

SESSION WEEKLY



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HF1671 - HF1704

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Flashback to 1991, 2001, 2006



PHOTO BY TOM OLMSCHIED

Session Weekly May 11, 2001: The Dalai Lama, the Tibetan religious and political leader, addressed a joint session of the House and Senate. Commenting about the visit, House Speaker Steve Sviggum (R-Kenyon) said, "To share his blessing, to share his hope for Tibet is a tribute to our people and the strength of the Tibetan American community here in Minnesota."

A safe opening

A bill outlining what is expected of garage door opener installers was signed into law. It clarifies a 1990 law that set guidelines for regulating garage door openers. Service or repair of an automatic garage door opening system is prohibited in residential buildings that have automatic reversing systems that fail to meet state standards. The law also requires a warning label to be attached to the door opening system if it does not pass an on-site test.

Session Weekly May 10, 1991

Hold 'em or fold 'em

An amendment to add 40 tables at the Canterbury Park Card Club and another seven days for poker tournaments at the club was not included in a bill that makes minor changes to the state's gambling laws. Rep. Mark Buesgens (R-Jordan) unsuccessfully offered the card club expansion amendment to HF3194/SF2953*, an omnibus gambling bill, sponsored by Rep. Andy Westerberg (R-Blaine) and Sen. Ann Rest (DFL-New Hope). Buesgens said that adding tables is important to meet the growing popularity of card clubs.

Session Weekly May 12, 2006

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SESSION WEEKLY

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On the cover: Rep. Denise Dittrich spreads the proposed map of her legislative district on her Chamber desk as members debate the House's redistricting plan.

— Photo by Tom Olmscheid

Lands set apart

Permanent School Fund management, income potential explored

By KRIS BERGGREN AND SUE HEGARTY

In the fall of 1864, William Stauchfield sold William West Sr. his 20-acre Richfield farm for \$900. For that price, West received a house, rye fields, a double corn crib and all of the fencing. The property's legal description showed it located in the 36th section of the 28th township.

If Stauchfield had a crystal ball to see 147 years into the future, he'd have seen that today that land is arguably the highest-valued section of land in the state — the Minneapolis-St. Paul International Airport.

And if the state knew then what Rep. Denise Dittrich (DFL-Champlin) knows now, the land could be earning millions of dollars for the state's schoolchildren. Instead, the Metropolitan Airports Commission pays no school taxes, according to MAC spokesperson Mitch Killian.

Sections 16 and 36

In 1857, the federal government granted Sections 16 and 36 of each township to be held in a state trust known as the Permanent School Fund. Revenue generated from school trust lands is deposited into the fund, minus management expenses.

Section 16 of township 28 lies south and west of Lake Harriet in Minneapolis' upscale Lynnhurst neighborhood where expensive homes overlook the lake and Minnehaha Creek.

These are two examples of what happened to hundreds of school trust lands sold or exchanged over the years. At one time, the state owned more than 8 million acres of school trust

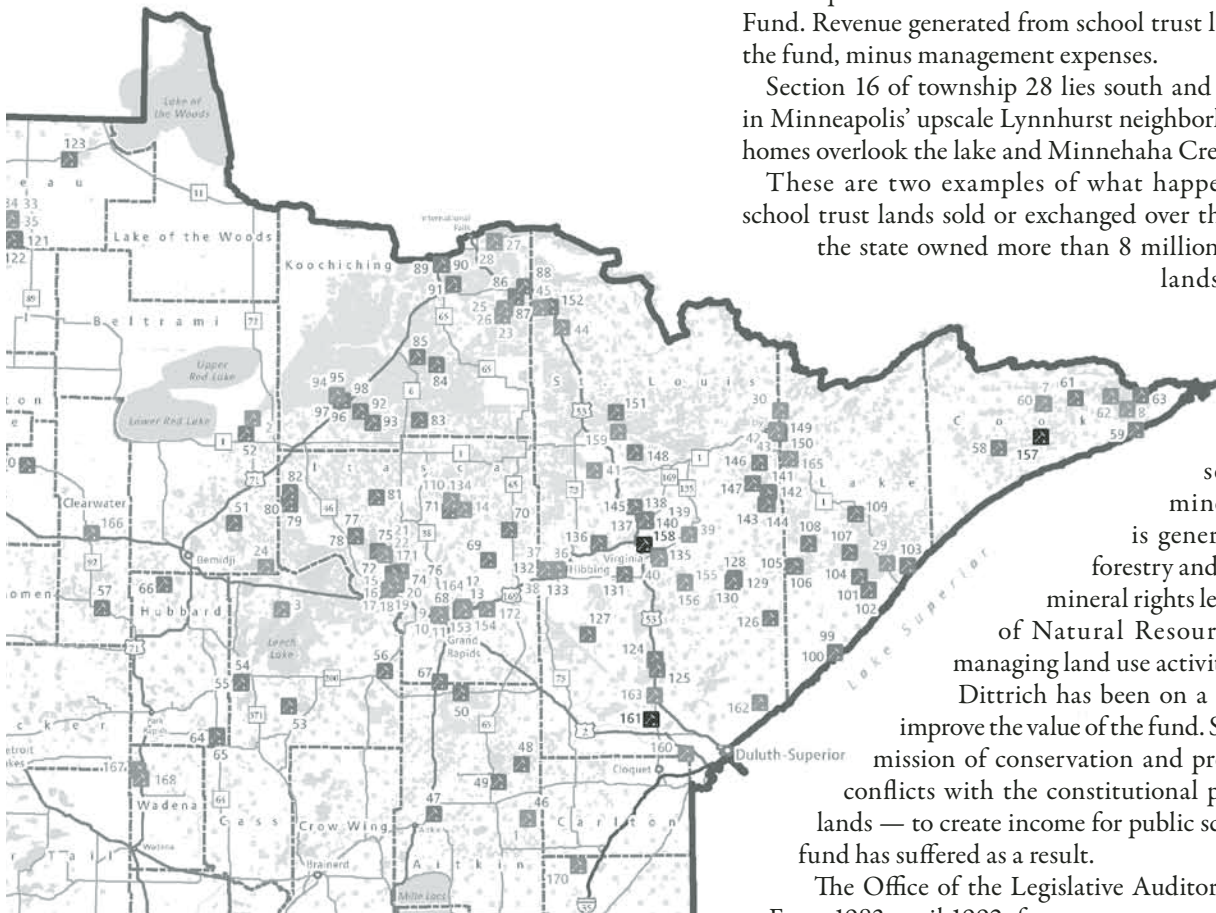
lands. Today 2.5 million acres remain, mostly in the northeast part of the state, plus 1 million acres in severed (subsurface)

mineral rights. Revenue is generated primarily from forestry and mining operations or mineral rights leases. The Department of Natural Resources is charged with managing land use activities.

Dittrich has been on a three-year mission to improve the value of the fund. She believes the DNR's mission of conservation and preservation inherently conflicts with the constitutional purpose of the school lands — to create income for public schools — and that the fund has suffered as a result.

The Office of the Legislative Auditor has agreed with her. From 1983 until 1992, forest management costs for school trust forest land exceeded revenues earned from that land and no income was deposited into the fund, according to a 1998 OLA Program Evaluation.

Dittrich said that the Permanent School Fund Advisory Committee, created in 1982, hasn't stepped up to the plate either.



State Earth Materials Leases and Potential Lease Sites on Permanent School Trust Lands

Active Leases, Historic Leases, Bid Offerings Planned for 2011, and Sites Being Considered for Future Lease Offerings

Map courtesy of the Department of Natural Resources
Photo Illustration by Paul Battaglia

First Reading continued on page 4

“Until recently, the oversight of the school trust fund by this committee was neither comprehensive nor consistent, to borrow the legislative auditor’s words,” Dittrich told legislators May 9 on the House floor. Instead of providing oversight, she said, the committee has followed the DNR’s lead, meeting about once a year at the agency’s call and adhering to its agenda.

HF206, which Dittrich sponsors, would add members to the committee and stagger terms. The House passed the bill 126-2 May 10. It now awaits action by the Senate Education Committee. Sen. Dave Thompson (R-Lakeville) is the Senate sponsor.

Dittrich’s goal is to create a separate authority whose sole purpose is to maximize revenue for schools, to preserve the lands for future income generation and to contain management costs. She also sponsors HF1353 which would create a separate administration housed within the DNR to serve as the trustee. A Senate companion, SF1152, is sponsored by Sen. Benjamin Kruse (R-Brooklyn Park). Both bills await action by their respective environment committees.

“This is not an anti-DNR bill; it’s a pro-trust bill. We want our inheritance back,” Dittrich said.



“This is not an anti-DNR bill; it’s a pro-trust bill. We want our inheritance back.”

— Rep. Denise Dittrich
(DFL-Champlin)

Wilderness Area for about 41,000 acres outside the BWCWA owned by the U. S. Forest Service.

McFarlane believes the advisory committee is the right group to assemble the pieces and make a recommendation to lawmakers about who should put the whole puzzle together, but she isn’t interested in creating a new agency.

“It doesn’t help anyone to dwell on the past.

“It doesn’t help anyone to dwell on the past. We’ve got to look for what we can do today that will help tomorrow.”

— Rep. Carol McFarlane
(R-White Bear Lake)

We’ve got to look for what we can do today that will help tomorrow,” she said.

Rep. Keith Downey (R-Edina), another committee member, believes a

separate agency would possess the undivided loyalty necessary to prioritize school trust lands over conservation, water quality, maintaining hunting and fishing lands and other duties of the DNR. He’s signed on to HF435, also sponsored by Dittrich which would create a completely separate PSF administration. He thinks a lean, independent agency would pay for itself by growing the fund significantly.

“We need to change the primary focus of the management of those lands to potential for investment income for schools. The DNR can’t be responsible for (school lands) management – their conservation ethic standpoint conflicts with our broader fiduciary responsibility. As trustees, the collective ‘we’ have an obligation — a

fiduciary responsibility — to benefit the trust.

“We lost that sense when we asked the DNR to manage the school lands,” Downey said.

What’s at stake?

Although every state in the union was granted school trust lands, few states east of the Mississippi still have them, but in the West, it’s a different story.

On a table in Downey’s office is a photo of his family on horseback in a beautiful Montana mountain valley. He pointed to a piece of land in the background that is Montana school trust land. There, school income is generated through state leases to ranchers. “Can you imagine if we had all that farmland we could be leasing?” he said.

In Utah, whose Land Trust Administration is the model for Dittrich’s effort, oil, coal and commercial development have driven the increase in the Utah school fund to about \$1 billion.

In Minnesota, legislators believe mining royalties are the fund’s future. There is up to \$1.4 billion in potential mining royalties from three rich nonferrous minerals deposits on leased school trust lands, according to a 2008 fact sheet prepared by former DNR Director of Lands and Minerals Marty Vadis. Then, five companies held 121 state mineral leases encompassing 33,000 acres within the Duluth Complex, a 1.1-billion-year-old geological formation adjacent to the Mesabi Range. As recently as a decade ago, the deposits were thought to be nearly inaccessible, but newer technology could mean easier extraction and a jackpot for schools.

The DNR estimates that 2011 will bring in a record \$21 million in mineral revenues, with 2012 forecast to bring in \$27 million. However, legislators can’t hang their hats on future mining operations to pay for education, because environmentalists are quick to point to the disruptive and destructive consequences of mining on the state’s natural resources. One case in point: mining operations may result in higher sulfate levels in state waters, which according to a 1940’s study, could kill off wild rice stands. It’s also an example of the conflicting mission of the DNR, which manages both mining and water resources.

“The school trust land management model needs reform and I look forward to bringing those reforms to this House floor yet this session,” Dittrich said. 🏛️

Who should be the trustee?

In 1985, the Legislature delegated management of the lands to the commissioner of natural resources “to secure the maximum long-term economic return from the school trust lands.”

