

SESSION WEEKLY



EXPORTS: CRYING 'WEE, WEE, WEE' AND STAYING AT HOME

SO MANY RULES, SO LITTLE TIME

EDUCATION TO LOSE AN ADVOCATE

HF1987 - HF2084

A NONPARTISAN PUBLICATION
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES
VOLUME 29, NUMBER 2 • FEBRUARY 3, 2012

Flashback to 1992, 2002

Recession is leaving its mark on the state

State Economist Tom Stinson told the newly created House Select Committee on the Recession that "it's taking longer to recover from this economic slump, and more people are going through an unemployment phase."

He said the recession is a result of Iraq's invasion of Kuwait, the Federal Reserve Board's policy to reduce inflation by keeping the money supply tight and the construction of an excess supply of commercial office buildings.

While the health care, processed food and tourism sectors are doing well, the retail, construction real estate services and manufacturing sectors are not, he said.

— Jan. 17, 1992 Session Weekly

Seniors say do not call

Saying they are tired of receiving unsolicited calls at home, members of the American Association of Retired Persons came to the Legislature to show support for HF2710 that would create a "do-not-call list" for solicitors. Sponsored by Rep. Matt Entenza (DFL-St. Paul), the list would be maintained by the Department of Commerce. Telemarketers who wish to solicit goods or services for purchase or rent would not be able to call those on the list. Solicitors would have to pay \$15 for a copy of the list, but the service would be free to residents.

The Minnesota Chamber of Commerce objected to imposing fees on businesses, and others said the legislation might affect telemarketing jobs in the state.

Under the provision, the penalty would include a fine of up to \$2,000 per solicitation for noncompliance.

— Feb. 8, 2002 Session Weekly

Contents

FIRST READING: Fairness in land use issues? Depends on who you ask • 3-4

AT ISSUE: Tort reform bills are the first to make it off the House floor • 14

AT ISSUE: Seed manufacturers seek help with federal red tape • 15

AT ISSUE: Curbing agencies' rulemaking powers • 16

PEOPLE: Greiling says she won't seek re-election • 17

RESOURCES: Come to the Capitol • 21

FEATURE: Record number take House State Fair poll • 22

INDEX: Transit facts • 24

Editor's note:

Lawmakers are taking a break Feb. 2-7 to participate in party caucuses. There will be no Session Weekly published Feb. 10. The next scheduled Session Weekly publication date is Feb. 17.

SESSION WEEKLY

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

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

Printed on recycled paper which is 50% recycled,
50% post-consumer content.

On the cover: Dave Reimers of Artserve carefully places a flagstaff for a historic flag in one of the climate-controlled display cases in the Capitol Rotunda. Four historic flags were rotated from the Minnesota Historical Society's collection on Jan. 27.

— Photo by Andrew VonBank

Changing the rules, mid-game

Land use spat pits developers against cities, environmentalists against business

By Nick Busse

Imagine you're a business owner, looking to construct a new building on property you've owned for many years. You spend several months and tens of thousands of dollars planning it. Finally, you submit your land use application to the city.

Then you find out there's a problem. Someone on the city council doesn't like your project. They vote to adopt a one-year moratorium on new land uses, and while it's in effect, they change the land use regulations so that your building can never be built.

Does this seem fair to you?

Many builders and developers say it's not, and they're pushing legislation that would stop local governments from using what they consider underhanded tactics against developers.



"All this does is protect people who are playing by the rules that exist at the moment from being blindsided by a moratorium that then wears them down."

— Rep. Mike Beard
R-Shakopee

Sponsored by Rep. Mike Beard (R-Shakopee), HF389 would severely limit the abilities of cities, counties and townships to adopt what are known as "interim ordinances." Also known as "land use moratoria," these ordinances allow local governments to unilaterally stop developments from going forward while they rethink their rules for developers.

For local governments, interim ordinances help ensure that their communities develop according to a plan, but businesses say they're often applied in ways that are arbitrary and unfair.

The bill had its first hearing Jan. 26 in the House Government Operations and Elections Committee. Peter Coyle, a lobbyist

representing the Builders Association of the Twin Cities, said the story described above is 100-percent true. He claims it's just one of many examples where businesses have been left on the hook for enormous sums of money and squandered time simply because the city has some kind of problem with the project.

In other words, they're following all the city's rules, but the city finds a way to change the rules before they can reach the finish line.

"They find out that mid-stream after they've spent all their money on the land, the engineering,



"It may actually impede development, unintended, because I think local governments might be a little more gun shy about accepting applications without a study or some research."

— Rep. Bev Scalze
DFL-Little Canada

work, that somebody in the city or the county or the town doesn't much like what they're proposing," Coyle said. "They're at the complete mercy of the local government."

Beard said local governments sometimes impose moratoria as a deliberate way of wearing down a developer or property

owner. He thinks local governments should have to allow a complete land use application to go forward. They could still adopt moratoria for future developments, under the provisions, but not for ones that are already in the works.

"All this does is protect people who are playing by the rules that exist at the moment from being blindsided by a moratorium that then wears them down," Beard said.

Proponents argue that nothing in the bill would prevent local governments from banning projects they think will be harmful for their community. They point out that the legislation includes some exceptions for unique situations, such as when a proposed "auto body shop" turns out to be a strip club in disguise.

"Once they make the rules, we have to follow them — we understand that. But they should also be bound by the rules," Coyle said.

A fracking problem

As you might have guessed, there's another side to the story. To illustrate it, here's another what-if scenario:

Let's say you serve on a county board in southeast Minnesota. An energy company wants to open up a large swath of land in your county to silica sand mining. You're confronted by a group of constituents

concerned about the impact of the mines on the local drinking water supply, air quality and their property values. They present you with a petition, signed by hundreds, asking for a moratorium to be put in place so these issues can be studied

further.

What do you do?

First Reading continued on page 4

This is the real-life quandary faced by many local elected officials in southeastern Minnesota, where the exploding demand for local minerals has run up against environmental and health concerns. This scenic part of the state happens to be rich in silica sand — a necessary ingredient in hydraulic fracturing, or “fracking,” which is used to extract natural gas and petroleum deposits from underground reservoirs.

The rapid expansion of silica mining poses a unique problem for some local officials. David Williams, an elected township supervisor in Preble Township, says many local governments simply haven’t anticipated these kinds of land uses before, and need time to study their potential impacts.

“The proposed developer is not the only property owner,” Williams said. “Those who are farmers, recreational users, rural residents — they are also property owners who are trying to protect their property value from some unexpected use that might damage their property value.”

Many counties and townships have already enacted moratoria to temporarily halt the mining projects. Williams said he thinks most of them will eventually grant conditional use permits and allow the mining to move forward, but said local officials want to give the issue its due diligence first.

“Most moratoria do not result in a flat-out prohibition of land use,” Williams said. “It just doesn’t happen.”

Bobby King, an organizer for the Land Stewardship Project, said developers aren’t always honest and forthcoming about the potential problems. He said the burden is on the locals to weigh the costs of a proposed project against its benefits. Sometimes, he argues, a moratorium is their only recourse.

