have reformed how DEED distributes grant money

By Nick Busse

**G**ov. Mark Dayton vetoed the omnibus jobs and economic development finance bill, which proposed reduced funding for all but a handful of jobs and housing programs in the 2012-2013 fiscal biennium.

Sponsored by Rep. Bob Gunther (R-Fairmont) and Sen. Geoff Michel (R-Edina), it would have spent \$138.2 million from the General Fund — a 17.8 percent reduction from base funding levels.

HF1049/SF887\*/CH39

### Deep reductions to important programs

The spending cuts would have been mitigated with \$16.3 million in one-time account transfers. Also, funding for programs that affect vulnerable populations would have largely been preserved.

In his veto letter, Dayton said the cuts were still too onerous. “(The bill) contains deep reductions to important programs that help spur economic development and job growth,” he wrote.

Overall, the bill would have provided biennial funding for the Housing Finance Agency, Department of Employment and Economic Development, Department of Labor and Industry and a number of smaller agencies. Most programs would have been reduced, with a few exceptions.

The bill would have infused \$2 million of new money in the first year of the biennium into vocational rehabilitation services, in order to fully leverage federal dollars to help the disabled. The Housing Trust Fund, which funds rental assistance, would have received a \$2 million boost. Finally, State Services for the Blind would have been given an extra \$150,000, under the provisions.

In addition to a handful of funding

increases, the bill would have kept certain programs from cuts, such as rental assistance for the mentally ill and family homeless prevention.

Dayton praised the bill’s emphasis on preserving funding for programs that serve disabled and vulnerable populations; however, he criticized the proposed budget cuts, which were far more numerous.

In the letter, Dayton detailed his objections to many of the proposed cuts, including:

- the elimination of the Minnesota Trade Office (\$3.1 million total), which he said would damage businesses who need help exporting their products;
- a \$1.6 million reduction to the Contamination Cleanup and Investigation Grant Program, which helps prepare contaminated land for redevelopment;
- a 12 percent (\$1.1 million) cut to the Job Skills Partnership Program, which helps businesses pay for their employees to retrain;
- a 6.1 percent (\$1.4 million) cut to Extended Employment, which he said would result in as many as 600 disabled Minnesotans losing their jobs; and
- a \$107,000 reduction to the Minnesota Science and Technology Authority, which he said is needed to support entrepreneurial job growth.

According to Dayton, the cuts in the bill would have been “compounded” by the 15 percent reduction in the number of state workers required in the omnibus state

government finance bill (HF577/SF1047\*/CH40), which he also vetoed. He said a 15 percent cut would mean 266 fewer workers at DEED, 64 fewer at DOLI and 32 fewer at HFA. He said the General Fund savings from these reductions would be minimal, because the agencies are only partially funded through General Fund dollars.


The governor also objected to the transfer of \$16.3 million from accounts funded through penalties on unemployment insurance fraud cases into the General Fund.

### Competitive grant programs created

Many of the reductions in the bill are tied to a plan to reform the way grant money is distributed through DEED, which currently serves as a pass-through agency for grant money that lawmakers earmark for specific nonprofit organizations. These nonprofits generally perform workforce and economic development-related services.

Under the bill’s provisions, beginning in fiscal year 2013, the current system of earmarking grant money would end. In its place, a series of three new competitive grant programs would be established: one for business development, one for adult workforce development and another for youth workforce development.

In part, the move toward a competitive grant process is intended to address concerns raised in a 2010 report from the Office of the Legislative Auditor on the state’s workforce programs. Among other key findings, the report stated that workforce grant recipients should be selected through a competitive process.

Though the organizations currently funded by DEED via pass-through grants would be able to compete for grant money under the new system, overall funding for these budget areas would be reduced. Programs rolled into the adult and youth workforce competitive grant processes would be reduced 15 percent, while those rolled into the business development competitive grant process would be reduced 17 percent. 

# Serving more with less

## Collegiate funding plan gets failing grade from the governor

By MIKE COOK

**G**ov. Mark Dayton gave the Legislature's first attempt at an omnibus higher education finance bill a big "F."

Sponsored by Rep. Bud Nornes (R-Fergus Falls) and Senate President Michelle Fischbach (R-Paynesville), the \$2.51 billion higher education budget bill would have reduced \$411.1 million in funding from the forecast base, about an 11 percent reduction from current biennium spending. Dayton's plan called for a \$170.9 million base reduction.

It would have cut the University of Minnesota 18.9 percent from its forecast base and the Minnesota State Colleges and Universities system by 14.3 percent, cuts Dayton deemed "too extreme."

"The total appropriations leave both the University of Minnesota and MnSCU with substantially lower levels of state funding at the same time they are serving 50,000 more students," Dayton wrote in his veto letter.

HF1101\*/SF924/CH50

### Back to 1998 funding levels

The original Senate bill called for an 18.9 percent General Fund reduction to the university; the House, 17.7 percent; and the governor, 6 percent. The respective percentages for MnSCU were 13.3 percent, 15.9 percent and 6 percent.

One percent of fiscal year 2013 funding for MnSCU would have been contingent on meeting three of five specific criteria: increasing the enrollment of students of color by at least 10 percent compared to fiscal year 2010, increasing by 7 percent the number of credentials conferred versus fiscal year 2009; increasing by at least 15 percent compared to fiscal year 2010 the number of students taking online or blended courses or

the number of online or blended sections; increasing persistence and completion rates for students entering in the fall of 2009 and 2010; or decreasing by at least 2 percent compared to calendar year 2009 energy consumption per square foot.

The university would have also had 1 percent of fiscal year 2013 funding held back until it met three of five criteria: increasing institutional financial aid so it is greater in fiscal year 2012 than it was in fiscal year 2010; producing at least 13,500 degrees on all campuses in fiscal year 2012; increasing four- and six-year graduation rates on the Twin Cities campus; maintaining research and development expenditures as reported to the National Science Foundation; or maintaining sponsored research so that fiscal year 2012 numbers are not below those of fiscal year 2010.

Officials from both systems noted that the proposed funding levels would be comparable to those from 1998. They said the cuts would lead to hundreds of faculty layoffs, thousands of reduced course offerings, program closures, millions of dollars in lost research opportunities and would hurt Minnesota's competitiveness in future years because of fewer qualified workers.

Under the legislative plan, the state grant program would have seen an additional \$21.1 million, a 7.3 percent increase. The House proposed increasing base funding for the state grant program by \$27.1 million; the Senate \$7.2 million and the governor kept state grant funding at base levels. The bill also would have provided stable funding for child

care assistance grants that help students who have children to continue their education.

In an effort to ensure students would not bear the brunt of state monetary reductions, MnSCU could not have raised tuition by more than 3 percent per year at the two-year state colleges, and by no more than 5 percent in the first academic year and 4 percent in the second academic year at the state universities. Under the bill, the annual increase in mandatory fees would have been limited to 4 percent, unless a higher rate was approved by student associations.


The university was requested to adhere to the 5 percent/4 percent tuition increases and 4 percent fee increase. Because of its autonomy, the Legislature can only request the university to take actions that are not directly related to state appropriations.

"The proper entities to make final tuition decisions within our two state systems are the University of Minnesota's Board of Regents and MnSCU's Board of Trustees," Dayton wrote.

Prohibiting the use of state or federal funds for state programs to support human cloning or for expenses incidental to human cloning was something else the governor frowned upon.

"It is imperative for Minnesota's biomedical future that both the University of Minnesota and the Mayo Clinic approve of any language affecting this vital area of research, which has the potential to bring thousands of jobs to Minnesota and save many thousands more lives," Dayton wrote.

Other finance and policy provisions in the bill included:

- encouraging MnSCU and the university to offer a guaranteed tuition plan;
- eliminating the matching grant program that is part of the Minnesota College Savings Plan;
- lowering of the eligibility age for the senior citizen higher education program from 66 to 62; and
- repealing the requirement that public institutions sell American-made clothing and apparel in their bookstores to the extent possible. 



# Governor vetoes public safety bill

At about \$1.8 billion in spending, no cuts to courts were proposed

By MIKE COOK

**G**ov. Mark Dayton used his veto power on the omnibus public safety and judiciary finance bill.

"If enacted, this legislation would cut programs that hold felons accountable, would negatively affect crime victims, and would compromise our ability to protect the rights and freedoms of all Minnesotans," Dayton wrote in his veto letter.

A number of policy provisions were also included in the bill that was sponsored by Rep. Tony Cornish (R-Good Thunder) and Sen. Warren Limmer (R-Maple Grove).

HF853/SF958\*/CH37

### Courts and public safety funding

Coming in at about \$1.8 billion in General Fund spending, the bill would have mostly held the courts harmless, as Dayton had proposed in his budget.

The Supreme Court (0.8 percent), district courts (1.28 percent), Court of Appeals (0.98 percent) and Board of Public Defense (1.16 percent) would have received slight increases from their projected baseline for the 2012-2013 biennium, while the Tax Court (4.4 percent) and Board on Judicial Standards (3.2 percent) would have seen slightly greater increases. The Sentencing Guidelines Commission and Uniform Laws Commission were to be held at base levels.

Civil Legal Services would have been reduced by \$4 million, or 16.9 percent, to shift those resources into the courts. However, after a Minnesota Supreme Court decision, it would have still received approximately \$1.2 million in special revenue from attorney registration fees. The Guardian ad Litem Board would have been reduced \$1.5 million, or 6.1 percent, with a directive to prioritize cases of abuse and neglect over family law cases.

"Civil Legal Services makes our courts more efficient by keeping over 3,000 non-meritorious

cases out of the courts and helping thousands of Minnesotans to settle before trial," Dayton wrote. "More importantly, they help ensure fair and equal access to Minnesota courts for all people regardless of race, ethnicity, income or language abilities. This cut would be harmful to victims of domestic violence, families experiencing foreclosure, and seniors and disabled Minnesotans attempting to secure access to healthcare and disability benefits."

Another Dayton target was a 65 percent proposed reduction to the Department of Human Rights, something the governor said would "eviscerate our ability to investigate human rights violations."

Nor did the governor like direction that the remaining money be used on enforcement measures while eliminating the department's state-funded education and research responsibilities.

The bill would have transferred \$13.2 million from the fire safety account to the General Fund.

Since 2006, a 0.65 percent surcharge on homeowner and commercial fire insurance has been directed to the state fire safety account. Prior to that, Minnesota had a 0.5 percent state fire marshal tax, although it was not specifically identified on consumer policies.

The money is used for the Minnesota Board of Firefighter Training and Education, staffing and operations of the State Fire Marshal Division and fire-related regional response teams and other fire service programs that have the potential for statewide impact.

In recent years some of the account balance has been used to help fund the state's deficit. In fiscal year 2010, \$6.9 million was transferred to the General Fund and \$3.6 million in fiscal year 2011.

Other fiscal aspects of the bill included:


- transferring \$5.2 million from a 911 emergency system account to the General Fund, something Dayton said is contrary to federal law;
- cutting \$1.86 million more than Dayton proposed for community corrections, which the governor said would "jeopardize their effectiveness"; and
- a \$1.54 million cut to the Department of Corrections Operational Support Division, with a requirement that line officer positions could not be cut.

### Policy provisions

The bill aimed to address sexually exploited youth by creating a safe harbor policy to protect juveniles involved in prostitution and sex trafficking. It provided that a juvenile under age 16 couldn't be prosecuted for a prostitution offense under the state's delinquency code. A 16- or 17-year-old alleged to have committed a first-time prostitution offense would be referred to diversion or child protection.

The minimum and maximum penalty amounts imposed on adults convicted of violating prostitution laws, while acting other than as a prostitute, would have increased, and courts would have been prohibited from waiving the payment. A minimum assessment of \$100 would have been imposed on indigent persons or those where the assessment would create an undue hardship, and paying in installments would have been permitted. Assessment amounts would have been distributed in a different way, including 40 percent to DPS for crime victim service organizations that provide services to sexually exploited youth.

Other policy provisions in the vetoed bill included:

- offenders with 60 days or less remaining in their sentences would have been required to serve that time in a county jail or workhouse; and
- an inmate health co-payment of at least \$5 would have been imposed for each inmate visit to a health care provider. 

# First try at K-12 finance bill fails

Dayton says special education cuts 'would create significant funding gaps'

By KRIS BERGGREN

**D**espite its \$14.16 billion target, just shy of his own \$14.19 billion proposal, Gov. Mark Dayton vetoed the omnibus education finance bill because it contained "damaging cuts and harmful policy items."

Sponsored by Rep. Pat Garofalo (R-Farmington) and Sen. Gen Olson (R-Minnetrista), the bill would have boosted schools' basic formula allowance by \$41 per adjusted marginal cost pupil unit during the next biennium, or an additional \$46.6 million. Dayton proposed a \$100 per pupil increase over the biennium which, added to \$36 million in other new spending he proposed, would have added \$164 million to base funding levels.