“I take my role as trustee very seriously,” Commissioner Tom Landwehr said just four months into his newly appointed role. The fund is his top priority and he commends Dittrich for the work she has done on the issue.

“It’s by virtue of her personal interest that it’s become an issue,” he said.

Dittrich, a member of the advisory committee, has been flooding her fellow

HIGHLIGHTS

MAY 5 - 12, 2011

Editor's note: The following Highlights are coverage of select information heard in House committees and other House activities held May 5-12. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and *- the bill version considered by the House or the bill language signed by the governor.

Agriculture

Raw milk sales given hearing

Before a packed hearing room, the House Agriculture and Rural Development Policy and Finance Committee listened to testimony May 11 from those who have been drinking raw milk with no ill effects for years, including Rep. Sarah Anderson (R-Plymouth), sponsor of HF1511.

The bill would allow dairy producers to sell unpasteurized milk directly to consumers through farmer's markets, private buying clubs and home delivery. It also would require raw milk products to contain a consumer product safety label, which would include the name of the producer, product contents and ingredients, a statement that the product is unpasteurized and that pasteurization is not

required for direct farm-to-consumer sales. The committee took no action on the bill. Sen. Sean Nienow (R-Cambridge) sponsors SF1111, a companion that awaits action by the Senate Agriculture and Rural Economics Committee.

Current law allows for raw milk consumption for personal use by farm families where the milk is produced. Committee Chairman Rod Hamilton (R-Mountain Lake) said most dairy farmers are careful about allowing others to roam their farms because of the risk of introducing diseases to the herd. Anderson said that is why there needs to be an allowance for home delivery and other points of purchase.

Supporters said consuming raw milk from grass-fed dairy cows offers health benefits, including as a cancer preventative and easing of pain caused by rheumatoid arthritis.

But Agriculture Commissioner Dave Frederickson opposes the bill, saying the department's main goal is to uphold the integrity of the food supply. Department scientists believe pasteurization is a vital public health measure and that drinking raw milk presents a serious public health risk, especially to children.

Anderson said 10 states allow for the retail

sale of raw milk. Growing up, her family "drank the milk straight from the tank" and no one ever got sick from drinking it.

Health Commissioner Ed Ehlinger said he's treated children who have drank raw milk that contained pathogens that caused hemolytic-uremic syndrome, a disorder that can occur when an infection in the digestive system produces toxic substances, causing kidney failure. Last year, there were 17 cases in Minnesota; three directly attributed to raw milk consumption. "Labeling does nothing to help," Ehlinger said.

— S. HEGARTY

Bonding

Bonding for flood grants

Bond authorization for \$28 million in flood mitigation grants for publicly owned capital improvements to prevent or alleviate flood damage is included in a bill approved by the House Capital Investment Committee May 10.

The bill would also provide:

- \$17 million to renovate the Coon Rapids Dam to serve as a barrier to invasive species;
- \$3.4 million for renovations to Department of Human Services offices;
- \$3 million for a Southeastern Minnesota Regional Public Safety Training Center; and
- \$125,000 for preparation and site development to reuse the Ah Gwah Ching Regional Treatment Center;

Sponsored by Committee Chairman Larry Howes (R-Walker), HF959 next goes to the House Ways and Means Committee. The companion, SF664, sponsored by Sen. David Senjem (R-Rochester), awaits action by the Senate Capital Investment Committee.

The bill also provides for cancellation or reductions of several projects that had been bonded for in previous years, but where planning or construction has yet to begin.

Rep. Rick Hansen (DFL-South St. Paul) unsuccessfully tried to amend the bill to include \$10 million for the Board of Water and Soil Resources to acquire conservation easements from land owners to restore wetlands for flood prevention.

Although supportive of the proposal,



PHOTO BY TOM OLMSCHEID

Jacob Kastl of Richfield gets some shuteye during the May 11 meeting of the House Agriculture and Rural Development Policy and Finance Committee. Listening to the testimony are, from left, Kelli Johnson and Jennifer Hennemann, holding daughter, Ayla, of Princeton, and Brad Olson of Richfield, who all came in support of raw milk access and direct farm-to-consumer sales.

Howes said he doesn't want to expand the cost of the bill.

"I hope and pray there is a bonding bill that follows this," he said.

But Rep. Alice Hausman (DFL-St. Paul), the DFL lead, isn't optimistic. "I am less and less confident of that. ... After the money in this bill, there would be only an additional \$4 million in remaining bonding available," according to the House Ways and Means Committee, she said.

— L. SCHUTZ

Business & Commerce

Liquor bill sparks spirited discussion

When Rep. Phyllis Kahn (DFL-Mpls) introduced an amendment to the omnibus liquor bill on the House floor, members began gearing up for what had the makings of a spirited debate about the perennial debate about whether to allow off-sale Sunday liquor sales.

When she withdrew it after about 15 minutes of discussion, there was an audible "Awww."

That decision was left for another day, another session.

The House then passed HF1326, the omnibus liquor bill, sponsored by Rep. Joe Atkins (DFL-Inver Grove Heights) 127-5. It now goes to the Senate, where it lacks a sponsor.

The highlight of the bill is the so-called "Surly bill," sponsored by Rep. Jenifer Loon (R-Eden Prairie), which would allow microbreweries in Minnesota to open on-site taprooms where they could hold tasting events and sell their own beer.

"Not only does this bill deal with liquor, it deals with jobs," Loon said. It would help Minnesota craft brewers to grow their businesses and draw tourism, she added.

Some of the bill's other provisions would:

- allow bed and breakfasts that are permitted to serve two glasses of wine to be able to also serve 12 ounces of Minnesota beer;
- permit municipalities to issue a temporary liquor license to farm wineries for on-sale at a county fair in that municipality;
- allow private colleges to obtain liquor licenses for special event liquor sales from the municipality where they are located instead of needing legislative approval;
- clarify the boundary around Minnesota State University, Moorhead, for purposes of limiting sales of alcohol within a more contiguous area around the campus;

- allow liquor stores to sell clothing with their name on it;
- allow White Bear Township to issue on- and off-sale liquor licenses within the township;
- permit the city of Rochester to issue a minimum of 26 off-sale liquor licenses, in congruence with its imminent status as a city of the first class; and
- provide for an interim study with respect to beer sales at baseball venues.

— K. BERGGREN

Civil Law

Torts bill contains policy changes

The House Judiciary Policy and Finance Committee approved an omnibus torts bill May 5 that contains a compilation of several policy-related bills.

Sponsored by Rep. Doug Wardlow (R-Eagan), HF211 was approved as amended on a 9-6 party-line vote and sent to the House Ways and Means Committee.

Included in the bill is:

- HF32, sponsored by Rep. David Dill (DFL-Crane Lake), which would enact new tort liability limits for claims against states or municipalities if the claim involves a nonprofit engaged in outdoor recreational activities;
- a section from the original language in HF211 that would permit a court order related to certification of a class in a class action suit to be appealed;
- HF654, sponsored by Wardlow, which would reduce certain statutes of limitations from six years to four years. The changes outlined in the bill were amended to not include any changes to statute of limitation for contract or domestic abuse cases;
- HF747, sponsored by Rep. Pat Mazorol (R-Bloomington), which would create language to provide instructions to the courts that when awarding attorneys fees the court must take into consideration the reasonableness of the fees, and provide a limit on attorney fee awards in certain cases in which an offer for judgment award is made but rejected;
- HF770, sponsored by Mazorol, which would make changes to how interest rates are computed for judgments;
- HF868, sponsored by Rep. Ron Shimanski (R-Silver Lake), which would increase the monetary threshold for filing civil actions in conciliation court from \$7,500 to \$10,000, and for consumer credit actions

from \$4,000 to \$5,000; and

- HF1343, sponsored by Rep. Bob Dettmer (R-Forest Lake), which would establish civil immunity for school districts that make their facilities available for recreational use by members of the public.

Tom Grundhoefer, general counsel for the League of Minnesota Cities, said the organization is generally supportive of the bill, but expressed concern about a section related to HF770 that he said would impose significant additional costs to local governments.

Joel Carlson, a lobbyist for the Minnesota Association for Justice, called the proposed legislation unbalanced and said sections of the bill benefit insurance companies.

— H. LONG

Judiciary bill heads to House floor

An omnibus judiciary policy bill was approved by the House Way and Means Committee May 10 and awaits action by the full House.

Sponsored by Rep. Steve Smith (R-Mound), chairman of the House Judiciary Policy and Finance Committee, HF1023 makes various changes relating to the judiciary, including: clarifying placement of vehicle license plates; establishing an administrative dismissal process for submitting proof of insurance in failure to provide vehicle insurance cases; clarifying certain fees and surcharges; streamlining notary provisions and certain lien filing and record procedures; modifying service provisions in order for protection dismissals; amending record retention provisions for probate records; clarifying guardian ad litem expenses; amending spousal maintenance calculations; authorizing the court to issue protective orders for "Safe at Home" participants in legal proceedings; and modifying standards for opening juvenile delinquency proceedings.

Also included in the bill is:

- HF1573, sponsored by Rep. Melissa Hortman (DFL-Brooklyn Park), which would authorize the courts to construe will and trust provisions and revise the Uniform Disclaimer of Property Interests Act;
- HF951, sponsored by Rep. Pat Mazorol (R-Bloomington), which would clarify that a disclaimer of an interest in real property is effective upon filing with the county recorder or registrar of titles, rather than the clerk of court;
- HF952, sponsored by Mazorol, which clarifies changes to guardianship compensation;

SUPER FAN

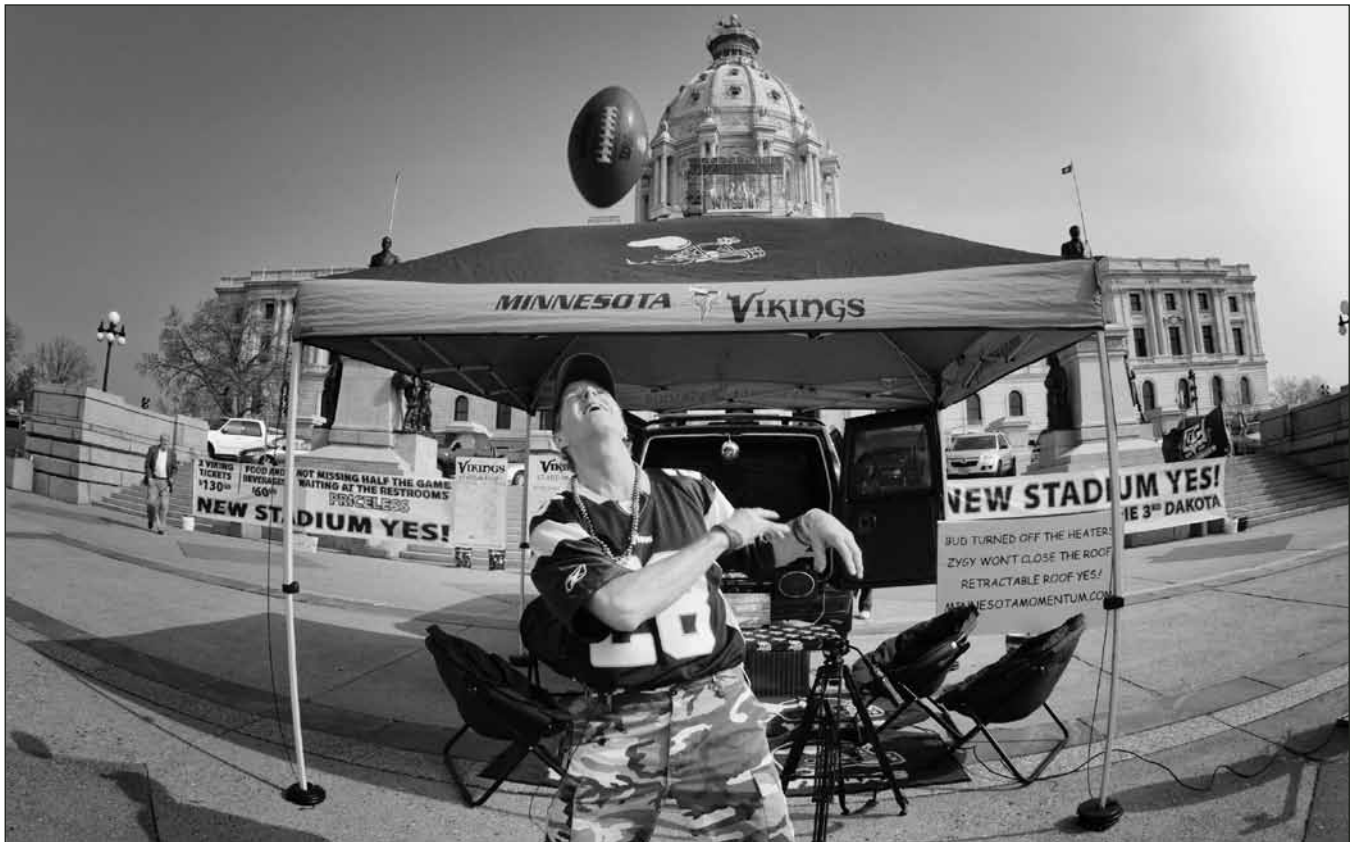


PHOTO BY TOM OLMSCHIED

Superfan Larry Spooner of Plymouth tosses his football in the air in front of the Capitol May 10, as he awaits anyone he can talk to about a new stadium for the Minnesota Vikings.