“We fundamentally believe that local governments need to be fully empowered to respond to citizens’ concerns when unexpected and potentially harmful developments are proposed in their communities,” King said.

Some see the hand of big environmentalist

Let’s say you serve on a county board in southeast Minnesota. An energy company wants to open up a large swath of land in your county to silica sand mining. You’re confronted by a group of constituents concerned about the impact of the mines on the local drinking water supply, air quality and their property values. They present you with a petition, signed by hundreds, asking for a moratorium to be put in place so these issues can be studied further.

What do you do?

groups behind these arguments. Beard thinks many of the bill’s opponents are more concerned about what the sand is being used for than about the mining itself.

“If they were selling sand to the glass plant ... well, that would be one thing. But as soon as they hear that a big, evil oil company is buying it, well then they’re all torqued-off and they’ll do anything they can to sort of gum up the works,” he said.

There’s another, more fundamental argument against the bill: some say it gives away too much local control.

Rep. Bev Scalze (DFL-Little Canada), a former city councilwoman, said local governments are at a disadvantage against developers who generally have much more information about a project than they do. If Beard’s bill were to become law, she said some local officials might be less inclined to let developers move forward with permit applications for fear of being blindsided by some kind of new use that isn’t anticipated in their ordinances.

“It may actually impede development, unintended, because I think local governments might be a little more gun shy


about accepting applications without a study or some research,” she said.

The bill’s supporters have an answer to that criticism too. John Kysylczyn, a former mayor of Roseville, said the real problem is that cities, counties and townships don’t work hard enough to try to anticipate potential issues and new uses ahead of time.

“There’s no excuse for cities, counties or townships that are not proactive on issues,” Kysylczyn said.

In spite of all their differences, Beard said the supporters and the opponents of the bill are trying to work out a compromise.

At the Jan. 26 hearing, Beard requested that the bill be laid over so that the interested parties can hash out some kind of agreement. He doesn’t think the eventual compromise will please everyone, but he hopes to alleviate at least some of the concerns. He said the bill will probably come up for a vote in committee sometime after the Legislature’s February break.

Sen. Warren Limmer (R-Maple Grove) sponsors the companion, SF270, which awaits action by the Senate Local Government and Elections Committee. 

Frequently called numbers		
Area code 651		
House Public Information Services	House Index	Senate Index
296-2146	296-6646	296-2887
Meeting call line, House	Senate Information	Governor’s Office
296-9283	296-0504	201-3400
Chief Clerk of the House	Secretary of the Senate	
296-2314	296-2344	
	Voice mail/order bills.....	296-2343

HIGHLIGHTS

JANUARY 26 - FEBRUARY 2, 2012

Editor's note: The following Highlights are coverage of select bills heard in House committees and other House activities held Jan. 26-Feb.1. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and *- the bill version considered by the House or the bill language signed by the governor.

Bonding

A new tunnel for the Capitol?

Several years after it was identified as a security concern, the State Capitol's underground tunnel system might receive a \$6.6 million upgrade.

Rep. Diane Loeffler (DFL-Mpls) sponsors HF1288, which would authorize design and construction of a replacement tunnel to connect the Capitol building to facilities located across University Avenue on the building's north side.

The House State Government Finance Committee voted to approve the bill Jan. 31 and send it to the House Capital Investment Committee.

"This is now time-critical," Loeffler said, referring to the impending construction of the light rail line down University Avenue. She said if the light rail is built before the current tunnel is replaced, it will be much more expensive — if not impossible — to finish the job.

Multiple studies have recommended replacing the current tunnel beneath University Avenue with a new, larger version that can accommodate the delivery of material goods as well as secure staff and public access to the building. The goal is to move delivery truck traffic away from the Capitol, as it is considered a security risk.

Loeffler said the project would need to be done eventually anyway; the light rail construction only adds urgency to the issue.

The request was included in Gov. Mark Dayton's bonding recommendations.

Sen. Ann Rest (DFL-New Hope) sponsors the companion, SF1060, which awaits action by the Senate Capital Investment Committee.

— N. BUSSE

FFA BOOTCAMPERS



PHOTO BY PAUL BATTAGLIA

Nathan Daninger of the Forest Lake Future Farmers of America chapter describes for the House Agriculture and Rural Development Policy and Finance Committee Jan. 30 how his family started a micro-creamery operation to tap into the interest in locally grown foods. Other FFA members from around the state were at the Capitol participating in the FFA Agricultural Policy Bootcamp.

Human Services bonding priorities

More than \$57 million in seven proposed bonding projects, such as physically separating sex offenders from vulnerable adults at the St. Peter State Hospital, were approved Jan. 31 by the House Health and Human Services Finance Committee and referred to the House Capital Investment Committee for possible inclusion in a capital investment bill.

The list includes three bills and Gov.

Mark Dayton's proposed \$47.3 million 2012 capital budget request for the Department of Human Services. Dayton's proposal is broken into four separate items: \$41.7 million for two projects at the Minnesota Security Hospital and Correctional Facility in St. Peter; \$3.1 million for matching grants to renovate early childhood learning facilities; and \$2.5 million for statewide facility preservation. However, the department requested \$5 million in preservation, a

number the committee supported.

The three bills approved by the committee are:

- HF1922, sponsored by Rep. Larry Howes (R-Walker), which seeks \$5 million for a new Washburn Center for Children in Hennepin County;
- HF291, sponsored by Rep. Carol McFarlane (R-White Bear Lake), seeking \$2 million to renovate the Harriet Tubman Center East in Maplewood as a regional safety service center; and
- HF285, sponsored by Rep. Patti Fritz (DFL-Faribault), which seeks \$1 million to finish the purchase and placement of grave markers for unmarked graves of former state hospital residents.

Howes' bill has no Senate companion; Sen. Chuck Wiger (DFL-Maplewood) offers a companion, SF15, to McFarlane's bill; and Senate Majority Leader David Senjem (R-Rochester) sponsors SF526, a companion to Fritz's bill. Both Senate bills await action by the Senate Capital Investment Committee.

"It's a ton of money but the system costs us a ton of money," said Committee Chairman Rep. Jim Abeler (R-Anoka).

Rep. Diane Loeffler (DFL-Mpls) asked members to give thought to adding guest services to the St. Peter facilities so that clients can receive visitors and keep their personal connections, which are important for their rehabilitation.

—S. HEGARTY

Consumers

Ticket resale regs may be lifted

From a theatrical performance to a sporting event, fans would have the freedom to resell their tickets, as they would almost any other items of personal property.

Rep. Joe Hoppe (R-Chaska) is hoping to pass a bill that allows just that. Currently, venue operators and event promoters can restrict the resale of tickets through a variety of means, such as selling tickets electronically or placing caps on resale prices. If HF657 were to pass, those attempts to limit resale would become illegal.

Approved Jan. 31 by the House Commerce and Regulatory Reform Committee, the bill was sent to the House floor. Its companion, SF425 sponsored by Sen. Chris Gerlach (R-Apple Valley), awaits action by the Senate Commerce and Consumer Protection Committee.

The bill was awaiting action on the House floor when the 2011 session ended and,

pursuant to House rules, was returned to the committee.

