

SESSION WEEKLY



A LEGACY WHERE LESS MEANS MORE

SPECIALTY BREWS BREW UP JOBS

THIRD GRADE WARNING: READ OR REPEAT

HF1495 - HF1616

A NONPARTISAN PUBLICATION
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES
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Flashback to 1991, 2001



PHOTO BY TOM OLMSCHIED

Session Weekly April 20, 2001: Entertainer and civil rights activist Harry Belafonte spoke in the Capitol Rotunda in support of a bill that would allocate funding for pre-design and planning of a new Roy Wilkins Center in St. Paul. A portrait of Wilkins, the longtime head of the National Association for the Advancement of Colored People, was on display as Belafonte spoke.

Closing of Waseca campus

The University of Minnesota Board of Regents voted to close the Waseca campus as part of an institution-wide reallocation program. The House Education Committee's Higher Education Division approved a study (SF1402) to find an alternative use for the facility before it's shut down in January 1992. Rep. Richard Anderson (IR-Waseca) said it would be "a logical transition" for the Waseca facility to join another state higher education system, such as the state university system or the technical or community college system. The bill was amended to allow for non-collegiate use of the campus as well.

Session Weekly April 19, 1991

Tax system is broken

IR legislators say that Minnesota's property tax system is broken and that raising the sales tax to buy down property taxes is not the way to fix it. That, in a nutshell, was the debate over the House DFL tax package in the House Taxes Committee April 24.

The plan proffered by Rep. Paul Ogren (DFL-Aitkin) called for an increase in the sales tax to 6.5 percent from 6 percent. A provision in the bill would give counties the local option to levy 2 cents of the 6.5-cent tax, which they could then use to hold down local property taxes.

Session Weekly April 26, 1991

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SESSION WEEKLY

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On the cover: A gust of wind catches the umbrella of a person about to enter the Capitol April 26 on the west end of the carriage entrance.

— Photo by Tom Olmscheid

Less means more

Some Legacy recipients may see increases despite drop in appropriation percentages

By SUE HEGARTY

For Rep. Dean Urdahl (R-Grove City) it's all about trying to find some middle ground as he tries to satisfy recipients of the Parks and Trails Fund, one of the four main appropriations in the Legacy funding bill.

"I have to try to find some kind of middle ground where nobody's happy," he said.

When trying to divvy up more than \$38 million a year between the Department of Natural Resources, the Metropolitan Council and a Parks and Trails Fund grant program, he asked for help from members of the House Legacy Funding Division, which he chairs.

The help he got depended on members' perspectives: Some wanted the DNR and the Met Council to each receive 42 percent of the funds with the remaining 16 percent used for grants. Others argued for a 43-43-14 split, but also denying the Met Council grant eligibility. Urdahl decided the best way to divide the funds is 40-40-20, and still allow the Met Council to apply for the 20 percent grant program.

He was quick to remind the agencies that even though their percentages dropped, the amount they'll receive is still more than previous appropriations due to growth in the fund.

"Remember, nobody gets cut. You're getting less of more," Urdahl said.

That was no consolation for division members who said the Twin Cities metropolitan area got the short end of the stick.

Rep. Ryan Winkler (DFL-Golden Valley) said the split was inequitable and slanted toward Greater Minnesota. In an 8-3 roll-call vote April 27, division members approved HF1061 and referred it to the House Environment,



The Legacy funds are revenue generated from a three-eighths of 1 percent sales tax that voters approved in a 2008 state constitutional amendment. The four funds include the Outdoor Heritage, Clean Water, Parks and Trails, and Arts and Cultural Heritage funds.

Energy and Natural Resources Policy and Finance Committee.

"It doesn't meet the fairness test: 55 percent of the population is in the metro. While no one expects the same percent to be spent (in the metro), there needs to be reasonable balance," said Rep. Jean Wagenius (DFL-Mpls).

The legacy funds are revenue generated from a three-eighths of 1 percent sales tax that voters approved in a 2008 state constitutional amendment. The other three funds include the Outdoor Heritage, Clean Water, and Arts and Cultural Heritage funds.

No substitutes

Rep. Mary Murphy (DFL-Hermantown), the former division chairwoman, supported the bill, saying "for the most part, it follows the principles and outcomes previously adopted." As the bill moves through the committee process, she said it's important to emphasize that the funds are to be used to supplement and not supplant traditional means of funding.

"It's not our intention to substitute in any place," Urdahl said. "We distribute money to various entities, and they then make the determination of how that money is distributed. From my standpoint, we are not saying to anybody, 'use this money to substitute.'"

The Lessard-Sams Outdoor Heritage Council is the only formal council that

First Reading continued on page 4

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makes recommendations on how to spend 33 percent of the funds. Though she doesn't support the idea, Murphy said there may be some who would like to see similar councils for the other three funds.

One way the LSOHC ensures the money they distribute is not substituting for traditional funding is by requiring very detailed planning reports. For example, applicants must report the number of employees and their salaries funded through an appropriation and any capital equipment they plan to purchase valued at more than \$10,000, according to Bill Becker, LSOHC executive director. Anticipated outcomes also must be listed and are published on the council's website.

The bill under consideration also states that if someone files a lawsuit and a court determines that an appropriation unconstitutionally substituted for traditional funding sources, the appropriation is canceled.

Accountability and transparency

Last year, the state regional libraries offered a speaker series of book authors funded in part with legacy dollars. One particular author was paid roughly \$45,000, which division members said was excessive. When considering how much money to appropriate in the current funding proposal, Urdahl sent the libraries a strong warning by deducting \$45,000 from their expected appropriation. He considers new accountability and transparency measures a hallmark of the bill.

Previous Legacy fund recipients were not sure how much of their appropriations

they could use for overhead costs, so some took nothing while others reimbursed themselves. Drafts of the bill would have placed a 5 percent cap on overhead costs, but after discussions, Urdahl said he removed any caps. Rather, recipients will need to justify their administrative costs and reimbursements. Recipients of a direct appropriation also would need to submit a report to the Legislative Coordinating



"I have to try to find some kind of middle ground where nobody's happy. . . . Remember, nobody gets cut. You're getting less of more."

— Rep. Dean Urdahl
R-Grove City

Commission and the Legislative Reference Library containing all available and required information.

"It's going to be audited, and if we find it's a problem, a cap will have to be placed," Urdahl said.

Wagenius said she appreciates the added accountability but there's one thing missing. A lot of the projects include acquisition of easements, but when easements are written, there is no one to review them prior to adoption, she said.

"How an easement is written is critical," she said.

Also, Board of Water and Soil Resources appropriations need to ensure that there are positive outcomes. Projects should do more than "sprinkle money across the land," she said.

Special projects

There was a fund balance of \$2.6 million when Urdahl became division chairman this year. He proposed taking \$1 million of the balance for two new arts and cultural heritage projects: a one-time \$450,000 appropriation for upgrades to two military veterans' camps and \$550,000 to establish a State Capitol Preservation Commission, who would lead pre-design work for State Capitol Building repairs. There is bipartisan

support for using the funds for the pre-design work, in preparation for a bonding bill next year. Urdahl said he's discussed the pre-design proposal with Gov. Mark Dayton and

he was "receptive" to the idea.

"I think it will get us off the dime," Murphy said in support of the provision.

However, one of the reasons Winkler voted against the bill was because he opposes using Legacy funds for capital improvements. Besides the pre-design costs, the Arts and Cultural Heritage funds would be spent on capital improvements at the veterans' camps and at county fairs.



"It doesn't meet the fairness test: 55 percent of the population is in the metro. While no one expects the same percent to be spent (in the metro), there needs to be reasonable balance."

— Rep. Jean Wagenius
DFL-Mpls

Two other provisions in the House bill, not in the Senate's or governor's recommendations, are two new special revenue accounts within the DNR. The purpose of the \$5.6 million Outdoor Heritage Land Management account would be to pay for ongoing costs for newly acquired public land. For example, if the DNR purchased land with legacy funds, a portion of

the funding would go into the land management account to pay for long-term maintenance on the land, such as occasional seeding or prescribed burns. Likewise, \$750,000 would be set aside in a Forests for the Future Conservation Easement account.

The land management account would also be used to reimburse local governments for taking land off the property tax rolls when the state acquires it, also known as payment in lieu of taxes, or PILT. Wagenius said she agrees with the concept of planning for ongoing maintenance but questions whether it's an appropriate use of the Legacy funds to pay PILT.

Chances are good that if the House and Senate pass the bills, they would end up in a conference committee to iron out the differences, such as the PILT issue.

Sen. Bill Ingebrigtsen (R-Alexandria) sponsors the Senate legacy funding bill, SF158, which was expected to be heard in the Senate State Government Innovation and Veterans Committee April 28.

"I expect the Senate to be receptive to many of our ideas," Urdahl said. "There's a lot of ownership of a lot of people in what we put together." 🙌

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HIGHLIGHTS

APRIL 14 - 28, 2011

Editor's note: The following Highlights are coverage of select information heard in House committees and other House activities held April 21-29. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and *- the bill version considered by the House or the bill language signed by the governor.

Agriculture

Loosening of animal control laws

An animal control bill seeks to loosen the leash on local governments that are currently required to follow state mandates when they encounter stray or dangerous dogs and cats, including large cats such as tigers.

By changing "shall" to "may" in statute, HF516 would make several requirements optional for local animal control agencies.

Several provisions also would be repealed. For example, agencies would no longer be required to keep impounded animals up to six days before being allowed to sell them to a new owner. Also, the former owner would not have at least two months to claim the pet from the new owner.

The bill's sponsor, Rep. Bruce Vogel (R-Willmar), said this puts more responsibility on pet owners to keep track of their pets. The bill was laid over April 26 by the House Agriculture and Rural Development Policy and Finance Committee for more deliberation. There is no Senate companion.

Tom Mahan, president of the Minnesota Animal Control Association and animal control officer for the New Hope Police Department, said the state shouldn't count on cities and counties to pass their own ordinances. He said current state law is an effective tool to regulate dangerous dogs and to track them when their owners move from one jurisdiction to another.

One of the provisions would drop the requirement that local authorities annually report information about dangerous animals to the Board of Animal Health. Greta Gauthier, board liaison, said calls are received from residents each year about the presence of animals deemed "potentially dangerous" or "dangerous" by the authorities.

— S. HEGARTY

Final ethanol payments draw near

**Signed
by
the
governor**

A new law will allocate nearly \$79 million during the next two years to fund the Department of Agriculture, the Board of Animal Health and the Agricultural Utilization Research Institute. A few policy provisions are included as well.

Sponsored by Rep. Rod Hamilton (R-Mountain Lake) and Sen. Doug Magnus (R-Slayton), the law, signed by Gov. Mark Dayton April 15, has various effective dates.

More than \$16 million in expected final ethanol producer payments will be doled out over the next two years, ending a 1980s program to incentivize farmers to grow corn for biofuel. The legislation also funds research and innovation for switching from corn to cellulosic materials, such as perennial plants in order to produce bioenergy. The repeal of the ethanol

producer payments is effective June 30, 2013.

There is a one-time \$490,000 appropriation over the next biennium to help the department catch up with an estimated 40 percent backlog of food handling inspections at convenience stores, grocers and other retail outlets. It does not include restaurants, which are inspected by the Department of Health. A progress report is due to the Legislature by Feb. 1, 2013, to address whether higher fees are necessary to eliminate a funding shortfall.

Another report, due at the same time, will examine how to pay for increased oversight of anhydrous ammonia, a fertilizer that can be dangerous when improperly stored or applied. Until then, those who are compliant in their fertilizer application will be inspected less frequently. The law also authorizes the Agriculture Department to hire commercial inspectors. Grant programs are funded to



PHOTO BY TOM OLMSCHIED

Rep. Rod Hamilton, right, gets a handshake from Gov. Mark Dayton and a pat on the back from Sen. Doug Magnus after Dayton signed the omnibus agriculture budget law, during an April 15 signing ceremony.

develop and market locally grown products for retail sale and to encourage farmers who are interested in projects that demonstrate sustainable farming methods. Annual cost-share payments will also be available to those who seek certification status as an organic farmer.

Other grant appropriations will support ongoing efforts of the dairy industry, Northern Crops Institute, Livestock Breeders Association, Minnesota Poultry Association and other agriculture-related organizations.

The Board of Animal Health, which manages prevention and eradication of animal disease outbreaks, such as chronic wasting disease or bovine tuberculosis, will receive \$4.8 million during the next biennium.

AURI, a research organization that provides scientific and technical assistance to Minnesota industries and entrepreneurs, is being funded at \$2.6 million each of the next two fiscal years.

Policy changes in the law include allowing farmers to bury concrete and rebar from a former structure on their land. The solid waste burial would need to be recorded within 90 days with the county and show the boundary of the burial location.

Oversight for the Agricultural Growth, Research and Innovation program will be broadened to include the entire Legislature rather than specified members and the Department of Agriculture.