- HF382, sponsored by Rep. Joe Hoppe (R-Chaska), which would make several changes to receivership statutes that allow the court to order a receiver to take custodial responsibility of another's property; and
- HF718, sponsored by Rep. Bobby Joe Champion (DFL-Mpls), which would specify procedures for notifying individuals charged with or convicted of a crime of the status of their civil rights, including the right to vote, and requires development of a publication by the secretary of state on the topic of voting rights for individuals with criminal or arrest records.

— H. LONG

Vulnerable adult abuse protection

Advocates want care providers who sexually abuse vulnerable adults in their care to register as predatory offenders.

Rep. Tim Kelly (R-Red Wing) sponsors HF447, which would make reforms to the Vulnerable Adults Act that would accomplish that goal. Passed 127-0 by the

House May 5, the bill now goes to the Senate where Sen. Warren Limmer (R-Maple Grove) is the sponsor.

The Vulnerable Adults Act was substantially revised in 1995 to include making it a crime for vulnerable adult care facility workers or caregivers to engage in sexual conduct or penetration with a vulnerable adult in their care. But the law did not include language that requires someone convicted of these crimes to register as a predatory offender.

In Minnesota, a vulnerable adult is defined as someone who receives nursing home care services or has impairments that make it impossible for them to care for themselves on a daily basis and are sufficiently impaired that they cannot protect themselves from maltreatment.

Also included in the bill is language that would increase the fourth-degree assault penalty from a misdemeanor to a gross misdemeanor for those who know or have reason to know their target is a vulnerable adult and still assault that person because of the perceived vulnerability and cause bodily harm in the act.

Current law states that a person who assaults a vulnerable adult receives a misdemeanor penalty unless they are the caregiver of the victim, in which case it is a gross misdemeanor.

Rep. Tina Liebling (DFL-Rochester) expressed concern that the increased penalty for fourth-degree assault is another example of a legislative trend to raise criminal penalties without regard to their impact on the court system.

"We seem to always, in this Legislature, be raising penalties for things, constantly 'upping' the penalties," she said.

The new language states that anyone taking advantage of a vulnerable adult should be served with that same degree of penalty as those who care for the vulnerable adult, Kelly said.

"I would agree it is a strengthening (of the penalty), but in this regard I am all for it," he said.

— H. LONG

Education

House passes education policy bill

Empowering parents, improving teaching and learning, and increasing student achievement are the goals of an omnibus education policy bill.

Sponsored by House Education Reform Committee Chairwoman Sondra Erickson (R-Princeton), HF1381 passed the House 74-55 May 9. It goes next to the Senate, where Sen. Gen Olson (R-Minnetrista) is the sponsor.

The bill's hallmark is a literacy plan that would require students to repeat third grade if they are not reading at grade level and provide instructional supports for struggling readers starting in kindergarten.

Rep. Jim Davnie (DFL-Mpls) unsuccessfully offered an amendment that would have modified the literacy proposal by focusing on earlier interventions, expanded strategies and removing the retention requirement.

He called the bill's retention proposal "a top-down, one-size-fits-all government knows best approach to teaching reading to our primary students," and said earlier interventions are more effective than holding students back.

"Our goal is to have no third grader remediated. Our goal is to have all children reading when they enter fourth grade," Erickson said.

Required to be in the "Getting Prepared" report produced by the University of Minnesota and Minnesota State Colleges and Universities system would be data on whether students who enroll in college are prepared, and whether they have special education backgrounds. Because of the provision, Rep. Terry Morrow (DFL-St. Peter) moved unsuccessfully to send the bill to the House Higher Education Policy and Finance Committee. He said the institutions should have a say in spending money they don't have in a year of record cuts to higher education.

Other provisions include: three members would be added to the Permanent School Fund Advisory Committee including two members of the minority party and one with expertise in school finances; a career and technical education requirement could count toward science credits needed for graduation; certain home school reporting mandates would be lifted; and candidates for teacher licensure would have to pass basic skills exams in reading, writing and math.

Rep. Mindy Greiling (DFL-Roseville) said that although the bill contains some good proposals, she would vote "no" because the Davnie amendment was not adopted, and because the bill would prohibit the education commissioner from adopting common core standards, a national set of academic standards.

Rep. Keith Downey (R-Edina) successfully amended the bill to include a proposal to create a pilot program for school districts to share administrative and curriculum development activities.

"This is precisely the kind of innovation we're looking for in our education system," said Rep. Kelby Woodard (R-Belle Plaine).

Some DFL members opposed the Downey amendment. Morrow said one provision that would allow districts to operate as though they were charter schools could open the door for at-will hiring. Greiling also urged a no vote. "At times we have trust in this body that we're going to do things in moderation. But I don't have that trust this year with all that anti-teacher legislation that's going through this year."

Other DFLers successfully offered amendments, including one by Rep. Kim Norton (DFL-Rochester) to allow the Education Department to help school districts identify age-appropriate mental health curriculum; another to create a tiered licensure advisory task force by Rep. Kory Kath (DFL-Owatonna); and one allowing an exception for students from some St. Louis County schools that will close to be eligible to play varsity sports at a new school where they enroll, if they don't change their residence. That was offered by Rep. David Dill (DFL-Crane Lake).

A lengthy debate ensued on the Minnesota State High School League transfer rule in response to an amendment unsuccessfully offered by Rep. Peggy Scott (R-Andover) to allow students who transfer for certain reasons, including their parents' loss of ability to pay for a nonpublic school, to be eligible for varsity sports at their new school.

— K. BERGGREN

House adds school fund advisors

Three members could be added to the Permanent School Fund Advisory Committee, under a bill passed 126-2 by the House May 10.

HF206, sponsored by Rep. Denise Dittrich (DFL-Champlin), would add a House and Senate member of the minority party plus one person with education finance expertise.

The bill would also stagger committee terms. It now goes to the Senate, where Sen. Dave Thompson (R-Lakeville) is the sponsor.

The committee has oversight of how the permanent school fund lands are managed by the Department of Natural Resources.

"This change will provide improved consistency and continuity, experience and expertise to the complex issues that this committee addresses, especially when there is a change in leadership like we experienced this year," Dittrich said. She said instead of providing oversight, the committee has followed the DNR's lead, meeting about once a year at the agency's call and adhering to its agenda.

"I do not want to leave the body with the impression that I think this model is highly effective," Dittrich said.

Members from both parties spoke in support of the bill, but some said it's just a start to create better accountability for the school lands management.

Rep. Tom Rukavina (DFL-Virginia) said the fund hasn't seen enough growth while the agency has covered its costs from land use activities. "Until a real trustee is hired to manage the kids' trust fund lands we will not get to the bottom of this issue and we will have the fund used as sort of a slush fund for the Department of Natural Resources."

He said there is an estimated \$2 billion worth of precious metals under school lands that are leased to mining companies.

Rep. Keith Downey (R-Edina) said the bill "is representative of the fact that we're no longer going to ignore it. If we don't pass some of the bills that put a trustee over this potentially multi-billion dollar asset we would be negligent."

Rep. Carol McFarlane (R-White Bear Lake), recently elected chairwoman of the committee, supported the bill but said the committee is now doing its job. "We have been meeting monthly. We do want to have oversight over the DNR and want to work with them."

— K. BERGGREN

Conference agreement on K-12 finance

The conference committee agreement on HF934*/SF1030, the omnibus education finance bill adopted just before midnight May 10, could be good news for two state agencies. The Education Department and the Perpich Center for Arts Education would see a 5 percent cut each, compared with a 34 percent department reduction and elimination of the Perpich Center they

feared based on earlier proposals.

The committee, chaired by bill sponsors Rep. Pat Garofalo (R-Farmington) and Sen. Gen Olson (R-Minnetrista), also agreed to remove the freeze proposed by the House and Senate to the special education growth factor, increase basic education revenue of \$20 per pupil unit in fiscal year 2012 and \$21 the following year and repeal the statute permitting the state to borrow from school districts cash reserves.

Integration revenue would be repealed in fiscal year 2012, to be replaced with an innovation aid. School districts in Minneapolis and St. Paul would get \$60 less per pupil in innovation revenue than they receive in integration revenue, Duluth schools would receive \$6 less per pupil and all other districts would receive the same in innovation revenue as their integration revenue.

Included is a teacher appraisal and effectiveness rating proposal emphasizing standardized test results and linking students' performance to compensation and employment decisions for individual teachers. It would create five-year renewable teacher tenure based on the appraisal results.

Also included in the bill is a voucher program proposed by the House for Minneapolis, St. Paul and Duluth schools allowing certain low-income students who attend low-performing schools to receive a voucher for tuition at a participating nonpublic school.

Other proposals include:

- retaining the 70/30 state aid payment shift implemented in 2010;
- an early high school graduation scholarship program that would grant up to \$7,500 per student who graduates early and attends any accredited institution of higher education;
- permanent school fund revenues would go to charter schools as well as school districts;
- repeal of a 2 percent staff development requirement and the Safe Schools levy school set-aside; and
- changes to teacher contract and bargaining statutes, including repeal of the Jan. 15 contract deadline, a requirement that teachers accept a qualified economic offer and submit to binding arbitration, and the ability of school boards to select a 403(b) vendor for teachers' retirement accounts.

— K. BERGGREN

Elections

Overhaul of judicial elections

Incumbent judges must stand for re-election every six years, but few actually face opponents on the ballot. Rep. Mike Beard (R-Shakopee) sponsors a bill that would give Minnesotans the option to vote any incumbent judge out of office.

Beard sponsors HF1666 that would propose a constitutional amendment to overhaul state judicial elections. Under its provisions, Minnesotans would be asked to vote on whether to move to a "retention election" system. In this system, judges are initially appointed by the governor and then face an election in which voters can cast a "yes" or "no" vote in favor of retaining them.

The House Government Operations and Elections Committee held an informational hearing on the bill May 10. No action was taken. There is no Senate companion.

The idea behind retention elections is to make sure that judges do not run unopposed year after year. Beard said it's a complaint he receives frequently from constituents.

"The overwhelming question I received was, 'Who are these people? Who should

I vote for? Why don't they have any opponents?'" he said.

The bill would also establish a nonpartisan Judicial Performance Commission to help the public evaluate judges' actions on the bench. Former Minnesota Supreme Court Chief Justice Kathleen Blatz said shedding light on judges' performance would encourage public faith in the judicial branch.