Testimony was limited to brief comments on a successfully added amendment to exempt public entities, such as the Minnesota State High School League, from the ticket resale regulations.

In response to the amendment, private sports and entertainment coalition officials voiced dissent, stating that the bill gives an unfair advantage to public organizations that may compete with private ones for sales.

The bill moves forward with support from organizations like the Fan Freedom Project, which alleges that the current activities of ticket issuers is more than just an inconvenience for fans. They say that resale limits are a burden on the free market and an invasion of property rights.

—E. SCHMIDTKE

Education

Teachers' insurance may see changes

Teachers unions and school boards are at odds over possible changes in health insurance program enrollment.

Currently, teachers unions have authority to take action on their health plans without the agreement of districts. They may enroll in programs such as the Public Employees Insurance Program unilaterally. Sponsored by Rep. Joe Hoppe (R-Chaska) and Sen. Gary Dahms (R-Redwood Falls), HF371/SF247* would no longer allow that.

The bill would require that teachers unions and the districts agree to health insurance plan changes before they could become effective. On Jan. 31, leaders from both districts and service cooperatives, which help school districts to buy insurance, testified before the House Education Finance Committee in support of the bill. Approved by the committee, the bill was sent to the House floor.

Grace Keliher, director of governmental relations at the Minnesota School Boards Association, called the bill "common sense reform" that "brings balance back to the bargaining table."

Testifiers from teachers unions disagreed, saying the bill would negatively impact their options for health coverage. Michael McKenzie, president of the White Bear Lake Teachers Association, said that keeping PEIP as a readily available option for teachers allowed them to bargain with private insurance companies and lower the amount teachers had to pay for insurance.

"I believe the current law saved us," McKenzie said.

The bill would also affect refunds that might become available from a health plan. Teachers unions allege that money belongs to them, while school boards assert that allowing them to receive the money would let them invest it in schools.

Rep. Duane Quam (R-Byron) expressed support for the bill, saying, "The majority of money comes from the district, from taxpayers. Presently, they do not have a voice in who would be giving that coverage. I think this bill gives back that voice."

—E. SCHMIDTKE

Teacher layoff practices debated

When Minnesota school districts are forced to cut teachers, the most recently hired ones are the first to go.

This policy was the center of a hotly contested bill in the House Education Reform Committee Jan. 31. Legislators heard passionate testimony from educators, administrators and parents, but took no action. The discussion is expected to continue Feb. 9.

Sponsored by Rep. Branden Petersen (R-Andover), HF1870 would authorize districts to base any unrequested leave of absence, discharge or demotion on performance evaluations instead of only seniority. Sen. Pam Wolf (R-Spring Lake Park) sponsors the companion SF1690, which awaits action by the Senate Education Committee.

Supporters argued the bill would raise the overall caliber of teachers in the state. They claimed that new teachers are unfairly targeted for layoffs, even though they are sometimes more effective than those with more experience.

Jennifer Flood, a parent within the St. Paul school district, said that her family moved to the area so her children could have access to a good education, which she felt the district provided. However, now she sees some of her favorite teachers at risk for layoffs because they are new. She said that, in terms of her move to the district, the current practice "makes me question if I made the wrong decision."

Opponents urged the committee to consider the experience that senior teachers offer. They said that when measuring a teacher's effectiveness, performance evaluations are no substitute for years at the front of a classroom.

Louise Sundin, president emeritus of the Minneapolis Federation of Teachers, offered a simple example of the value of experience: "When I was having a hip replaced not too

long ago, I did not seek out Doogie Howser.”

Educators who oppose the bill asked that legislators examine efforts to improve layoff practices already underway on the local level. They expressed concern that the bill would undo work they had already done and asked for time to continue to develop processes within their districts.

— E. SCHMIDTKE

Licensing requirements may increase

Teachers-to-be might see an exam in their futures earlier than expected — and they would be the ones taking it.

State law currently allows those who have completed a teacher preparation program to receive up to three one-year licenses without passing a basic skills exam. On Jan. 26, the House Education Reform Committee approved HF1770, sponsored by Rep. Andrea Kieffer (R-Woodbury), and sent it to the House floor. It would require teaching candidates to produce a passing score on the exam before obtaining a license in Minnesota.

Kieffer is concerned that teachers are instructing children while being potentially unable to pass the basic skills test. She hopes the bill will increase the quality and rigor of teacher licensing. Rep. Sondra Erickson (R-Princeton) said that she expects all teachers to be at a passing level or above.

The committee also approved an amendment offered by Rep. Kory Kath (DFL-Owatonna). It would ensure those planning to attend a teaching program would not need to pass the test to gain admittance to a program, as the bill originally stated. They would only need to pass the skills test before obtaining a license.

Kath reasoned that taking the test before even starting a program would be too difficult for teacher candidates. He said colleges, and not the state, were the best determiners of who is fit to enter such a program. Kath further explained that allowing teacher candidates time to produce a passing score lets them address specific areas of the exam where they might have had difficulties.

Karen Balmer, executive director of the Minnesota Board of Teaching, urged a measured approach to increasing requirements for teacher licensing. However, she acknowledged that simply “loving kids does not a good teacher make.”

A companion, SF1493, sponsored by Sen. Ted Daley (R-Eagan), awaits action by the full Senate.

— E. SCHMIDTKE

Env. & Natural Resources

Water conservation rate repeal

Cities providing water for more than 1,000 people would not have to charge higher rates for using excess water if HF1923, sponsored by Rep. Tim O’Driscoll (R-Sartell), becomes law.

The bill would repeal so-called conservation rate structures for municipal water. These rates typically are higher, and are put in place if water use exceeds the demand of municipal water suppliers.

The House Environment, Energy and Natural Resources Policy and Finance Committee laid the bill over for possible inclusion in an omnibus bill.

Patti Gartland, city administrator for Sartell, told members, “It’s our contention that water conservation is better handled at a local level.” She said conservation rates could boost water rates for the city’s largest customers, businesses and owners of apartment buildings.

David Leuthe, deputy director of the Department of Natural Resources Division of Ecological and Water Resources, said, “As we look at water supply management, we have to look at the larger picture.”

He referred to the part of state law repealed by the law, detailing what actions public water suppliers must take if a critical water deficiency is declared by the governor.

While Leuthe cited areas of the state that have ample groundwater, drought conditions remain in much of southern Minnesota and the northeast portion of the state.

Language deleted by the bill requires public water suppliers to create a conservation rate price structure and a public education program that includes water-conserving toilet and showerhead retrofits.

The companion, SF1560, sponsored by Sen. John Pederson (R-St. Cloud), awaits action in the Senate Environment and Natural Resources committee.

— B. GEIGER

Electric barriers to stop Asian Carp

The seemingly unstoppable Asian Carp could be shocked by three electric barriers in the Mississippi River.

Although no action was taken on four bills dealing with aquatic invasive species, the House Environment, Energy and Natural Resources Policy and Finance Committee agreed in principle during a Feb. 1 informational hearing to spend \$13.5 million on the three carp barriers.

No breeding-sized populations of Asian

Committee deadlines announced for 2012

Legislators will have a little less than three weeks from the release of the state’s economic forecast in late-February until the first committee deadline.