The governor said the bill would cut \$44 million below current base funding level, with "very harmful effects on students, on teachers and on schools."

"Within those reductions, it unfairly and disproportionately shifts funding among school districts," he wrote in his veto letter.

For example, he said proposals to freeze compensatory education revenue at \$4,709 times eligible pupil units, and to repeal integration rule and aid would "wrongfully (harm) poor children and children of color, which I will not accept."

Integration aid would have been partially replaced with other targeted spending, including \$72.71 million in innovation achievement transition revenue equal to districts' expected integration revenue for fiscal year 2012, then lowered to their 2012 innovation levy amounts for fiscal year 2013 and later. Aid for Minneapolis, St. Paul and Duluth would have been reduced to levy only for 2012, with aid partly added back in 2013. The bill also would have retained the 70-30 percent state aid payment shift indefinitely.

HF934\*/SF1030/CH42

### Governor rejects special education cuts

Dayton particularly opposed the bill's special education cuts, which he stated "would create significant funding gaps that would force school districts to shift funds from general education programs, increase class sizes, or raise property taxes, just to maintain their current levels of special education services."

The bill sent to the governor would have lowered the growth factor for regular special education revenue from 4.6 percent to 2 percent, capping the appropriation at \$1.63 billion for the 2012-2013 biennium. The growth factor for special education excess cost aid would have risen from 2 percent to 3 percent, capped at \$230.2 million for the biennium. Excess aid is for districts with unusually high unreimbursed expenses.

Special education services are federally mandated to make education fair and accessible for students with a wide range of cognitive, physical, mental or behavioral disabilities or disorders from birth through age 21, though federal funds cover only about 17 percent of excess costs beyond the state's 60 percent responsibility. State appropriations don't fully cover special education costs for most districts. About 15 percent of the state's public K-12 students receive some special education services. According to the Education Department, it would have taken an additional \$143 million to fully fund special education in fiscal year 2011.

### Possible common ground in early literacy

Dayton proposed \$32.2 million to expand all-day kindergarten for low-income children beginning in 2013, plus \$2 million to fund a quality rating system for child care providers. The original House proposals to fund the statewide quality rating system, plus \$10 million for early childhood scholarships for low-income children at their parents' choice of providers, were dropped from the final bill.


Legislators offered \$34 million for a new category of literacy incentive aid in fiscal year 2013, to be distributed according to formulas for proficiency aid based on schools' third graders meeting or exceeding proficiency on the reading Minnesota Comprehensive Exam, and growth aid based on fourth graders making medium or high growth on the reading MCA.

The Minnesota Reading Corps would have expanded with \$8.25 million for reading specialists to work with struggling readers, \$5.5 million more than the original House bill.

Included in the bill was an enrollment options scholarship for low-income students attending low-performing schools to fund their tuition at a nonpublic school for up to the basic revenue per pupil allowance. It would have reduced the general education appropriation by \$15.87 million while costing \$17.5 million to implement for 1,000 students estimated to participate.

"Until our public schools are funded at adequate and sustainable levels, a diversion of public dollars to private schools is unwise," wrote Dayton.

The Perpich Center for Arts Education budget would have been cut 5 percent per year, but not entirely eliminated as a state agency, which had been proposed in the original House bill.

Dayton opposed numerous policies in the bill. He called them "controversial, punitive to teachers, and have little research to support their efficacy in improving student learning and closing achievement gaps." 

# Delivery of health and human services

Governor says proposal puts too many people in health care jeopardy

By HANK LONG

**H**ealth and human services, the second largest slice of the state spending pie, is often considered to be a major sticking point in budget negotiations at the Capitol. Gov. Mark Dayton confirmed that notion when he vetoed an omnibus health and human services finance bill that would have appropriated \$10.9 billion over the next biennium.

Which portions of the legislation led Dayton to send it back to the Legislature without his approval? Several, according to the veto letter explaining his opposition to the bill that would have cut \$1.8 billion in projected spending for the 2012-2013 biennium.

HF927/SF760\*/CH41

### Medical Assistance reductions

"A reduction of this size jeopardizes the progress Minnesota has made in providing health coverage for the uninsured, supporting our seniors in their communities, offering treatment and community support for people with mental illness, and establishing a public health infrastructure that protects all Minnesotans," Dayton wrote in his veto letter. The governor's budget recommended \$600 million in projected spending reductions for the next biennium.

Republicans pointed out that, although the bill would have made some serious reforms in health and human services spending, it would have increased overall spending by \$500 million from the current budget cycle to the 2012-2013 biennium.

The bill's biggest spending reduction would have come from the elimination of Medical Assistance eligibility for adults without children beginning Oct. 11, 2011. That reduction would have accounted for \$921 million in biennial savings. Dayton

contended that provision, along with several others, would have eliminated health care coverage for more than 140,000 people.

Rep. Jim Abeler (R-Anoka), who sponsored the bill with Sen. David Hann (R-Eden Prairie), said Dayton's claim is untrue. He said the bill would have shifted certain individuals from existing programs into other venues, such as General Assistance Medical Care (GAMC), and would have utilized a Coordinated Care Delivery Systems (CCDS) program to maintain care for the majority of the Medical Assistance population. The bill's reinstitution of CCDS and GAMC programs would have put \$330 million back into the health and human services budget, but Dayton said he believes the CCDS program is underfunded and is a step back from the Medical Assistance program the bill would have repealed.

"The voucher approach, with its significant cost-sharing, garners much of its budget savings because about one-third of the (125,000) people (who qualify for the program) cannot afford it and will simply go without coverage," Dayton wrote.

The legislation would have modified eligibility for GAMC by removing several categories of eligibility that would have eliminated an aspect of the program that provides \$203 a month for 20,000 Minnesotans who cannot support themselves due to illness, age or disability. Dayton said the provision

"would severely strain the basic safety net our already over-extended counties are trying to maintain" and likely lead to homelessness for the many Minnesotans who use the program.

The governor pointed to several other provisions contained in the legislation that he opposes, including:


- reductions to the Medical Education Research Fund that supports reimbursement grants for hospitals and clinics that volunteer as training sites;
- reductions to home- and community-based long-term care services;
- reductions in the home visiting program; and
- reductions to family planning grants.

In addition to its fiscal implications, the bill contained several policy provisions that Dayton said he opposes, including:

- the repeal of the nursing home rate equalization;
- inclusion of residency requirements related to the Minnesota Family Investment Program;
- Minnesota's entrance into a multi-state nursing licensure compact; and
- restrictions on the state's ability to fully implement the federal Affordable Care Act.

The bill also would have reduced the administrative budget for the Department of Human Services by \$13.9 million resulting in the loss of 123 full-time equivalent positions. The Department of Health would have received a \$3 million reduction in its operational budget, resulting in a loss of 20 full-time equivalent positions.

Dayton was encouraged by the shared interest his administration and Republican leaders have in reforming managed care organizations and reducing fraud to improve the integrity of the health care system, provisions included in the bill.

"I also support initiatives that lead to more efficiency and coordination among state agencies in our licensing, regulation and data collection efforts," he wrote. 



# GOVERNOR'S DESK

JAN. 4 - MAY 31, 2011

CHAPTERS 1 - 117

## Bills not acted upon in 2011 could come to life in 2012

**W**hen the gavel came down on the legislative session at midnight May 23, it didn't put an end to the business of the 87th session.

Minnesota is one of several states operating on a biennium: the first year is used to set the state budget, and the second year is generally used to consider capital investment projects.

Unlike the second year, when legislators adjourn sine die, which means "without a day," in the first year a date for return is established. The Legislature is scheduled to reconvene Jan. 24, 2012, at noon.

Of the 1,761 bills introduced in the House and 1,477 in the Senate, only 117 were passed by both bodies and sent to the governor. So, what happened to the remaining bills? Some were duplicates, some were folded into other bills, but most are sitting in limbo, waiting for possible action in the 2012 session.

The future of any bill depends upon where it was in the process when session ended:

- Bills on the General Register return to the last standing committee or division where they were acted upon. The rules also apply to any bill up for consideration on the Consent Calendar, Calendar for the Day or the Fiscal Calendar.
- For appointed conference committees that have not submitted a report upon adjournment, the bill returns to the body where it originates and is laid on the table. The conference committee is discharged.
- Bills that passed one body and not the other remain alive for the second year of the biennium. The house that approved the bill in the first year need not repass the bill in the second.
- House files amended by the Senate coming back for concurrence are available to take up when session begins.

- Bills pending before the rules committee of either body return to the standing committee to which the bill was previously referred.
- Bills vetoed by the governor are returned to the body where the bill originated and tabled.
- Bills remaining in standing committees can be taken up in the second year of the biennium in the committee to which they were referred.

For information on how a bill becomes law, go to [www.house.mn/hinfo/govser/GOVSER6.pdf](http://www.house.mn/hinfo/govser/GOVSER6.pdf) or call House Public Information Services at 651-296-2146 or 800-657-3550 and request the Minnesota State Government Series State Law Process.

— L. SCHUTZ

## New Laws and their effective dates

**Editor's note:** The following chart includes the 117 bills that passed both the House and the Senate and were sent to the governor for consideration. The bills are, for the most part, sorted according to the committee of origin. An asterisk marks the version of the bill the House and Senate approved and sent on to the governor.

Here are definitions of some of the terms used in the chart.

### Governor's options

- Enactment

The date the governor signed the bill into law.

- Line-item veto

The power or action of the governor to reject individual items within an appropriations bill while approving the rest of the bill.

- Veto

The governor did not approve the bill.

### Effective dates for new laws

Each act takes effect at 12:01 a.m. on the day stated in the act itself, unless it specifies a different time. Examples:

- Aug. 1, 2011

Each act the governor signs into law, except those that make appropriations, take effect on Aug. 1 following final enactment, unless the act specifies a different date.

- July 1, 2011

An appropriations act, an act spending money, takes effect at the beginning of the first day of July following its final enactment, unless the act specifies a different date.

- Day after enactment

The act becomes effective the day after the governor signs it.

- Upon local approval

A special law requiring approval from the local government unit it affects becomes effective the day after the local government unit's governing body files a certificate with the secretary of state, unless the act specifies a later date.

- Various

Different parts of the act have different effective dates.

- With exceptions

Act includes other effective dates.

- With qualifications

Act adds conditions to the effective date.

- Retroactive

Act goes into effect as of a specified date in the past.

# 2011 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 31, 2011

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

we—with exceptions  
wq—with qualifications

| CH | Bill that passed | Author | Companion | Author | Description | Effective date |
|----|------------------|--------|-----------|--------|-------------|----------------|
|----|------------------|--------|-----------|--------|-------------|----------------|

## Agriculture

|    |        |         |        |          |  |         |
|----|--------|---------|--------|----------|--|---------|
| 13 | HF12   | LeMieur | SF37   | Gazelka  | Green Acres and Rural Preserve program changes made, and study required. | Various |
| 14 | SF1016 | Magnus  | HF1039 | Hamilton | Omnibus agriculture and rural development finance bill.                  | Various |

## Business and Commerce

|     |        |             |        |              |   |                            |
|-----|--------|-------------|--------|--------------|---|----------------------------|
| 2   | SF139  | Lillie      | HF166  | Clark        | Lead poisoning prevention provided.   | 2/18/2011                  |
| 6   | HF103  | Murray      | SF114  | Pederson     | Unemployment insurance eligibility and extension provisions modified.   | Various                    |
| 7   | SF125  | Carlson     | HF305  | Persell      | Northern Township detached facility authorized.   | Day after local compliance |
| 15  | HF323  | Hoppe       | SF167  | Gerlach      | Residential real estate broker price opinion provisions regulated.  | 8/1/2011                   |
| 21  | HF569  | Howes       | SF588  | DeKruif      | Well contractor licensing requirements modified.  | 8/1/2011                   |
| 31  | SF194  | Thompson    | HF444  | Mazorol      | Uniform Commercial Code Article 9 amendments enacted by the adoption of the National Conference of Commissioners on Uniform State Laws, and conforming changes made.  | 7/1/2011                   |
| 52  | HF895  | Hoppe       | SF590  | Gazelka      | Insurance notices and authorization collected information modified; insurance appraisers regulated.   | 8/1/2011                   |
| 55  | HF1326 | Atkins      | none   | none         | Microdistillery and brewer taproom licenses provided; temporary and on-sale municipal licenses authorized; technical, clarifying, and other changes made to license provisions; on-sale and off-sale licenses authorized by White Bear Township; off-sale licenses authorized by the City of Rochester, and legislative review of community baseball alcohol issues provided. | 5/25/2011                  |
| 61  | SF1208 | Sparks      | HF1473 | Hoppe        | Insurance definitions modified, life insurance and title insurance reserves modified, accounts and funding agreements regulated, obsolete and conflicting provisions repealed, and conforming changes made.   | Various                    |
| 63  | SF249  | Kruse       | HF1420 | Sanders      | Residential contractors' provision of goods and services regulated, and enforcement provided.   | 8/1/2011                   |
| 64  | SF302  | Vandever    | HF122  | Davids       | Dental provider contracts and provider audits regulated.  | 8/1/2011                   |
| 66  | SF137  | Scheid      | HF395  | Wardlow      | Deeds clarified to correct title and certain acknowledgments, cancellation of residential purchase agreements provided, and redemption period clarified for foreclosure of certain mortgages.   | Various                    |
| 77  | SF994  | Senjem      | HF1633 | Norton       | Gross profit use clarified.   | 5/25/2011                  |
| 82  | SF955  | Brown       | HF1152 | Sanders      | Pawnbrokers pledged goods return and location restrictions regulated.   | 8/1/2011                   |
| 95  | HF1405 | Daudt       | SF1125 | Thompson     | Claims processing regulated for insurance on portable electronics products, and automated claims processing system use permitted to requirements and safeguards.  | 1/1/2012                   |
| 105 | SF1280 | Thompson    | HF809  | Anderson, S. | Gratuity sharing notice provided; employers authorized to safeguard and disburse shared gratuities.   | 8/1/2011                   |
| 106 | SF1234 | Kruse       | HF1643 | Mazorol      | Certificates issued to business entities simplified, effective date of agent resignations modified, notice provided to organizations revised, alternative names allowed, business entities redefined, certificates to business trusts and municipal power agencies eliminated, and an inadvertent error corrected regarding nonprofit directors' conflicts of interest.       | 8/1/2011                   |
| 108 | SF1045 | Chamberlain | HF1394 | Hoppe        | Continuing education and precicensing requirements, insurance coverages, nonadmitted insurers, insolvencies, adjusters, and appraisers regulated.   | Various                    |