A new wholesale produce dealers' account may now be created within the agricultural fund. Another policy provision will enable county fair boards to exchange land, in addition to leasing, selling or renting property at fairgrounds. The policy changes take effect Aug. 1, 2011.

HF1039/SF1016*/CH14

— S. HEGARTY

Deferred tax laws tweaked, again

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Two weeks shy of the typical May 1 deadline to enroll in the Green Acres and Rural Preserve tax relief programs, lawmakers extended the 2011 enrollment period and once again tweaked the programs because of unintended consequences resulting from 2008 and 2009 changes to the law.

Sponsored by Rep. Mike LeMieur (R-Little Falls) and Sen. Jeremy Miller (R-Winona), the new law was signed by Gov. Mark Dayton April 15, and was effective the next day. It

applies to taxes payable beginning in 2012.

In 2008, legislators created a dual tax classification system for productive (2a) and non-productive (2b) agricultural land. Furthermore, the non-productive land was no longer allowed in the Green Acres program. Then in 2009, the Legislature created a new program called Rural Preserve for the non-productive land, which had tax benefits similar to Green Acres. In order for land to be enrolled in Rural Preserve, a farmer was required to develop a conservation plan for the land and to sign a covenant that the land would not be developed or farmed for a period of years. Property owners and county assessors explained problems with the revisions.

The law no longer requires farmers to develop a conservation plan or to sign a covenant agreement to enroll in Rural Preserve. Also, farmers who removed land from the Green Acres program as a result of 2008 and 2009 changes have until Aug. 1, 2011, to reapply for either program, instead of the usual May 1 annual enrollment deadline.

The law also requires that Rural Preserve land, of any size, be contiguous to property enrolled in Green Acres and under the same ownership. Previously, a minimum 10 acres was required.

An aerial photograph or satellite image of the property that clearly defines the land being enrolled is now required as part of the enrollment process. If a property owner wants to remove land from either program before the authorized date, three years of deferred taxes become due.

Interested parties will work toward an alternative method for determining the taxable value of enrolled agricultural land. A report is due by Feb. 15, 2012.

HF12*/SF222/CH13

— S. HEGARTY

Budget

Independent budget office proposed

Some lawmakers have questioned the accuracy of fiscal notes — cost estimates for proposed legislation — produced by Minnesota Management & Budget. Rep. King Banaian (R-St. Cloud) has come forward with a plan to establish a legislative “counterweight” to MMB’s fiscal analysis.

Banaian sponsors HF1506 that would transfer the responsibility for producing fiscal notes to an independent office in the

Legislature. Under the bill, the Legislative Commission on Planning and Fiscal Policy would be expanded and reorganized to produce fiscal notes and analyze fiscal policy.

The House Government Operations and Elections Committee approved the bill April 26 on a divided voice vote and sent it to the House State Government Finance Committee. There is no Senate companion.

“In many states, the fiscal note process is actually controlled by the Legislature rather than by the executive branch,” Banaian said, giving Wisconsin, Texas and Maryland as examples. He also cited the federal model, where the Office of Management and Budget in the executive branch is balanced by the Congressional Budget Office.

The bill would change the LCPFP’s membership to include six members each from the House and Senate, with equal representation from both parties. The staff would be nonpartisan. Banaian said he believes the total cost of the bill would be less than \$1 million.

Rep. Ryan Winkler (DFL-Golden Valley) called it “a little naïve” to think a handful of legislative staffers could accomplish the same work currently performed by an agency the size of MMB.

“You have to have specific programmatic knowledge on virtually any topic in order to be able to actually provide a fiscal note service,” Winkler said.

Banaian replied that executive branch staff would still provide information needed to draft fiscal notes. He said the difference would be that legislative staff, rather than MMB staff, would be the ones who actually review the information and produce the fiscal note.

“We’re looking for a counterweight, something that can come in ... to simply look at it with a new set of eyes,” Banaian said.

John Pollard, MMB’s legislative and communications director, said nonpartisan fiscal staff at the Legislature already serve as a second set of eyes on fiscal notes. He said the current process is “working pretty well.”

— N. BUSSE

Business & Commerce

A winner of a bill?

A new form of lawful gambling could be coming to a bar near you.

Proponents of a bill that would legalize linked bingo and electronic pull-tab games hope it could boost the struggling bar business and provide sorely needed revenue for charities

that rely on charitable gambling proceeds.

Rep. John Kriesel (R-Cottage Grove) sponsors HF1485 which would not only legalize those forms of gambling and extend the hours for some games, but lower tax rates paid by charities that receive the proceeds. The House Commerce and Regulatory Reform Committee approved it April 27, sending it to the House State Government Finance Committee. Sen. Mike Parry (R-Waseca) sponsors a companion, SF702, which awaits action by the Senate State Government Innovation and Veterans Committee.

Bar owners support the proposal, according to Dan O’Gara, owner of O’Gara’s Bar and Grill in St. Paul and a board member of the Minnesota Licensed Beverage Association. It’s projected that the \$15 million they receive annually in rent from charities that provide the games could increase to about \$50 million if the bill becomes law.

Charities like the proposed tax relief. The gross receipts tax would be lowered from 8.5 percent to 5 percent, the pull-tab and tipboard tax would go from 1.7 percent to 1 percent and the combined receipts tax would be lowered in varying rates based on the

amount of receipts. All told, their taxes paid would be reduced by 41 percent, according to King Wilson, the executive director of Allied Charities of Minnesota.

However, it’s also expected that new customers interested in electronic gambling games could bring in an additional \$2 billion in receipts. King said an unofficial estimate would be about \$120 million more to charities that benefit.

In 2009, gross receipts from lawful gambling totaled \$999 million. After prizes paid and allowable expenses, net profits were about \$80 million. About \$36.6 million was paid in taxes and \$43.4 million was distributed to charitable organizations.

John McCarthy, executive director of the Minnesota Indian Gaming Association, said that tribes and the association support charitable gambling, but have some concerns about “the potential for a huge expansion of gambling” that the new forms could lead to. He said the electronic devices are not slot machines, but could easily be changed with a simple switch of a chip into full-blown slot machines.

— K. BERGGREN

Fairness for responsible drivers

Rep. Pat Mazorol (R-Bloomington) wants uninsured Minnesota drivers — who may represent as many as 20 percent of those on the road — to pay their auto insurance premiums as required by law.

He believes HF730, which he sponsors, would create an incentive for them to do so by limiting accident damages they could collect, and by increasing from \$200 to \$600 the penalty for not having auto insurance.

The bill was approved April 27 by House Commerce and Regulatory Reform Committee and sent to the House Public Safety and Crime Prevention Policy and Finance Committee. Sen. Paul Gazelka (R-Brainerd) sponsors a companion, SF243, which awaits action by the Senate Judiciary and Public Safety Committee.

An uninsured driver would only be able to collect out-of-pocket costs, such as medical care or lost wages, but not noneconomic damages including pain and suffering, inconvenience, physical impairment or disfigurement.

Exceptions would be made if the uninsured driver was injured by another motorist

RAINY RALLY



PHOTO BY TOM OLMSCHIED

Attendees standing in a steady rain rally, some holding “Don’t Gamble With My Job” signs, had to peer through or over umbrellas during an event in front of the Capitol April 26. Sponsored by the Minnesota Indian Gaming Association, the rally was against the expansion of gambling in bars and at horse racing tracks.

operating a vehicle under the influence of illegal drugs or alcohol.

The committee debated several situations in which a driver might experience unintended consequences for failing to pay an insurance premium. One was "Millie," a hypothetical 72-year old retiree who, confused about paying her bills, forgot to pay her premium and then lost an arm in a car accident. Under the bill she would not be able to collect any damages except the cost of her medical care.

"I know where your bill is aimed. But you're shooting buckshot," said Rep. Joe Atkins (DFL-Inver Grove Heights). He unsuccessfully offered an amendment that would have specified that the limit on noneconomic damages apply only to those who knowingly fail to pay their auto insurance premium.

Rep. Tim Sanders (R-Blaine) said that in Minnesota, "Your policy doesn't terminate with one lapse of payment." Instead, notices are normally sent and a policy retained at least for a grace period. Therefore it would be unlikely that one incident would cause someone like Millie to become uninsured.

— K. BERGGREN

Reducing insurance paperwork

Small changes could produce fewer papers for insurance agents to shuffle.

The House passed HF895 102-25 April 27. The bill, sponsored by Rep. Joe Hoppe (R-Chaska), would allow insurance companies to send property casualty insurance notices in the form in which an application was made, whether electronically or in writing. The bill now moves to the Senate where Sen. Paul Gazelka (R-Brainerd) is the sponsor.

The bill would also allow verbal authorization in lieu of signed authorization given by a customer to collect and disclose personal information if the verbal authorization is recorded electronically by the company.

Rep. Joe Atkins (DFL-Inver Grove Heights) unsuccessfully offered an amendment to require appraiser jobs be kept in Minnesota. Instead, the bill would allow a qualified appraiser who is not a Minnesota resident to be retained in a property casualty insurance claim.

— K. BERGGREN

Law clarifies broker pricing roles

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A "broker price opinion," or a market value analysis of a property's likely selling price, is usually considered part of the package of services

included in a real estate agent's commission.

A new law signed April 20 by Gov. Mark Dayton clarifies that a broker price opinion is not an appraisal for mortgage loan purposes, and allows those preparing a broker price opinion to charge and collect a fee. Any fee does not apply to a typical home seller or buyer, but may apply to third parties interested in obtaining price opinions, such as banks handling foreclosed properties.

Rep. Joe Hoppe (R-Chaska) and Sen. Chris Gerlach (R-Apple Valley) sponsor the new law, which also permits more than one exclusive agreement for representation for different real estate services. For example, if a property stays on the market for months, the seller may simultaneously try to lease it. Those services may be performed by different companies or individuals.

The law takes effect Aug. 1, 2011.

HF323*/SF167/CH15

— K. BERGGREN

Beer with baseball allowed

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governor**

Late in the season, you can have a beer with your summer collegiate league baseball team game, if you choose.

A new law, signed by Gov. Mark Dayton April 20, would allow a city to issue an on-sale wine and an on-sale malt liquor license to owners of the teams or the concessionaires.

Sponsored by Rep. Bruce Vogel (R-Willmar) and Sen. Joe Gimse (R-Willmar), the bill would allow sales on all days of the week to people attending a game at the park or stadium. It is effective Aug. 1, 2011.

HF829/SF551*/CH16

— L. SCHUTZ

Civil Law

Reversing parental terminations

There are approximately 1,200 Minnesota children in foster care where parents have had their rights terminated. In many cases, the parents of these children are incarcerated or have some addiction issues.

Minnesota could join nine other states in providing a mechanism to have the parental rights reinstated when certain conditions are met.

Sponsored by Rep. Steve Smith (R-Mound), HF749, the proposed Family Reunification Act of 2011 was approved as amended April 18 by the House Civil Law Committee

and sent to the House Judiciary Policy and Finance Committee. A companion, SF1339, sponsored by Sen. Don Hall (R-Burnsville) awaits action by the Senate Judiciary and Public Safety Committee.

"One of the target audiences (for the bill) is teen parents who have messed up and lost their rights," said Ron Elwood, representing Mid-Minnesota Legal Assistance. Many of these children won't be adopted and will remain wards of the state, he added.

The bill would affect few petitioners because of the clear and convincing standard that would need to be met, he said. "For those for whom this works and deserve to be a reunited family, they should have a second chance."

The bill would allow the court to reestablish parental rights 24 months following termination. That concerns Rep. Debra Hilstrom (DFL-Brooklyn Center), who questioned the lack of services available to parents in that situation, and whether they would be adequately prepared to have the children back.

"If you believe that after 24 months these parents can get their act together so they (the child) can be reunified with the parents, why don't you change the process of termination, rather than do it backwards. Because once those rights are terminated there are no support services available to the parents," she said.

Other committee members think that this should only apply to older children, possibly above the age of 12.

Rep. Mary Liz Holberg (R-Lakeville), who presented the bill for Smith, said that the comments would be taken under consideration before the bill moves to the next committee.

— L. SCHUTZ

Leveling attorney fee awards

A judicial rule currently used in civil lawsuits to award attorney fees to the prevailing party often puts a monetary burden on defendants. That's the contention made by proponents of a bill that would impose a set of judicial guidelines related to the awarding of attorney fees in civil litigation.

Sponsored by Rep. Pat Mazorol (R-Bloomington), HF747 would implement two provisions to a statute regarding attorney fee awards in civil lawsuits. The first provides that when making the award a judge must take into consideration the reasonableness of the attorney fees sought in relation to the amount of damages awarded to the prevailing

party. The second would provide a limit on attorney fees awarded in certain cases in which an offer of judgment is made but rejected by the prevailing party.

The House Judiciary Policy and Finance Committee approved the bill 10-5 April 26 and referred it the House Civil Law Committee. Its companion, SF429, sponsored by Sen. Linda Scheid (DFL-Brooklyn Park), awaits action by the Senate Judiciary and Public Safety Committee.