A letter from House Speaker Kurt Zellers (R-Maple Grove) and Senate Majority Leader Dave Senjem (R-Rochester) announced the three committee deadlines for the 2012 session:

- March 16: committees to “act favorably on bills in the house of origin”;
- March 23: committees to “act favorably on bills, or companion of bills, that met the first deadline in the other body”; and
- March 30: committees to “act favorably on major appropriation and finance bills.”

The deadline does not apply to the House Capital Investment, Ways and Means, Taxes or Rules and Legislative Administration committees, nor the Senate Capital Investment, Finance, Taxes or Rules and Administration committees.

— MIKE COOK

Carp have been detected in the Mississippi River, although individual fish have been caught near the Twin Cities and in the St. Croix River. Funding expected to be contained in HF1809, sponsored by Rep. Tom Hackbarth (R-Cedar), would build three low-voltage fish barriers on the Mississippi River: Lock and Dam No. 2 in Hastings, Lock and Dam No. 1 in south Minneapolis and at the St. Anthony Falls Lock and Dam just north of downtown Minneapolis.

Asian Carp are large, plankton-feeding fish that pose a threat to Minnesota’s rivers and lakes. Hackbarth characterized the situation as “very urgent and almost emergency status.”

“The common carp eats things off the bottom; they increase turbidity and cause algae blooms. Conversely, the Asian Carp are extremely effective filter feeders that greatly disrupt food chains and remove plankton from the water so that they become devoid of life, and the game fish disappear,” said Peter Sorenson, a specialist in Asian Carp and other aquatic invasive species with the University of Minnesota’s Department of Fisheries, Wildlife and Conservation Biology. He proposes creation of a research center at the university to take a multi-pronged, long-term approach to preventing Asian Carp and zebra mussels from damaging Minnesota’s waters. If approved by the Legislature, Sorenson’s center would be funded for eight years.

“A two- or three-year funding cycle is meaningless in the life of an animal that lives to be 30, 40 or 50 years old,” he said.

Sorenson hopes the research center

would create detection systems for invasive species; new control systems; new barrier and eradication schemes; and designate a position at the University of Minnesota Extension Service to conduct research and forward findings to the Department of Natural Resources and related state departments.

Rep. Jean Wagenius (DFL-Mpls) sponsors HF1963 to fund faculty and graduate student research in the university's Department of Ecology, Evolution and Behavior.

"I call Dr. Sorenson the FBI for invasives because he's trying to understand his enemy so he can control it," said Wagenius, who suggested using proceeds from the state lottery or the Legacy Fund to finance the fight against invasive species.

Rep. Steve Drazkowski (R-Mazeppa) questioned whether taxpayer money would be wasted if someone dumped a bucket of Asian Carp into the Mississippi River above the electric barriers.

Rep. Rick Hansen (DFL-South St. Paul) stated he plans to sponsor a bill providing penalties for malicious transfer of aquatic invasive species.

— B. GEIGER

Health & Human Services

Child care dues debate

A debate over when and how child care providers should pay potential union dues resulted in a win for providers who support a bill that would prohibit state deductions from child care assistance payments.

On a 12-7 vote, the House Health and Human Services Reform Committee approved HF1766, sponsored by Rep. Kathy Lohmer (R-Lake Elmo), Jan. 31 and sent it to the House floor. Sen. Ted Lillie (R-Lake Elmo) sponsors a companion, SF1630, which awaits action by the Senate Health and Human Services Committee.

There currently is no child care union in Minnesota. Providers were to vote on whether to unionize after Gov. Mark Dayton signed an executive order last November calling for an election, but the vote was stalled when a Ramsey County judge issued a temporary restraining order.

Even though the ability to unionize is still up in the air, the bill is intended to prohibit union dues from automatically being deducted from reimbursement checks paid to child care workers who care for children of low-income families receiving



PHOTO BY ANDREW VONBANK

Dana Akre, food program monitor for the Minnesota Licensed Family Child Care Association, testifies before the House Health and Human Services Reform Committee Jan. 31 in support of a bill that would modify child care assistance fund payments. Rep. Kathy Lohmer, back, is the bill's sponsor.

child care assistance funds.

Both sides claim it's a matter of choice. Should providers pay dues from their business accounts or should they have the ability to have the state automatically deduct dues from their reimbursement checks?

"There are many ways of collecting union dues and fees without touching funds from this program," said Jennifer Parrish, a Rochester licensed family child care provider.

She suggested automatic bill pay options from bank accounts. "This bill is not saying there can't be a union."

Dana Akre, food program monitor for the Minnesota Licensed Family Child Care Association, agreed. "It should go into my bank account and at that point I can make my choice."

But Rep. Tina Liebling (DFL-Rochester) said the money belongs to the providers

and they should have the option to have the deduction taken out prior to receiving reimbursement.

Rep. Duane Quam (R-Byron) supports the bill. "The only thing removed here is the state deducting funds before they get the money."

Providers fear dues may become compulsory if there is a union. If that happens, many have said they may stop taking child care assistance families because they already receive less reimbursement than caring for private-pay families.

— S. HEGARTY

Higher Education

MnSCU requests \$222.5 million

"We are presenting today only our most urgent needs," said Steven Rosenstone, chancellor of the Minnesota State Colleges and University system. The funding request will likely be referred to the House Capital Investment Committee, said Committee Chairman Rep. Bud Nornes (R-Fergus Falls).

Rosenstone positioned state funding for MnSCU as an investment in Minnesota as the types of buildings needed change to match the changing job market. For example, the post-secondary system instructs 83 percent of Minnesota's new nursing graduates; 85 percent of law enforcement graduates; and 9,000 firefighters and emergency first responders each year.

MnSCU's total bonding request is \$278.7 million, which is made up of \$222.5 million in state bonding and \$56.2 million that MnSCU would contribute to its own development. MnSCU officials are concentrating on \$110 million in asset preservation and replacement projects.

Of that list, MnSCU is requesting \$20.8 million for its seven state universities. The other projects are designed to shore up physical facilities at the system's 54 separate campuses across the state.

Among them is \$750,000 to replace a pair of 45-year-old boilers with a high-efficiency plant at Minnesota State Community and Technical College in Fergus Falls.

Fergus Falls isn't the only MnSCU campus in need of a new heating system. The Minnesota State Community and Technical College in Wadena needs a \$700,000 boiler and digital control system; while officials have requested \$2.2 million to replace a boiler and piping at Minnesota State University, Moorhead and \$1.2 million

for the second phase of a central heating plant at Ridgewater College in Willmar.

Even if MnSCU receives the entire \$222.5 million it is asking for, that would account for only about one-third of the \$655 million that Brian Yoltz, associate vice chancellor for facilities, said is necessary to fix all MnSCU campuses.

— B. GEIGER

Military & Vet. Affairs

Immunity for program volunteers

When soldiers go off to duty, there may be several tasks left undone at home. But thanks to a group of civilian volunteers who participate in the Beyond the Yellow Ribbon program, snow plowing, yard work and other chores can get done at no cost to military families.