## Civil Law

|    |        |         |        |            |   |           |
|----|--------|---------|--------|------------|---|-----------|
| 10 | HF362  | Kahn    | SF241  | Pogemiller | Common interest community unit owners allowed to obtain copies of association records, and access to and charges for copying records specified. | 8/1/2011  |
| 57 | HF1343 | Dettmer | SF1068 | Daley      | Immunity provided in cases involving the use of school facilities for recreational activities.  | 5/25/2011 |
| 71 | HF258  | Davids  | SF217  | Ortman     | Licensed ambulance services authorized to submit claims directly to the state.  | 5/25/2011 |
| 79 | SF882  | Hall    | HF921  | Leidiger   | Targeted misdemeanor clarified to include no contact order misdemeanor violations for the purpose of requiring fingerprinting.                  | 8/1/2011  |
| 88 | SF1308 | Limmer  | HF1613 | Gottwalt   | Marriage recognized as only a union between one man and one woman, and constitutional amendment proposed.                                       | 5/24/2011 |

# 2011 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 31, 2011

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

we—with exceptions  
wq—with qualifications

| CH                                       | Bill that passed | Author       | Companion | Author       | Description  | Effective date |
|--|------------------|--------------|-----------|--------------|--|----------------|
| 116                                      | HF1023           | Smith        | SF874     | Limmer       | Courts and common interest ownership provisions modified.  | Various        |
| <b>Consumers</b>                         |                  |              |           |              |  |                |
| 26                                       | HF664            | Hackbarth    | SF617     | Metzen       | Elevator compliance provisions modified.   | 8/1/2011       |
| 78                                       | SF508            | Chamberlain  | HF859     | Atkins       | Auto insurers required to inform insureds of the right to select any rental vehicle, and advisory required.  | 8/1/2011       |
| <b>Education</b>                         |                  |              |           |              |  |                |
| 5  | SF40             | Olson        | HF63      | Garofalo     | Teacher licensure provisions amended, alternative teacher preparation program and limited-term teacher license established, and report required.   | Various        |
| 27                                       | HF1092           | Buesgens     | SF1062    | Gerlach      | Teachers taking early retirement allowed to continue coaching, and application deadline modified for certain charter school authorizers.   | 5/19/2011      |
| 93                                       | SF799            | Miller       | HF1130    | Nornes       | Student record and data use provided.  | 8/1/2011       |
| 103                                      | HF1179           | McFarlane    | SF939     | Nienow       | Pupil transportation provisions modified, Department of Education's role clarified in maintaining training programs, lift bus use included in the category or revenue authorized for reimbursement, and actual contracted transportation costs included as a method for allocating pupil transportation costs. | Various        |
| <b>Elections</b>                         |                  |              |           |              |  |                |
| 18                                       | HF978            | Sanders      | SF919     | Chamberlain  | Election administration and districting procedures modified.   | 4/30/2011      |
| 65                                       | SF1009           | Limmer       | HF1408    | Sanders      | Vacancies in nomination procedures and requirements changed.   | Various        |
| <b>Employment</b>                        |                  |              |           |              |  |                |
| 11                                       | SF488            | Daley        | HF571     | Lillie       | Overtime requirements modified for air carrier employees.  | 4/17/2011      |
| 74                                       | HF844            | McFarlane    | SF1204    | Nelson       | Public library adviser provided for the Governor's Workforce Development Council.  | 5/25/2011      |
| 84                                       | SF1130           | Pederson     | HF1396    | Gunther      | Unemployment insurance and workforce development provisions modified.  | Various        |
| 89                                       | SF1159           | Lillie       | HF1362    | Kieffer      | Workers' Compensation Advisory Council recommendations adopted, and duties, benefits, and requirements changed, rulemaking required, and money appropriated.   | Various        |
| <b>Energy</b>                            |                  |              |           |              |  |                |
| 97                                       | SF1197           | Rosen        | HF1025    | Beard        | Utility report filing, weatherization programs, and public utility commission assessment technical changes made and provisions modified; obsolete and redundant language removed; and reporting requirements provided.   | Various        |
| <b>Environment and Natural Resources</b> |                  |              |           |              |  |                |
| 3  | HF55             | Hackbarth    | SF48      | Carlson      | State lands; stream easement acquisition provisions modified; state park, state forest, and land exchange provisions modified; state parks and state forests added to and deleted from; and public and private sales, conveyances, and exchanges of state land authorized.                                     | Various        |
| 4  | HF1              | Fabian       | SF42      | Ingebrigtsen | Environmental permitting efficiency provided, and environmental review requirements modified.  | 3/4/2011       |
| 107                                      | SF1115           | Ingebrigtsen | HF1097    | McNamara     | Natural resources provisions modified relating to nonnative species, public waters work permit requirements, and aquatic plant control and harvest permits; and criminal and civil penalties provided.   | Various        |
| <b>Health and Human Services</b>         |                  |              |           |              |  |                |
| 12                                       | SF119            | Rosen        | HF262     | Mack         | Community paramedic certification created, commissioner required to determine Medical Assistance-covered services performed by community paramedics, and commissioner required to evaluate the effect of coverage of services by a community paramedic.  | 7/1/2011       |
| 22                                       | SF626            | Rosen        | HF937     | Schomacker   | Nursing facility provisions modified.  | 5/14/2011      |
| 23                                       | HF235            | Holberg      | SF381     | Hall         | Hannah's Law enacted by modifying CPR requirements for child care center staff.  | 8/1/2011       |
| 29                                       | HF1341           | McDonald     | SF1269    | Benson       | Health services to children under Minnesota public health care programs fiscal information reporting required.   | 8/1/2011       |
| 51                                       | SF742            | Rosen        | HF1018    | Zellers      | Hospital moratorium exception provided.  | 8/1/2011       |



# 2011 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 31, 2011

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

we—with exceptions  
wq—with qualifications

| CH                                   | Bill that passed | Author       | Companion | Author       | Description   | Effective date                          |
|--------------------------------------|------------------|--------------|-----------|--------------|---|---|
| 62                                   | SF1265           | Pederson     | HF1422    | Simon        | Professional athlete drug and alcohol testing provisions modified.  | 8/1/2011                                |
| 80                                   | HF808            | Anderson, S. | SF892     | Senjem       | Anatomical gift \$2 donation provided for public information and education, anatomical gift account created, and money appropriated.  | 1/1/2012                                |
| 86                                   | SF1285           | Newman       | HF1500    | Anderson, D. | Chemical and mental health services changes made, and rate reforms made.  | 8/1/2011                                |
| 90                                   | SF612            | Benson       | HF905     | Hamilton     | Youth athletes with concussions resulting from participation in youth athletic activities policies established.   | Various                                 |
| 92                                   | SF477            | Howe         | HF637     | Drazkowski   | Food, beverage, and lodging establishment statutes exemption modified.  | 8/1/2011                                |
| 104                                  | SF361            | Magnus       | HF287     | Hamilton     | Mitochondrial Disease Awareness Week proposed.  | 8/1/2011                                |
| 110                                  | SF1286           | Hann         | HF1508    | Schomacker   | Resident case mix classification changed.   | 8/1/2011                                |
| <b>Housing</b>                       |                  |              |           |              |   |   |
| 20                                   | HF529            | LeMieur      | SF916     | Magnus       | Agricultural building roof panels equivalent load bearing capacity required.  | 5/14/2011                               |
| 58                                   | SF1162           | Ingebrigtsen | HF1443    | Scott        | Foreclosure provisions for residential tenants application clarified.   | 8/1/2011                                |
| <b>Local Government</b>              |                  |              |           |              |   |   |
| 17                                   | HF613            | Kelly        | SF124     | Howe         | Red Wing Port Authority member terms provided.  | Upon local approval                     |
| 19                                   | HF52             | Peppin       | SF13      | Olson        | City, county, and town zoning control and ordinance variances provided.   | 5/6/2011                                |
| 43                                   | SF779            | Howe         | HF1017    | Kelly        | Red Wing; property conveyance authorized, and surplus state land conveyance provided.   | Sec. 1 Local approval; Sec. 2 5/25/2011 |
| 87                                   | HF387            | Kelly        | SF471     | Newman       | Counties allowed to participate in driver's license reinstatement diversion pilot program, and diversion pilot program extended.  | 5/28/2011                               |
| 99                                   | HF954            | Fabian       | SF642     | Stumpf       | Kittson and Marshall counties; process for making certain county offices appointive provided.   | Day after local compliance              |
| 115                                  | HF753            | Howes        | SF792     | Nienow       | Concurrent detachment and annexation provided.  | 8/1/2011                                |
| <b>Military and Veterans Affairs</b> |                  |              |           |              |   |   |
| 54                                   | HF186            | Urdahl       | SF395     | Daley        | Driver's license expiration period extended while person is serving in active military service.   | 7/1/2011                                |
| 117                                  | HF232            | Kriesel      | SF179     | Ingebrigtsen | Gold star license plates eligibility expanded.  | Various                                 |
| <b>Public Safety</b>                 |                  |              |           |              |   |   |
| 9                                    | HF141            | Cornish      | SF121     | Hall         | Public safety dog injury penalty increased.   | 8/1/2011                                |
| 28                                   | HF447            | Kelly        | SF195     | Limmer       | Investigation, review, and hearing governing provisions modified, crime of criminal abuse of a vulnerable adult made a registrable offense under the predatory offender registration law, terminology changed, criminal penalty increased for assaulting a vulnerable adult, and criminal penalties provided. | 8/1/2011                                |
| 32                                   | HF361            | Kriesel      | SF515     | Harrington   | Fleeing a police officer crime modified.  | 8/1/2011                                |
| 33                                   | HF1139           | Hancock      | SF921     | Vandever     | Public safety equipment single source acquisition and long-term leasing authorized.   | 8/1/2011                                |
| 53                                   | HF57             | Kriesel      | SF1166    | Hall         | Synthetic cannabinoid sale or possession crime established.   | Various                                 |
| 67                                   | SF1044           | Parry        | HF1088    | Drazkowski   | State agency natural disaster response provisions modified.   | Various                                 |
| 72                                   | HF229            | Downey       | SF76      | Michel       | Child certified as an adult provided to be detained in a juvenile facility pending the outcome of criminal proceedings, and judges authorized to prohibit juvenile sex offenders from residing near their victims.  | 8/1/2011                                |
| 75                                   | HF695            | Mack         | SF735     | Limmer       | Civil immunity extended to municipalities that donate public safety equipment.  | 8/1/2011                                |
| 81                                   | SF680            | Newman       | HF1001    | Woodard      | "Criminal act" definition expanded in the racketeering crime.   | 8/1/2011                                |