Critics testified in opposition to a provision that would require a party who rejects an offer of judgment to submit a disclosure of attorney fees.

“(The provision which) requires you to disclose attorney-client information that is prior to the resolution of the case, we think that is unfair,” said Joel Carlson, a St. Paul attorney representing the Minnesota Association for Justice. “We think that is an intrusion into the court’s process and into the requirement of lawyers that they keep their client’s information confidential.”

Carlson said the bill is unnecessary because the Minnesota Supreme Court has already adopted a standard for reviewing reasonable attorney fees that includes amount of time expended on a case, a reasonable hourly rate, the outcome obtained and the nature and complexity of a case.

The bill stems from a recently adopted judicial rule that provides if a reasonable offer is refused prior to a civil trial, it has no effect on attorney fees that might be awarded to the prevailing party, said Tom Marshall, a Minneapolis attorney.

— H. LONG

Reciprocity with Bermuda

The House passed a bill 127-2 April 27 that would help a Minnesota mother pursue child support for the children of her ex-husband, who lives in Bermuda.

Minnesota does not have a child support services reciprocity agreement in place with the country located 640 miles east of the North Carolina coast, which means as long as Heidi Shea’s ex-husband lives there, Minnesota does not have jurisdiction to make sure he pays child support.

Rep. Joe Hoppe (R-Chaska) sponsors HF795, which would require the human services commissioner to initiate procedures to enter into a child support enforcement reciprocal agreement with Bermuda under authority granted by federal law. Currently, nine other states have a similar reciprocal agreement with Bermuda.

Shea said because of her situation she was unable to pursue any legal action until a judge recently ordered county child support services to take her case. Even then, there was little workers could do to aid Shea in her pursuit of legal action.

The bill would direct the attorney general to write a letter to the government of Bermuda to initiate a reciprocity agreement, Hoppe said.

The bill now goes to the Senate where Sen. Julianne Ortman (R-Chanhassen), is the sponsor.

— H. LONG

Elections

Campaign finance changes

Groups that fund campaigns to promote or defeat ballot questions would be subject to the same public disclosure requirements as other political groups, under a bill that won committee approval April 18.

Sponsored by Rep. Joyce Peppin (R-Rogers), HF1533 embodies recommendations of the Campaign Finance and Public Disclosure Board.

The House Government Operations and Elections Committee approved the bill and sent it to the House Civil Law Committee. Sen. Claire Robling (R-Jordan) sponsors the companion, SF1225, which awaits action by the Senate Local Government and Elections Committee.

Gary Goldsmith, the board’s executive director, said much of the bill is intended to fix oversights that were made in a 2010 law that tightened disclosure requirements for political spending.

The bill would give the board more power to oversee laws governing fair campaign practices. Goldsmith said the board already unofficially answers many questions from the public in this area; putting the statutes under their jurisdiction would allow them to issue official advisory opinions.

Several provisions are designed to raise the registration threshold for individuals and organizations that make political expenditures. Goldsmith said the changes would ease burdens on those with limited financial resources who wish to engage in political activities.

“The constitution requires that we balance the speaker’s interest with the state’s interest in disclosure, and we’re concerned that some of our thresholds for registration and reporting are too low,” he said.

Another provision would change certain kinds of data from public to nonpublic. Goldsmith said it is intended to keep disclosures that are smaller than the legal threshold from becoming public data under the state’s data privacy laws.

The bill would:

- clarify a prohibition against commingling of political funds with other funds;
- clarify that certain kinds of political expenditures are not aggregated for the purpose of meeting reporting thresholds; and
- permit groups to terminate their registration of a political fund via written notice to the board.

— N. BUSSE

Those in guardianship voting rights

Alan Stene has guardianship over his adult son who suffers from a traumatic brain injury. The Brainerd father placed him in a group home, and was surprised to learn he had voted in the general election.

“The group home owner knows my son’s competency. He felt it was OK ‘cause it was legal for him to vote. This is above the law,” he told the House Civil Law Committee April 26.

According to current law, his vote was legal, but Rep. Mary Kiffmeyer (R-Big Lake) would change this under HF1119, which she sponsors.

“The right to vote does have qualifications listed in our constitution. My bill aligns with the Minnesota constitution, which specifically says that someone under guardianship is not eligible to vote, nor shall be permitted to vote,” she said.

The bill would bring the law back to how it was before being changed in 2003. Those under guardianship would not be allowed to vote, however there would be a chance to have the right restored during the annual review, and if restored, a person would be able to remain in the guardianship arrangement.

The bill was approved and moved to the House Government Operations and Elections Committee. There is no Senate companion.

Beth Fraser, director of governmental affairs for the Office of the Secretary of State, said she opposes the bill because it would deprive many individuals of their right to vote.

“The real question isn’t whether they have the right to vote, but the appropriate assistance. Under Minnesota statute, individuals are allowed assistance in voting,

but they must direct the person assisting in how they want to vote. It is unlawful for someone to try to influence a vote.”

Justin Page, staff attorney with Minnesota Disability Law Center, said that under current law, people in guardianship have the right to vote, unless the court specifically finds that they are incompetent.

“This blanket change may invite equal protection challenges from affected individuals,” he said, adding that there are 23,000 people under guardianship in the state.

— L. SCHUTZ

Nomination vacancy changes

When Rep. Tim Sanders (R-Blaine) went to vote in last year’s election, he saw 24 candidates for a single judicial office on the ballot in his precinct. He hopes to prevent that from happening again with HF1408.

The bill would make a number of technical changes to the statute that governs how a nomination for a nonpartisan office vacancy is filled. Nonpartisan offices include judicial and local offices.

Under the provisions, a candidate for a nonpartisan office who is defeated in a primary would not be able to subsequently run as a replacement for a candidate who defeated them but who later withdrew. The bill would also clarify the legal timelines for withdrawal and for filing to fill a vacancy.

Sanders said the bill is a direct response to the situation in his district. He said voters were frustrated knowing that there were 24 candidates on the ballot and “no good place to get information on them.” He said the predicament is unfair to voters.

“That’s a big problem, to have 24 folks interested in filling one seat on a ballot,” he said.

The House Government Operations and Elections Committee approved the bill April 18 and referred it to the House Judiciary Policy and Finance Committee. Sen. Warren Limmer (R-Maple Grove) sponsors the companion, SF1009, which awaits action by the Senate Local Government and Elections Committee.

— N. BUSSE

National popular vote bill approved

Republican George W. Bush was elected president in 2000, despite receiving fewer votes than Democrat Al Gore. Four years later, Democrat John Kerry came within a hair of defeating Bush, despite being more than 3 million votes behind him.

On April 27, a House committee signed

off on a bipartisan plan to make sure the presidential candidate who gets the most votes always wins.

Sponsored by Rep. Pat Garofalo (R-Farmington), HF495 would enact an interstate compact to elect the U.S. president by popular vote. The bill proposes that Minnesota’s electoral votes be cast for the candidate who wins the national popular vote, rather than the state’s popular vote.

“It basically says that our state will agree to give its electoral votes to whomever gets the most votes,” said Rep. Steve Simon (DFL-St. Louis Park), who sponsors the bill.

Supporters say the change would eliminate the issue of so-called “battleground states” having a disproportionate influence on presidential politics. Because many states reliably vote Democratic or Republican from one election to the next, presidential candidates often focus their attention on a handful of key states where the popular vote is more likely to swing.

Patrick Rosenstiel, a senior consultant to National Popular Vote Inc., said the current system skews public policy in favor of issues that benefit battleground states. As an example, he said Bush supported steel tariffs during his presidency as a way to appeal to Pennsylvania voters. He said switching to a national popular vote would make every vote count in presidential elections.

“I don’t think the Founding Fathers of this country believed in a system where two-thirds of the country would be relegated to flyover status,” he said.

Eight states have already enacted the compact. It would only take effect if a sufficient number of states follow suit to provide 270 electoral votes, which constitutes a majority.

Approved on a divided voice vote by the House Government Operations and Elections Committee, the bill was sent to the House floor. Sen. Ann Rest (DFL-New Hope) sponsors the companion, SF1241, which awaits action by the Senate Local Government and Elections Committee.

Rep. David Hancock (R-Bemidji) said he opposed the bill because it would push the country toward direct democracy and away from being a representative republic.

“In reality, we have become, then, a democracy, which really is defeating what our Founding Fathers really envisioned for us,” he said.

— N. BUSSE

Employment

Jobs conferees start work

House and Senate conferees reviewed the differences in their respective versions of the omnibus jobs and economic development finance bill April 26, but took no action.

In their abbreviated first meeting, conferees went over a side-by-side comparison of the House and Senate language for HF1049/SF887*, sponsored by Rep. Bob Gunther (R-Fairmont) and Sen. Geoff Michel (R-Edina).

The bill would provide biennial funding for state-supported housing and workforce-related programs. Affected agencies include the Department of Employment and Economic Development, the Housing Finance Agency, the Department of Labor and Industry and several smaller agencies.

Both versions of the bill would reduce General Fund spending in these areas significantly, but would also make up for much of the cuts with one-time transfers from dedicated funds. In total, the House proposes spending \$232.7 million from all funds, while the Senate proposes \$215.4 million. Gov. Mark Dayton proposed \$252.4 million in spending.

A key difference between the House and Senate proposals is the amount of money that would be transferred from an Iron Range trust fund into the General Fund. The House plan would take \$60 million out of the Douglas J. Johnson Economic Protection Trust Fund, while the Senate would take \$45 million. The Senate plan would also pay the money back, with interest, beginning in 2015.

Other key differences include House proposals to boost spending for four DEED programs: services for the blind, rehabilitation services, the Minnesota Investment Fund and the Redevelopment Grant Program. The Senate language does not include the funding increases.

No date has been set for the next meeting.

— N. BUSSE

Prevailing wage could change

The prevailing wage for state contract bids is based on the rates most commonly reported by local employers for various trades through a Department of Labor and Industry process.

The mode — or the wage most commonly paid to workers in an area — is determined as the prevailing wage the state will pay for its projects.

Rep. Peggy Scott (R-Andover) sponsors HF1476, which proposes to change the formula for calculating the prevailing wage to the average of wages paid in an area, not the mode. It would also lift the eight-hour day, but retain the 40-hour week as a basis for overtime pay.

The House Commerce and Regulatory Reform Committee approved the bill April 26. It goes next to the House Jobs and Economic Development Finance Committee. Sen. John Pederson (R-St. Cloud) sponsors a companion, SF1199, which awaits action by the Senate Finance Committee.

Scott said the new method could save the state money and it would more accurately gauge the norm than the current method of choosing the hourly rates most often paid by local employers. A Minnesota Taxpayers League study suggests that a different method of calculation based on Department of Employment and Economic Development average wages would save between 7.4 percent and 10 percent.

Opponents said workers' wages are the economic backbone of middle class families and communities. "One reason for public works is so we can get some of those wages in our communities and make them strong," said Rep. Mike Nelson (DFL-Brooklyn Park).

The bill drew a phalanx of workers in hard hats and safety vests who lined the hearing room walls and filled the seats to oppose the proposed change.

Truck driver Chari Wilson, a member of Teamsters Local 120, is her family's breadwinner and mother of a child with special needs.

"I did what I had to do to pay my mortgage and put food on the table and provide health insurance for my child," she said. "Every cent literally counts. What may look like minor changes to the prevailing wage law could negatively affect me and my son."

— K. BERGGREN

Env. & Natural Resources

Lend a hand: Adopt-a-WMA

With more than 1,440 public wildlife areas covering 1.2 million acres, the Department of Natural Resources could use a hand in managing the prairies, wetlands, forests and swamps that provide habitat for wildlife.

Sponsored by Rep. Paul Anderson (R-Starbuck), HF1115 would allow hunting groups and other interested citizens to volunteer for the general upkeep of wildlife management areas.

WMAs are the cornerstone of the DNR's efforts to protect and improve wildlife habitat. Volunteers could remove invasive species such as buckthorn, pick up trash and debris, or repair fences and signs within the areas, according to Dennis Simon, DNR wildlife management area section chief.

Simon said Ducks Unlimited members have informally volunteered before; this bill would

Highlights continued on page 14

FLORIDA FORMULA



PHOTO BY TOM OLMSCHIED

Former Florida Gov. Jeb Bush gives a PowerPoint presentation April 26 on the Florida Formula enacted to improve graduation outcomes. Legislative leaders invited Bush to share the education reform policies that he put in place during his eight-year tenure as Florida governor.

Jobs bill is brewing

Specialty brewers seek license to sell onsite beer

By KRIS BERGGREN

You could call HF703 a microjobs bill. It would allow craft breweries in Minnesota to open on-site taprooms where they could hold events and sell pints of their product, much as the state's wine producers do.