"The very lifeblood of our judiciary is the public's confidence," she said.

Supporters say retention elections would also help prevent the state from moving in the direction of partisan judicial elections. They argue doing so will curb the influence of special interests and political parties on court decisions.

Not everyone agrees. Chris Penwell, an attorney and former Republican-endorsed candidate for district judge, said people have a right to know where judicial candidates stand on issues that are important to them. He said efforts to keep party designations out of elections ignore the fact that different candidates espouse different beliefs.

"My position is that people have a right to know it, because it's the reality," Penwell said. Tenth District Judge Susan Miles, president of the Minnesota District Judges Association, testified in opposition to the bill. She said campaigns to oppose a judge's retention can be just as ugly and expensive as partisan judicial contests.

"Retention elections are not a panacea for keeping big money ... out of elections," Miles said.

— N. BUSSE



PHOTO BY ANDREW VONBANK

Former Chief Justice Kathleen Blatz, right, testifies May 10 before the House Government Operations and Elections Committee in support of a proposed constitutional amendment on judicial elections. The bill's sponsor, Rep. Mike Beard listens to the testimony.

Energy

House amends, passes coal policy

The House amended a Senate bill May 11 that would stay the moratorium on new coal plants being built here, but would allow Minnesota electric cooperatives to import power from coal plants in other states.

On a 76-54 vote, the House amended and passed HF72/SF86* in hopes of making the bill more palatable to the governor, according to the House sponsor, Rep. Mike Beard (R-Shakopee).

As amended, the bill would allow Minnesota utilities to import up to 2,500 megawatts from Great River Energy's Spiritwood Station in North Dakota to fuel rural development in Minnesota. There are several power purchase agreements pending from Minnesota businesses

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



PHOTO BY ANDREW VONBANK

In anticipation of the May 11 floor debate on a bill that would remove a carbon dioxide emissions ban by utilities, Rep. Kate Knuth sits at her desk in the House Chamber armed with a stack of scientific reports about climate change.

waiting to import the power, Beard said.

The Senate, where Sen. Julie Rosen (R-Fairmont) is the sponsor, approved lifting the ban on increased carbon dioxide emissions in Minnesota 42-18 on April 14. The amended bill returns to the Senate for reconsideration.

The coal moratorium is part of a larger 2007 law known as the Next Generation Energy Act, which limits new electricity from coal in order to control carbon dioxide emissions. Members debated scientific claims that humans are contributing to climate change caused by greenhouse gas emissions.

Coal-produced electricity is viewed by opponents as a major contributor, and they want to see more reliance on renewable resources, such as wind and solar power. In addition, the Spiritwood plant would use lignite, the "dirtiest" form of coal to produce Minnesota's imported electricity, according to Rep. Bill Hilty (DFL-Finlayson). But newer technology has led to improved production methods that capture and limit pollutants, such as mercury, Beard said.

Several amendments unsuccessfully offered by the DFL would have relied on meeting certain standards of the U.S. Department of Defense, Department of Health and the Public Utilities Commission regarding global warming, mercury and particulate matter.

Rep. Andrew Falk (DFL-Murdock) read a letter dated March 11 from former Vice President Al Gore, who opposes the bill, saying that it takes the state a "step backward" and keeps Minnesota on a path to a "dirty energy economy."

Rep. Joe McDonald (R-Delano) quoted President Obama from a Feb. 3, 2010, speech when he lauded new carbon-capturing storage methods for coal production.

— S. HEGARTY

Game & Fish

Trout, salmon receipts amended

Ninety percent of the receipts from the sale of trout and salmon stamps sold to anglers goes into a management account to maintain and improve fish habitat.

According to a bill passed 115-14 by the House May 10, the money in the account would be appropriated to the Department of Natural Resources for managing trout and salmon habitats. Currently, a citizen budget oversight committee recommends to the Legislature how to spend the receipts.

Sponsored by Rep. Denny McNamara (R-Hastings), HF1011 would require the commissioner to spend the money for various trout- and salmon-related projects, such as stabilizing eroding stream banks, adding fish cover, rearing trout and salmon, acquiring easements along trout waters and for research.

The bill now goes to the Senate where Sen. Bill Ingebrigtsen (R-Alexandria) is the sponsor.

— S. HEGARTY

Health & Human Services

Bills placing limits on abortion passed

A bill that would ban abortions at or after 20 weeks of pregnancy was passed 82-46 by the House May 6.

Sponsored by Rep. Mary Liz Holberg (R-Lakeville), HF936 would require providers to determine the probable gestational age of a fetus prior to performing an abortion, and would prohibit abortions at or after 20 weeks post-fertilization, unless

certain conditions apply. It awaits action by the full Senate, where Sen. Gretchen Hoffman (R-Vergas) is the sponsor.

The bill would make it a felony for doctors who perform an abortion after 20 weeks gestation.

Supporters of the so-called "Pain-capable Unborn Child Protection Act," contend that scientific developments over the last few decades in prenatal medical technology have found that at as early as 20 weeks gestation, a human fetus can feel pain. The bill would make an exception for instances where it can be medically proven that the survival of the fetus poses a greater risk of death to the woman or of substantial and irreversible physical impairment of a major bodily function.

Opponents contended that the bill does not take into consideration that pregnancies can result in a fetus diagnosed with an abnormality that is incompatible with life and could die before coming to full term or shortly after birth.

"The question is who gets to decide, in a very difficult situation, what the options are, and what the final decision would be: you and me as the government or the woman, the father, her family, her doctor and anyone else she wants to bring in on that?" said Rep. Jim Davnie (DFL-Mpls). "I think it should be the woman's choice to decide what happens."

The issue of protecting unborn children at or after 20 weeks who can feel pain is of critical importance to the Legislature, said Rep. Doug Wardlow (R-Eagan). "We have a moral duty to protect that vulnerable unborn child from feeling the pain associated with a cruel and terrible procedure that destroys that life and any potential it has to flower as a human individual on this earth."

The House also voted 80-44 to pass HF201, sponsored by Rep. Peggy Scott (R-Andover), which would prohibit the use of funding for state-sponsored health programs for abortions, except to the extent required for continued participation in a federal program. It now awaits floor action in the Senate, where Sen. Dave Thompson (R-Lakeville) is the sponsor.

Opponents said it negatively impacts a "very personal" health care choice made available to poor women who wouldn't otherwise have the financial means to have an abortion. Rep. John Lesch (DFL-St. Paul) said the proposed legislation would invite a lawsuit based on the 1995 Minnesota Supreme Court decision in *Doe. v. Gomez*.

"It's unwise to go down this road when we have established precedent saying the

Constitution prohibits these kinds of laws,” Lesch said.

Rep. Steve Gottwalt (R-St. Cloud) said Lesch’s analysis was nothing more than speculation and added that the bill’s language conforms to federal law.

“The citizens of Minnesota have indicated they don’t want their tax dollars being used to fund an elective procedure which directly results in the killing of an unborn human being,” Gottwalt said. “That is what this bill is about.”

— H. LONG

Reforming case appeals process

The House voted 76-50 on May 10 to pass a bill that would modify the case management appeals process involving county agencies and recipients of waiver services. The legislation would also extend the process to individuals who receive any case management services under Medical Assistance or who receive personal care assistance services.

Rep. Jim Abeler (R-Anoka), who sponsors HF1138, said the bill aims to reduce the adversarial nature of the relationship between the recipients of waiver services and the county and court system by minimizing the resources spent in the appeals process.

The bill would require that any recipient of case management or personal care assistance services who contests a county’s action, reduction, suspension, denial or termination of services to submit a written request for an informal conference with the recipient’s case worker and county social service director or designee. It would also require the county to notify the recipient of the county’s action within 15 days of the conference and the county to notify the recipient at the time of application and at the time of any change in services of the recipient’s right to request an informal conference.

Abeler said he plans to continue to work with the Department of Human Services and the counties on development of the bill as it moves to its next step in the legislative process. The bill now awaits action by the Senate where Sen. David Hann (R-Eden Prairie) is the Senate sponsor.

Rep. Tina Liebling (DFL-Rochester) criticized the timing of the bill being heard on the House floor when it does not yet have support from the department and the counties.

“I don’t think it’s appropriate to say, ‘Yes, it’s OK to move something through to conference committee,’ that is still in a pretty rough form and then say we will work it out

there and then just kick the can down the road in the legislative process,” Liebling said.

Rep. Steve Gottwalt (R-St. Cloud) praised Abeler’s efforts to include the counties in the development of the bill that could save money in the appeals process.

“When it comes to reforms, sometimes this is the process you follow. I want to give Rep. Abeler an ‘A’ for effort for having the courage to bring forward real reform that can actually make a difference.”

— H. LONG

Determining public health care costs

Gillette Children’s Specialty Healthcare wants help from the Department of Human Services in better understanding the costs of caring for its patients enrolled in public health care coverage.

Sponsored by Rep. Joe McDonald (R-Delano), HF1341 would require the department to account for Minnesota public health care program expenditures for children separate from expenditures for parents.

The department currently gathers data on

FOLLOWING THE LIGHT



PHOTO BY ANDREW VONBANK

Andy Cook, a communication specialist with the House Republican caucus, works in a sunny spot in the Capitol Rotunda May 5.

PRAYER FLAGS



PHOTO BY ANDREW VONBANK

Many flags add to the festive atmosphere on the Capitol Mall May 5 during the 60th annual National Day of Prayer.

Medicaid costs for families enrolled in the program, but it does not separate out those costs of care for children from their parents'. The bill's language would allow for the department to determine that more specific data, which hospital representatives said would not only be a useful tool for providers, but also for policymakers.

"This will just tell us purely what is spent for children, whether they are purchased as a separate child-only coverage or a family," John Diehl, a member of the Gillette Children's Specialty Healthcare board of directors told a House committee. He added that the proposed legislation would simply serve as a business analysis tool for providers and would not have an effect on those buying coverage.

The bill, passed 127-3 by the House May 5, awaits action by the full Senate. Sen. Michelle Benson (R-Ham Lake) is the Senate sponsor.

— H. LONG

New locations for day care providers

Family day care providers would be allowed to operate in commercial spaces, under a bill passed 116-10 by the House May 10.

Sponsored by Rep. Jim Abeler (R-Anoka), HF912 would permit a family day care license holder to locate the program in a suitable commercial space, if the license holder is the primary provider of care; the program is in compliance with local zoning and fire code regulations; and the license holder prominently displays the license issued by the Department of Human Services. The license would include space capacity limitations determined by fire code and square footage of the commercial space.

The bill now goes to the Senate, where Sen. David Hann (R-Eden Prairie) is the sponsor.

Rep. Mark Buesgens (R-Jordan) opposed the bill due to an oral amendment Abeler successfully added on the House floor that inserted the word "suitable" into the bill. Buesgens said that by inserting the word the Legislature has given the commissioner

ambiguous authority to determine the definition of a "suitable commercial space."

"We have now turned a bill I would have supported into something fairly meaningless," Buesgens said.

The provision is also in HF927, the omnibus health and human services finance bill.

— H. LONG

Exemptions for swimming ponds

Public swimming pools and public swimming ponds are not the same thing. At least that is how the Department of Health has recognized them for the last three years.

The state's 12 public swimming ponds are currently exempt from most department regulations that govern operation, maintenance, design, installation and construction of public pools. But that exemption is due to expire on June 30.

Rep. Bill Hilty (DFL-Finlayson) sponsors HF763, which would remove the exemption expiration. Passed 130-1 by the House May 10, it goes to the Senate where Sen. Tony Lourey (DFL-Kerrick) is the sponsor.

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The legislation was proposed after a December 2010 department report recommended the state continue to regulate public swimming pools and ponds differently.