# 2011 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 31, 2011

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

we—with exceptions  
wq—with qualifications

| CH                            | Bill that passed | Author    | Companion | Author    | Description  | Effective date                          |
|-------------------------------|------------------|-----------|-----------|-----------|--|---|
| 85                            | SF301            | Newman    | HF506     | Shimanski | Fourth-degree assault crime and the assaulting a police horse crime expanded to provide more protection to law enforcement assistants.                         | 8/1/2011                                |
| 91                            | SF881            | Newman    | HF1270    | McDonald  | E-charging expanded to include citations, juvenile adjudication, and implied test refusal or failure.  | 8/1/2011                                |
| 102                           | SF1287           | Hann      | HF1478    | Kiffmeyer | Minnesota sex offender program provisions modified.  | 5/28/2011                               |
| <b>Recreation and Tourism</b> |                  |           |           |           |  |   |
| 16                            | SF551            | Gimse     | HF829     | Vogel     | Summer collegiate league baseball stadium or ballpark license issued to cities.  | 8/1/2011                                |
| 83                            | HF763            | Hilty     | SF491     | Lourey    | Swimming pool pond exemption expiration date removed.  | 5/25/2011                               |
| <b>State Government</b>       |                  |           |           |           |  |   |
| 24                            | HF299            | Quam      | SF543     | Senjem    | Executive branch agency retained savings program established.  | 6/30/2013                               |
| 25                            | HF786            | Davids    | SF615     | Daley     | Charitable organization financial statement requirements modified, and compensation information reporting consistency provided for federal and state purposes. | 8/1/2011                                |
| 68                            | SF1270           | Wiger     | HF1411    | Kahn      | Geospatial advisory council provisions changed and expiration date extended.   | 6/30/2011                               |
| 76                            | SF885            | Limmer    | HF1220    | Wardlow   | Legislative enactments; erroneous, ambiguous, and omitted text and obsolete reference corrections made to laws, statutes, and rules.                           | Various                                 |
| 98                            | SF712            | Carlson   | HF1230    | Fabian    | State land disposition of receipts modified.   | 5/28/2011                               |
| 100                           | HF1144           | Cornish   | SF849     | Carlson   | State employee group insurance program limited reinstatement of coverage provided.   | 8/1/2011                                |
| 113                           | SF54             | Jungbauer | HF104     | Smith     | Department of Corrections claim settlements provided, and money appropriated.  | 6/1/2011                                |
| <b>Taxes</b>                  |                  |           |           |           |  |   |
| 8                             | HF79             | Davids    | SF47      | Ortman    | Internal Revenue Code changes conformed, and corporate refund delay requirement repealed.  | Various                                 |
| 112                           | HF1219           | Davids    | SF869     | Ortman    | Omnibus technical tax bill.  | Various                                 |
| <b>Transportation</b>         |                  |           |           |           |  |   |
| 30                            | HF721            | Kiffmeyer | SF430     | Brown     | Disability parking provisions modified.  | 8/1/2011                                |
| 34                            | HF724            | Anzelc    | SF520     | Saxhaug   | Route No. 332 removed from trunk highway system.   | Upon notice from commissioner of trans. |
| 44                            | SF67             | Hoffman   | HF80      | Nornes    | Waterfront structure transportation on trunk highways authorized with annual special permits.  | 5/25/2011                               |
| 48                            | HF493            | Vogel     | SF341     | Senjem    | Motor vehicle dealer record alternative site authorized; motor vehicle registration provision modified.  | 8/1/2011                                |
| 60                            | SF478            | DeKruif   | HF1094    | Shimanski | Disability motorcycle plate provided.  | 8/1/2011                                |
| 70                            | HF650            | Kieffer   | SF1042    | Wiger     | Driver education and examination provisions regulated relating to carbon monoxide poisoning.   | Various                                 |
| 109                           | HF1105           | Kiel      | SF1058    | Jungbauer | Pickup truck provisions modified.  | 8/1/2011                                |

# 2011 MINNESOTA LEGISLATURE

FINAL ACTION AS OF MAY 31, 2011

HF—House File  
SF—Senate File

R—Resolution  
CH—Chapter

we—with exceptions  
wq—with qualifications

| CH | Bill that passed | Author | Companion | Author | Description | Effective date |
|----|------------------|--------|-----------|--------|-------------|----------------|
|----|------------------|--------|-----------|--------|-------------|----------------|

## Vetoed

|     |        |              |        |              |   |  |
|-----|--------|--------------|--------|--------------|---|--|
| 1   | HF130  | Holberg      | SF60   | Robling      | Fiscal year 2011 appropriations reduced, policies changed, and appropriation reductions made for fiscal years 2012 and 2013; tax aid, credits and payment reductions provided, and changes conformed in the Internal Revenue Code.  |  |
| 35  | HF1425 | Anderson, S. | SF1248 | Michel       | Legislative districting plan for use in 2012 and thereafter adopted.  |  |
| 36  | HF1426 | Anderson, S. | SF1246 | Michel       | Congressional districting plan for use in 2012 and thereafter adopted, and districting principles adopted for legislative and congressional districts.  |  |
| 37  | SF958  | Limmer       | HF853  | Cornish      | Omnibus public safety and judiciary finance bill.   |  |
| 38  | HF42   | Davids       | SF27   | Ortman       | Omnibus tax bill.   |  |
| 39  | SF887  | Michel       | HF1049 | Gunther      | Omnibus Jobs, economic development, and housing funding provided, and money appropriated.   |  |
| 40  | SF1047 | Parry        | HF577  | Lanning      | Omnibus state government and military and veterans affairs finance bill.  |  |
| 41  | SF760  | Hann         | HF927  | Abeler       | Omnibus health and human services finance bill.   |  |
| 42  | HF934  | Garofalo     | none   | none         | Omnibus education finance bill.   |  |
| 45  | SF170  | Daley        | HF183  | Kieffer      | Teacher candidates required to pass basic skills exam.  |  |
| 46  | HF1010 | McNamara     | SF1003 | Ingebrigtsen | Omnibus environment, energy and natural resources finance bill.   |  |
| 47  | HF460  | Peppin       | SF297  | Limmer       | Sprinkler requirements prohibited in single-family dwellings, and licensee offer of option to install fire sprinklers required before entering into a written contract.   |  |
| 49  | HF1140 | Beard        | SF898  | Gimse        | Omnibus transportation finance bill.  |  |
| 50  | HF1101 | Nornes       | none   | none         | Omnibus higher education finance bill   |  |
| 56  | HF201  | Scott        | SF103  | Thompson     | Abortion funding limited for state-sponsored health programs.   |  |
| 59  | HF936  | Holberg      | SF649  | Hoffman      | Abortions at or after 20 weeks postfertilization age prohibited unless exceptions apply, and civil and criminal penalties provided.   |  |
| 69  | SF509  | Limmer       | HF210  | Kiffmeyer    | Voter picture identification required before receiving a ballot, identification cards provided at no charge.  |  |
| 73  | HF562  | Sanders      | SF406  | Limmer       | Manufactured home parks water and sewer charges regulated, and air admittances valve prohibition repealed.  |  |
| 94  | HF988  | Smith        | none   | none         | Public defender representation provision modified.  |  |
| 96  | SF86   | Rosen        | HF72   | Beard        | Carbon dioxide emissions by utilities ban removed.  |  |
| 101 | HF264  | Urdahl       | SF160  | Hann         | Personal Responsibility in Food Consumption Act; actions against persons for weight gain as a result of consuming certain foods prohibited.   |  |
| 111 | SF943  | Ingebrigtsen | HF984  | Hackbarth    | Game and fish; aquaculture provisions modified; compensation and assistance provisions for crop damage by elk modified; fish and wildlife management plan requirements modified; taking, possessing, and transporting wild animal provisions modified; acquisition procedures modified; penalty and license provisions modified; Board of Water and Soil Resources duties modified; and landowner liability for state walk-in access program limited. |  |
| 114 | HF1381 | Erickson     | SF1167 | Olson        | Prekindergarten through grade 12 education policy provided.   |  |



# BILL INTRODUCTIONS

MAY 20 - 23, 2011  
HOUSE FILES 1737 - 1761

## Friday, May 20

---

### **HF1737-Kelly (R)**

#### **Government Operations & Elections**

Jurisdictions authorized to adopt ranked-choice voting, and procedures established for adoption, implementation and use of rank-choice voting.

### **HF1738-Howes (R)**

#### **Government Operations & Elections**

Municipality detachment provided.

### **HF1739-Hayden (DFL)**

#### **Jobs & Economic Development Finance**

Housing definitions added, Minnesota Housing Finance Agency provisions amended and eligibility and selection criteria for agency funding changed.

### **HF1740-Westrom (R)**

#### **Environment, Energy and Natural Resources Policy & Finance**

Douglas County; flood hazard funding provided, bonds issued and money appropriated.

### **HF1741-Clark (DFL)**

#### **Government Operations & Elections**

American Indian education committees reestablished.

### **HF1742-Hayden (DFL)**

#### **Commerce & Regulatory Reform**

Residential mortgage loans special mortgage payoffs regulated and independent loan counselor certification requirements modified.

### **HF1743-Laine (DFL)**

#### **Commerce & Regulatory Reform**

Maximum financial reserves specified for nonprofit health plan companies.

### **HF1744-Kath (DFL)**

#### **Health & Human Services Reform**

Coroner or medical examiner duties changed.

### **HF1745-Poppe (DFL)**

#### **Jobs & Economic Development Finance**

Hormel Institute funding provided, bonds issued and money appropriated.

### **HF1746-Mullery (DFL)**

#### **Civil Law**

Civil union relationships provided and civil union substituted for marriage for purposes of Minnesota law.

### **HF1747-Hackbarth (R)**

#### **Commerce & Regulatory Reform**

State lottery director authorized to establish gaming machines, tax imposed on gaming machine revenue, powers and duties provided to director, and multi-stadium revenue fund established and money dedicated in the fund for financing and construction of a stadium for the Minnesota Vikings and a ballpark for the St. Paul Saints.

## Saturday, May 21

---

### **HF1748-Holberg (R)**

#### **Ways & Means**

State agency funding provided if the major appropriation bill to fund that agency has not been enacted by July 1, 2011, and money appropriated.

### **HF1749-Murphy, M. (DFL)**

#### **Taxes**

Proctor; local taxes authorized.

### **HF1750-Simon (DFL)**

#### **Taxes**

Substandard building determinations modified for redevelopment districts and renewal and renovation districts in the tax increment financing law.

### **HF1751-Anderson, P. (R)**

#### **Transportation Policy & Finance**

Railroad common carriers regulated and employee safety protected at a roadway intersection.

### **HF1752-Howes (R)**

#### **Capital Investment**

St. Paul; Minnesota Telecenter Building renovation funding provided, bonds issued and money appropriated.

### **HF1753-Daudt (R)**

#### **Ways & Means**

Appropriations provided to continue in effect at 70 percent rate unless eliminated or otherwise modified.

## Sunday, May 22

---

### **HF1754-Gunther (R)**

#### **Health & Human Services Reform**

Personal care assistance choice option modified.

### **HF1755-Loon (R)**

#### **Health & Human Services Finance**

Restaurant Recovery and Jobs Creation Act; sales tax exemption for meals and drinks expanded, capital equipment exemption expanded, application of gratuities in calculating the minimum wage provided for, calculation of unemployment taxes and license fees modified.

### **HF1756-Drazkowski (R)**

#### **Government Operations and Elections**

Government shutdown provisions made.

### **HF1757-Hayden (DFL)**

#### **Health and Human Services Reform**

Children in families experiencing homelessness comprehensive evaluation and assistance provided for.

### **HF1758-Gauthier (DFL)**

#### **Education Reform**

Sexual violence working group established and school violence prevention curriculum amended.

### **HF1759-Smith (R)**

#### **Government Operations and Elections**

Public Employees Retirement Association privatizations augmentation rates applicable to new privatizations decreased.

## Monday, May 23

---

### **HF1760-Franson (R)**

#### **Environment, Energy & Natural Resources Policy & Finance**

Recreational prospecting rulemaking required.

### **HF1761-Laine (DFL)**

#### **Civil Law**

Civil union contracts provided.

# FOLLOW US



Find us on  
**Facebook**

[www.facebook.com/MNHouseInfo](http://www.facebook.com/MNHouseInfo)

twitter

[twitter.com/MNHouseInfo](http://twitter.com/MNHouseInfo)

You Tube

[www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo)



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Kris Berggren, Nick Busse, Susan Hegarty,  
Hank Long

### Chief Photographer

Tom Olmscheid

### Photographers

Kristin Schue, Andrew VonBank

### Staff Assistants

Christy Novak, Angella Hanson

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.

- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.