The bill's sponsor, Rep. Jenifer Loon (R-Eden Prairie), admits she isn't much of a beer drinker, but is eager to help entrepreneurs like Omar Ansari, founder and president of Brooklyn Center-based Surly Brewing Company, grow their businesses and create jobs.

"I see this very clearly as a great jobs initiative, something we very much need right now, and a way to really facilitate a great craft, the craft brewing of beer in the state of Minnesota," Loon said.

Ansari told the House Commerce and Regulatory Reform Committee April 13 he plans to build a \$20 million facility to accommodate his expanding business, which has grown from 1,600 kegs sold in 2006 — its first year of operation — to 24,000 last year. He would like to open a taproom, restaurant, beer garden and event center. He projects 85 construction jobs and about 150 permanent jobs would be created in the process, and that he'd eventually make about 150,000 barrels of Surly varieties annually.

"We are not asking for any tax breaks or public subsidies, only the necessary changes in the licensing law," Ansari said.

In a business where word-of-mouth helps boost consumer demand, such onsite sales can be like liquid gold to start-up breweries that can generate much needed cash flow, not to mention brand awareness, for their product. The taproom license would be limited to brewers making fewer than 250,000 barrels of beer annually.

The committee laid the bill over for possible inclusion in an omnibus liquor bill. Sen. Linda Scheid (DFL-Brooklyn Park) sponsors a companion, SF416, which awaits action by the full Senate.

The bill could eventually boost beer tourism, said supporters, including Ryan Petz, founder of Fulton Brewing Company, which started in a south Minneapolis garage and is now building a brewery downtown. He said states such as Oregon, Colorado, Washington

and California with laws allowing similar business activity have experienced significant industry growth.

A range of companies could benefit from little Lift Bridge Brewing Company, which CEO Dan Schwarz said produced about 3,000 barrels last year and is building a new facility in Stillwater, to local household names such as Summit Brewing Company of St. Paul and New Ulm's August Schell Brewing Company. Summit produced 98,000 barrels and Schell's, 92,000 barrels last year, according to Allyson Hartle, a lobbyist representing those breweries.

Minnesota's resurging craft brewing tradition mirrors that across the country. Nationally, 1,753 breweries operated for some or all of 2010, the highest total since the late 1800s, according to the Brewers Association, a national group. The number of U.S. craft brewers grew from eight in 1980 to 537 in 1994 to over 1,600 in 2010, according to the association.

Although the Minnesota Licensed Beverage Association has opposed proposals to allow taproom licenses in the past, they are "more comfortable" with the current bill, said Joe Bagnoli, a lobbyist for the association and the Minnesota Manufactured Beverage Association. He said they are pleased there is a cap on the size of brewers who can have a taproom, that those eligible are limited to one taproom, and that they must comply with all alcoholic beverage regulations.


"This is not an attempt to tear down the three-tier system," Loon said, referring to the makers, distributors and retailers of alcoholic beverages.

A burgeoning beer business could also tap other segments of the local economy, say brewers.

Schwarz recently visited DCI, Inc., a St. Cloud manufacturer of stainless steel storage and processing tanks, including fermenters used in brewing

beer. Because of a 28-week waiting period on orders, he had not decided whether to buy locally in that case, but Lift Bridge sources locally when possible. For example, the company buys malt from Rahr Malting, a family-owned business in Shakopee since 1847, and hired union trade workers for a construction project to install three fermenter tanks.

Scott Pampuch, owner of Corner Table, a Minneapolis restaurant, said what is being proposed makes him "technically" the microbreweries' competitor, but that as an entrepreneur himself, he fully supports the bill.

"In our business environment right now we want to do everything we can to encourage business. ... We want to encourage the possibility of people succeeding and lifting themselves up and running their own business." 

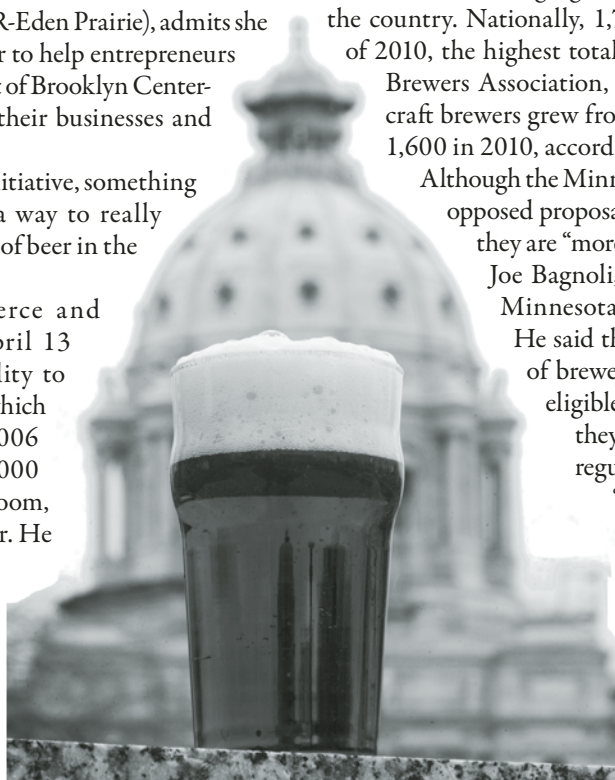


PHOTO BY TOM OLMSCHIED

'Social promotion' to promote literacy

Third-graders could repeat if they can't read

By KRIS BERGGREN

Third-graders who can't read could be required to repeat the year. Retention, or holding students back if they're not academically ready to advance, is a strategy that's working in Florida — and in a St. Paul charter school.

Modeled after the Florida program, Rep. Pam Myhra (R-Burnsville) sponsors HF1487, which calls for a statewide literacy plan with a focus on reading by third grade. The bill has no Senate companion. It is included in the House omnibus education policy bill, HF1381.

"There's a turning point in third grade," she told the House Education Reform Committee April 26. "Before, [students are] learning to read; after, they're reading to learn."

A new study by the Annie E. Casey Foundation concluded that students who don't read proficiently by third grade are four times more likely to drop out of high school than proficient readers.

The bill would direct school districts and charter schools to develop plans to monitor students' literacy skills from kindergarten through grade three and inform parents at least twice a year of their child's reading progress. Struggling students would get extra help such as tutoring, summer school or extended time programs.

It would also limit "social promotion," or advancing students automatically to the next grade. With certain exceptions, students would only be promoted to the fourth grade if they demonstrate reading proficiency by the end of third grade — but if not, they'd repeat third grade and receive intensive, specialized intervention.

Retention is one strategy

Concordia Creative Learning Academy, a St. Paul charter school with 390 students, 98 percent of whom are low-income, isn't afraid

to retain students if they're not at grade level.

"Starting in pre-K, if it is determined by the teaching team as well as their assessment that they're not ready, they don't go on," said Mary Donaldson, CCLA's director. The school has significantly turned around student test scores and now has a waiting list of 350. "We feel very strongly at our school that reading is where it starts."

Because Florida schools have focused on reading in earlier grades by frequent assessment, specialized instruction and parental involvement, the percentage of Florida third-graders retained has dropped from a 2002 high of 13.2 percent to 6.4 percent in 2008, according to Matthew Ladner, senior advisor for the Foundation for Excellence in Education, a Florida nonprofit.

Donaldson understands that people may be uncomfortable with the idea of asking students to repeat a grade because they fear it would harm students' self-esteem. However, CCLA parents are usually very receptive to the recommendations of staff that a child be held back, because there is good communication all along the way and because the decisions are based on data such as work samples or assessment results.

The bill's critics support its goal of universal literacy, and some proposals such as suggested intervention strategies — including more time on task and individualized support — but don't want students to be stigmatized by being held back.

"You call it social promotion; I call it flunking students," said Rep. Mindy Greiling (DFL-Roseville), who supports early childhood education as an alternative.

"A child who can't read in third grade is in deep weeds. We have to get to them earlier."

Ladner acknowledged that poorly planned retention efforts in states such as Texas, which held back ninth graders at one point, have failed to improve literacy, test scores or student learning, but said Myhra's bill is different.


"This policy is aimed at the developmentally critical period, K through three; it is using objective test score data to inform retention decisions; it is helping the kids; and it is doing it before it is too late," he said.

Others say the program is costly and the funds would be better spent on other proven methods to improve student achievement.

"There are multiple other interventions that do not make children nine and younger bear the burden for the failure of adults," said Matthew Mohs, St. Paul Public Schools' director of Title I services. If the state is willing to invest in up to two additional years of education for children through the retention proposal, he said similar results could be accomplished by funding extended year or early childhood programs.

Such programs are working at Washburn Elementary School in Bloomington, said Jon Millerhagen, its principal. Even third grade is too late to intervene, he said.

Of his school's 500 students, 160 are English language learners and 60 percent are low-income. He spends federal Title I funds on preschool programs and all-day kindergarten for children at risk of falling into the achievement gap, and on parent education to teach them how to support their children's reading at home.

He says those measures are paying off, with only six first-graders of about 80 reading below grade level this year — "numbers that are very strong." 

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simply formalize the program and, after an initial startup, could be expanded statewide.

The program would require about \$10,000 in new money for the protection of volunteers, for things such as bug repellent, hard hats or eye gear. Also, signs could be erected to recognize the volunteers in the same way the Adopt-a-Highway program signs acknowledge highway right-of-way cleaning crews.

Before laying the bill over April 18 for possible inclusion in an omnibus policy bill, House Environment, Energy and Natural Resources Policy and Finance Committee Chairman Denny McNamara (R-Hastings) said the fiscal implications are a problem. He suggested that interested parties, such as Ducks Unlimited and Pheasants Forever chapters, be asked to contribute to the program costs.

A companion, SF673, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), has been incorporated into SF712, sponsored by Sen. John Carlson (R-Bemidji). That bill awaits action by the full Senate.

— S. HEGARTY

EQB reorganization approved

The executive director of the Environmental Quality Board said a bill to trim the board's composition and duties is premature.

Bob Patton told the House Environment, Energy and Natural Resources Policy and Finance Committee April 26 that an analysis of the board's functions is due out next January and that HF1360 should be tabled until that study can be reviewed.

Sponsored by Rep. Paul Torkelson (R-Nelson Township), the bill would eliminate the citizen members and reassign some of the board's oversight to the Clean Water Council. The committee approved the bill 7-6 and sent it to the House Government Operations and Elections Committee. It has no Senate companion.

The EQB consists of nine state agency heads, five citizen members and a governor's appointee who serves as the board chair. The board writes the rules for conducting environmental reviews and publishes environmental review documents and comment periods in its "EQB Monitor." Under the proposed changes, the publication would continue and the board would meet at the call of the governor.

— S. HEGARTY

Modifications proposed for e-waste

Since the Electronics Recovery Act was enacted in 2007, there's been no shortage of electronics to recycle. But as people replace their old gadgets with newer models, the law needs to keep pace with the types and sizes of electronics.

HF1471, sponsored by Rep. Melissa Hortman (DFL-Brooklyn Park), would modify the law by creating a longer list of electronic devices required to be collected at the end of their useful life. For example, desktop computers and printers, DVD players and digital video recorders would also count toward a manufacturer's recycling obligation. Only televisions, monitors and laptop computers are currently used to determine how much a manufacturer must collect. And the minimum screen size on video display devices required to be recycled would drop from 9 inches to 7 inches.

The bill was approved by the House Environment, Energy and Natural Resources Policy and Finance Committee April 27 and sent to the House Commerce and Regulatory Reform Committee. Sen. Linda Higgins (DFL-Mpls) sponsors the companion, SF1237, which awaits action by the Senate Environment and Natural Resources Committee.

Manufacturers are required to collect and recycle a percentage of the products they sell in Minnesota. The calculation is an estimation of what they expect to sell during the current year based on the previous year's sales. The proposed modification would require them to recycle based only on the previous sales year and not on their estimated current sales.

There are currently 73 manufacturers registered under the program. The additional devices would add about 20 more, according to Garth Hickle, electronic waste program coordinator for the Pollution Control Agency.

It became illegal to put electronics in the waste stream in 2006. Proponents of the law say this has led to people disposing of devices in ditches and lakes to avoid paying disposal fee. However, some committee members noted the bill doesn't guarantee free collection for consumers. Some counties charge a fee while others don't. Rep. John Persell (DFL-Bemidji) said, "That's between you and your county commissioner. Take it up with your county."

Ramsey County Commissioner Victoria Reinhardt said the entire cost to counties that collect materials may not be covered.

If a fee is charged, it is likely less than it was before the program was in place, she said.

— S. HEGARTY

Pesticide permits to protect water

Both the Minnesota Pollution Control Agency and the federal government regulate the use of pesticides in water, such as for mosquito control, and the Department of Agriculture regulates pesticides applied on land, in order to protect crops. Certified applicators, be they farmers or commercial applicators, must follow label directions for properly applying pesticides to crops; no state permit is currently required.

But a federal court decision required the PCA to draft rules regarding when someone needs a state permit to apply pesticides, specifically in or near water.