The Legislature has defined a swimming pond as “an artificial body of water contained within a lined, sand-bottom basin, intended for public swimming, relaxation, or recreational use that includes a water circulation system for maintaining water quality and does not include any portion of a naturally occurring lake or stream.”

The public swimming ponds in the Twin Cities metropolitan area are located in Zimmerman, Osseo, Lake Elmo, Excelsior, Eden Prairie and Shakopee. Public swimming ponds in Greater Minnesota are located in Warroad, Glyndon, Cloquet, Mankato, Blooming Prairie and New Ulm.

— H. LONG

Progress on HHS bill

Conferees have worked their way through adoption of several components to the omnibus health and human services finance bill (HF927/SF760*). But more work is planned on the larger financial components of the bill. Both the House and the Senate versions plan to cut \$1.6 billion from projected General Fund spending for the 2012-2013 biennium.

Rep. Jim Abeler (R-Anoka), who chairs the House Health and Human Services Finance Committee, said he plans to reconvene the committee early next week for a public hearing on the Consumer Health Opportunities and Innovative Care Excellence (CHOICE) flexibility and funding Medicaid reform initiative, which outlines a \$300 million federal global Medicaid waiver included in the House bill. Department of Human Services staff is expected to offer technical advice on the CHOICE initiative and the public is invited to provide testimony as well, Abeler said.

In a series of four meetings over the last week, conferees adopted language in several articles of the bills related to children and family services, the Department of Health, health licensing fees, continuing care, redesigning service delivery and chemical and mental health. Contained in those articles is language adopted regarding reforms to components of the Minnesota Family Investment Program, along with modified language related to health care homes, care coordination methods and the human services and public assistance programs for the White Earth Band of Ojibwe.

Conferees also agreed to adopt a Senate provision related to prohibition of the use of state funds in planning or implementation of the federal health care legislation known as the “Patient Protection and Affordable Care Act.” The language also states that no provisions of the act may be implemented, until its constitutionality of the act has been affirmed by the U. S. Supreme Court.

— H. LONG

Local Government

Conservation district termination

A soil and water conservation district with a controversial past would be eliminated and have its duties transferred to the county, under a bill that won committee approval May 6.

Sponsored by Rep. Diane Loeffler (DFL-Mpls), HF1645 would terminate the Hennepin County Soil and Water Conservation District — commonly known as the Hennepin Conservation District. Its powers and duties would be transferred to Hennepin County.

The House Government Operations and Elections Committee approved the bill and referred it to the House Environment, Energy and Natural Resources Policy and Finance Committee.

Loeffler said voters in Hennepin County often aren’t aware of what the district does, much less the qualifications of those who run for a seat on its board. In the past, she said this has led to some people being elected who weren’t up to the job.

“We know that there are risks when you’re just picking names; you won’t always get the best and the brightest,” Loeffler said.

In the early 2000s, the district board was plagued by well-publicized infighting and lawsuits. Since 2003, much of its work has been done in coordination with county staff. Rosemary Lavin, the county’s assistant director for environmental services, said county officials view the transfer as a way to reduce costs and improve efficiency.

“This is an opportunity to streamline government,” Lavin said.

Kim Boyce, the board’s current chairman, said the board has not taken an official position on the bill. Though he says the board has “struggled,” he said it’s important to maintain citizen oversight of conservation projects.

“We really have wrestled with and debated the merits of this,” he said.

LeAnn Buck, executive director of the Minnesota Association of Soil and Water

Conservation Districts, said the association opposes the bill.

“The concern we have is that one elected board is removing another elected board,” she said.

Sen. Gen Olson (R-Minnetrista) sponsors the companion, SF956, which awaits action by the full Senate.

— N. BUSSE

Public Safety

‘Mixture’ definition gets House OK

Dissimilar penalties for people using the same amount of drugs are now possible because the weight of an entire mixture can be used when charging decisions are made regarding illegal use of a controlled substance, even if the drug residue is only a small part of the mixture.

Sponsored by Rep. Phyllis Kahn (DFL-Mpls), HF479 would amend the definition of “mixture” in first- through third-degree controlled substance possession crimes. It would establish that “the weight of fluid used in a water pipe may not be considered in measuring the weight of a mixture, except in cases where the mixture contains four or more fluid ounces of fluid.” Law enforcement could still charge sale offenses based on total weight of the mixture.

Passed 101-29 May 10 by the House, it now goes to the Senate, where Sen. Sandy Pappas (DFL-St. Paul) is the sponsor.

The problem came to light in 2008 when a defendant was charged with a first-degree controlled substance offense because they possessed bong water that contained a residue of methamphetamine. Even though the bong water had just a small amount of residue, the mixture’s total weight was used to charge the defendant with the more serious drug offense. The Minnesota Supreme Court ruled in 2009 that the charge was appropriate under the current definition of mixture.

This bill was overwhelmingly approved by the Legislature last year, but vetoed by former Gov. Tim Pawlenty, who said the bill “waters down current criminal justice practices and standards related to the weight of controlled substances found in water pipes.”

— M. COOK

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

State Government

Congressional lines get OK

With approximately 36 hours from public release to committee approval, the map laying out the proposed new congressional district boundaries, awaits action on the House floor.

HF1426 lays out the state's eight congressional districts, each with an ideal population of 662,991. Committee Chairwoman Sarah Anderson (R-Plymouth), the bill's sponsor, said the U. S. Constitution mandates no deviation from the population as the ideal, leaving little room for change. The bill was approved May 10 by the House Redistricting Committee 7-5 along party lines and on May 11 by the House Rules and Legislative Administration Committee. Its companion, SF1246, sponsored by Sen. Geoff Michel (R-Edina), awaits action by the Senate Rules and Administration Committee.

Anderson said the greatest change from the current configuration falls in the 7th and 8th districts, which would align east to west instead of north-south.

Anderson defended the change by saying the mining interests in the 8th District have similar concerns to the agricultural region in the 7th District.

She said the map splits seven counties and seven cities into more than one congressional district.

Every 10 years after the census, the Legislature is charged with changing the legislative and congressional lines to reflect the population shifts. However, for decades, the contentious political process has led the courts to redraw the lines.

Unlike May 3 when more than 30 people testified on the House and Senate redistricting plan, one person asked for more time to review the congressional map.

Adeel Lari, appointed to the 2001 redistricting commission, is concerned that communities of interest, especially those of Asian descent, are taken into consideration.

Rep. Paul Marquart (DFL-Dilworth) said the lack of public response indicates there had not been enough review time.

"Remember this is not our map, it is

the people's map — the people of the state of Minnesota that will live under its implications for the next 10 years. Give them a fair, reasonable amount of time to review and to comment on the map," he said.

Rep. Peggy Scott (R-Andover) directed remarks to Rep. Mary Murphy (DFL-Hermantown), the committee DFL lead, for not producing a counter map, and termed her questions as "criticism."

"I'm not throwing firecrackers across the room, and I've been very careful not to do that during the process," Murphy said. She said that any map not having bipartisan support would be vetoed the governor. Her hope is that a map can be developed that would have support from both parties.

— L. SCHUTZ

Reform plans move forward

They haven't worked out the numbers yet, but conferees reached agreement on numerous policy provisions of the omnibus state government finance bill.

Conference committee members voted May 10 to adopt more than a dozen provisions of HF577/SF1047*. Sponsored by Rep. Morrie Lanning (R-Moorhead) and Sen. Mike Parry (R-Waseca), the bill would fund core state government functions at reduced levels and implement a wide range of state government reforms in the 2012-2013 fiscal biennium.

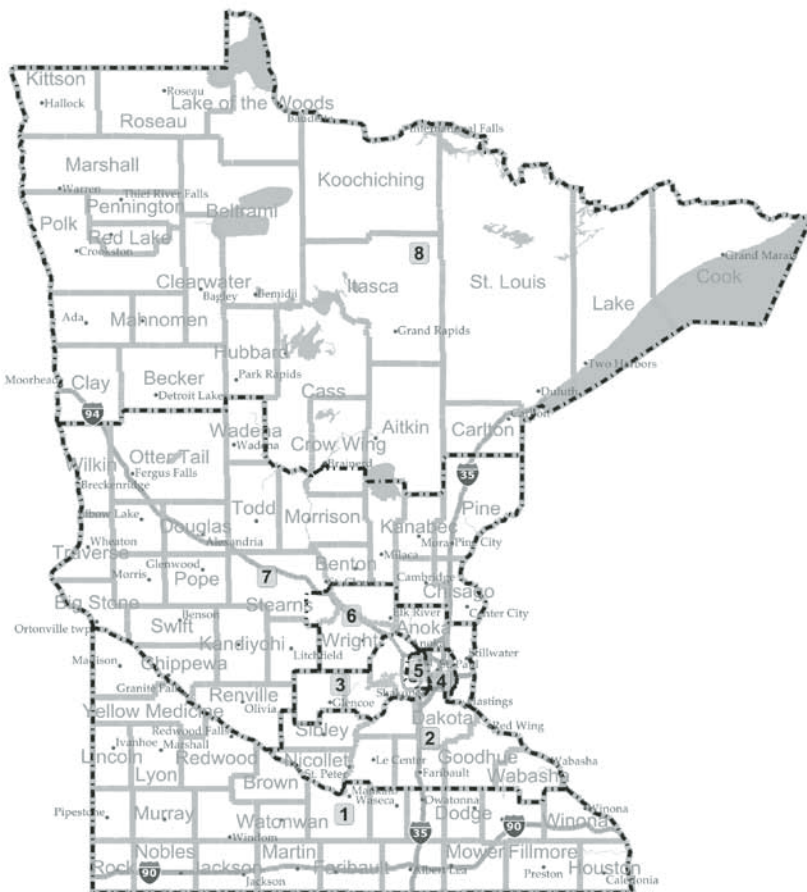
Provisions were adopted that would encourage state agencies to find cost-savings by establishing a gain-sharing system for employees and allowing portions of any unspent funds to be carried forward into future budget cycles. Other provisions include:

- creating a performance-pay pilot program for nonprofits whose work can be demonstrated to have measurable cost savings to the state;
- loosening restrictions on outsourcing state services to private contractors; and
- establishing a performance appraisal and performance pay system for state employees.

Conferees held off on adopting provisions that have fiscal implications, as they have yet to receive a final budget target from House and Senate leadership. Big disagreements still loom over how much the bill should spend overall. The House version proposes spending \$601.6 million from the General Fund, while the Senate bill calls for just \$371.3 million.

They took no action on a Senate provision that would move all state employees into

House Redistricting Committee Proposed Congressional Map



Map courtesy of the Legislative Coordinating Commission Geographic Information Services



PHOTO BY TOM OLMSCHIED

Minnesota Management & Budget commissioner Jim Schowalter, center seated, was joined May 6 in the omnibus state government finance conference committee by some of Gov. Mark Dayton's agency commissioners who told conferees that proposed budget cuts could lead to lost, reduced or delayed services and possibly employee layoffs.

a new high-deductible health insurance plan. Nathan Moracco, director of the Employee Insurance Division at Minnesota Management & Budget, said the provision would save \$331 million annually by shifting insurance costs onto employees. Rep. Keith Downey (R-Edina) said the provision would put state workers' insurance plans on par with their counterparts in the private sector.

Provisions to establish a Sunset Advisory Commission to eliminate obsolete or duplicative state agencies and to require state budget officials to use zero-based budgeting were adopted by conferees in earlier hearings.

Conferees hoped to finish their work May 12.

— N. BUSSE

Taxes

General Fund donations accepted

In February, Gov. Mark Dayton received a \$1,677.97 check from a resident with direction that the money goes toward reducing the state deficit. The donor calculated the amount as their share of the deficit.

In an effort to make it easier to make

contributions to the state coffers, Rep. Greg Davids (R-Preston) sponsors HF247 that would authorize tax filers to make a \$10 minimum donation contribution to state government either through designating a portion of their refund or adding an amount to their tax liability.