# MINNESOTA INDEX

## 2011 regular session

|   |         |
|---|---------|
| Number of House seats held by Republicans, DFLers in 2011 .....               | 72, 62  |
| Last year Republicans had control of the House .....                          | 2006    |
| House files introduced during the 2011 regular session .....                  | 1,761   |
| In 2009 .....   | 2,407   |
| In 2007 .....   | 2,552   |
| Senate files introduced during the 2011 regular session .....                 | 1,477   |
| In 2009 .....   | 2,166   |
| In 2007 .....   | 2,363   |
| Bills sent to the governor in 2011 .....                                      | 117     |
| In 2009 .....   | 179     |
| In 2007 .....   | 150     |
| Bills signed into law in this year's regular session .....                    | 94      |
| Number of full gubernatorial vetoes in 2011 .....                             | 23      |
| Full vetoes in the eight years Tim Pawlenty was governor (2003-2010) .....    | 96      |
| When Jesse Ventura was governor (1999-2002) .....                             | 33      |
| When Arne Carlson was governor (1991-98) .....                                | 127     |
| When Rudy Perpich was governor (1983-90) .....                                | 15      |
| Maximum number of legislative days that lawmakers can meet in regular session |         |
| during the biennium .....   | 120     |
| Days used in 2011 .....   | 64      |
| In 2009 .....   | 58      |
| In 2007 .....   | 75      |
| Pages in the 2011 House Journal .....   | 5,318   |
| In 2009 regular session .....   | 7,462   |
| In 2007 regular session .....   | 7,576   |
| Time lawmakers are scheduled to reconvene Jan. 24, 2012 .....                 | Noon    |
| Date members reconvened in 2010 .....   | Feb. 4  |
| Date members reconvened in 2008 .....   | Feb. 12 |
| Days from the May 23, 2011, regular-session adjournment until legislators     |         |
| reconvene in 2012 .....   | 246     |

— M. Cook

Sources: House Public Information Services; Legislative Reference Library; Governor's Log 2011; Journal of the House.



# SESSION WEEKLY

## First Special Session

A NONPARTISAN PUBLICATION

MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES

August 11, 2011

## Ending the shutdown

Special session ends with compromise that no one really likes

By Nick Busse

One night's work in the House and Senate chambers: that's all it took to end a crisis six months in the making.

Lawmakers convened for a special session on the afternoon of July 19, to pass a dozen spending and tax bills to fund state government for the next two years. By the next morning, Gov. Mark Dayton had signed all 12 bills into law.

The budget compromise between Dayton

and the Republican-led Legislature is almost universally disliked, but it ended an unprecedented state government shutdown and put Minnesota back to work.

"I'm not really happy with this budget that I've signed into law. It's not what I wanted. But it's the best option that is available," Dayton said.

Technically, the budget will spend \$34 billion from the General Fund in fiscal years 2012 and 2013. However, that amount



Representing the Welfare Rights Committee, Angel Buechner of Minneapolis waits for legislators after being among the first to enter the Capitol July 19, 2011. Doors to the building had been locked since the state government shutdown began July 1.

does not include the one-time solutions. Throw in the K-12 school aid payment shift, tobacco revenue bonds and cash flow account transfer, and the budget reaches a total of \$35.7 billion.

The deal effectively closed a projected \$5 billion budget gap predicted by Minnesota Management & Budget in February. Dayton had hoped to raise income taxes on the state's wealthiest residents to help erase the deficit, while Republicans planned to

**Shutdown continued on next page**



PHOTOS BY ANDREW VONBANK

Senate Majority Leader Amy Koch, from left, Gov. Mark Dayton and House Speaker Kurt Zellers emerge from budget talks July 14 to report the framework of an agreement had been reached to end the state government shutdown.

## Shutdown continued from page 1

hold the budget steady at \$34 billion and use cuts alone to trim forecasted growth in spending. The two sides clashed for months and were unable to reach a deal in time to avert a shutdown.

In the end, House Speaker Kurt Zellers (R-Maple Grove) said the compromise included some major reforms that would “change our state for a generation.”

“We have worked very closely, very long into the night many times to come up with an agreement that I think will not only change the way Minnesota operates, but it will position our state for a great future,” Zellers said.

“We didn’t get everything we wanted,” said Senate Majority Leader Amy Koch (R-Buffalo). “We were really excited about the (vetoed) budget that we passed, but there are some very exciting reforms that are in these bills.”

DFL lawmakers, who were largely shut out of final budget talks and who put up very few votes in favor of the final budget, have a much less favorable view of the final agreement.

“Republicans refused every single attempt at a fair budget, forcing this borrow-and-spend non-solution on the people of Minnesota in order to end a painful government shutdown,” House Minority Leader Paul Thissen (DFL-Mpls) said in a press release.

Lawmakers are scheduled to convene again at noon on Tuesday, Jan. 24, 2012. 🗽



PHOTOS BY ANDREW VONBANK

**A stack of budget bill spreadsheets wait for distribution on the House floor during the July 19 special session.**



**Rep. Lyndon Carlson Sr. speaks about the omnibus tax bill during the July 19 special session.**



# Shovel-ready and ready for jobs

Higher education facilities benefit from bonding law

By LEE ANN SCHUTZ

**N**o capital investment bill made it past the House floor during the 2011 regular session, but at the end of the special session, there was a \$498 million law, which had been negotiated as part of the overall budget settlement for the 2012-2013 biennium.

Rep. Larry Howes (R-Walker), who sponsors the law with Sen. David Senjem (R-Rochester), said the law contains projects that are “shovel-ready and will put a lot of people to work and protect our assets.” It is effective July 21, 2011.

While the DFL had preferred a larger bonding bill to help create more jobs in the state, the bill received the OK from Rep. Alice Hausman (DFL-St. Paul), the DFL lead on the House Capital Investment Committee.

“The (law) is a product of good bipartisan work, shaping the (law) together, and the outcome is positive. It’s a very good (law),” she said.

Higher education receives a good share of the appropriations at \$220 million, with the University of Minnesota to receive \$88.8 million, including \$51.3 million toward a new physics and nanotechnology building on the Minneapolis campus. The law also provides the university with \$12.5 million to help mitigate placement of the Central Corridor light rail line on the campus.

The Minnesota State Colleges and Universities system will receive more than \$131.5 million for repairs, maintenance, building renovations and new buildings. Of the amount, St. Cloud State University will receive \$42.33 million for a new science and engineering laboratory facility and Normandale Community College in

Bloomington will receive \$21.98 million for a new academic partnership center and student services building.

Under the new law, money not spent by the institutions for projects should be used to address asset preservation. It also requires a biennial report to the Legislature on that activity.

Of the \$55.9 million focused on transportation projects, \$33 million will go for local bridge replacement and rehabilitation; \$10 million for grants under the local roads of state or regional significance program and rural road safety program; \$3 million is for railroad warning device replacement; and \$2.5 million is for grants to pay up to 80 percent of nonfederal share for Greater Minnesota transit projects.

The state has seen persistent flooding in recent years, and the law provides \$50 million for flood mitigation projects. Moorhead could see up to \$16.5 million, Roseau up to \$6 million, Georgetown up to \$3 million, and New Ulm \$1 million. Clay County can use up to \$1 million for its local share for property acquisitions. New levees, whenever possible, will need to meet the state standard of 3 feet above the 100-year flood elevation.

In the area of environment and natural resources, supporters say \$16 million for renovations to the Coon Rapids Dam are needed to stop the influx of Asian carp to

During the 2011 regular session the House Capital Investment Committee looked closely to defund projects bonded in previous years, but had yet to start construction. Howes said this would free up money for projects that are ready to go. In this law, several projects are defunded, including the Minnesota Planetarium, which was approved at \$22 million in 2005.

the state’s waterways. Design-build can be used on the project. The newly created Lake Vermilion State Park receives a kick-start toward development with an \$8 million allocation.

Several locations in the state have been considered over the past few years for a new veterans cemetery. The law directs the commissioner of veterans affairs to give priority consideration to land owned and proposed for donation by Fillmore County. Previous law designated Redwood County for prioritization.

Other funding in the law includes:

- \$20 million for the wastewater infrastructure funding program;
- \$19 million for asset preservation at Corrections Department facilities;
- \$7 million to renovate a building at the Minnesota Sex Offender Program treatment facility in St. Peter;
- \$4.7 million to Hennepin County for a regional 911 emergency communications center;
- \$4 million for asset preservation at the Minnesota Zoo;
- \$1 million for a Minnesota African American History and Cultural Center; and
- \$300,000 for grave markers or memorials on public land with unmarked graves of deceased residents of state hospitals or regional treatment centers.

2011 Special Session: HF23\*/SF9/CH12





# Withholding state funds from schools

Education finance law keeps \$780 million for other General Fund spending

By MIKE COOK

**R**epublicans call it a good law for the state's children, while DFLers say the moving of money is a poor way to balance the state's budget.

No matter what it's called, a \$780 million shift in school aid payments is included in the \$14.5 billion omnibus education finance law.

Under the funding shift, schools will receive 60 percent of their anticipated funding during the first year of the biennium with the rest bought back when the economy recovers and state revenues increase enough to build up a budget surplus. The remaining 40 percent will go into the state's General Fund.

"The good news is that unlike previous shifts in previous years, we're actually paying the school districts for this," said Rep. Pat Garofalo (R-Farmington), who sponsors the law with Sen. Gen Olson (R-Minnetrista). "We're giving them additional money to help finance those costs: a \$50 increase in the per pupil funding formula the first year, a \$100 per pupil increase in the second year."

Critics orated it is the second straight biennium that education shifts have been used to balance the state budget: a 70-30 shift was used last year. Before this the ratio had been 90-10. While the shift helps the state balance its budget, critics say it will force school districts to scramble to make up for the lost revenue and that many school districts have already resorted to short-term borrowing to meet cash-flow needs because of last year's shift.

Rep. Mindy Greiling (DFL-Roseville) said the law brings the total amount owed to schools to more than \$3 billion, with no plan to pay the money back.

"We're borrowing from junior to deal

with adult's issues," said Rep. Carlos Mariani (DFL-St. Paul). "I really worry greatly about the long-term future of public education in our state by doing these borrowing schemes. I think it's beneath us."

The law contains \$4 million in early childhood scholarships.

"We believe that low-income parents have the same right and access to quality preschool education just like wealthy people do," Garofalo said.

The law calls for a 5 percent funding reduction to the Department of Education each year. The same will be true for the Perpich Center for the Arts Education. The original House bill sought to eliminate the center as a state agency.

An integration funding program — which helps districts comply with state desegregation laws — will be eliminated at the end of fiscal year 2013, replaced with a statement that Minnesota "does not condone separating school children of different socioeconomic, demographic, ethnic, or racial backgrounds into distinct public schools. Instead, the state's interest lies in offering children a diverse and nondiscriminatory educational experience." A commission will be convened with legislative and executive appointments to decide how to better spend the program money to improve student performance.

Other provisions in the law include:

- a restatement of a goal that the Legislature seeks to have every child reading at or

above grade level by the end of third grade, requiring districts to provide reading intervention to accelerate student growth;

- requiring local districts and the state to develop teacher evaluation plans where at least 35 percent of a teacher's evaluation depends on student performance;
- extending by two years the relief from requiring local districts to spend 2 percent of their basic revenue on staff development;
- repealing the state's authority to borrow from school districts with reserves during a fiscal year;
- districts are to develop and implement a performance-based system for annually evaluating school principals;
- repealing a law that financially penalized school districts for not reaching a contract deal with its teachers by Jan. 15; and
- the Board of Teaching and the commissioner of education must jointly convene and facilitate an advisory task force to develop recommendations for a statewide tiered teacher licensure system.

A plan to provide vouchers for poor families at low-performing Twin Cities' schools so students could attend private schools did not make it into law. A special education funding cap and a plan to grade schools A-F were also left from the final product.

"We have provisions in this (law) that will empower parents, we have in this (law) provisions that will improve teaching, provisions that will improve principals and we have provisions that will improve learning, increase achievement and hopefully close our achievement gap," said Rep. Sondra Erickson (R-Princeton). "This is a great day for the children of Minnesota, for the parents of Minnesota and for our teachers and principals because we're moving forward."

2011 Special Session: HF26\*/ SF11/CH11



# Less money for jobs, housing

Law preserves funding for disabled and key jobs programs

By Nick Busse

**T**he budget deal between Republican legislators and Gov. Mark Dayton will leave less money for jobs, housing and economic development in the 2012-2013 biennium. However, it will preserve and even boost funding for a handful of programs for the disabled and small businesses.

Sponsored by Rep. Bob Gunther (R-Fairmont) and Sen. Geoff Michel (R-Edina), a new law reduces General Fund spending on jobs and economic development by 8.5 percent. The Housing Finance Agency, Department of Employment and Economic Development, Department of Labor and Industry and a number of smaller agencies are funded by the law.

An earlier bill proposed a much deeper overall cut of 17.8 percent. Dayton vetoed that bill May 24, arguing many of the program reductions were too onerous.

In total, \$250.8 million would be spent over the two-year biennium, with \$169.4 million coming from the General Fund. A pair of one-time transfers from special unemployment insurance accounts would reduce the net General Fund impact to \$154 million. The vetoed version of the bill would have spent \$138.2 million.

The law will provide one-time funding increases for the Minnesota Investment Fund (\$3 million), the redevelopment grant program (\$2 million) and Enterprise Minnesota (\$500,000). To help leverage federal funding, one-time appropriations are also made to Vocational Rehabilitation

Services (\$4 million) and State Services for the Blind (\$300,000).