Now farmers are concerned the draft rules could lead to the PCA requiring farmers to obtain a permit prior to spraying their land. They don't think they should be required to get a permit to do what they've been doing — applying a legal product in a legal manner, according to Bruce Kleven, a lobbyist for several agricultural organizations.

HF1122, sponsored by Rep. Paul Anderson (R-Starbuck), would limit the PCA's ability to require a permit for aquatic pesticide applications to the same level as federal standards, which are waters that can be navigated.

PCA Deputy Commissioner John Linc Stine said the agency needs a broader definition because it has jurisdiction over "waters of the state," which are broadly defined as surface or underground waters, except surface waters that are not confined but are spread and diffused over the land. Waters of the state include boundary and inland waters.

Farmers say "waters of the state" leaves a loophole that could allow the PCA to require a permit to apply pesticides in low-lying fields or other places where surface water may pool on their property.

The House Environment, Energy and Natural Resources Policy and Finance Committee approved the bill on April 26, and the House Agriculture and Rural Development Policy and Finance Committee approved it, as amended, April 28. A companion, SF776, sponsored by Sen. Julie Rosen (R-Fairmont), was rolled into the omnibus agriculture and rural economies bill but was removed by a conference committee for fear it would be vetoed by the governor.

— S. HEGARTY

State recycling could be outsourced

A plan to outsource the state's recycling operations got the OK from a House committee. Supporters argue it's a technical change, but opponents say it might lower environmental standards.

Sponsored by Rep. Kirk Stensrud (R-Eden Prairie), HF1470 would allow the Department of Administration to outsource the state's waste removal activities. The House Government Operations and Elections Committee approved the bill April 18. It now goes to the floor. Sen. Chuck Wiger (DFL-Maplewood) sponsors SF1266, which awaits action by the Senate.

The department is currently responsible for ensuring that at least 60 percent of all solid waste produced by state offices is recycled. It has traditionally run the program itself; however, last year the department used an exception in the law to outsource the work to a company that hires workers who are developmentally disabled.

Dave Fielding, director of plant management for the department, said the move to a private contractor will save the state \$1.5 million over five years. He said the bill would merely formalize changes that have already been made administratively.

"We've got something here that, quite frankly, I think the state was micromanaging. And what this represents is an attempt to get it back to a point of reasonable oversight," Fielding said.

Some committee members expressed concern about a provision that would turn the 60 percent requirement from a mandate to a goal. Fielding said the change is intended only to reduce administrative burdens on the department, but Rep. Ryan Winkler (DFL-Golden Valley) opposed the change.

"Why get rid of the 60 percent requirement? Why not leave that in place and make that a requirement for the vendor?" Winkler said.

Fielding said the Pollution Control Agency already monitors the environmental impact of the recycling program, and would continue to do so regardless of who runs it.

Stensrud successfully amended the bill to include a provision that would allow the state to hire a private company to provide its waste removal services.

— N. BUSSE

Health & Human Services

No surcharges in times of disasters

Storm damage left the 50-bed New

Richland Care Center closed for three months last fall. The facility still received a \$20,000 state surcharge for the number of beds it holds even though it was not housing anyone while it was closed for repair.

Sponsored by Rep. Joe Schomacker (R-Luverne) and Sen. Julie Rosen (R-Fairmont), HF937/SF626* would make sure nursing homes do not receive a bed surcharge for the time they are closed or evacuated for flooding or other natural disasters.

As amended, the bill was approved 126-0 by the House April 14. The Senate, tabled the amended version April 18.

Also included in the legislation is language that modifies the criteria and process under which the commissioner of health, in coordination with the commissioner of human services, may approve the addition of new licensed and certified nursing home beds. A moratorium currently exists on new nursing home beds in Minnesota.

At one time, the state averaged 95 nursing home beds per 1,000 people over age 65. The Department of Human Services realized the industry overbuilt and in recent years that average has dropped by one-third. The national average nursing home beds per 1,000 people over the age of 65 is 41, said Bob Held, director of the department's Nursing Facility Rates and Policy Division. He said a disparity of available nursing home beds exists across the state. The bill would allow the departments of health and human services to establish the criteria to be used to determine if an area of the state is encountering a hardship with regard to access to nursing facility services and whether that area can add new beds.

— H. LONG

Community paramedic law signed

Signed
by
the
governor

To help fill gaps in underserved communities, some emergency medical technicians could be certified to expand their roles.

A new law signed April 6 by Gov. Mark Dayton allows the creation of a new health care definition, "community paramedics," which would allow paramedics to monitor and provide some treatment to patients with chronic disease, and perform minor medical procedures intended to prevent ambulatory or emergency room services. Sponsored by Rep. Tara Mack (R-Apple Valley) and Sen. Julie Rosen (R-Fairmont), the law allows experienced paramedics in communities to undergo

120 additional hours of training to become certified by the Emergency Medical Services Regulatory Board as "community paramedics." The Minnesota State Colleges and Universities system recently approved the accredited training program that would teach and certify EMTs as "community paramedics."

The law requires the human services commissioner, in consultation with representatives of emergency medical service providers, physicians and local public health agencies, to determine specified services and payment rates for community paramedics. Services provided by community paramedics would be covered by Medical Assistance. Community paramedics would be directed by a local physician.

Community paramedic definition and eligibility portions of the law take effect July 1, 2011; funding and evaluation portions take effect Aug. 1, 2011.

HF262/SF119*/CH12

— H. LONG

Omnibus policy bill approved

A House committee has approved an omnibus health and human services policy bill that contains a potpourri of changes in areas ranging from reform of pharmacy audits to restricting the type of required work activities in which welfare program recipients can engage.

Sponsored by Rep. Steve Gottwalt (R-St. Cloud), HF1020 was approved by a 12-5 vote, as amended, by the House Health and Human Services Reform Committee April 27. The bill now awaits action on the House floor.

Several amendments were added to the bill, including two abortion-related provisions stemming from bills heard earlier in the session. One, offered by Rep. Tara Mack (R-Apple Valley), would prohibit abortions after 20 weeks of gestation. The amendment, based on HF936, is also known as the "Pain-Capable Unborn Child Protection Act." Another amendment, offered by Rep. Kathy Lohmer (R-Lake Elmo), would prohibit the use of funding for state-sponsored health programs for abortions. Both were approved on a 12-5 vote.

Selected provisions of the bill include:

- HF425, sponsored by Rep. Joyce Peppin (R-Rogers), which would limit the required work activities for persons enrolled in the Minnesota Family Investment Program to activities that do not have a political purpose;

- HF1236, sponsored by Rep. Rod Hamilton (R-Mountain Lake), which specifies procedures that must be followed during pharmacy audits and establishes procedures for modifying contracts between pharmacy benefit managers and pharmacies;
- HF480, sponsored by Rep. Bev Scalze (DFL-Little Canada), which would push back the start date for required electronic prescribing methods for pharmacies, which began in Jan. 1, 2011, to Jan. 1, 2016;
- HF311, sponsored by Rep. Jeff Hayden (DFL-Mpls), which would allow counties to negotiate supplemental contracts with approved vendors and base reimbursement and rates of pay on the client outcomes and vendor performance;
- HF364, sponsored by Rep. Morrie Lanning (R-Moorhead), which would permit counties and the state to contract with facilities in a bordering state for detoxification services for Minnesota residents, and allow Minnesota detoxification facilities to contract with bordering states to provide services to residents of the bordering states;
- HF745, sponsored by Rep. Tara Mack (R-Apple Valley), which would create an Autism Spectrum Disorder Task Force;
- HF1382, sponsored by Rep. Jim Abeler (R-Anoka), which would prohibit granting or renewing a license for health professionals convicted of specified felony level criminal sexual conduct offenses and make technical changes to practice acts related to nursing, professional counseling, social work and dentistry; and
- HF1184, sponsored by Rep. Sarah Anderson (R-Plymouth), which would limit granting of a family day care license to a single-family residential site only if the homeowner is the primary provider of the day care.

— H. LONG

New child care provider rules

A toddler received severe frostbite on his hands and fingers after playing outside while in the care of a local child care provider. His parents are pushing for passage of a bill that would set out requirements that licensed child care providers must follow in determining whether a child can be outdoors during adverse weather conditions.

Rep. Mary Franson (R-Alexandria) sponsors HF1404, known as “Gager’s Law,” which would require licensed child

care providers to not allow children to play outdoors when the temperature is below 20 degrees without wind chill factor; the heat index is 100 degrees or above; or there is an air-quality warning issued by local weather stations.

Kari Akers said the incident involving her son, Gage, took place in January 2010 while he was 17 months old and in the care of a licensed child care provider. He was allowed to be outside in subzero temperatures with no gloves or mittens. When Akers picked up her son, he was in extreme pain and his fingers and hands were severely blistered from what doctors told her was severe frostbite, she told members of the House Health and Human Services Reform Committee. The bill was laid over April 27 for possible inclusion in a policy omnibus bill. It has no Senate companion.

Some legislators expressed concerns that the bill was overreaching in its requirements. Two testifiers echoed the sentiments, including Cisa Keller, a lobbyist for the Minnesota Child Care Association. She said



PHOTO BY ANDREW VONBANK

Kari Akers, who’s son, Gage, received severe frostbite in January 2010 when he was allowed to be outside in subzero temperatures with no gloves or mittens while in the care of a licensed child care provider, testifies before the House Health and Human Services Reform Committee April 27 in support of a bill that would adopt standards that govern outdoor activity at licensed child care facilities.

many of the safety concerns the bill attempts to address are covered through existing regulations governed by the Department of Human Services.

Franson said her bill would not adversely affect licensed child care providers who are already using common sense in such situations.

Rep. Diane Loeffler (DFL-Mpls) said she believes the bill could lead to unintended consequences that would cause child care providers to keep children indoors far too often.

Rep. Mary Kiffmeyer (R-Big Lake) suggested Franson amend her bill to include advisory language with fewer requirements and specificities.

— H. LONG

Radiation center moratorium

Competing bills related to a moratorium on construction of new radiation therapy centers in 14 Minnesota counties were heard in the House Health and Human Services Reform Committee April 26.

The committee approved HF383, sponsored by Rep. Rod Hamilton (R-Mountain Lake), which would extend the moratorium to Aug. 1, 2017. The current sunset date for the moratorium is Aug. 1, 2014. The moratorium was enacted during in 2007 in an effort to protect metropolitan hospitals from competition posed by health care organizations that want to build free-standing outpatient radiation therapy centers.

The bill would exempt plans that HealthEast Care System has in the works to relocate a radiation therapy machine from its Maplewood hospital to its Woodbury hospital.

The bill now moves to the House Commerce and Regulatory Reform Committee. Its companion, SF248, sponsored by Senate President Michelle Fischbach (R-Paynesville), awaits action by the Senate Health and Human Services Committee.

While the committee approved the moratorium extension, it also heard testimony on HF595, sponsored by Rep. Bruce Anderson (R-Buffalo Township), which would repeal the moratorium altogether. The bill was laid over for possible omnibus bill inclusion. Its companion, SF709, sponsored by Sen. David Hann (R-Eden Prairie), awaits action by the Senate Health and Human Services Committee.

Moratorium supporters say it levels the



PHOTO BY ANDREW VONBANK

Cancer survivor Ryan Flynn testifies before the House Health and Human Services Reform Committee April 26 in support of a bill that would repeal the radiation therapy facility construction moratorium.

playing field for hospitals that are mandated by the state to provide other forms of care and treatment that, unlike radiation therapy, don't generate revenue. Opponents, including Minnesota Oncology which wants to build a radiation therapy center in Woodbury, say it stifles the free market choices of patients needing radiation therapy.

Rep. Duane Quam (R-Byron) informally proposed a compromise for the competing bills that he said would keep the moratorium but allow freestanding facilities outside of a certain distance from hospitals. Both Hamilton and Anderson said they were open to discussing such a provision.

— H. LONG

Local Government

Redesigning county government

Counties could experiment with new, more efficient ways of delivering services if a bill becomes law.

Sponsored by Rep. Carol McFarlane (R-White Bear Lake), HF1579 would let counties test alternative ways to deliver their services. The goal is to move counties toward

outcome-based government and away from the old model of simply carrying out the state's marching orders.

"For us, this is the first step in moving us from our current direction, where counties really are just 'doers,' into more innovative entities," said Joe Mathews, general government policy analyst for the Association of Minnesota Counties.

Counties are currently bound by state rules and statutes to provide certain services in specific ways. The bill would give counties some flexibility by letting them apply for waivers to establish pilot projects for new service delivery methods.

The House Government Operations and Elections Committee approved the bill April 26 and referred it to the House State Government Finance Committee. There is no Senate companion.

Tim Walsh, Scott County's director of health and human services, said there are enough differences between the state's 87 counties that it makes sense to let them administer programs in ways that respond to their unique needs and concerns.

"The bottom line of what we're trying to do here is improve performance," Walsh said.