Passed by the House 113-16 May 10, the bill now awaits action by the full Senate. Sen. Julianne Ortman (R-Chanhassen) is the Senate sponsor.

Monetary gifts to the state's General Fund are not common, according to Minnesota Management & Budget. Current department records show the largest donation was a December 2008 check for \$22,685 "to help the needy and sick."

In 2010, the state received \$12,087.29 from the Minnesota Historical Society as the balance from unspent donations made to the Minnesota Sesquicentennial Commission.

— L. SCHUTZ

PILT removed from Legacy bill

Did supporters of the Clean Water, Land and Legacy amendment intend for local governments to be reimbursed when land bought with Legacy funds is taken off local property tax rolls?

Rep. Ann Lenczewski (DFL-Bloomington) doesn't think so. In the House Taxes Committee May 10 she successfully offered an amendment to strip HF1061, the Legacy funding bill, of its requirement to give local governments a payment in lieu of taxes, known as PILT. The committee approved the bill, as did the House Ways and Means Committee. The bill awaits action by the full House. It has no Senate companion.

Sponsored by Rep. Dean Urdahl (R-Grove City), the bill, as amended, would create a dedicated land management account. About 20 percent of the funds used for each Outdoor Heritage fund land purchase would be transferred into an interest-bearing account to pay for long-term land management costs, but not PILT.

Rep. Diane Loeffler (DFL-Mpls) said PILT is a larger issue that must be dealt with separately.

"Until we fix PILT, we shouldn't have more communities making more than others. It's not an issue to be dealt with through Legacy."

Others said with the PILT provision removed, new land acquisitions will only add to a growing problem in Greater Minnesota, where more than half of the land is publicly-owned in some counties and not subject to property taxes.

"Let's recognize the true costs of buying land," said Rep. Denny McNamara (R-Hastings).

Committee members also weighed in on what would be the fairest way to split the \$77 million dedicated for parks and trails in 2012-2013. Urdahl is proposing the Department of Natural Resources and the Metropolitan Council regional parks board would each get 40 percent, with the other 20 percent distributed statewide as competitive grants. The formula pits urban/suburban legislators against Greater Minnesota legislators. Amendments to change the formula to a 43-43-14 split were withdrawn after discussion.

— S. HEGARTY

Noncontroversial tax bill

Despite the word "taxes" in its title, the omnibus tax policy bill has bipartisan support, at least in the House Taxes Committee.

Sponsored by Committee Chairman Greg Davids (R-Preston), HF1219 contains mainly noncontroversial tax policy provisions, many put forward by the Revenue Department and supported by the governor. It was approved May 10 and sent to the House Ways and Means Committee.

Tax treatment for those raising horses prompted an amendment from Rep. Steve Gottwalt (R-St. Cloud) which, although opposed by the department and some county assessors, was successfully added, but not before DFLers voiced concerns.

Gottwalt said the definitions relating to equines need clarification. "Horse owners want horses identified as livestock." He said that county assessors' treatment of horses as an agricultural pursuit as opposed to a hobby is confusing to some. His amendment would give county assessors clear direction.

However, Assistant Revenue Commissioner Matt Massman said the amendment would create less clarity, and that those with horse operations that meet the agricultural use standard already are included in the lower tax classification.

Provisions in the bill include:

- HF902, sponsored by Rep. David Dill (DFL-Crane Lake), which would modify a 2010 law related to owner-occupant of two resorts. The provision provides that the two properties can be combined for tax purposes if they are each owned by different limited liability companies, as long as they have the same membership;
- HF548, sponsored by Rep. Mark Buesgens

- (R-Jordan), which would expand the definition of “agricultural products” to include the production for sale of game birds and waterfowl by a Department of Natural Resources-licensed game farm;
- defining of the word “interns” for use in the angel investment credit program and setting an intern minimum wage requirement; and
 - eliminating the requirement to physically post the notice of sale of personal property in the county courthouse, and instead require the notice be posted in at least three public places in the county where the seizure takes place.

The bill’s companion, SF869, sponsored by Sen. Julianne Ortman (R-Chanhassen), awaits action on the Senate floor.

— L. SCHUTZ

Transportation

Roadway back to local jurisdiction

About a 4.5-mile stretch of roadway could be transferred from the state’s trunk highway system to the county state-aid system.

Sponsored by Rep. Tom Anzelc (DFL-Balsam Township), HF724 would turn back the portion of Trunk Highway 332, which runs between U.S. Highways 71 and 53 south of International Falls, to Koochiching County.

Passed 130-0 by the House May 10, the bill awaits action by the full Senate. Sen. Tom Saxhaug (DFL-Grand Rapids) is the Senate sponsor. The provision is also in HF1068, the omnibus transportation policy bill, sponsored by Rep. Mike Beard (R-Shakopee).

Anzelc said an agreement between the state and county indicates that this stretch of road is more appropriately under county jurisdiction. Because all trunk highways are listed in state statute, legislation is needed to turn one back to city or county jurisdiction.

The turned back routes are not typically high priorities on the state highway system, but can be high priority for the local community. This way, the local jurisdiction can put the roadway high on its priority list and pick up associated ongoing maintenance costs.

This transfer would be implemented with a one-time payment from the state’s turnback account. Whenever the state turns back a road it is brought up to state-aid standards or, if the road is in pretty good shape, a financial agreement is reached with the local entity to give them a lump sum they can hold until the road needs to be rehabilitated.

— M. COOK

HEAVY HITTER



PHOTO BY TOM OLMSCHEID

Kevin Poindexter, legislative assistant for Rep. Tom Hackbarth and Rep. King Banaian, smashes the ball pitched by one of the St. Paul Saints on the front lawn of the Capitol May 11. Saints players helped make a pitch for their new ballpark in Downtown St. Paul.

More buses on shoulders

Buses might be able to operate on the shoulders of more than just freeways.

Sponsored by Rep. Tara Mack (R-Apple Valley), HF1289 would allow counties and cities to authorize buses on roads for which the unit of government has jurisdiction. Under current law, the provision only applies to the trunk highway system.

Approved 127-1 by the House May 5, it now awaits action by the Senate Transportation Committee. Sen. Chris Gerlach (R-Apple Valley) is the Senate sponsor.

The impetus for the bill is construction of the Cedar Avenue Bus Rapid Transitway in Mack’s district. “When construction is complete in 2012, Cedar Avenue BRT vehicles will travel on the shoulders of Cedar Avenue from Lakeville to the Mall of America,” she said. “This project is necessary to alleviate the congestion in this heavily used corridor. It is estimated that by 2030 this line will provide the same commuter capacity as an additional 1 1/2 lanes of highway.”

Dakota County Commissioner Nancy Schouweiler told a House committee that the shoulders along Cedar Avenue have been engineered to provide a 12-foot paved surface for buses and emergency vehicles. “It is the desire to run station-to-station bus vehicles as an all-day service utilizing these lanes without the need to weave in and out of regular traffic lanes,” she said.

Under current law, buses can use shoulders only when mainline traffic speeds drop below 35 mph, and buses on the shoulder cannot go more than 15 mph faster than mainline traffic to a maximum of 35 mph. Under the bill, the speeds could be adjusted based on an engineering study performed by the local unit of government and approved by the Department of Transportation.

Rep. Frank Hornstein (DFL-Mpls) said the bill would be “very helpful” in terms of overall planning for bus rapid transit in the Twin Cities metropolitan area.

— M. COOK

Collector safety vehicles on roads

It is legal to drive antique or collector public safety vehicles, like fire trucks and ambulances, with working red or other colored emergency lights in a parade, but technically it is illegal to drive them to the event.

Sponsored by Rep. Deb Kiel (R-Crookston), HF922 would allow the vehicles to be driven on streets provided a proper collector or classic car license plate is displayed.

Passed 126-6 by the House May 10, the bill now goes to the Senate, where Sen. Ray Vandever (R-Forest Lake) is the sponsor.

The problem is that the lights on the vintage vehicles do not conform to current standards for what vehicles can display blue and red lights and where they have to physically be on the vehicle. Under the bill,

the emergency lights on the vehicles cannot be used when travelling to or from an event.

— M. COOK

Motor vehicle provisions passed

The House passed a bill that would streamline regulations that pertain to automobile dealerships.

Sponsored by Rep. Bruce Vogel (R-Willmar), HF493 would, in part, allow the keeping of vehicle titles in a centralized location in Minnesota for a multi-location auto dealership group, if a request to do so is approved by the Department of Public Safety. Supporters said this would create efficiencies when it comes to storing records.

The bill, passed 124-5 May 5, would also clear up vehicle registration when coming out of a daily rental fleet, such as when companies like Avis or Hertz want to sell vehicles they'd been using as rentals.

Fleet companies have the ability to register their vehicles for a shorter period than the usual 12 months, such as for four months at a time. However, when a dealer sells a vehicle the registration has to be for 12 months, so there has been some confusion about when a vehicle's registration needs to be renewed by the customer who bought the vehicle.

The bill eliminates a provision that a vehicle title be stamped with the end date of the registration period when the vehicle is used for rentals by a vehicle lessor and registered for less than 12 months.

"This bill says if Avis bought eight months of registration and then we want to sell the vehicle to a customer, then we sell them 12 months of registration no matter what," Alyssa Schlander, director of government affairs for the Minnesota Auto Dealers Association, told a House committee. "It's just an easier way of calculating the registration tax for those particular kinds of vehicles."

The bill awaits action by the full Senate. Sen. David Senjem (R-Rochester) is the Senate sponsor.

— M. COOK

Speeding tickets off a record

Fewer speeding violations could end up on state driving records.

Under current law, a ticket does not appear on someone's driving record if the person was driving up to 10 mph over the speed limit in a 55 mph zone, or 5 mph over the limit in a 60 mph zone.

Sponsored by Rep. Dean Urdahl (R-Grove

City), HF537 would add the 10 mph threshold to the 60 mph limit.

The bill was passed 111-20 by the House May 10. It now goes to the Senate, where a sponsor is needed.

"If you speed, you are still breaking the law. It does not change the penalty; it does not change the speed limit; it simply changes the reporting," Urdahl said. He emphasized the bill has nothing to do with raising speed limits, it's only about not recording infractions to the state and that insurance companies will not up driver rates. "People are already driving at the speeds at which they are comfortable."

Enacted in 1986, the "Dimler amendment," named for its sponsor, former Rep. Chuck Dimler (R-Chanhassen), governs which speeding violations are recorded on a driving record maintained by the Department of Public Safety.

Rep. Alice Hausman (DFL-St. Paul) noted that representatives from the Public Safety and Transportation departments spoke against the bill during the committee process. Among their concerns were that the increase would send the message that it is OK to speed, drivers tend to believe there is a "speed cushion" in excess of posted limit they can get away with, increasing that differential could lead to more severe traffic accidents and it goes against an educational campaign that the speed limit is the limit.

Urdahl said he wouldn't proffer the bill if he believed it would cause more injuries and deaths. "I'm convinced there is no evidence that indicates that changing this law is going to cause these things to happen."

— M. COOK

Thursday's Floor Action

House passes policy measures

Two days before the start of the fishing season, legislators took up a Senate policy bill about preventing the spread of aquatic invasive species and amended it into a much broader omnibus environment policy bill before passing it off the House floor 95-37 on May 12.

As amended HF1097/SF1115* is on a fast track to gain Senate approval and be presented to the governor before he leaves for the fishing opener in Grand Rapids, according to the bill's sponsor, Rep. Denny McNamara (R-Hastings). Sen. Bill Ingebrigtsen (R-Alexandria) is the Senate sponsor.

"We need to get this bill over to the Senate and on to the governor," McNamara said.

New recreation policies to slow the spread of zebra mussels and other aquatic invasive species would become effective the day following enactment if the bill is signed. There are 19 lakes in the state that are infested with non-native zebra mussels and "no one in here wants to become number 20," said Rep. John Ward (DFL-Brainerd). An amendment offered by Ward to replace the bill language so that it simply included the aquatic invasive species provision was unsuccessful.