Extended Employment, the Minnesota Youth Program and YouthBuild are all spared from cuts included in the vetoed bill. Several grant programs funded through DEED will see reduced appropriations, however, as will a handful of housing programs.

Rep. Karen Clark (DFL-Mpls) said the law is better than the original bill, but said it still cuts funding for valuable programs like contaminated site cleanup grants.

Many of the law's reductions are tied to a plan to reform the way grant money is distributed through DEED. The department currently serves as a pass-through agency for grant money that lawmakers set aside for certain nonprofit organizations that perform workforce and economic development-related services.

Under the law's provisions, beginning in fiscal year 2013, the current system of earmarking grant money in law would end. In its place, a series of three new competitive grant programs would be established: one for business development, one for adult workforce development, and another for

youth workforce development.

In part, the move toward a competitive grant process is intended to address concerns raised in a 2010 Office of the Legislative Auditor report on the state's workforce programs. Among other key findings, the report stated that workforce grant recipients should be selected through a competitive process.

The law also includes provisions to encourage lending to small businesses. Under the proposal, the state will guarantee up to 70 percent of loans made by qualified gap lenders — organizations that provide subordinate loans in conjunction with larger loans made by commercial financial institutions. The total guarantee amount would be capped at \$1.5 million per loan.

The law establishes a loan guarantee trust fund for these purposes; however, no funding is provided for the program. The language is intended as a placeholder until more money is available.

Other selected provisions in the law include:

- authorizing DEED to retain up to 5 percent of the money appropriated for pass-through grants to monitor programs and services funded with the grant money;
  - changing inspection requirements for manufactured homes and establishing a \$1 million cap on manufactured home park owner payments into the manufactured home relocation trust fund; and
  - making numerous technical changes to continuing education requirements for construction codes and licensing.
- 2011 Special Session: HF3/SF2\*/CH4



# Meeting halfway

Environment and energy law packs policy changes

By Nick Busse

**A** new law splits the difference between Republican lawmakers' and Gov. Mark Dayton's respective spending proposals on environment and energy programs.

The omnibus environment, energy and natural resources finance law appropriates \$237.9 million from the General Fund in the 2012-2013 biennium. That represents a nearly 19 percent cut from the forecasted base. Dayton called for \$276.9 million and the Legislature originally proposed \$201.5 million.

"This is the environment bill that will get the state parks up and running and open," said Rep. Denny McNamara (R-Hastings), who sponsors the law with Sen. Bill Ingebrigtsen (R-Alexandria).

The law provides funding for the Department of Natural Resources, the Pollution Control Agency, the Commerce Department and several other agencies. It also includes the policy provisions from the omnibus game and fish bill and appropriations recommended by the Legislative-Citizen Commission on Minnesota Resources.

To help balance the budget, the law relies on a number of one-time accounting transfers. These include a \$13.7 million transfer to the General Fund from the workers' compensation assigned risk plan and a \$3.4 million transfer from the special revenue fund. For the PCA, a \$42 million transfer is authorized from the environmental fund to the remediation fund.

One of the session's hot-button issues — the impact of sulfate pollution from mining on the state's natural wild rice beds — is addressed through a study to be commissioned by the PCA. The law directs the agency to consult with stakeholder groups and then contract with "appropriate scientific experts" to determine whether current discharge limits should be modified. The PCA can then initiate a rulemaking process and enforce any new standards it sees fit to adopt.

Other studies authorized by the law include:

- a report on purpose, rates and adequacy of current funding for payment in lieu of taxes (PILT) for state natural resource lands;
- a report on a long-term plan to restructure the state's tree nursery program; and
- a report on opportunities to streamline, strengthen and improve sustainable water management rules and statutes.

The law also establishes a 10-member advisory committee under the Office of Enterprise Technology to review technology accessibility standards and develop proposals to fund captioning of webcasts and other technologies. The goal is to make state government multimedia more accessible to persons with disabilities.

### Game and fish

The law includes dozens of game and fish provisions, including some that were included in a vetoed game and fish omnibus bill from 2010. Selected provisions include:

- allowing disabled and combat-wounded veterans to receive preference in receiving hunting and fishing licenses and permits;
- giving drivers whose vehicles have collided with and killed a deer on a public road priority to receive a permit to keep the deer;
- allowing private landowners to use drums to bait bears on their own land;
- requiring that frozen or dead fish bait be certified as disease-free;
- requiring certain fish farms to complete an annual health inspection to test for viral hemorrhagic septicemia (VHS);
- allowing ice fishing without a license in state parks;
- making pastures and fences eligible for compensation due to damage by elk;
- adding sandhill cranes, gray wolves and Eurasian collared doves to the list of animals defined as game and unprotected species in statute;
- making hunting big game while prohibited from obtaining a license a gross misdemeanor;
- increasing the penalty to owners of dogs that mortally wound big game to \$500;
- allowing someone to transfer a hunting or fishing license to a person with a severe disability or critical illness under certain conditions;
- adding certified nurse practitioners and certified physician assistants to the list of those eligible to verify medical evidence for the purpose of granting certain hunting permits; and
- removing height restrictions for permanent deer stands.

2011 Special Session: HF5/SF3\*/CH2





# Reform measures draw support

Health and human services reductions draw sharp DFL rebuke

BY LEE ANN SCHUTZ

**O**ne of the largest pieces of the state budget is health and human services, and for the 2012-2013 biennium, the law comes in at \$11.3 billion, about 8 percent below the forecast base. However, according to the law's sponsor, Rep. Jim Abeler (R-Anoka), the reform proposed puts health and human services on the road to sustainability.

Referring to the 2011 session omnibus bill vetoed by the governor, Abeler said, "If you contrast the choices, this (law) is superior in many ways. Who knew you can do reform with no money and save money." The law reduces spending about \$1.04 billion in the biennium and creates a growth rate of 4.8 percent in the out years, he said.

Sen. David Hann (R-Eden Prairie) is the Senate sponsor.

Rep. Steve Gottwalt (R-St. Cloud) said the law reduces growth in state spending from 22 percent to 11 percent in the first biennium.

However, Rep. Thomas Huntley (DFL-Duluth) said it "basically stinks." He pointed to the cuts to hospitals and nursing home funding, saying this will force some out of business. He acknowledged some of the reform measures, particularly Medicaid early enrollment, but added that this was part of the federal Patient Protection and Affordable Care Act.

## Provider tax not provided

The law provides the Department of Human Services with a General Fund appropriation of \$11.4 billion over the 2012-2013 biennium and the Department of Health \$143.2 million over the same period.

According to a nonpartisan House Research Department report, Minnesota imposes a series of taxes on various types of providers of health care goods and services. Revenues collected under these taxes are used to pay for the MinnesotaCare program,

which provides state-subsidized health care coverage for low-income individuals. Under the new law, a phase out of the so-called provider tax will begin with complete elimination by 2020.

Some small rural nursing homes and rural pharmacies benefit from the law with a 15 percent and 4 percent rate increase, respectively.

The law also recognizes the increasing number of Alzheimer's disease patients and those suffering from dementia. Beginning July 1, 2012, the commissioner of health is to develop measures for improving assessment and care related to these diagnoses.

## Human services spending

The law saves more than \$3.3 billion over the biennium by reducing or eliminating grants, including \$826 million in child care development grants and child care facility grants, and \$410 million by eliminating the University Special Kids Intensive Care Management grant.

The state's managed elderly waiver program is cut by \$20.4 million over the biennium, and there is a reduction to certain congregate living rates.

Reforms include changes for those using the EBT (electronic benefits card) program for cash and food assistance. The law spells out more clearly what the card can or cannot be used for, such as no alcohol or tobacco. It

also requires liquor stores, tobacco stores, gambling establishments and tattoo parlors to negotiate with their third-party processors to block EBT cash transactions at their places of business and withdrawals of cash at ATMs located in their places of business.

Child care assistance provisions are tightened. The new law reduces the maximum rate of assistance that can be paid for the at-home infant child care program from 90 percent to 68 percent of the rate that is paid for licensed family child care assistance. Additionally, the law prohibits, under most circumstances, child care assistance funds from being used for services provided by a person who employs either the parent of the child or a person who resides with the child.

There are several eligibility changes to General Assistance and Minnesota Family Investment Program (MFIP):

- limiting recipients to one emergency General Assistance grant in any 12-month period. It establishes a floor of \$1,000 per fiscal year for county emergency General Assistance;
- prohibits counties from negotiating supplementary services rates with providers that do not enforce a policy of sobriety;
- reducing the MFIP vehicle asset limit from \$15,000 to \$10,000; and
- excluding activities done for political purposes as work activities.

Counties administer most of the state's health and human service programs. The new law begins the road toward giving counties more flexibility and fewer mandates.

The law creates three task forces related to:

- reducing prematurity and improving premature infant health care in the state;
- improving awareness, early diagnosis and care of those with an autism spectrum disorder; and
- eliminating the purchase of tobacco and alcoholic beverages by recipients of the cash and food assistance programs.

2011 Special Session: HF25\*/SF10/CH9



# System funding decreases

## Higher education law cuts \$351 million from base funding

By MIKE COOK

**G**iven the opportunity for a retake, the Legislature adopted — and Gov. Mark Dayton gave a passing grade to — an omnibus higher education finance law that contains double-digit percentage reductions for the state's public institutions of higher learning.

The nearly \$2.57 billion law is \$60 million greater than what the Legislature proposed in May, but still about \$351 million below base funding. Dayton's initial plan called for a \$170.9 million base reduction. It is effective retroactively to July 1, 2011.

"Fifty million (dollars) was added to the appropriation for the University of Minnesota, \$9.7 million was added to the appropriation for the Minnesota State Colleges and Universities system and \$257,000 was added to the Office of Higher Education funding," said Rep. Bud Nornes (R-Fergus Falls), who sponsors the law with Senate President Michelle Fischbach (R-Paynesville).

Overall, the total higher education spending is reduced 8.8 percent from the previous biennium. Both the university and MnSCU will receive approximately \$1.09 billion from the General Fund: a 15.1 percent reduction from forecast base for the university and 13.5 percent for MnSCU. In terms of reductions from the 2010-2011 biennium, it is 10.4 percent for the university and 10.6 percent for MnSCU.

One percent of fiscal year 2013 university and MnSCU funding will be contingent on meeting three of five specific criteria, including MnSCU increasing the enrollment of students of color by at least 10 percent compared to fiscal year 2010 and increasing persistence and completion rates for students entering in the fall of 2009 and 2010.

The university criteria includes increasing institutional financial aid so it is greater in fiscal year 2012 than it was in fiscal year 2010 and producing at least 13,500 degrees on all campuses in fiscal year 2012.

The state grant program will see an additional \$21 million, a 7.3 percent increase. The House initially proposed increasing base funding for the state grant program by \$27.1 million; the Senate \$7.2 million and the governor kept state grant funding at base levels. There is a 3.1 percent increase in work-study programs, and stable funding is provided for child care assistance grants that help students who have children to continue their education.

Rep. Terry Morrow (DFL-St. Peter) noted that studies indicate 85 percent of Minnesota's workforce in 2020 will need to be college educated. He said this bill could price college at an unattainable level for many Minnesotans who come from cash-strapped families.

For example, he said a university undergraduate could face a \$1,300 tuition increase under this bill. "Not only are you threatening to price out students, and price out their families by making historically large cuts, we're also cancelling thousands and thousands and thousands of classes, cutting faculty and staff."

Proposed tuition increase caps did not make the final product, except for the MnSCU community and technical colleges,

which cannot increase tuition by more than 4 percent in the 2012-2013 academic year.

"The governor refused to have comprehensive tuition restraint in this bill, so there are no tuition caps for the four-year universities," Nornes said. "We were able to convince the governor, however, that Minnesota's two-year technical colleges need to become a little more competitive."

The MnSCU Board of Trustees and university's Board of Regents are encouraged to offer an optional tuition plan for undergraduate Minnesota students with the goal of holding tuition constant at the rate charged in the first semester.

Prohibiting the use of state or federal funds for state programs to support human cloning, or for expenses incidental to human cloning, was removed in negotiations between the governor and legislative leaders.

"It is imperative for Minnesota's biomedical future that both the University of Minnesota and the Mayo Clinic approve of any language affecting this vital area of research, which has the potential to bring thousands of jobs to Minnesota and save many thousands more lives," Dayton wrote when vetoing the bill presented him during the regular session.

Other finance and policy provisions in the bill include:

- eliminating the state-funded matching grant for low- and middle-income families who participate in the Minnesota College Savings Plan;
- lowering of the eligibility age for the senior citizen higher education program from 66 to 62;
- requiring the Office of Higher Education to study the state's for-profit graduate education sector and report its findings and recommendations for improving graduate education in the area to the Legislature by Jan. 15, 2013; and
- repealing the requirement that public institutions sell American-made clothing and apparel in their bookstores to the extent possible.