The bill would perform three main functions:

- authorizing counties to provide for the general welfare of their residents;
- establishing a process for counties to apply for waivers or exemptions from state mandates; and
- creating a "Minnesota Northstar Council" to develop policy goals and performance measures.

Rep. Steve Simon (DFL-St. Louis Park) asked whether the bill could lead to "mission creep," and empower counties to usurp the authority delegated to cities or even the state itself. Mathews responded that nothing in the bill would allow counties to supersede state or city powers.

"Some may describe it as mission creep. We would say we're actually empowering the county to join with their fellow local governments in some new ways to collaborate that in the end may actually save us money," Mathews said.

— N. BUSSE

Mandate relief bills approved

To help ease budget pressures on local units of government, lawmakers might give them fewer mandates to carry out.

The House Government Operations and Elections Committee approved a pair of bills

April 27 that would modify or repeal various state mandates.

Sponsored by Rep. Steve Drazkowski (R-Mazeppa), HF7 covers everything from animal control laws to health insurance for public employees. He described it as an "abbreviated approach" to a larger effort to eliminate costly mandates.

"There appears to be ... a dysfunction in which state government places all of these mandates on local units of government and then tries to compensate them with local government aid," he said.

Selected provisions include:

- permitting counties to use private accounting firms to do their audits;
- eliminating requirements related to impounding and selling seized animals; and
- removing requirements to publish certain public notices more than once.

One controversial provision would strike a requirement that local governments not reduce the aggregate benefits of public employees' health insurance plans. Supporters say the law limits the ability for local officials to make insurance changes that could benefit employees and save taxpayers' money. Opponents argue it violates collective bargaining rights.

Meanwhile, Rep. Roger Crawford (R-Mora) sponsors HF705, which includes many of the same or similar provisions as Drazkowski's bill. In addition, it strikes certain reporting requirements for local governments.

Both bills were approved by the committee, and now go to the House Judiciary Policy and Finance Committee.

Sen. John Carlson (R-Bemidji) sponsors SF159, the companion to Drazkowski's bill, which awaits action by the Senate Local Government and Elections Committee. Sen. Benjamin Kruse (R-Brooklyn Park) sponsors SF1260, the companion to Crawford's bill, which awaits action by the Senate Local Government and Elections Committee.

— N. BUSSE

Red Wing Port Authority changes

**Signed
by
the
governor**

A new law, signed by Gov. Mark Dayton April 27, will allow commissioners on the Red Wing Port Authority to serve three-year terms instead of the current six-year terms.

Sponsored by Rep. Tim Kelly (R-Red Wing) and Sen. John Sterling Howe (R-Red Wing), the law was drafted at the request of

the port authority. Kelly thinks more people would be willing to serve for three years as opposed to six years.

The law is effective upon local compliance, and will apply retroactively to all terms beginning on or after Jan. 1, 2011.

HF613*/SF124/CH17

— N. BUSSE

Online public notices nixed

A plan to save local governments money by letting them post official notices online instead of paying to have them published in newspapers was nixed by lawmakers who said it would be unfair to senior citizens.

Members of the House Government Operations and Elections Committee voted April 27 to remove the provisions from HF705. Sponsored by Rep. Roger Crawford (R-Mora), the bill would provide relief from state mandates for cities, counties and other local government units.

As introduced, the bill contained provisions that would have lifted requirements that official public notices be published in a local newspaper, generally at a cost to the local unit of government. Under the proposal, they could have published them on their own websites instead.

Supporters say current laws are a burden to cash-strapped local governments. Anoka County Board Chair Rhonda Sivarajah said the change would save taxpayers \$85,000 annually in her county alone. She also said posting the notices online would make them accessible to a larger number of residents.

"Currently, our official newspaper has a circulation of 8,900 households. We have over 335,000 people that live in Anoka County. They don't have access to the county-designated newspaper," she said.

Opponents said it would hurt small newspapers and people who don't use the Internet. Sandra Naren, a lobbyist for the Minnesota Newspaper Association, said most people tend to get their official notices from printed newspapers rather than online. She said senior citizens, in particular, tend to get their news from printed publications.

Rep. Dean Urdahl (R-Grove City) echoed those concerns, saying he's heard from seniors in his district that they don't want to use computers to get their information.

"The time is coming where we may not use paper for hardly anything, but I'm not sure that time is here yet," Urdahl said.

Rep. Tim O'Driscoll (R-Sartell) successfully amended the bill to remove the provisions. The committee approved the bill

and sent it to the House Judiciary Policy and Finance Committee. Sen. Benjamin Kruse (R-Brooklyn Park) sponsors the companion, SF1260, which awaits action by the Senate Local Government and Elections Committee.

— N. BUSSE

Military & Vet. Affairs

Renew license within one year

Minnesota active military service members living outside the state would have one year to renew an expired driver's license after they are discharged from active duty under a bill passed 123-3 by the House April 27.

Sponsored by Rep. Dean Urdahl (R-Grove City), HF186 now goes to the Senate, where Sen. Ted Daley (R-Eagan) is the sponsor.

Rep. Kim Norton (DFL-Rochester) said the current law of 90 days "is plenty of time to come home and get another license," while Rep. Duane Quam (R-Byron) said the bill would benefit the 34th Red Bull Infantry Division, of which his son is a member. The provision would apply to a service member's spouse as well.

— S. HEGARTY

Public Safety

Donating public safety equipment

Some larger fire departments receive grants to upgrade their equipment, leaving them with the problem of how to dispose of used equipment that still may be in good working order. Donating to smaller departments is problematic because of the possible liability issue. So some departments simply mothball the equipment and some ship it to other countries.

Rep. Tara Mack (R-Apple Valley) sponsors HF695 that would extend civil immunity to a municipality that donates vehicles and equipment used in firefighting, ambulance and emergency medical treatment services, rescue, and hazardous materials response. It passed the House April 27 129-0. It now moves to the Senate where Sen. Warren Limmer (R-Maple Grove) is the sponsor.

"I find it illogical and sad that we have cities 50-60 miles away from this equipment who are unable to get it," Mack said.

The issue of concern to city officials is that equipment exposed to high heat situations may not perform as expected and the

donating government jurisdiction could be held liable.

— L. SCHUTZ

Updated 'Emily's Law'

A 13-year-old who commits a felony-level violent juvenile offense might be prosecuted as an extended jurisdiction juvenile, but not certified as an adult.

Through EJJ, an offender is sentenced as both a juvenile and an adult. If the offender violates terms of the juvenile disposition or commits a new offense, the stayed adult sentence may be executed. Under current law, the minimum age is 14.

Under the bill, a 13-year-old who has the adult sentence executed may be held in a county jail, but not at a state correctional facility for adults.

A "violent juvenile offense" is defined in the bill as first- through third-degree murder, first- and second-degree manslaughter, first- through fourth-degree criminal sexual conduct and malicious punishment of a child.

Sponsored by Rep. Torrey Westrom (R-Elbow Lake), HF1428 was approved April 26 by the House Public Safety and Crime Prevention Policy and Finance Committee on a split-voice vote, and sent to the House Judiciary Policy and Finance Committee. A companion, SF1218, sponsored by Sen. Gretchen Hoffman (R-Vergas), awaits action by the Senate Judiciary and Public Safety Committee.

"The proposed legislative change certainly would be appropriate in those most serious cases involving a 13-year-old offender," Assistant Otter Tail County Attorney Michelle Eldien wrote in a letter to the committee. "The current law limits jurisdiction of 13-year-old offenders until the age of 19. Extended juvenile jurisdiction of the juvenile in this situation would allow for supervision until 21 years of age."

This is Westrom's second "Emily's Law" bill this session. His first, HF306, would have lowered the EJJ or option to certify a juvenile as an adult to age 10. That bill was heard Feb. 10 by the public safety committee, but no action was taken.

The impetus for Westrom's bills is the case of 2-year-old Emily Johnson, who, in June 2006, was sexually assaulted and violently thrown against a wall by the 13-year-old son of her day care provider. Emily was taken off life support the next day. Because the offender was 19 days shy of his 14th birthday, he could not be tried as an adult.

Opponent's arguments include that the bill could institute cruel and unusual

punishment, it would disproportionately affect minorities and that youthful offenders are less able to comprehend the long-term consequences of their actions.

The bill also restricts a court's ability to expunge a juvenile record if a child is adjudicated delinquent for a violent juvenile offense. A court may now expunge a juvenile record at any time, unless the juvenile is transferred to the Department of Corrections' custody.

— M. COOK

Tougher penalty for fleeing

A bill receiving House approval would modify the crime of fleeing a peace officer when doing so results in a death that does not constitute murder or manslaughter.

Following the 93-35 vote April 27, HF361, sponsored by Rep. John Kriesel (R-Cottage Grove), goes to the Senate where Sen. John Harrington (DFL-St. Paul) is the sponsor.

Supporters note the current flee-on-foot statute does not address penalties for causing serious harm or death to others if pursuit of a felonious criminal goes from vehicle to foot. However, if the occupants are still in the car, they can be charged for all the harm caused by their actions.

The bill would extend the law to situations where a suspect initially flees police in a motor vehicle, but abandons the vehicle and continues to flee in another way.

The impetus for the bill occurred on Nov. 1, 2007, when Mark Bedard, an officer with the Minneapolis Park Police, was in pursuit of two suspects in a pair of drive-by shootings.

After the suspects bailed from their vehicle, the chase continued on foot until Bedard was hit by a squad car in an alley. He died nine days later, leaving behind a wife and 3-year-old son.

Because Bedard's injuries occurred during a foot chase, the suspects could not be charged with the more serious death of a police officer. They did plead guilty to felony drive-by shooting and received sentences of less than four years in prison.

— M. COOK

Self-defense bill gets committee OK

A bill that would expand the use of deadly force in cases of self-defense was approved by a House committee.

Sponsored by Rep. Tony Cornish (R-Good Thunder), HF1467 would, in part, change state law governing the use of force in self defense, including that an individual



PHOTO BY ANDREW VONBANK

Displaying a photograph of a gun victim and her shooter, Heather Martens, executive director of Protect Minnesota, testifies before a packed House Public Safety and Crime Prevention Policy and Finance Committee April 28 in opposition to a bill that would amend the law on use of force in defense of a person's home.

using deadly force is presumed to possess a reasonable belief that there exists an imminent threat of great bodily harm or death.

"It's not shoot first; it's not shoot on a whim," said Attorney David Gross. "You have to reasonably believe certain things or have certain facts be true. You don't go shooting at shadows."

The House Public Safety and Crime Prevention Policy and Finance Committee approved the bill April 28 on a 10-7 party-line vote and sent it to the House Judiciary Policy and Finance Committee. It has no Senate companion.

"I like to refer to this as a self-defense bill," Cornish said, adding it would allow a person to decide what type of force is needed to repel an invader or a threat.

The bill also does a number of other things, including:

- extends the effective period of a permit-to-purchase a firearm from one to five years;
- mandates improved reporting of mental health and criminal background data to state and federal databases used in making background checks;
- delimits the authority of peace officers to disarm individuals during times of a public emergency or disorder; and
- requires Minnesota to recognize a permit-to-carry issued by another state.

Proponents say the bill better lets law-abiding citizens defend their property and stand their ground.

"As a father, as a husband, it's a duty to me to protect my house, protect my family," said Rep. John Kriesel (R-Cottage Grove). "This bill sends a message to criminals, and I believe it will act as a deterrent."

Opponents said current law adequately protects law-abiding citizens; a homeowner could use deadly force against an unarmed person who mistakenly tries to enter a dwelling; and fear of officer safety, especially when they surprise someone on their property while executing their duties.

"Such a law would, in essence, allow a person to shoot first and ask questions later whenever they believe they are exposed to substantial harm regardless of how a reasonable person would have responded under the circumstances or would have perceived the gravity of the danger presented," said Dakota County Attorney James Backstrom.

— M. COOK

Recreation & Tourism

Task force on Metrodome's future

No one knows whether the Minnesota Vikings will get a new stadium this year, but one lawmaker wants to make sure the Metrodome has a future with or without them.

Rep. Bev Scalze (DFL-Little Canada) sponsors HF1363 that would establish a

Metrodome Task Force made up of legislators and sports officials. The group would be tasked with figuring out a way to keep the facility open for public use without a professional football team as a tenant.

The House Government Operations and Elections Committee approved the bill and sent it to the House floor. There is no Senate companion.

With so much uncertainty about the Vikings' future, Scalze said she wants to ensure hundreds of college, high school and miscellaneous other events that take place annually at the Metrodome can continue there.

"I call this a 'just in case' bill," she said.

A key issue is whether a new Vikings stadium would include a roof. Vikings officials have indicated they might accept a facility without a roof, but Scalze said that would be impractical for many of the other teams and groups that use the Metrodome.

"Just in case there's not a covered facility, we'd like to make sure there's a task force looking at the issue," she said.