Several amendments were passed, including allowing Lutsen Ski Resort to continue to take water out of a trout stream for snowmaking purposes. As amended, the resort would be granted a permit to use up to 2 million gallons of water a day in a 30-day window from nearby Poplar trout stream. However, if water flow drops below a specified level, further draws would be suspended until flow levels increase. The five-year permit would give the resort time to design an alternative way to draw water out of Lake Superior, rather than the trout stream.

Rep. Tom Rukavina (DFL-Virginia) successfully amended the bill so that a rural township could receive an easement for a road that crosses state school trust lands in St. Louis County. If the township doesn't accept the easement, the cabin owner who built the access road would be eligible for a 20-year road lease across the state lands and the lease amount would be deposited into the permanent school trust fund.

Another amendment successfully offered by Rep. Paul Anderson (R-Starbuck) would ensure that the Pollution Control Agency has no authority to regulate permits for the application of pesticides on land, except where authorized by federal law.

— S. HEGARTY

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State of disrepair

Lawmakers look to fix a crumbling Capitol Building

By NICK BUSSE

Every year on May 11, officials commemorate Minnesota's admission as the 32nd state in the union by lighting the crystal chandelier that hangs from atop State Capitol's inner dome. But not this year.

"If you look up, instead of seeing our beautiful dome alight, you will see a catwalk and a lot of serious damage to our dome," said Rep. Diane Loeffler (DFL-Mpls). "And that's because this grand old building is starting to fall apart in a lot of different ways."

The view from outside isn't much better. For several months, visitors to the Capitol have had to pass under scaffolding that protects them from the building's crumbling marble exterior. Pieces of stonework as heavy as 22 pounds have been removed to prevent them from falling on passersby.

"Something desperately needs to be done," Rep. Dean Urdahl (R-Grove City) said. "If one of these things slid off, those canopies would be as effective as paper stopping a falling rock."

The ungainly steel and wood contraptions that now blight the view of Minnesota's iconic State Capitol are merely the tip of the iceberg. Architect Cass Gilbert's 106-year-old monument to the state's democratic institutions has suffered from decades of neglect. Hampered by budget woes, lawmakers are struggling to come up with a comprehensive plan to fix it.

Beginning in 2000, proposals were floated for an extensive renovation. A comprehensive plan would involve knocking down walls to upgrade plumbing and wiring, replacing obsolete heating and ventilation systems, and expanding office and hearing room space. But with cost estimates for the project rising as high as \$260 million, budget problems have delayed the plans indefinitely.

To address certain immediate concerns that couldn't wait, in 2008 the Legislature appropriated \$13.4 million. With this money, workers have been busy making a wide variety of repairs — many of them on the dome. They repaired extensive water damage, installed new drainage and ventilation, and reinforced the dome's steel columns. But as they did their work, they also found evidence of new problems.

On April 12, Wayne Waslaski, director of real estate and construction services for the Department of Administration, showed members of the House State Government Finance Committee photos of what they found — cracked cornices, clogged rain leaders, peeling plaster and fractured, discolored, water-damaged masonry.

"Some of our major systems are beyond their useful life. And so then it just becomes a risk assessment on how much longer you can go," Waslaski said.

Workers discovered they could break off pieces of marble just by tapping it with their fingers. They removed as many loose pieces as they could find, but to be safe, they erected scaffolding over the doorways and fenced off much of the area around the building.

"You're never 100 percent sure that you got all of the pieces, and so that's why you have the protection in place," Waslaski said.

Whether lawmakers can fund the full \$260 million renovation project, he said certain projects will ultimately have to be funded for the sake of public safety. On top of the damaged exterior, outdated plumbing, electrical, heating, ventilation and air conditioning systems have created a range of safety issues inside the building. Also the roof, the drainage system, and the terrace on the west side of the building — among other things — are all in need of repair or replacement.

Then there are the security problems. A report released April 1 by a bipartisan panel



Photo courtesy of the Department of Administration

A worker examines deterioration around a panel of marble near the finial (the top of the Capitol dome). The building's damaged masonry is among the many problems lawmakers hope to address.



PHOTO BY TOM OLMSCHIED

A visitor passes under scaffolding covering the Capitol's west entrance. Fears of injury caused by deteriorated stonework falling off the marble exterior prompted officials to place protective structures around the building.

described a number of security vulnerabilities — some of which can only be addressed through potentially costly upgrades to the building's facilities.

"Really, from a prioritization standpoint, it's pretty easy. You're first focused on life safety issues, and then you're focused on what's presenting the greatest risk to the building itself," Waslaski said.

This year, a pair of bills is progressing through House committees that might get the ball rolling on restoration.

Loeffler sponsors HF1286, which would instruct the department to conduct a structural risk assessment to identify the most critical and immediate safety concerns. Meanwhile, Urdahl sponsors HF1455, which would establish a State Capitol Preservation Commission. Combined, the two bills are intended to kick-start a process that has been stalled for many years.

Loeffler's bill would provide what she calls a "laundry list" of repairs for lawmakers to take action on next year. Her intention is to address only the short-term needs that impact safety and security.

"I think forward progress on some of these basics has been at times slowed as we've looked at grander plans," she said.

Urdahl's bill would address the building's long-term issues. The commission proposed in his bill would draft a comprehensive

plan that includes pre-design for a multi-year renovation project. Urdahl is betting that next year's bonding bill could include "significant dollars" for the purpose.

The current round of repairs should be wrapped up later this year, after workers repair the finial (the gold lantern atop the dome) and replace the windows in the drum (the mid-section underneath the dome). As they weigh the costs and benefits of additional repairs, lawmakers will have some tough choices to make. For example, Waslaski said repairing the roof of the building alone will likely cost \$9 million.

It won't be easy, but supporters say it's an obligation to the public that lawmakers must fulfill.

"We've been entrusted with the care of this beautiful building for the long term," Loeffler said.

Loeffler's bill was approved April 12 by the House State Government Finance Committee, and now awaits action on the House floor. A companion,

SF1262, sponsored by Sen. Ann Rest (DFL-New Hope), awaits action by the Senate State Government Innovation and Veterans Committee.

Urdahl's bill has been incorporated into HF1061, the omnibus legacy bill, which he also sponsors. It awaits action on the House floor, and has no Senate companion.



Photo courtesy of the Department of Administration

Workers discovered they could break off loose pieces of the building's marble exterior, like these stone carvings, just by tapping on them with their fingers.

Advocating for patients and constituents

Nurses as legislators add their perspective to health care issues

By HANK LONG

A simple glance at Rep. Karen Clark's legislative biography shows that her list of accomplishments inside the halls of the State Capitol covers a wide-ranging spectrum of issues.



PHOTO BY ANDREW VONBANK

Clockwise from top left: Representatives Mary Kiffmeyer (R-Big Lake), Patti Fritz (DFL-Faribault), Carolyn McElpatrick (R-Deer River) and Erin Murphy (DFL-St. Paul) serve on the House Health and Human Services Finance and Reform committees. All four have professional nursing backgrounds. Other legislators with nursing backgrounds include Rep. Karen Clark (DFL-Mpls) and Senators Kathy Sheran (DFL-Mankato) and Gretchen Hoffman (R-Vergas).

But no matter the issue, Clark (DFL-Mpls), now in her 16th term, said she continues to utilize her experiences from her first career — as a professional nurse — in her current work as a legislator.

When Clark first joined the House in 1981, it didn't take her long to realize she was one of a small handful of health care professionals serving as legislators. And she was the only member with a professional nursing background.

"My colleagues were very welcoming and it wasn't long before it was expected I could speak from that career experience on a number of important issues being discussed," Clark said, recalling her first months in elected office.

Times have changed. She is currently one of five representatives with a background in the profession. Two members of the Senate also have nursing backgrounds. To put that into historical context, 12 legislators in the 154-year history of the Legislature have listed professional nursing in their occupational profile, according to the Legislative Reference Library.

Twenty-five years ago Ralph Kiffmeyer served one term as a member of the House. A nurse anesthetist, he married a registered nurse, Mary Kiffmeyer, who is currently in her second term. The couple met while they were in nursing school more than 40 years ago.

"You could say both professions run in the family," said Kiffmeyer (R-Big Lake). The pair has sons and daughters with careers in nursing.

Kiffmeyer, who was secretary of state

The first nurse at the Capitol

The first legislator to list professional nursing as an occupation was Rep. Claudia Meier Volk, a DFLer who served one term (1975-1976). Meier Volk was married during her term and chose not to seek reelection after she gave birth to a child and moved to North Dakota with her family, according to the 1998 book "Women of Minnesota: Selected Biographical Essays."

from 1999 to 2006 before her election to the House in 2008, said her nursing background has been helpful throughout her tenure at the Capitol. Especially in her current assignment as a member of the House Health and Human Services Reform and Finance committees, where she serves alongside Rep. Erin Murphy (DFL-St. Paul), Rep. Carolyn McElfatrick (R-Deer River) and Rep. Patti Fritz (DFL-Faribault), also nurses.

"It's definitely an advantage to be familiar with the language and lingo and to be able to see from a nurse's perspective how the people fit into the bigger picture of health care," Kiffmeyer said.

Although discussions on several aspects of health care reform legislation can sometimes become technical and policy-oriented, legislators with backgrounds in the profession often are able to steer the conversation, when necessary, back to the practicalities of how health care is delivered, said Murphy, who served as executive director of the Minnesota Nurses Association prior to her election to the House in 2006.

"(Having the nursing background) brings a realistic perspective on how humans, and Americans in particular, deal with disease and chronic conditions," Murphy said. "That realistic perspective helps me understand and interpret how public policy we are addressing will work or won't work."

Same profession; differing voices

Throughout this session, several policy bills related to the nursing industry have been introduced in the House. A bill that would make Minnesota a member of a multi-state nursing licensure compact was passed in the House Health and Human Services Reform Committee. It was supported by the Minnesota Hospital Association and the state-run Minnesota Board of Nursing but opposed by the Minnesota Nurses Association. McElfatrick and Kiffmeyer voted in support of the legislation. Murphy and Fritz voted against it. Other legislation, such as the creation of a "community

paramedic," and a bill that would increase the strength of criminal background checks on nurses has also seen party-line voting among the nurses in the House Health and Human Services committees. Such party-line voting offers evidence that legislators with nursing backgrounds don't necessarily speak with the same voice on health care issues, Clark said.

"Some of us on the DFL side look at health care as a basic human right and not a privilege," Clark said, adding that in the last few years she has seen more division on certain health care issues among the legislators who are also nurses. "There may be some divisions across party lines but, in general, as individuals when we talk, there is a lot of commonality."

"There may be some divisions across party lines but, in general, as individuals when we talk, there is a lot of commonality."

— Rep. Karen Clark
DFL-Mpls



Kiffmeyer said it goes without saying that nurses, like members of any profession, can disagree on important issues related to their field. She contends that the current balance of legislators with

nursing backgrounds from both parties helps fellow legislators better understand all sides of a health care issue.

"I think sometimes people may wonder when they hear a nurse speaking on legislation, 'Is that the voice of your political party speaking, or is that the way all nurses feel?'" she said. "That is harder to discern when you have only one party being represented by the profession."

House Health and Human Services Finance Committee Chairman Jim Abeler (R-Anoka) agrees.

"It seems like nursing and health issues shouldn't be a partisan matter," Abeler said. "The more you have people on both sides of the aisle with those similar career backgrounds, the better you can drive the discussion toward a policy debate."

Abeler, a chiropractor, added that he sees value in having more health care professionals, and in particular, nurses, providing input in their capacity as legislators on health and human services issues.