However, the network of volunteers has become increasingly concerned about their liability in performing such chores, as have their clients.

HF1819, sponsored by Rep. Bob Dettmer (R-Forest Lake), would provide civil immunity to program participants. The immunity would not apply if the work performed is part of a person's regular employment and if they are compensated for it.

For example, Judy Seeberger, who manages the Yellow Ribbon Network of Washington County, said she had help removing trees when her husband was deployed with the Navy. "There's a network of folks doing it out of the goodness of their hearts," she said.

The House Veterans Services Division approved the bill Jan. 30 and referred it to the House Civil Law Committee. A companion, SF1642, sponsored by Sen. Mike Parry (R-Waseca), awaits action by the Senate State Government Innovation and Veterans Committee.

— S. HEGARTY

County participation in bid program

A construction bid program that allows up to a 6 percent bid preference for veteran-owned small businesses would be expanded by the Department of Transportation under a bill heard by the House Veterans Services Division Jan. 30.

Sponsored by Rep. Bob Dettmer (R-Forest Lake), HF1821 would allow counties to create a similar program. The bill was tabled to provide for additional discussion before a division vote.

"The purpose of this is to ... facilitate



PHOTO BY PAUL BATTAGLIA

Judy Seeberger, who manages the Yellow Ribbon Network of Washington County, listens to Rep. Bob Dettmer describe his bill that would provide civil immunity to program participants.

the transition of veterans from military to civilian life" and to "keep that pool of talent here in Minnesota," Dettmer said.

The program began in 2009, and currently veteran-owned businesses receive 5 percent of all state-funded construction projects, according to Mary Prescott, MnDOT director of civil rights. The department hopes to grow that percentage.

"We'd like to do some outreach. Of that 5 percent, there's only like three vet-owned businesses that are getting the majority of those contracts," Prescott said.

While most of the work awarded has been in the area of manual labor, the bill would expand bid preferences for construction-related "goods and services." That may mean veteran-owned architectural and design firms could be included in the program. The department is looking to clarify the intent before the division votes on the measure.

Tim Worke, director of the Association of General Contractors Transportation and Highway/Heavy Division, said the construction trade was hit hardest by the recession and that MnDOT bids are "very competitive." AGC wants a seat at the table, and Worke expressed concern that proposed financial incentives and penalties for prime contractors could be problematic.

Sen. Al DeKruif (R-Madison Lake) sponsors the companion, SF1597, which

awaits action by the Senate State Government Innovation and Veterans Committee.

— S. HEGARTY

Public Safety

Notifying an abuse victim's parents

Sarah Guggisberg has lived a mother's nightmare that she doesn't want to happen to anyone else.

While spending weekends with her ex-husband in 2005, her 5-year-old son, Jacob, was sexually abused by a neighbor. She wasn't informed of the incident until Jacob told her four years later.

"Investigators with the Lyon County Sheriff's department talked to my ex-husband and told him they thought Jacob had been abused. My ex-husband chose not to do anything, chose not to allow Jacob to be interviewed, did not tell me and he did not tell Jacob that he knew about the abuse," said Guggisberg, who believes, that as Jacob's primary caregiver, she should have been notified.

Guggisberg found out what happened in 2009 after Jacob told a social worker. She subsequently spoke with a Lyon County investigator who informed her that her ex-husband was informed, and that state statute was followed because they contacted "a parent."

"I'm picking up the pieces of a broken little boy that have been shattered over the last six years," Guggisberg said. Jacob has tried to commit suicide at least four times.

Sponsored by Rep. Bruce Vogel (R-Willmar), HF1899 would add to the custody order in a divorce agreement so that each party must "notify the other party if the minor child is the victim of an alleged crime and shall provide the name of the investigating law enforcement officer." It would also require law enforcement to immediately notify a local welfare agency if the child is a victim of neglect, physical abuse or sexual abuse outside the family.

"Most law enforcement agencies already do the notification," Vogel said.

Approved Feb. 1 by the House Public Safety and Crime Prevention Policy and Finance Committee, the bill was sent to the House Judiciary Policy and Finance Committee. There is no Senate companion.

Rep. Kerry Gauthier (DFL-Duluth) supports the bill's intent, but expressed concern that it could violate an order for protection or expose a parent that is hiding in protective custody.



PHOTO BY ANDREW VONBANK

Sarah Guggisberg, whose son, Jacob, was an abuse victim, testifies Feb. 1 before the House Public Safety and Crime Prevention Policy and Finance Committee in support of a bill that would establish Jacob's Law, requiring both parents to be notified if a child is a victim of a crime.

Vogel and Caroline Palmer, staff attorney for the Minnesota Coalition Against Sexual Assault, said they would try to address those concerns as the bill moves forward.

— M. COOK

Protecting perpetrators from victims

A person protected by an order for protection or non-contact order could be charged with a misdemeanor if they invite the abuser over with the intent to retaliate or harass knowing the admittance would violate the protective order.

That is the premise of HF1844. Sponsored by Rep. Sondra Erickson (R-Princeton), the bill was held over for future consideration by the House Public Safety and Crime Prevention Policy and Finance Committee Feb. 1. A companion, SF1490, sponsored by Sen. David Brown (R-Becker), awaits action by the Senate Judiciary and Public Safety Committee.

"This is a dramatic change because I don't think it occurs in any other state," Erickson said.

Irene Wade Benjamin, a mother of five and a one-time victim of domestic abuse,

is concerned the victim is not held to the same standard of staying away from the perpetrator. "This in itself can cause many more problems for the perpetrator, sending him back to jail and being further charged."

An example shared by Benjamin involves one of her sons. A no-contact order is in effect, yet a woman contacts her son asking him to come over and babysit their child while she goes to work. Benjamin said the woman insists there won't be any problems. "My son is caught between a hard place and a rock. He's got an OFP against him, but yet he has a child there who needs a babysitter and a mom who needs to go to work."

Liz Richards, director of programming at the Minnesota Coalition for Battered Women, said remedies now exist within protective orders for parenting time arrangements and how those exchanges happen. "It seems a fairly extreme step to create a criminal penalty when there may be a better way to use what we have on the books." Richards expressed a willingness to work with Erickson to see "if there is a solution to the legitimate issues that are out there."

"The way this is crafted is really the beginning of a conversation," Erickson said. "We have to start someplace. If this was not brought forward how can we ever reach a common-sense solution."

— M. COOK

State Government

Who gets the last word?

The Office of Administrative Hearings would be given the final say in contested cases between state agencies and those they regulate, under a bill approved by a House committee.

Sponsored by Rep. Doug Wardlow (R-Eagan), HF1560 would modify the state's Administrative Procedure Act, which governs how state agencies enforce state rules and statutes. The House State Government Finance Committee approved the bill Feb. 1 and sent it to the House floor.

Under current law, when someone has a dispute with a state agency, the case goes before an administrative law judge, who issues a report. The agency then takes the report into consideration and issues a final decision. If necessary, the case can then move to an appellate court.

Under the bill, the report issued by the administrative law judge would constitute the final decision in the case. The agency would

not have an opportunity to review the judge's report and issue a new decision; instead the case would go directly to the appellate court. Wardlow said the goal is to provide a check against the power of state agencies.

