

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
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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

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SESSION WEEKLY

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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

No 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

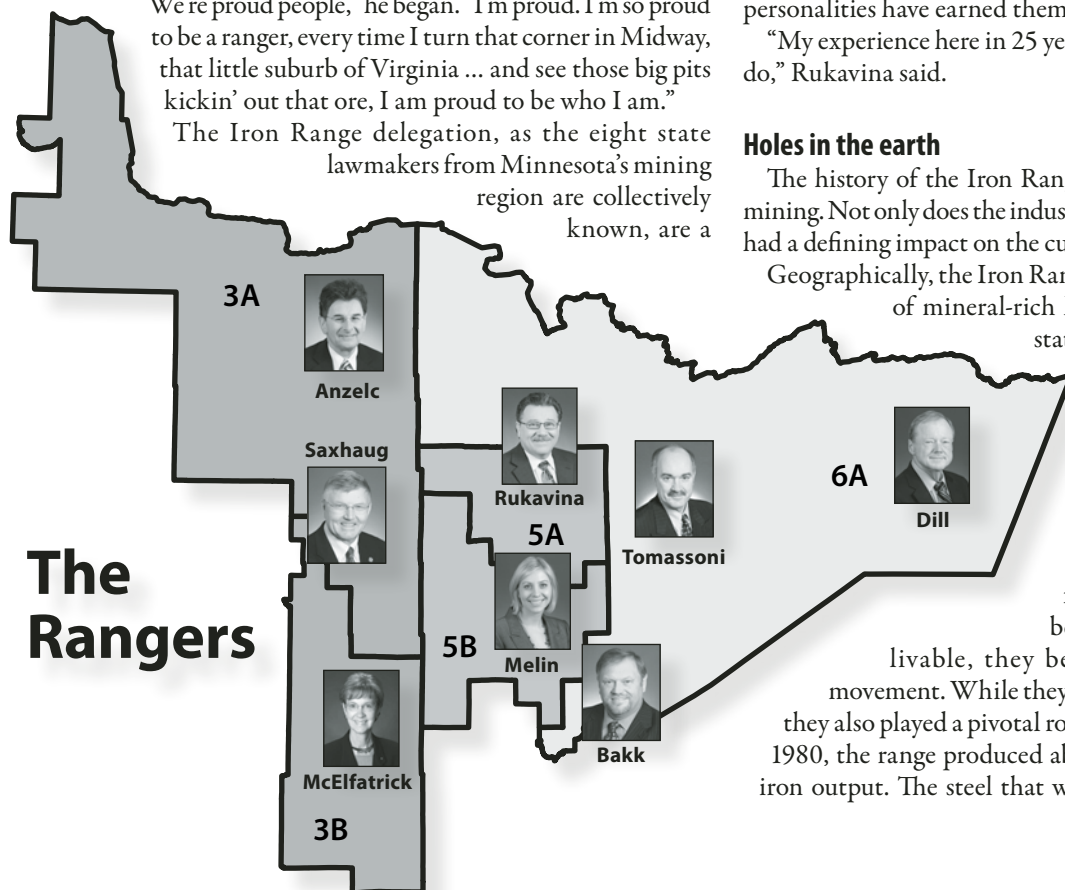
The history of the Iron Range is inseparable from the history of mining. Not only does the industry anchor the region's economy; it has had a defining impact on the culture and politics of the people there.

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."



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

"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,

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. 🙏

"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)

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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.

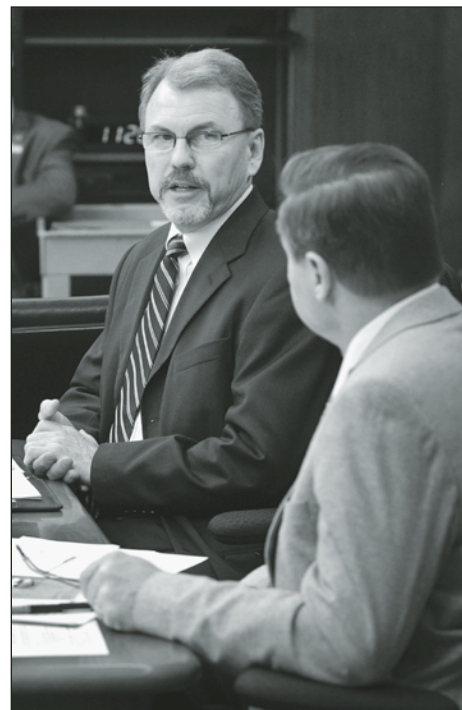


PHOTO BY ANDREW VONBANK

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

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150th Anniversary of the Civil War

In 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

Overcrowded 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

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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.

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— 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.