2011 Special Session: HF4\*/SF5/CH5 

# Legacy bill brought back to life

More than \$449 million appropriated from voter-approved sales tax increase

By LEE ANN SCHUTZ

**T**he 2011 regular session ended with debate but no legislative action on the Legacy funding bill. But its provisions came together as part of the budget agreement between Gov. Mark Dayton and Republican legislative leaders.

The original bill stalled on the House floor the last night of session over concerns about a provision exempting the Lessard-Sams Outdoor Heritage Council from the state's Open Meeting Law. The council is responsible for the \$86 million in allocations from the Outdoor Heritage Fund contained in the nearly \$449.8 million law. Funds are collected through the 2008 voter-approved constitutional amendment increasing the state sales tax by three-eighths of 1 percent to pay for outdoors and cultural projects.

Funding provisions in the new law are almost identical to those in the previous bill. A major change, however is that the Lessard-Sams Outdoor Heritage Council will remain subject to the Open Meeting Law, ensuring transparency to the allocation process.

Sponsored by Rep. Dean Urdahl (R-Grove City) and Sen. Bill Ingebrigtsen (R-Alexandria), the new law also allocates:

- \$179.43 million for the Clean Water Fund for wastewater treatment, water quality monitoring and the AgBMP Loan Program to address runoff from feedlots and farm fields;
- \$105.31 million for Arts and Cultural Heritage funding, including grants to arts and arts access initiatives; cultural heritage programming; the Minnesota Historical Society; Minnesota public television and public radio; Minnesota, Como and Lake Superior zoos; children's museums and veterans camps;

- \$86.95 million to the Outdoor Heritage Fund for shoreland protection, prairie restoration, wildlife management land acquisition and conservation programs; and
- \$78.1 million for the Parks and Trails Fund with grants for metro parks and trails, state and regional parks and recreation areas.

Rep. Jean Wagenius (DFL-Mpls) called the law unfair to the Twin Cities metropolitan area. The metropolitan area contributes "about 64 percent of the money" in the law, she said, but that 92 percent of the Outdoor Heritage Fund appropriations and about 72 percent of the Clean Water Fund money go to Greater Minnesota. "We took a huge step backwards in fairness," she said.

The law changes fund distribution for some appropriations to a competitive grant process, including public radio and the state councils of color.

A 22-member State Capitol Preservation Commission is established through the law to develop a comprehensive pre-design plan to restore and preserve the State Capitol.

Additionally, the law extends the sunset date for the Dakota and Ojibwe language

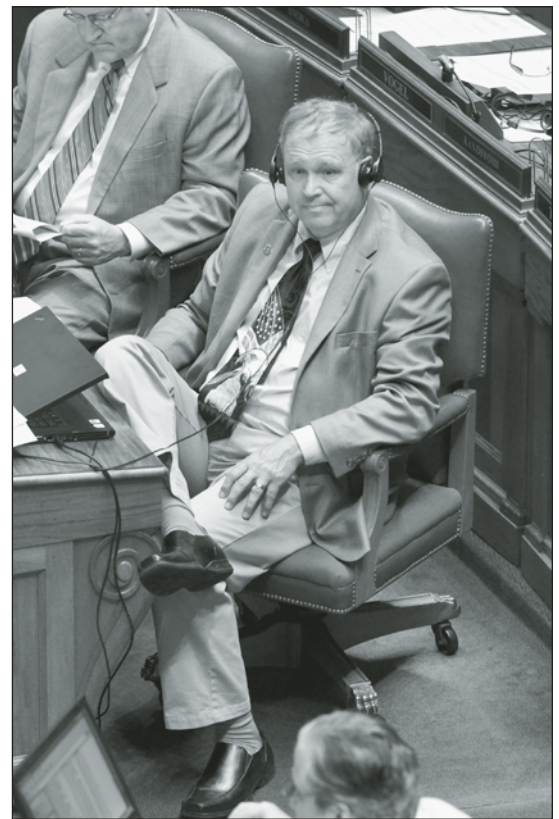


PHOTO BY ANDREW VONBANK

**Rep. Dean Urdahl listens to debate on the Legacy funding law during the July 19 special session.**

preservation working group to Feb. 16, 2013.

Most of the law's provisions are retroactive to July 1, 2011.

2011 Special Session: HF6/ SF6\*/CH6





# Pension changes now law

## Local employee plans to join statewide plan

By Nick Busse

A new law will allow a pair of Minneapolis public employee pension plans to merge and be incorporated into a statewide plan.

Sponsored by Rep. Morrie Lanning (R-Moorhead) and Sen. Julie Rosen (R-Fairmont), the omnibus retirement law enacts the recommendations of the bipartisan Legislative Commission on Pensions and Retirement.

Lanning said the law is smaller than

typical omnibus retirement legislation.

“This is nowhere near the kind of bill that we passed last year, but nonetheless it has some important provisions,” he said.


The law authorizes — but does not require — the consolidation of the Minneapolis Firefighters Relief Association and the Minneapolis Police Relief Association pension plans into the Public Employees Retirement Association’s police and fire plan.

The law also revises the salary scale and

payroll growth rate assumptions used by the state’s major retirement plans. The revisions are based on the results of recent actuarial experience studies.

Selected other provisions in the law include:

- providing lower post-retirement increases for members of the St. Paul Teachers Retirement Fund Association until greater funding ratios are achieved;
- changing filing deadlines for volunteer firefighter relief associations in Hibbing, Makinen and Mapleview to allow them to qualify for 2010 state fire aid; and
- several changes relating to public employees in Red Wing and Duluth.

2011 Special Session: HF14\*/SF7/CH8 

### WAITING FOR THE GOVERNOR



PHOTO BY ANDREW VONBANK

A stack of budget bills await Gov. Mark Dayton’s signature July 20.

# Keeping the courts adequately funded

Public safety finance law doesn't gut Human Rights Department

By MIKE COOK

**T**he omnibus public safety budget law contains reductions for some areas of courts and corrections, but not nearly as steep as those proposed by the Legislature during its regular session.

Sponsored by Rep. Tony Cornish (R-Good Thunder) and Sen. Warren Limmer (R-Maple Grove), the law, effective retroactively to July 1, 2011, contains \$1.8 billion in General Fund spending on corrections, courts and law enforcement programs, nearly \$29 million more than a conference committee report that was vetoed by Gov. Mark Dayton in May.

"Public safety has been secure in the commissioner's mind," Limmer said. "By keeping an adequate funding for our courts, I believe we can sustain the protection of civil liberties with this budget."

Rep. Steve Smith (R-Mound) said the law increases overall court funding by 1.2 percent: the Tax Court will see a 4.4 percent increase, district courts 1.3 percent, Court of Appeals 1 percent and the Supreme Court 0.8 percent. All increases are over base funding.

Also receiving increases are the Board on Judicial Standards (3.2 percent) and the Public Defense Board (1.9 percent) with the latter's funding increase directed, in part, "to alleviate caseloads by hiring additional public defenders." The Sentencing Guidelines Commission and Uniform Laws Commission are to be held at base levels.

Civil Legal Services received a 6.8 percent base reduction (\$1.6 million) and the Guardian ad Litem Board 2.4 percent (\$600,000).

The Office of Justice Programs will be cut \$2.66 million (the vetoed bill had a

\$12 million cut) and language in the vetoed bill that would have limited reductions to domestic abuse shelters to 5 percent and would have prohibited cutting grants to youth intervention programs is not in the law.

The biggest gainer in the updated budget agreement is the Department of Human Rights, which ended up with just a 5 percent funding reduction. The initial bill vetoed by Dayton called for a 65 percent decrease. Language prohibiting the department from using state funds for education and outreach programs has been eliminated, as has language increasing contract compliance thresholds.

A \$10 million proposed reduction to the Department of Corrections has been reduced to \$3.33 million, and the proposed reduction to the Bureau of Criminal Apprehension has been sliced from \$1 million to \$500,000.

Other fiscal aspects of the bill include reducing an \$8.5 million transfer from the state's Fire Safety Account to the General Fund to \$3.7 million.

"We're leaving a considerable amount, which is a great relief to many of our fire chiefs," Limmer said. "We're still going to continue what's the best use of this funding and how can we protect it in the future."

The money, garnered through a 0.65 percent surcharge on homeowner and commercial fire insurance policies, is used for the Minnesota Board of Firefighter Training and Education, staffing and operations of

the State Fire Marshal Division and fire-related regional response teams and other fire service programs that have the potential for statewide impact.

Some of the account balance has been used to help fund the state's deficit in recent years. In fiscal year 2010, \$6.9 million was transferred to the General Fund and \$3.6 million in fiscal year 2011.

Gone in this law is a provision to transfer \$5.2 million from a 911 emergency system account to the General Fund.

Under the vetoed bill, offenders with 60 days or less remaining in their sentences would have been required to serve that time in a county jail or workhouse. That provision is not in the final agreement. Nor is a requirement for the state to participate in the Department of Homeland Security's Secure Communities Initiative.

An inmate health co-payment of at least \$5 can be imposed for each inmate visit to a health care provider, under the law, and counties will be allowed to reimburse costs of medical services to local prisoners at the Medical Assistance rate rather than the negotiated provider rate. This should save counties considerable money.

The law also aims to address sexually exploited youth by creating a safe harbor policy to protect juveniles involved in prostitution and sex trafficking.

Effective Aug. 1, 2014, it provides that a juvenile under age 16 cannot be prosecuted for a prostitution offense under the state's delinquency code. A 16- or 17-year-old alleged to have committed a first-time prostitution offense will be referred to diversion or child protection with an opportunity for the case to be dismissed. The law increases penalty assessments on patrons of prostitution and dedicates 40 percent of those fines to victim's services for sexually exploited youth.

2011 Special Session: HF1/SF1\*/CH4 

# Small budget, big changes

State government finance law includes plans for government reform

By Nick Busse

**R**epublicans had hoped to pack this year's omnibus state government finance law with significant budget cuts and ambitious reforms. In part, they succeeded.

Gov. Mark Dayton signed a new law that cuts spending on core state government services by 1 percent. The net spending reduction rises to 10.3 percent when the impact of new revenues are included. Both figures are modest compared to the 32.3 percent cut that Republican lawmakers sent to Dayton earlier this year, but the law includes a number of measures aimed at making government more efficient and accountable.

Sponsored by Rep. Morrie Lanning (R-Moorhead) and Sen. Mike Parry (R-Waseca), the law provides funding for Minnesota Management & Budget, the Revenue Department, the Legislature and more than two-dozen other agencies and constitutional offices for the 2012-2013 biennium.

Cuts to state agencies have been dramatically reduced from the proposals in the original bill, which Dayton vetoed. Most agencies will receive a 5 percent cut in their operating budgets, rather than the 10 or 15 percent reductions called for in the first version. Only three agencies — the Veterans, Military Affairs and Revenue departments — will see budget increases (of 2.5 percent, 7.7 percent and 3.5 percent, respectively).

The law appropriates \$905 million from the General Fund. A tax analytics and compliance initiative is expected to bring in \$82.3 million, and an expanded federal offset program another \$4.3 million, leaving a net General Fund impact of \$818.9 million.

Though it covers a relatively small area of total state spending, the law serves as a vehicle for many of the Republican majority's government reform proposals.

Beginning Oct. 1, 2011, all of the state's information technology operations and staff will fall under the control of the Office of Enterprise Technology. The office will also assume control of any money appropriated for IT operations or improvements beginning July 1, 2013. The goal is to save money, streamline services and improve the security and stability of critical IT infrastructure.

The law sets up a Sunset Advisory Commission to explore opportunities to eliminate, combine or reorganize state agencies. A rotating 12-year schedule will be established for the commission to review each agency's operations. A proposed requirement that all agencies expire automatically unless lawmakers take action was amended to exempt major, cabinet-level agencies. This part of the law is collectively referred to as the "Minnesota Sunset Act."

Selected other policy provisions in the law include:

- authorizing a \$10 million pilot program using bonds to pay nonprofits for services based on demonstrable return on investment to the state;
- requiring the Department of Administration to issue requests for proposals for vehicle fleet consolidation, building efficiency improvements and strategic sourcing;

- requiring an audit to verify the eligibility of dependents claimed by state employees in the State Employee Group Insurance Program;
- establishing an employee gain-sharing system to reward state workers for finding ways to cut costs; and
- expanding the membership of the Legislative Commission on Pensions and Retirement and adding more minority party members from the House and Senate.

A controversial requirement to reduce the state's workforce 15 percent by 2015 was dropped from the proposal as part of the final budget agreement. Also left on the chopping block was a plan to shift \$90 million of the total cost of state employees' health insurance premiums off of the state and on to workers, as well as a \$94.9 million general reduction to be spread out across all state agencies.