"This bill increases public confidence in the system by making sure that if there is an appeal ... they will go to the court of appeals with the agency on equal footing," he said.

Opponents question whether the bill is actually solving a problem.

Michelle Beeman, an assistant commissioner for the Pollution Control Agency, said the process that's currently in place has worked for decades. She said the vast majority of contested cases already result in the agency adopting the decision of the administrative law judge.

"I do question where the problem is, exactly," Beeman said. "In our agency, we don't do significant rewritings of decisions. In fact, most of the time we're in agreement with the (administrative law judge)."

Beeman added that state agencies possess a great deal of technical knowledge necessary to ensure that rules are being properly enforced; the role of administrative law judges has traditionally been to establish facts and hold independent hearings that help the agency render a decision.

Wardlow responded that the current system leaves too much power in agencies' hands.

"I think that perhaps sometimes we trust too much in expertise, and I think that it is better perhaps to have consolidated hearings in one body, where we know they don't have an agenda," Wardlow said.

Sen. Scott Newman (R-Hutchinson) sponsors the companion, SF993, which awaits action by the Senate State Government Innovation and Veterans Committee.

— N. BUSSE

Equal pay for state workers

Are public employees overpaid?

You probably have an opinion on the matter, but Rep. Keith Downey (R-Edina) sponsors a bill that he hopes will put the issue to rest by taking a scientific approach.

HF2033 would establish a system of compensation for public employees that would put them on equal footing with their counterparts in the private sector. It proposes a study comparing executive- and legislative-branch worker pay and benefits to the private sector, which would then become the basis for a new system of compensation for those workers.

For some, such a system could mean less

compensation; others might get more. Still others would make the same amount that they do now. But above all, Downey said the bill would restore the public's confidence that state workers are compensated appropriately.

"The purpose of this is to put to rest this issue of whether we're fairly compensating public sector workers," he said.

The House Government Operations and Elections Committee approved the bill Feb. 1 and sent it to the House State Government Finance Committee. There is no Senate companion.

If the idea sounds simple enough, in practice it could be complicated. A 2010 study by the Minnesota Taxpayers Association found that more than half of all state jobs had no directly comparable private-sector counterparts. (Think state troopers, prison guards, etc.)

Of the positions the study examined, a majority (72 percent) were compensated at least 5 percent more than their private-sector counterparts. A small minority (18 percent) were compensated at least 5 percent less than in the private sector.

Rep. Ryan Winkler (DFL-Golden Valley) said the state shouldn't rush to adopt a private-sector compensation model that drives down wages for the majority of workers while awarding generous compensation to executives.

"The real debate should be whether the private sector trends are good," Winkler said.

Rep. Bev Scalze (DFL-Little Canada) asked whether the bill would mean Gov. Mark Dayton could receive a multi-million dollar compensation package similar to a chief executive at a major corporation.

Downey replied that CEOs are usually compensated relative to a company's profit — something for which there is "no parallel" in the public sector.

— N. BUSSE

'Public value impact statements'

All lawmakers believe the legislation they sponsor has some value to the public, but Rep. King Banaian (R-St. Cloud) thinks they should have to spell it out in writing.

Banaian sponsors HF673, which would require legislators who sponsor certain kinds of bills to produce a "Public Value Impact Statement" that describes the intended effect of their legislation.

The House State Government Finance Committee approved the bill Jan. 31 and sent it to the House Ways and Means Committee. The companion, SF1671, is sponsored by Sen. Roger Chamberlain (R-Lino-Lakes). It awaits action in the Senate Finance Committee.

According to Banaian, the goal is to provide Minnesotans with a simple, layman's-terms explanation of why a piece of legislation is being brought forward. The statements would be published on the Legislature's website and be easily accessible to the public.

The idea is that, years after a bill is passed, ordinary citizens could compare the stated intentions of laws with their actual impact on the real world.

"I think it's worth it to give our citizens the ability to gain that information in a clear-language way at relatively low cost," Banaian said.

Critics said the measure would merely add more paperwork for legislative staff, and amounted to little more than asking legislators to write down their own partisan talking points on their bills.

"Isn't that only one side of the argument? That doesn't sound like transparency to me... it's just one man's opinion or one woman's opinion," said Rep. Kerry Gauthier (DFL-Duluth).

Rep. Steve Simon (DFL-St. Louis Park) questioned the ultimate value of the statements, theorizing that over time they might become increasingly generic.

"Why do you think this will be a meaningful document for people as opposed to just a press release?" Simon said.

The bill originally would have applied only to bills that increased government spending or imposed new regulations or financial obligations on the private sector and local governments. Rep. Nora Slawik (DFL-Maplewood) successfully amended it to also include legislation that would reduce government spending.

— N. BUSSE

Pace of government reform questioned

Some initiatives designed to help transform state government into a model of efficiency are moving too slowly for some members of a House committee.

On Jan. 26, state officials updated members of the House State Government Finance Committee on the status of several reforms included in last year's omnibus state government finance law. They include a plan to modernize the state's complex job classification system and improve its employee performance appraisal system.

Some members said the agency in charge of implementing the changes, Minnesota Management & Budget, isn't pursuing either one of those efforts aggressively enough.

"I'd like to have a conversation about some

of the goals and scope of this analysis," said Committee Chairman Morrie Lanning (R-Moorhead). "This is not going to do the job that we intended, I intended to have us accomplish here."

Laurie Hansen, director of MMB's Human Resources Division, said the agency is currently analyzing roughly 1,450 job classifications that apply to some 35,000 state employees, and plan to recommend any changes to the system by the end of this year.

Lanning said he's concerned the agency is not focusing enough on consolidating the numerous classifications, which he said was the intent of the law.

"I hope that this effort is not just seen as an opportunity to update and rearrange," Lanning said. "It seems to me that the number of classifications is just way too high."

Likewise, Rep. Keith Downey (R-Edina) said MMB isn't moving quickly enough to improve the state's employee appraisal system. He said MMB is focusing too much on incremental improvements to the current system and not enough on designing a new one.

"The existing structures and mechanisms that we have aren't really designed to develop employees," Downey said. "I don't think we asked in the legislation for an evolutionary process that we could watch over the next 10 years."

Lanning said he planned to express his concerns to MMB Commissioner Jim Schowalter.

On Feb. 1, committee members directed similar criticism at State Auditor Rebecca Otto, who presented the recommendations of the Collaborative Governance Council. The council, launched as a bipartisan initiative in 2010, was commissioned to find ways to increase collaboration among various levels and agencies of government. Otto chaired the group.

Downey said the report, which included four recommendations, provided almost no specific advice for legislators to act on to create "meaningful changes." Rep. Phyllis Kahn (DFL-Mpls) agreed, calling the recommendations "a waste of our time."

Otto defended the council's report, arguing that many of the potential barriers to collaboration they were charged with investigating turned out to be perceived rather than real. She noted that council members put in many hours of work with no budget and no staff.

"I was willing to chair the effort and put my time in, and if it's something you don't think is valuable, we don't have to meet anymore,

because I've got things to do," Otto said.