The task force would examine ways to make the Metrodome a "self-funded public use facility," including possible changes in use, fees, ownership and management. It would submit recommendations to the Legislature by Jan. 15, 2013.

Bill Lester, executive director of the Metropolitan Sports Facilities Commission, said prior to the roof collapse in December, there were 300 days a year that at least one event was going at the Metrodome.

"When the Twins moved out of the Metrodome, that left 81 fewer Major League Baseball games, but we filled those slots with 240 small college and high school and Legion and all those other teams," he said.

— N. BUSSE

State Government

Principles for redistricting passed

The principles that will act as a framework for creation of the new 2012 redistricting map were introduced as HF1547 on April 18, then moved through the House Redistricting Committee April 26 and as amended, were passed off the House floor 70-62 on April 28.

DFL members balked at the speed saying, because of the Easter/Passover break last week, there wasn't enough time to review the eight principles, nor has there been enough public input.

Committee Chairwoman Sarah Anderson (R-Plymouth) said there have been 14

committee meetings, with three of them being held in Greater Minnesota.

Anderson said the principles ensure the integrity of the federal Voting Rights Act of 1965 that works to enhance minority representation. She said the bill also addresses four of the five concerns raised by Gov. Mark Dayton.

However, Rep. Melissa Hortman (DFL-Brooklyn Park) disagreed. "The process has been extremely flawed and designed to minimize public input," she said, adding that it may violate the federal act.

Her amendments to provide more time for public review of any redistricting plan were not accepted.

The principles address minority representation by stating that the plan must not have the intent or effect of dispersing or concentrating the minority population in a manner that prevents these communities from electing their candidates of choice. It also speaks about preserving communities of interest — areas with similarities of interests, including but not limited to racial, ethnic, geographical, social or cultural interests.

The bill now moves to the Senate where Sen. Geoff Michel (R-Edina) is its sponsor.

Although a map doesn't have to be ready until February 2012, Anderson said members could expect to see it before the end of session.

— L. SCHUTZ

Transportation

Alternative transportation financing

The Department of Transportation might be able to look at alternative ways to finance project construction.

Sponsored by Rep. Mark Buesgens (R-Jordan), HF1378 would allow MnDOT to enter into an agreement with a governmental or private entity to finance or invest in a transportation project. This would be a one-time pilot project.

"As we look at reinventing government, looking at doing things in different ways and providing flexibility ... this legislation matches that philosophy albeit in a very, very tightly controlled realm," Buesgens said.

The bill was approved April 18 by the House Transportation Policy and Finance Committee and sent to the House floor. A companion, SF1078, sponsored by Sen. Benjamin Kruse (R-Brooklyn Park), awaits action by the Senate Transportation Committee.

"Let's say on Highway 199 you have a

township that is looking at putting an expanded crossing across that highway and they've been working with MnDOT, and MnDOT says, 'You know that is on our 2018 project list,'" Buesgens said. "The township says, 'We've got the money right now and we'd like to work with you and maybe front-end these funds and come up with a contractual arrangement so that when MnDOT indeed does have the money they'll pay us back but we can get this work done in an expedited fashion.'"

Scott Peterson, MnDOT government affairs director, said the department views the bill as an opportunity to bring in more resources to finance more transportation improvements.

"The primary benefit of this authority would be to act more quickly, be more responsive to economic development activities that may arise across the state where an associated transportation investment is necessary to take advantage of those opportunities," he said.

Rep. Mike Nelson (DFL-Brooklyn Park) expressed concern that projects higher on the department's to-do list may be displaced by projects completed via this alternative funding route.

Peterson said that would not be the case.

"We would repay the funds that were provided for the project when that project's originally scheduled construction date appears in our program," he said.

— M. COOK

Allowing electric-assisted bicycles

Rep. Rich Murray (R-Albert Lea) doesn't run as much as he used to. But he and his wife are bicycling more.

"We're starting to notice the hills are getting a little tougher as we go along, too," he said. "As we get older, electric-assisted bicycles will allow us to stay out on the trails, to enjoy nature, to keep exercising. This will allow elderly people, disabled people that opportunity to be outside enjoying all these trails and bike paths that we've put in all over this beautiful state."

Sponsored by Murray, HF1412 would require that electric-assisted bicycles be allowed on all bike pathways and trails, including state trails managed by the Department of Natural Resources and paths created by local units of government, unless it is deemed that "operation of the electric-assisted bicycle is not consistent with safe use and enjoyment of the trail."

The bill was approved April 27 by the House Transportation Policy and

Finance Committee and sent to the House Environment, Energy and Natural Resources Policy and Finance Committee. A companion, SF1136, sponsored by Sen. Pam Wolf (R-Spring Lake Park), was scheduled to be heard April 28 by the Senate Transportation Committee.

According to Dorian Grilley, executive

director of the Bicycle Alliance of Minnesota, electric-assisted bicycles have a “modest electrical assist.” They are not mopeds or motorized bicycles that can go up to 30 mph. Most electric-assisted bicycles on the market are 250-350 watts with a maximum speed of 20 mph, although he cited a study that indicated most are ridden in the 10-15 mph range.

“They are most popular with those who are somewhat less able but still have the desire to explore Minnesota’s network of trails, bike routes and bike-friendly communities,” Grilley said. “Many are purchased by older individuals who need a little help keeping up with a riding partner.”

— M. Cook

BILL INTRODUCTIONS

APRI 18 - 28, 2011

HOUSE FILES 1495 - 1616

Monday, April 18

HF1495-Erickson (R)

Taxes

Tax collection for rent-to-own or lease-to-own used vehicles timing clarified.

HF1496-Runbeck (R)

Jobs & Economic Development Finance

Job opportunity building zone (JOBZ) program repealed.

HF1497-Shimanski (R)

Government Operations & Elections

Grants to nonprofit groups prohibited if a state agency or a private for-profit business entity can provide the same or similar goods or services.

HF1498-Liebling (DFL)

Health & Human Services Reform

Human services agency provisions modified, agency hearing and appeals provisions modified and Disparities Reduction Advisory Council created.

HF1499-Lenczewski (DFL)

Capital Investment

Old Cedar Avenue Bridge appropriations modified and corresponding bond sale authorization reduced.

HF1500-Anderson, D. (R)

Health & Human Services Reform

Chemical and mental health services changes made and rate reforms made.

HF1501-Shimanski (R)

Commerce & Regulatory Reform

Electronic linked bingo provided for and electronic pull-tabs and video lottery terminals established.

HF1502-McDonald (R)

Public Safety & Crime Prevention Policy & Finance

Probation officers' unannounced searches of persons on probation or pretrial release authorized.

HF1503-Greene (DFL)

Education Finance

Voluntary full-day kindergarten funding provided.

HF1504-Greene (DFL)

Jobs & Economic Development Finance

Minneapolis; Peavey Plaza redevelopment funding provided, bonds issued and money appropriated.

HF1505-Hackbarth (R)

Transportation Policy & Finance

Start Seeing Motorcycles special license plates established.

HF1506-Banaian (R)

Government Operations & Elections

Legislative Commission on Planning and Fiscal Policy new duties assigned, duties transferred from executive agencies and money appropriated.

HF1507-Banaian (R)

Government Operations & Elections

Minnesota public retirement plans other than lump sum volunteer fire plans actuarial valuation interest rate assumptions revised.

HF1508-Schomacker (R)

Health & Human Services Reform

Resident case mix classification changed.

HF1509-Torkelson (R)

Environment, Energy & Natural Resources Policy & Finance

Clean Water Partnership Law modified.

HF1510-Erickson (R)

Education Reform

Alternative compensation revenue made available to school principals and assistant principals.

HF1511-Anderson, S. (R)

Agriculture & Rural Development Policy & Finance

Direct farm-to-consumer sales and delivery permitted.

HF1512-Benson, J. (DFL)

Environment, Energy & Natural Resources Policy & Finance

Geothermal energy from municipal wells cooling capacity study required.

HF1513-Torkelson (R)

Environment, Energy & Natural Resources Policy & Finance

Wholesale energy rate payment provided for qualifying facility.

HF1514-Cornish (R)

Public Safety & Crime Prevention Policy & Finance

State law enforcement agencies required to report on the transfer of cases involving forfeiture to the federal government and more uniformity in terminology provided.

HF1515-Holberg (R)

Civil Law

Late fee provisions modified and provisions clarified relating to eviction from property subject to foreclosure.

HF1516-Ward (DFL)

Government Operations & Elections

Retirement incentives authorized for certain state employees.

HF1517-Atkins (DFL)

Government Operations & Elections

Official state pipe band designated.

HF1518-Mazorol (R)

Commerce & Regulatory Reform

Real estate purchase regulated during the redemption period following a sheriff's sale.

HF1519-Anderson, B. (R)

Veterans Services Division

Veteran license plate collection preserved, and distribution and sale of remaining discontinued veterans plates directed and use of revenue authorized.

HF1520-Mullery (DFL)

Public Safety & Crime Prevention Policy & Finance

State controlled substance schedules aligned with federal controlled substance schedules, Board of Pharmacy authority modified to regulate controlled substances and electronic prescribing of controlled substances allowed.

HF1521-Holberg (R)

Health & Human Services Reform

Health records; adult children of a deceased patient added to the definition of patient.

HF1522-Nornes (R)

Commerce & Regulatory Reform

Real estate; priority of mechanics lien rights of contractors and subcontractors over a mortgage lender to mechanics liens for goods or services provided prior to the recording of the mortgage limited.

HF1523-Holberg (R)

Government Operations & Elections

Zoning for residential property used as vacation rental provided.

HF1524-Mariani (DFL)

Education Reform

Substitute principal continuing education requirements clarified.

HF1525-Quam (R)

Environment, Energy & Natural Resources Policy & Finance

Energy; renewable development account allocations eliminated and approval of certain expenditures temporarily prohibited.

HF1526-Quam (R)

Transportation Policy & Finance

Frontage road and ramp for controlled access highways distinction made, and municipal road authorities authorized to issue permits for driveway access to frontage roads and ramps for controlled access to highways.

HF1527-Falk (DFL)

Education Reform

Family and consumer science included as part of the required academic standards.

HF1528-Morrow (DFL)

Government Operations & Elections

Increased annuity provided for surviving spouse and dependent children of employee killed while engaged in emergency response to flooding.

HF1529-Greiling (DFL)**Education Reform**

Nonpublic schools that receive state aid, materials, services or other publicly funded support made subject to requirements.

HF1530-Mazorol (R)**Commerce & Regulatory Reform**

Title insurers statutory premium reserves regulated.

HF1531-Mazorol (R)**Taxes**

Sales and use taxation exemption provided for qualified data centers.

HF1532-Simon (DFL)**Government Operations & Elections**

Secretary of state duties imposed, and lists of registrants with challenged voting statuses due to felony convictions required.

HF1533-Peppin (R)**Government Operations & Elections**

Campaign Finance and Public Disclosure Board procedures and requirements changed.

HF1534-Cornish (R)**Public Safety & Crime Prevention Policy & Finance**

Forfeiture law general criminal code clarified.

HF1535-Cornish (R)**Public Safety & Crime Prevention Policy & Finance**

DWI, off-highway vehicle, drive-by shooting, designated offense and controlled substance forfeiture laws changes made to provide more uniformity; monetary cap raised on the value of property forfeitures that may be adjudicated in conciliation court; forfeited property prohibited from being sold to prosecuting authorities or persons related to prosecuting authorities.

HF1536-Shimanski (R)**Judiciary Policy & Finance**

Mandatory retirement date for judges modified and incumbency designation eliminated for judicial offices.

HF1537-Hosch (DFL)**Transportation Policy & Finance**

Protective agents right to escort oversized loads clarified.

HF1538-Peppin (R)**Government Operations & Elections**

Contribution and expenditure limits modified.

HF1539-Poppe (DFL)**Government Operations & Elections**

Minnesota State Colleges and Universities system faculty members permitted to elect prospective and retroactive defined benefit coverage for Minnesota State Colleges and Universities system employment.

HF1540-Paymar (DFL)**Public Safety & Crime Prevention Policy & Finance**

Capitol Area security enhanced, new authorities created and responsibilities stipulated, bonding authorized and money appropriated.

HF1541-Mullery (DFL)**Public Safety & Crime Prevention Policy & Finance**

Civil rights status notice required.

HF1542-Eken (DFL)**Education Reform**

School start date exception made for school districts that suffer natural disasters.

HF1543-Gottwalt (R)**Health & Human Services Reform**

Health care program provisions changed; technical and policy changes made; obsolete language clarified; federal conformity changed; eligibility requirements clarified; pharmaceutical provisions modified; covered services clarified; elderly waiver payment eliminated; right to appeal and appeal processes provided; provider requirements imposed; nonemergency medical transportation report required; and managed care and county-based purchasing data report required.

HF1544-Kiel (R)**Government Operations & Elections**

Marshall County; process provided for making county offices appointive.