"You can't be an accountant and understand what life is like as a nurse," said Abeler, who is married to a nurse. "When

Minnesota ranks near top in nurses as legislators

According to the American Nurses Association, Minnesota ranks only behind New Hampshire in states with legislators who have nursing backgrounds. The New Hampshire legislature has eight nurses while the current makeup of the Minnesota Legislature features seven. Last session, eight legislators had professional nursing backgrounds.

Turnover in the most recent election resulted in the departure of Sen. Sharon Erickson Ropes (DFL-Winona) and Rep. Maria Ruud (DFL-Minnetonka). Sen. Pat Pariseau (R-Farmington) chose not to seek reelection.

In January, freshmen legislators Rep. Carolyn McElfatrick (R-Deer River) and Sen. Gretchen Hoffman (R-Vergas) joined Rep. Karen Clark (DFL-Mpls), Rep. Mary Kiffmeyer (R-Big Lake), Rep. Erin Murphy (DFL-St. Paul), Rep. Patti Fritz (DFL-Faribault) and Sen. Kathy Sheran (DFL-Mankato) as legislators with professional nursing backgrounds.

we talk about issues (legislators with nursing backgrounds) see the faces of their patients, they see the challenges and they know the backgrounds and the families. It's important to have those types of expertise when we are talking about these important health care issues."

Clark said that whether she agrees with a fellow nurse-legislator, she has respect for their opinion because of the shared experience.

"In nursing we are taught to be critical thinkers, and to listen to our patients," she said. "Those are all qualities that we certainly have learned in our nursing education; it's training with a holistic perspective on health care."

Fritz, now in her fourth term, recalls seeking out fellow nurses and health care professionals in the Legislature upon her arrival in 2005. She said she's encouraged to see more nurses at the Legislature and believes having health care professionals involved in that capacity is imperative to solving the important health care issues of the day.

"Timing is everything," Fritz said. "And at a time when health care is one of the top issues, I feel like that's why I'm here: to offer an important perspective from a health care professional who understands both the big picture and the needs of the patient." 🐼

GOVERNOR'S DESK

JANUARY 4 - MAY 12, 2011

CHAPTERS 1 - 19

Tracking new laws, vetoes

Once a bill passes the House and Senate in identical form, it is sent to the governor for consideration. The governor has several options when considering a bill:

- sign the bill and it will become law;
- veto the bill;
- line-item veto individual items within an appropriations bill; or
- do nothing, which can have two different effects.

The timing of these actions is as important as the actions themselves.

In the first year of the biennium, the governor has three days from the time of presentment to veto a bill. If the governor

doesn't sign the bill within this time frame, it will become law with or without his signature. (Sundays are not counted in the three-day time limit, but holidays are.)

Only on appropriations bills can the governor exercise the line-item veto authority. This allows the governor to eliminate the appropriation items to which he or she objects. As with all vetoes (save pocket vetoes, which occur in the days after the Legislature has adjourned sine die), the governor must include a statement listing the reasons for the veto with the returned bill. Here, too, the timetable is three days after the governor receives the bill.

Policy items contained in appropriations bills may not be line-item vetoed. In order to veto such an item, the governor is required to veto the entire bill.

A two-thirds vote of the members in each house is needed to override a veto. But because only the governor can call a special session of the Legislature anything vetoed after the Legislature adjourns is likely history — at least until the next session.

The governor's veto authority is outlined in the Minnesota Constitution (Article IV, Section 23).

Key: CH=Chapter; HF=House File; SF=Senate File; *=denotes bill language signed into law.

CH	HF	SF	Description	Signed	Vetoed
1	130*	60	Appropriation and payment reductions for fiscal years 2011-2013.		2/10/11
2	166	139*	Lead poisoning prevention provisions effective dates modifications.	2/17/11	
3	55*	48	State lands; stream easement acquisition provisions modified; state park, state forest, and land exchange provisions modified; state parks and state forests added to and deleted from; and public and private sales, conveyances, and exchanges of state land authorized.	3/2/11	
4	1*	42	Environmental permitting efficiency provided, and environmental review requirements modified.	3/3/11	
5	63	40*	Alternative teacher preparation program and limited-term teacher license establishment; teacher licensure provisions modifications.	3/7/11	
6	103*	114	Unemployment insurance eligibility and extension provisions modified.	3/9/11	
7	305	125*	Northern Township detached banking facility establishment.	3/17/11	
8	79*	47	Internal Revenue Code changes conformed, and corporate refund delay requirement repealed.	3/21/11	
9	141*	121	Public safety dog injury penalty increased.	3/22/11	
10	362*	241	Homeowner notice requirements modified.	3/29/11	
11	571	488*	Air carrier employees overtime requirements modifications	4/7/11	
12	262	119*	Emergency medical technician-community paramedic (EMT-CP) certification	4/6/11	
13	12*	37	Minnesota agricultural property tax law (Green Acres) provisions modifications; Green Acres and agricultural classifications to pre-2008 status restoration	4/15/11	
14	1039	1016*	Omnibus agriculture and rural economic development appropriations	4/15/11	
15	323*	167	Residential real estate broker price opinion provisions regulated.	4/20/11	
16	829	551*	Cities stadium liquor license issuance modification	4/20/11	
17	613*	124	Red Wing port authority appointees term limit	4/27/11	
18	978*	919	Election administration and districting procedures modified.	4/29/11	
19	52*	13	City, county, and town zoning control and ordinance variances provided.	5/5/11	

*The legislative bill marked with an asterisk denotes the file submitted to the governor.

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Secretary of the Senate

296-2344

296-2343 (Voice mail/order bills)

Senate Index

296-2887

Governor's Office

201-3400

BILL INTRODUCTIONS

MAY 6 - 12, 2011
HOUSE FILES 1671 - 1704

Friday, May 6

HF1671-Smith (R)

Government Operations & Elections

Hopkins; Teachers Retirement Association salary credit purchase by part-time teaching program participants authorized.

HF1672-Quam (R)

Transportation Policy & Finance

Highway 14 and Dodge County Road 15 interchange funding provided, bonds issued and money appropriated.

HF1673-Benson, M. (R)

Commerce & Regulatory Reform

Class II gambling prohibited in Minnesota.

HF1674-Hilstrom (DFL)

Public Safety & Crime Prevention Policy & Finance

Predatory offender failure to register and escape from custody crimes repeat violations criminal penalty increased.

HF1675-Kriesel (R)

Commerce & Regulatory Reform

Lottery facility games established; tax imposed on and providing for facility revenues; powers and duties provided to the director; and clarifying, conforming and technical changes made.

HF1676-Gunther (R)

Jobs & Economic Development Finance

Fast investment today program performance rewards created, tax benefits provided and money appropriated.

HF1677-Hackbarth (R)

Jobs & Economic Development Finance

St. Paul regional ballpark funding provided, city authorized to use design-build or construction manager at-risk method of project delivery, bonds issued and money appropriated.

Monday, May 9

HF1678-McFarlane (R)

Education Reform

Parent notification of child maltreatment in a school facility modified, and policy for educating employees about mandatory child maltreatment reporting required.

HF1679-Hornstein (DFL)

Transportation Policy & Finance

Minneapolis Transportation Interchange funding provided, bonds issued and money appropriated.

HF1680-Drazkowski (R)

Health & Human Services Reform

Nursing home moratorium exception provided.

HF1681-Anzelc (DFL)

Health & Human Services Finance

Clay County and Koochiching County; nursing facility rate increase provided.

HF1682-Lohmer (R)

Health & Human Services Reform

Family planning grant funds use limited.

HF1683-Norton (DFL)

Health & Human Services Reform

Foster care licensing moratorium exception created.

HF1684-Gruenhagen (R)

Commerce & Regulatory Reform

Legislative report required by the commissioner of public safety on the benefits and costs of contracting to participate in a nationwide real-time motor vehicle insurance status information system.

HF1685-Champion (DFL)

Jobs & Economic Development Finance

Minneapolis; Cowles Center for Dance and the Performing Arts funding provided, bonds issued and money appropriated.

HF1686-Doepke (R)

Education Reform

School food authority procurement cycle conformed with the federal procurement cycle, contract terms clarified for food service management contracts.

HF1687-Urdahl (R)

Jobs & Economic Development Finance

Cosmos; consolidated municipal building funding provided, bonds issued and money appropriated.

HF1688-Kahn (DFL)

Government Operations & Elections

Public employees electing retirement incentives deadline waived.

Tuesday, May 10

HF1689-Davids (R)

Government Operations & Elections

Mabel; Green Lea Manor added to the list of privatized facilities covered by chapter 353F.

HF1690-Hayden (DFL)

Health & Human Services Reform

State spinal cord research commission and account established and money appropriated.

HF1691-Benson, M. (R)

Jobs & Economic Development Finance

Stewartville; fire station expansion and renovation funding provided, bonds issued and money appropriated.

HF1692-Hoppe (R)

Commerce & Regulatory Reform

Telecommunications regulations streamlined, and civil penalties, rate regulation, regulatory requirements and technical provisions modified and updated.

HF1693-Abeler (R)

Health & Human Services Reform

Persons with developmental disabilities new system of resource provision established.

HF1694-Hamilton (R)

Jobs & Economic Development Finance

Jackson County; new jobs training pilot program provided and report required.

HF1695-Clark (DFL)

Civil Law

Court eviction records expungement required after one year.

HF1696-Simon (DFL)

Transportation Policy & Finance

Southwest Corridor light rail transit line funding provided, bonds issued and money appropriated.

Wednesday, May 11

HF1697-Franson (R)

Health & Human Services Reform

Health care reform implemented, interstate health insurance choice created, flexible benefit plan created, primary provider care tiering created for Minnesota health care programs and MinnesotaCare modern benefit plan created.

HF1698-Anzelc (DFL)

Jobs & Economic Development Finance

Itasca County; regional fire station funding provided to acquire land, bonds issued and money appropriated.

HF1699-Murray (R)

Environment, Energy & Natural Resources Policy & Finance

Shell Rock River watershed funding provided, bonds issued and money appropriated.

HF1700-Atkins (DFL)

Commerce & Regulatory Reform

Portable wireless device owner's permission required before location information is collected in Minnesota.

HF1701-Benson, J. (DFL)

Commerce & Regulatory Reform

Abusive work environment practices prohibited and remedies established.

Thursday, May 12

HF1702-Kelly (R)

Rules & Legislative Administration

Legislative enactments miscellaneous oversights, inconsistencies, ambiguities, unintended results and technical errors corrected.

HF1703-Persell (DFL)

Jobs & Economic Development Finance

Boy River community center funding provided, bonds issued and money appropriated.

HF1704-Davnier (DFL)

Government Operations & Elections

Minneapolis Firefighters Relief Association and Minneapolis Police Relief Association voluntary consolidation with PERA-P&F provided.

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MINNESOTA INDEX

From vine to wine

Year the first winery opened in Minnesota.....	1978
Number of wineries in state in 1997	5
In 2003	10
In 2010	35
Number of farm winery licenses currently held.....	44
Number of jobs created in winery tourism industry, in 2007	155
Sales and excise tax impact from state's wine industry in 2010.....	\$725,000
Estimated impact for 2012	\$1, 000,000
Gallons of wine produced in the state in 2003.....	47,652
In 2009	93,189
In 2010	121,500
Number of indigenous red wine grape varieties in state.....	9
Year the Frontenac red wine grape was introduced by the University of Minnesota....	1995
Lowest hardiness temperature, in degrees Fahrenheit	-30
Number of indigenous white wine grape varieties in state	17
Lowest hardiness temperature of Prairie Star grape, in degrees Fahrenheit	-40
Number of table and juice grape varieties in state	7
Year the Minnesota Grape Growers Association was founded.....	1976
Number of Minnesota Grown grape growers or sellers.....	25
Number of categories in the state fair amateur wine competition	22
Growing zone that Minnesota falls into, according to the U.S. Department of Agriculture	4

— S. HEGARTY

Sources: Minnesota Grown, Minnesota Grape Growers Association, Department of Agriculture.

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