— N. BUSSE

Taxes

Levy limits for local governments

Local units of government could find their ability to raise levies curtailed.

"For me to carry a levy limits bill, it's something I thought I would never do. I wasn't a big fan of levy limits," Rep. Greg Davids (R-Preston) told the House Property and Local Tax Division Feb. 1.

He sponsors HF1911 that would permanently impose levy limits on local units of government beginning with payable 2013.

Last year the Legislature re-crafted the market value homestead credit, leaving some communities with less state aid. Davids said while most local governments "acted responsibly" and did not raise their levy, approximately \$413 million was raised by others who "went overboard."

The division took no action on the bill, which Davids called a "work in progress."

The bill, which has no Senate companion, would allow a local government's levy limit to grow by 1.9 percent annually. However, for the first year (2013) a local government's limit would be equal to the greater of its pay 2011 or pay 2012 levy increased by 1.9 percent.

Keith Carlson, executive director of the Minnesota Inter-County Association, said the bill is the wrong message to local officials.

"Levies are the lowest in decades. The number of cities and counties that froze their levies was extraordinary," he said.

A provision requiring a local government to get voter approval before issuing new debt or entering into long-term purchases and lease agreements drew the support of some Roseville residents.

Joy Anderson, president of Responsible Governance of Roseville, said that when a city borrows money through a special taxing district for a project, it most likely does not need voter approval. Her organization went to court seeking a referendum on a city project.

"It is ridiculous that residents are now forced to litigate in order to prevent their city government from exploiting loopholes in laws" and spending thousands of taxpayer dollars on projects, she said.

— L. SCHUTZ

Level playing field for all

It's called the Amazon bill. It's a proposal aimed at bringing in the millions of sales

tax dollars currently not being collected on Internet sales. But it's a complicated issue that may only be resolved by federal action.

Rep. Greg Davids (R-Preston) sponsors HF1849 that begins to attack the issue by putting a definition to the term "solicitor." Heard Feb. 1 by the House Taxes Committee, which he chairs, no action was taken on the bill. There is no Senate companion.

Retailers having a physical presence in the state collect sales tax under current law. But some definitions need clarification in these days of so-called "cloud" sales. It may be obvious that "physical presence" means having property or employees in the state ... including "an affiliate, agent, salesperson, canvasser or solicitor." But the word "solicitor" isn't clear in its meaning.

The bill provides that definition to include residents "who directly or indirectly refer potential customers to a seller through an Internet website or similar link for commission or other consideration."

Other states have passed similar legislation.

Brian Steinhoff, president of the Minnesota Retailers Association, said leveling the playing field with Internet sellers is the organization's No. 1 issue.

State retailers are at an unfair disadvantage because they have to charge sales tax on the purchase, and that can be a deterrent to a customer.

Michael Drury owns a furniture store in Fountain. He explained that people use his business as a showroom before doing a price comparison. Because of the sales tax that needs to be collected, the customer opts for online retailers.

"These are transactions for rooms of furniture and the amount of sales tax becomes a big issue," Drury said.

The bill would apply only if the retailer has at least \$10,000 in gross receipts from Minnesota customers who were referred by solicitors.

According to the Department of Revenue, if enacted, the General Fund could see an additional \$3.9 million the first year.

— L. SCHUTZ

Transportation

Insurance verification system

When a driver is stopped by law enforcement they are usually asked to show their driver's license and proof of insurance.

Sponsored by Rep. Joe Hoppe (R-Chaska),

HF1323 would direct the Department of Public Safety to develop an online auto insurance verification system that would allow law enforcement personnel to verify a driver who has been pulled over has insurance on the vehicle in use.

The bill was held over Jan. 30 by the House Transportation Policy and Finance Committee. A companion, SF752, sponsored by Sen. Gary Dahms (R-Redwood Falls), awaits action by the Senate Commerce and Consumer Protection Committee.

"It does nothing to address infraction penalties," Hoppe said. "We're just talking about the framework of how we would set up a system."

Insurance Federation of Minnesota President Bob Johnson said the bill is put forth by the Insurance Industry Committee on Motor Vehicle Administration, a group that works with motor vehicle administrators to get the best insurance coverage verification systems. "What this bill represents is the best current effort to move to a web-based or online verification system," Johnson said. He said 10 states have implemented the system and six or so others are in a "testing mode."

Rep. Mike Benson (R-Rochester) wants to ensure the technology could not be used for cause, whereby an officer first verifies a vehicle is uninsured before pulling someone over. Hoppe said that is not the bill's intent, adding there are more than a hundred other reasons to get stopped.

"Our goal here is not anything nefarious," Hoppe said. "It's to make sure that people have auto insurance and we have safer highways and byways."

No fiscal note was available; however, Hoppe suggested potentially using some of the fines collected to maintain the verification system and have the upfront development expense come from elsewhere. He also said the timing would be right as the department is implementing a new database system.

"Making sure people have insurance and are insured is not a bad thing for us to be striving for," said Rep. Mike Nelson (DFL-Brooklyn Park).

— M. COOK

Insurance changes rejected

Minnesotans driving without insurance should be limited in the amount of money they could receive in damages if they are involved in a driving incident.

That is the premise behind HF730, sponsored by Rep. Pat Mazorol (R-Bloomington).

However, the bulk of the House Transportation Policy and Finance Committee disagreed with his idea Jan. 30, voting 15-1 against the bill. Rep. Mark Murdock (R-Ottertail) cast the lone yes vote. It was passed last session by the House Commerce and Regulatory Reform Committee.

In addition to increasing the minimum penalty for driving without motor vehicle insurance from \$200 to \$600, Mazorol said the bill would limit civil remedies for non-insured drivers who are injured in an accident.

"It limits it so that non-economic damages — that is those damages that are not strictly out-of-pocket type of expenses, commonly known as the pain-and-suffering-type damages — are not available for a claimant in one of three circumstances: if they are convicted of alcohol or a controlled substance impairment at the time of the accident, if they are the owner of an uninsured vehicle that is involved in the accident or if they're operating a vehicle involved in the accident without having appropriate insurance," Mazorol said. An exception would be provided if someone were injured by a drunken driver. The bill does not take into account comparative negligence.

Rep. Bobby Joe Champion (DFL-Mpls) and Rep. Terry Morrow (DFL-St. Peter) expressed concern about someone who is inadvertently late with an insurance payment and, as a result, would have no recourse if they are injured. Morrow unsuccessfully offered an amendment to exempt such people.

"We're looking for the people that are not participating in the system," Mazorol said.

Rep. Kerry Gauthier (DFL-Duluth) said the bill disproportionately affects people struggling to get by and must choose to pay car insurance or things like rent or the electric bill. "I don't see any justice in this," he said.

It is estimated that 500,000 drivers are driving in Minnesota sans insurance.

"This bill attempts to create a connection between two things which shouldn't be connected," said Rep. Mark Buesgens (R-Savage). "Whether I'm breaking the law by not having insurance shouldn't have anything to do with whether or not I'm injured because somebody blew a stop sign."

A companion, SF243, sponsored by Sen. Paul Gazelka (R-Brainerd), awaits action by the Senate Judiciary and Public Safety Committee.