HF1545-McNamara (R)**Environment, Energy & Natural Resources Policy & Finance**

Energy Reliability and Intervention Office established within Department of Commerce to replace Energy Issues Intervention Office and energy reliability administrator, and conforming changes made.

HF1546-Anderson, S. (R)**Redistricting**

Districting principles established for legislative and congressional plans.

HF1547-Anderson, S. (R)**Redistricting**

Districting principles established for legislative and congressional plans.

Tuesday, April 26**HF1548-Davids (R)****Taxes**

Taxation; policy, technical, administrative, enforcement and other changes made to individual income, corporate franchise, estate, sales and use, property, insurance and other taxes and tax-related provisions; and conforming changes made to the Internal Revenue Code.

HF1549-Koenen (DFL)**Environment, Energy & Natural Resources Policy & Finance**

Renville County; waste transfer station funding provided, bonds issued and money appropriated.

HF1550-Liebling (DFL)**Health & Human Services Reform**

Disparities Reduction Advisory Council created.

HF1551-Franson (R)**Government Operations & Elections**

Elections; provisions modified concerning who may provide assistance to voters in marking ballots.

HF1552-Wardlow (R)**Health & Human Services Reform**

Health insurance exchange creation, operation or existence prohibited in Minnesota.

HF1553-Barrett (R)**Health & Human Services Reform**

Medical treatment of minors consent requirements modified, parental access permitted to minor's medical records and minor consent agreements provided.

HF1554-Murphy, M. (DFL)**Government Operations & Elections**

Volunteer fire relief association working group recommendations provisions modified, countersigners clarified on financial reports, recipients of financial requirement determination certifications clarified, expansion of relief association board salaries authorized, filing and application fees authorized as authorized administrative expenses, various former firefighter return to service and relief association coverage provisions modified, defined contribution relief association survivor benefit installment payments authorized, disposition of member dues clarified that are relief association member contributions and various technical amendments made in volunteer firefighter relief association provisions.

HF1555-Murphy, M. (DFL)**Government Operations & Elections**

Minnesota public pension plan investment authority provisions revised.

HF1556-Franson (R)**Health & Human Services Reform**

Child care assistance provider rate differential modified for accreditation.

HF1557-Franson (R)**Health & Human Services Reform**

Health records release provisions modified.

HF1558-Franson (R)**Health & Human Services Reform**

Health care reform provisions repealed relating to payment restructuring.

HF1559-Wardlow (R)**Health & Human Services Reform**

Psychologist license conversion allowed.

HF1560-Wardlow (R)**Government Operations & Elections**

Office of Administrative Hearings disposition of contested case hearings provided.

HF1561-Franson (R)**Health & Human Services Reform**

Family home visiting programs and related provisions repealed.

HF1562-Mullery (DFL)**Commerce & Regulatory Reform**

Cities authorized to issue licenses for a stadium or ballpark for the purposes of baseball games.

HF1563-Drazkowski (R)**Rules & Legislative Administration**

Congress of the United States called to an amendment convention pursuant to Article V of the United States Constitution to propose a constitutional amendment permitting repeal of any federal law or regulation by vote of two-thirds of the state legislatures.

HF1564-Atkins (DFL)**Commerce & Regulatory Reform**

Automobile insurers prohibited from owning repair facilities.

HF1565-Quam (R)**Legacy Funding Division**

Minnesota Children's Museum money appropriated.

HF1566-Wardlow (R)**Rules & Legislative Administration**

Congress memorialized to call a constitutional convention to propose amendments to the Constitution of the United States requiring a balanced federal budget.

HF1567-Gruenhagen (R)**Civil Law**

Respondent access to information submitted by a charging party provided for, and an award of attorney fees and other expenses required.

HF1568-Gruenhagen (R)**Judiciary Policy & Finance**

Board on Judicial Standards provisions amended and code of judicial conduct created.

HF1569-Paymar (DFL)**Public Safety & Crime Prevention Policy & Finance**

Parental notification required for gang criteria data maintained on a minor by law enforcement agency.

HF1570-Paymar (DFL)**Public Safety & Crime Prevention Policy & Finance**

Sex offender indeterminate sentencing, legislative auditor recommendations and sexual assault prevention provided for; various task forces and reports required; and money appropriated.

HF1571-Morrow (DFL)**Commerce & Regulatory Reform**

Sibley and Renville counties; joint powers entity authorized to engage in telecommunications activity.

HF1572-Torkelson (R)**Agriculture & Rural Development Policy & Finance**

Pasture exemption from feedlot requirements modified.

HF1573-Hortman (DFL)**Civil Law**

Courts authorized to modify probate provisions.

HF1574-Erickson (R)**Public Safety & Crime Prevention Policy & Finance**

Attorney general required to appear on behalf of the state in prosecutions of game and fish violations when a defense based on Indian treaty rights has been asserted.

HF1575-Smith (R)**Judiciary Policy & Finance**

Freelance court reporters disclosure requirements modified.

HF1576-Smith (R)**Commerce & Regulatory Reform**

Financial institutions required to provide notice to all named account holders after receipt of execution levy, garnishment summons or writ of execution.

HF1577-Cornish (R)**Public Safety & Crime Prevention Policy & Finance**

Sex offender policy task force established.

HF1578-Smith (R)**Judiciary Policy & Finance**

Consumer debt action limitation period provided, requirements for applications for default judgments in actions upon obligations of consumer debt provided and bail amount set in cases of consumer debt.

HF1579-McFarlane (R)**Government Operations & Elections**

Counties given authority to provide for general welfare and alternative service delivery pilot program for waivers established.

Wednesday, April 27

HF1580-Mariani (DFL)**Education Reform**

School calendar four-day week plans prohibited.

HF1581-Anderson, P. (R)**Environment, Energy & Natural Resources Policy & Finance**

Pope/Douglas solid waste management facility improvement funding provided, bonds issued and money appropriated.

HF1582-Atkins (DFL)**Health & Human Services Reform**

Child care assistance provider rate differential for accreditation modified.

HF1583-Hansen (DFL)**Environment, Energy & Natural Resources Policy & Finance**

Game and fish; license, stamp and account revenue disposition modified, license requirements and fees modified and money appropriated.

HF1584-Dean (R)**Health & Human Services Reform**

Minnesota Care provider tax contingent reduction provided for.

HF1585-Anderson, P. (R)**Education Reform**

Minnesota State High School League interscholastic conference membership arrangement 180-day good faith effort requirement limited exception allowed.

HF1586-McDonald (R)**Education Finance**

Motorcycle safety education program fund allocation provisions modified.

HF1587-Runbeck (R)**Taxes**

Assessor rotation provided in towns and cities.

HF1588-Beard (R)**Rules & Legislative Administration**

Toll lanes provisions modified.

HF1589-Benson, J. (DFL)**Environment, Energy & Natural Resources Policy & Finance**

Crow Wing State Park funding provided to acquire land within statutory boundaries and money appropriated.

HF1590-Knuth (DFL)**Environment, Energy & Natural Resources Policy & Finance**

Children's products containing harmful chemicals reporting required, and treatment specified of harmful chemicals that are trade secrets.

HF1591-Nornes (R)**Environment, Energy & Natural Resources Policy & Finance**

Laser sights by visually impaired hunters limited use permitted.

HF1592-Beard (R)**Transportation Policy & Finance**

Lights permitted by licensed protective agents under escort circumstances, powers of licensed protective agents amended and technical changes made.

HF1593-Scalze (DFL)**Agriculture & Rural Development Policy & Finance**

Human exposure to arsenic reduced, and sale and purchase of products containing arsenic prohibited.

HF1594-Westrom (R)**Rules & Legislative Administration**

President and Congress memorialized to enact legislation encouraging domestic oil drilling.

HF1595-Murdock (R)**Commerce & Regulatory Reform**

Manufactured home unaffixing process from real property provided.

HF1596-Torkelson (R)**Environment, Energy & Natural Resources Policy & Finance**

Local water management modified.

HF1597-Kiffmeyer (R)**Government Operations & Elections**

Voters required to present photographic identification, photographic identification provided to voters at no charge, equal verification standards required for all voters and constitutional amendment proposed.

Thursday, April 28

HF1598-Drazkowski (R)**Taxes**

Three-fifths vote required to enact a law imposing or increasing property tax rate or levy, and constitutional amendment proposed.

HF1599-McFarlane (R)**Government Operations & Elections**

Minnesota Northstar Council created, and state strategic plan and agency strategic plans required.

HF1600-Melin (DFL)**Commerce & Regulatory Reform**

Rehabilitation for persons with expunged offenses presumption established.

HF1601-O'Driscoll (R)**Taxes**

Sauk Rapids; inclusion of parcels in a tax increment financing district authorized.

HF1602-Kahn (DFL)**Higher Education Policy & Finance**

University of Minnesota Board of Regents requirements modified.

HF1603-Falk (DFL)**Environment, Energy & Natural Resources Policy & Finance**

Gulf oil spill assessment money appropriated.

HF1604-Woodard (R)**Judiciary Policy & Finance**

Koochiching and Rice counties; mediation programs funding pilot program authorized through a surcharge on district court filing fees and money appropriated.

HF1605-Garofalo (R)**Government Operations & Elections**

State primary date changed and primary elections conducted by a political subdivision date changed.

HF1606-Clark (DFL)**Health & Human Services Reform**

Medication therapy management demonstration project to provide culturally specific care expanded, and medication reconciliation demonstration program established.

HF1607-Woodard (R)**Government Operations & Elections**

Capitol Complex security advisory committee created and state patrol authorized to provide security and protection to certain government officials.

HF1608-Barrett (R)**Public Safety & Crime Prevention Policy & Finance**

"Analogue" definition added in the controlled substances law.

HF1609-Dettmer (R)**Rules & Legislative Administration**

Veterans affairs commissioner authorized to accept federal funds for certain purposes.

HF1610-Dettmer (R)**Environment, Energy & Natural Resources Policy & Finance**

Wetlands provisions modified.

HF1611-Hamilton (R)**Agriculture & Rural Development Policy & Finance**

Agriculture programs, requirements, fees and duties changed; money appropriated.

HF1612-Downey (R)**Ways & Means**

Budgeted spending limited to the amount collected in prior biennium, and constitutional amendment proposed.

HF1613-Gottwalt (R)**Civil Law**

Marriage recognized as only a union between one man and one woman, and constitutional amendment proposed.

HF1614-Gottwalt (R)**Civil Law**

Marriage recognized as only a union between one man and one woman, and constitutional amendment proposed.

HF1615-Gottwalt (R)**Civil Law**

Marriage recognized as only a union between one man and one woman, and constitutional amendment proposed.

HF1616-Hoppe (R)**Commerce & Regulatory Reform**

Health plan requirements changes made.

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MINNESOTA INDEX

Outdoor Heritage Fund

Percentage of state sales tax dedicated toward Legacy funding.....	0.375
Percentage of tax collected that goes into the Outdoor Heritage Fund.....	33
Number of years that the tax will be collected.....	25
Final year of collection for the tax.....	2034
Number of Lessard-Sams Outdoor Heritage Council members.....	12
Number appointed each by the House, Senate and governor.....	4
Number of proposals recommended to the council for 2012 funding.....	27
Number of those that are continuations of previously recommended programs.....	19
Smallest single appropriation, to improve fishing and lower phosphorous levels in Lake Rebecca.....	\$450,000
Percent reduction in distribution of curly-leaf pondweed after two years of treatment.....	50
Percent reduction in the lake's phosphorus concentration levels after first year.....	50
Largest single appropriation (Forests for the Future), in millions.....	\$36
State's ranking among most forested states.....	16
Number of state forests that are open to the public.....	58
Long-term goal of Forests for the Future conservation easements, in acres.....	530,000
Total acres restored, protected or enhanced in 2010.....	225,702
Total wetlands restored, protected or enhanced in 2010 with Outdoor Heritage funds, in acres.....	11,454
Total wetlands expected to be restored, protected or enhanced in 2011, in acres.....	14,517
Total wetlands recommended for 2012, in acres.....	11,702
Total prairies restored, protected or enhanced in 2010 with Outdoor Heritage funds, in acres.....	18,344
Total prairies expected to be restored, protected or enhanced in 2011, in acres.....	34,996
Total prairies recommended for 2012, in acres.....	40,130
Total forests restored, protected or enhanced in 2010 with Outdoor Heritage funds, in acres.....	192,006
Total forests expected to be restored, protected or enhanced in 2011, in acres.....	8,010
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Total habitats expected to be restored, protected or enhanced in 2011, in acres.....	7,239
Total habitats recommended for 2012, in acres.....	2,910
Millions appropriated from the Outdoor Heritage Fund in fiscal year 2010.....	\$85.5
Amount expected to be expended in fiscal year 2011, in millions.....	\$58.9
Amount recommended to be spent in fiscal year 2012, in millions.....	\$92.5

— S. HEGARTY

Sources: Lessard-Sams Outdoor Heritage Council, Department of Natural Resources, Three Rivers Park District