The law provides some relief and exceptions for individuals and businesses affected by the state government shutdown. Provisions include:

- providing that state employees who were laid off during that time receive service credit and credited salary in their pension plans;
- instructing the Minnesota Racing Commission to waive racing day requirements to the extent that the shutdown restricted racetracks' ability to meet them; and
- allowing state agencies to waive late fees or penalties when the lateness of a permit, registration or other document was due to the agency's inability to operate during the shutdown.

2011 Special Session: HF27/SF12\*/CH10





# New spending hinged on 'tobacco bonds'

Tax law highlights include flood relief and new science and technology initiative

By LEE ANN SCHUTZ

**N**ew money for spending hinged on passage of two bills during the special session — the omnibus education finance bill, containing the \$700 million shift in school aid payment, and the omnibus tax bill. The latter provides language for the state to raise \$640 million by issuing state bonds against future tobacco revenues.

Gov. Mark Dayton reluctantly agreed to what many called “kicking the can down the road,” as a means to put an end to the 20-day government shutdown. He gave up his call for raising taxes on Minnesota’s wealthiest residents in favor of the borrowing and shifts proposed by the Republicans.

Discussion on the House floor showcased the party differences to solving the budget deficit.

“We sent a bill to our kids. We are making promises we can’t keep with money we don’t have,” said Rep. Paul Marquart (DFL-Dilworth). “I can’t support the bill because it raises the debt for our kids. Even in this bill with all the borrowing gimmicks, next year, this Republican tax bill gives us a \$2 billion deficit in the next biennium. And that doesn’t include the school shifts.”

House Majority Leader Matt Dean (R-Dellwood) chastised Democrats for “mocking” them for wanting to rein in spending. “Guilty as charged,” he said, adding that the DFL had a preoccupation with raising taxes.

Rep. Greg Davids (R-Preston), who sponsors the law with Sen. Julianne Ortman (R-Chanhassen), defended the final product, and praised the governor for his willingness to compromise. “I wanted to avoid all the back stuff. The governor stepped up and is leading. We can play this game all day long.

We’ve done some good things in this bill.”

The law appropriates \$9 million for fiscal year 2012 to pay the state and local match for federal disaster relief for spring floods in southwestern and western Minnesota, the May 22, 2011, tornado in Minneapolis and Anoka County, and July 1 storms and tornados.

Cities receiving local government aid had the governor’s assurance from the start of the session that it would not be cut. The law retains local government aid at 2010 levels.

The law saves \$632.63 million during the 2012-2013 biennium, down approximately \$292.6 million from the vetoed bill, largely by softening the reductions to local government aid and by nixing the statewide property tax reduction the Legislature proposed.

Republicans had wanted to use \$60 million from the Douglas J. Johnson Fund, an Iron Range economic development fund, to help balance the budget. That fund remains intact.

Credits in the law include:

- a \$75 increase of the maximum homeowner property tax refund from \$2,460, and the income rate at which the maximum applies is also increased;
- a reduction to the percentage of rent constituting property taxes for renter property tax refund claims from 19 percent to 17 percent starting with fiscal year 2013; and

- extending the suspension of the political contribution refund program for two years.

The market value valuation exclusion for disabled veterans to a family caregiver under certain circumstances is expanded, as is the benefit to the surviving spouse from two years to five years. Surviving spouses of service personnel killed in action also qualify for the benefit for five years.

A new Minnesota Science and Technology Authority will receive \$500,000 to provide grants for research projects developed by a college or nonprofit organization or a qualified science and technology company.

The law adopts several federal tax changes enacted in 2010. It also modifies the phase-out range for married joint filers in the working family credit to correspond to the expanded phase-out range in effect for the federal earned income tax credit for tax year 2011 only.

Now that Wisconsin has paid the state the nearly \$60 million it owed in back income tax reciprocity payments, Minnesota is ready to move toward a new agreement.

Since 1968, residents crossing state lines for work were able to file their income tax return in their state of residence. However, in 2010, the agreement was nixed because the state lost money and because of the delay in receiving any payment.

The new law authorizes the commissioner of revenue to begin negotiations with Wisconsin with the goal of restoring income tax reciprocity effective for tax year 2012.

Several cities received authorization for a new local sales tax. However, the law prohibits a local government from spending money to promote a local sales tax referendum, and it is limited to spending money only on the vote.

2011 Special Session: HF20\*/SF8/CH7



# Agreement lessens transit cuts

Metro Transit funding kept whole; Greater Minnesota transit hours reduced

By MIKE COOK

**Users of Metro Transit bus and rail service are not expected to pay more to get around the Twin Cities metropolitan area; but those who rely on Greater Minnesota transit should have fewer transportation options.**

These are two results of the omnibus transportation finance law.

Sponsored by Rep. Michael Beard (R-Shakopee) and Sen. Joe Gimse (R-Willmar), the proposal checks in at \$4.74 billion in total spending, although just \$125.66 million will come from the General Fund. It is about \$63 million more than Republicans originally sought and \$55 million less than Dayton's initial recommendation. User fees and taxes make up much of the remaining funds.

The legislation, effective retroactively to July 1, 2011, includes a \$51.7 million General Fund reduction to the Metropolitan Council for transit operations and a \$2.7 million reduction to Greater Minnesota transit. The proposal vetoed by Dayton in May called for \$109.44 million and \$7.62 million reductions, respectively.

Metro Transit officials warned the larger cuts could result in sizeable fare increases, significant route reductions and the laying off of hundreds of employees.

Instead, Gimse said, the council came forward with eight different provisions to make up the difference, including shifting some local sales tax revenue intended mainly for transit development to pay for train and bus operation.

Permissive language is included to permit about \$15.3 million from the Counties Transit Improvement Board be transferred to the Metropolitan Council for certain transitway operations. The board is funded

with a quarter-percent sales tax in five Twin Cities metropolitan area counties. Beard previously said the assistance is not unprecedented, noting when the board was authorized in 2008 — its first \$30 million went to the council to help with an operating deficit.

Additionally, the council can reduce grants to suburban transit providers, the so-called "opt-outs" that operate their own public bus service.

"This all helps Met Council put their plan together in such a way that they should have minimum disruption to their service," Beard said.

Rep. Frank Hornstein (DFL-Mpls) called the plan "an irresponsible budgeting approach" that takes Minnesota in the wrong direction and is a missed opportunity to build a 21st century transportation system to help grow the state's economy.

"We still have a \$51.7 million cut. Yes, we backfill that mostly with other dollars, dollars that are not meant for the purpose of backfilling Metropolitan Council local bus operation," he said. "We beg from the Met Council in terms of rearranging a whole bunch of their administrative operations, we borrow from suburban bus lines and we steal from counties their local sales taxes."

Rep. Terry Morrow (DFL-St. Peter) said the bill will result in upwards of 40,000 fewer hours of transit service in Greater Minnesota. "A tough economy is not the time when you fail to provide people rides. A

tough economy is not the time you tell almost half the people needing a ride in Greater Minnesota, 'You're not going to get there.'"

Other changes to the 2012-2013 appropriations include:

- an additional \$127 million from the Trunk Highway Fund is appropriated for state highway improvements as part of the Better Roads for Minnesota program;
- a \$66 million increase in state road construction funding from the Trunk Highway Fund due to anticipated federal aid increases;
- an additional nearly \$1.78 million from the state airports fund is appropriated in fiscal year 2013 for airport development grants; and
- state planning and research funding from the Trunk Highway Fund is increased by \$1.42 million for the biennium due to anticipated federal aid increases.

A Republican plan to prohibit the Department of Transportation from expending funds for commuter and intercity passenger rail planning unless there are special circumstances did not make the final product.

With no money allocated for passenger rail activities, the provision would likely have resulted in the closing of MnDOT's Passenger Rail Office, thereby relinquishing federal funding for rail activity. In order to receive federal funding, the office must administer existing agreements to ensure federal grant requirements are met.

To fund a new IT system operated by the Driver and Vehicle Services Division of the Department of Public Safety, the law extends until June 30, 2016, and reduces by 75 cents a temporary technology surcharge applied to vehicle registration renewals, various title transactions and driver's license and state identification card applications. On or after July 1, 2012, a \$7.1 million transfer from two DVS operating accounts will also be used for the system.

2011 Special Session: HF2\*/SF4/CH3 

# BILL INTRODUCTIONS

JULY 19, 2011

SPECIAL SESSION HOUSE FILES 1 - 27

## Tuesday, July 19

### HF1-Cornish (R)

Special Session Public Safety/Judiciary bill.

### HF2-Beard (R)

Special Session Transportation bill.

### HF3-Gunther (R)

Special Session Jobs bill.

### HF4-Nornes (R)

Special Session Higher Education bill.

### HF5-McNamara (R)

Special Session Environment bill.

### HF6-Urdahl (R)

Special Session Legacy bill.

### HF7-Laine (DFL)

Nonprofit health plan companies maximum financial surplus specified.

### HF8-Clark (DFL)

Heart of the Earth Interpretive Center, Minneapolis funding provided, bonds issued and money appropriated.

### HF9-Clark (DFL)

Alcohol judicial and health impact fund established to provide property tax relief, and alcohol judicial and health impact fee imposed.

### HF10-Clark (DFL)

Minneapolis; Phillips Community Centers swimming pool funding provided, bonds issued and money appropriated.

### HF11-Clark (DFL)

Minneapolis; Minnesota African American History Museum funding provided, bonds issued and money appropriated.

### HF12-Kriesel (R)

Lottery facility games established; tax imposed on and providing for facility revenues; powers and duties provided to the director; and clarifying, conforming and technical changes made.

### HF13-Greiling (DFL)

Budget negotiations required to be open to the public.

### HF14-Lanning (R)

Special Session Pensions bill.

### HF15-Champion (DFL)

Minneapolis; storm and tornado damaged areas within FEMA-1990-DR assistance provided, spending authorized to acquire and better public land and buildings and other improvements of a capital nature, bonds issued and money appropriated.

### HF16-Winkler (DFL)

Officers of major political parties prohibited from being employed by the Legislature.

### HF17-Winkler (DFL)

State use of appropriation bonds prohibited and constitutional amendment proposed.

### HF18-Hackbarth (R)

State lottery director authorized to establish gaming machines, fee imposed on gaming machine revenue and power and duties to the director provided.

### HF19-Gunther (R)

State lottery director authorized to establish gaming machines, gaming machine revenue fee imposed and powers and duties provided to the director.

### HF20-Davids (R)

Special Session Tax bill.

### HF21-Cornish (R)

Legislators prohibited from receiving compensation during a period of government shutdown.

### HF22-Cornish (R)

Civil and criminal penalties and citations prohibited for certain conduct when state agencies were not issuing required licenses and permits.

### HF23-Howes (R)

Special Session Bonding bill.

### HF24-Abeler (R)

Special Session Health and Human Services bill.

### HF25-Abeler (R)

Special Session Health and Human Services budget bill.

### HF26-Garofalo (R)

Special Session Education bill.

### HF27-Lanning (R)

Special Session State Government Finance bill.

## KEEPING TABS



PHOTO BY ANDREW VONBANK

Lobbyists and members of the public watch the special session proceedings on a television monitor in the Capitol July 19.



MINNESOTA HOUSE OF REPRESENTATIVES  
PUBLIC INFORMATION SERVICES  
175 STATE OFFICE BUILDING  
100 REV. DR. MARTIN LUTHER KING JR. BLVD.  
ST. PAUL, MN 55155-1298

SPEAKER OF THE HOUSE: KURT ZELLERS  
MAJORITY LEADER: MATT DEAN  
MINORITY LEADER: PAUL THISSEN

## Session Weekly

### Director

Barry LaGrave

### Editor/Assistant Director

Lee Ann Schutz

### Assistant Editor

Mike Cook

### Art & Production Coordinator

Paul Battaglia

### Writers

Nick Busse

### Photographers

Andrew VonBank

### Staff Assistants

Christy Novak

- To have Session Weekly mailed to you, subscribe online at [www.house.mn/hinfo/subscribesw.asp](http://www.house.mn/hinfo/subscribesw.asp) or call 651-296-2146, 800-657-3550.
- Session Weekly Online is available at [www.house.mn/sessionweekly](http://www.house.mn/sessionweekly).
- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2011 session.

Make your check payable to Minnesota House of Representatives, and mail it to:  
House Public Information Services  
175 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155-1298

For general information, call House Public Information Services at 651-296-2146 or 800-657-3550.



Minnesota House of Representatives  
Public Information Services

# FOLLOW US



Find us on  
Facebook

[www.facebook.com/MNHouseInfo](http://www.facebook.com/MNHouseInfo)

twitter

[twitter.com/MNHouseInfo](http://twitter.com/MNHouseInfo)

You Tube

[www.youtube.com/user/MNHouseInfo](http://www.youtube.com/user/MNHouseInfo)