— M. COOK

Leveling the playing field, but for whom?

Tort reform needed for businesses, but others say at the consumer's expense

By LEE ANN SCHUTZ

Is our litigious society putting Minnesota businesses at a competitive disadvantage, or are civil suits the only way consumers get their claims addressed? That was the gist of a more than six-hour House debate on four "tort reform" bills, the first of the Republicans' Reform 2.0 agenda.

The four bills passed the Senate in the last days of the 2011 session, but did not receive consideration on the House floor. All but one of the bills now awaits action by the governor.

Republican sponsors said the bills address lawsuit abuse and propose reform designed to improve the business and job climate in Minnesota.

However, DFLers countered that the bills rig "the system against Minnesota consumers and small businesses," in favor of corporations and insurance companies.

House Minority Leader Paul Thissen (DFL-Mpls) said these bills have nothing

to do with getting people back to work, and are an attack on the middle class and small businesses that may be suing large corporations.

"The courts level the playing field between big corporations and those with little power," said Rep. Tina Liebling (DFL-Rochester).

Rep. Pat Mazorol (R-Bloomington) and Sen. Julianne Ortman (R-Chanhassen) sponsor HF770/SF530* that would change how interest rates are computed before and after judgments. It would lower the awards from the current 10 percent flat rate to a market-driven rate with a floor of 4 percent.

"This bill gives certainty to the judicial process," said Mazorol.

After voting down 10 minority-sponsored amendments, the bill was passed 75-55. It returns to the Senate for concurrence.

In addition to increasing the threshold for filing a civil action in conciliation court from \$7,500 to \$10,000, HF211/SF149*, sponsored by Rep. Doug Wardlow (R-Eagan) and Ortman, would address the right of appeal in class action suits. It would permit a court's order related to certification of a class to be appealed before the case moves forward.

Wardlow said this would expedite the process, saving the state approximately \$41,000 annually. Under the bill, while an appeal is pending, all proceedings must stop, including discovery, but the court may lift the stay, if good cause is shown. The House passed the bill 72-59.

Wardlow and Ortman also sponsor HF654/SF373* that would shorten the state's statute of limitations from six years to four years. Wardlow said Minnesota currently has the longest statute of limitations in the country and the bill would bring it in line with other states. It was passed 71-56.

Sponsored by Mazorol and Sen. Scott Newman (R-Hutchinson), HF747/SF429* would implement two provisions to a statute regarding attorney fees' awards in civil lawsuits. The first provides that when making the award a judge must take into consideration the reasonableness of the attorney fees sought in relation to the amount of damages awarded to the prevailing party; the second would provide a limit on attorney fees awarded in certain cases in which an offer of judgment is made but rejected by the prevailing party. It was passed 75-55.

Critics say the bill would make it impossible for some people to hire an attorney because some cases, especially in the area of discrimination, require a lot of attorney time. 🗽



PHOTO BY ANDREW VONBANK

House members listen as Rep. Doug Wardlow presents the omnibus torts bill during the Feb. 1 floor session.

Good practices

Feed manufacturers ask for stopgap to forthcoming FDA rules

By SUE HEGARTY

Somewhere in Brazil there is a piglet who has been squealing for her Minnesota swill.

This little piggy is caught up in international export red tape because the federal Food and Drug Administration has temporarily stopped issuing Good Manufacturing Practices certificates for commercial feed operations. Brazil and the Dominican Republic require the certificates from U.S. feed manufacturers before they'll accept commercial feed exports. Other countries may soon follow suit.

Frustrated Minnesota suppliers with feed export deals are crying "wee, wee, wee" at home.

"We had the country of Brazil back in 2010 put in place barriers for us to be able to import our products, and one of those was getting a certificate of Good Manufacturing Practices from a state or federal agency," said Matt Frederking, director of regulatory affairs and operations for Ralco Nutrition in Marshall.

"A lot of the products we move into the global marketplace are non-medicated feed

additives, and so at the federal level prior to 2011, they would issue these documents."

But with passage of the federal Food Safety Modernization Act of 2011, the issuance of GMP certifications stopped until new stricter rules can be adopted. The Minnesota Department of Agriculture has never had to inspect and issue a GMP certificate for non-medicated feed before, so there are no rules at the local level either.

As the FDA goes through the process of writing the new federal rules, manufacturers of non-medicated feed are losing patience and money.

Some states are scurrying to pass their own rules to authorize the issuance of state GMP certificates. Kansas is the only state that has started issuing GMP certificates.

Doug Lueders, MDA supervisor for the commercial feed regulatory program,

estimates conducting the necessary inspections could take between 20 and 40 hours per facility, depending upon the compliance level of each feed facility. The projected cost of the inspection/certification is \$50 per hour, plus mileage.

"If we can open up these export markets, (the fee) is not a concern for us from an industry perspective," Frederking said.

HF1926 would speed that process along in Minnesota by authorizing the MDA

to inspect operations and to issue the certificates. The House Agriculture and Rural Development Policy and Finance Committee approved the bill Jan. 31 and referred it to the House Government Operations and Elections Committee. A companion, SF1527, sponsored by Sen. Gary Dahms (R-Redwood Falls), awaits action by the Senate State Government Innovation and Veterans Committee.

Minnesota annually exports \$4.8 million of feed to Brazil and \$85,000 to the Dominican Republic, according to Su Ye, market research program director for MDA. Though the numbers pale in comparison to Minnesota's total agricultural exports to the world at \$5 billion a year, it was significant enough for Ralco Nutrition to seek a statewide preemptive rule, ahead of the FDA.

"It's kind of a temporary fix bill to get rules in place in Minnesota for certification for GMPs," said Rep. Chris Swedzinski (R-Ghent), the bill's sponsor.

The intent is to authorize the state to do inspections at the manufacturer's request so they can earn the certificate and resume exporting. Once the FDA adopts its new rules, the Minnesota legislation would sunset and the MDA would automatically adopt the FDA rules.

Lueders estimates that inspections could begin within 30 to 60 days of enactment.

The Minnesota Agri-Growth Council represents some of the nation's largest commercial feed manufacturers, such as Cargill, CHS and Land O'Lakes.

"We're supportive of (the bill)," said President Daryn McBeth.

However, McBeth said some manufacturers have been able to skirt the export requirement by showing certification from another state or because they hold a federal Hazard Analysis & Critical Control Points certificate. HACCP is a different federal food safety management system but there's no guarantee that other countries will allow substitution of one certificate for the other.

"The importing country is at the controls here. It's not up to us to dictate what the importing country is looking for," Lueders said, adding that Mexico has also adopted the GMP certification requirement but is not enforcing it. 🐷



PHOTO BY PAUL BATTAGLIA

Rep. Chris Swedzinski, center, listens Jan. 26 during testimony about his bill that would authorize the Department of Agriculture to inspect feed operations and to issue Good Manufacturing Practices certificates. Seated with him is Matt Frederking, director of regulatory affairs and operations for Ralco Nutrition in Marshall.

So many rules, so little time

Lawmakers debate the wisdom of curbing agencies' rulemaking powers

By Nick Busse

The charge that there are too many burdensome laws on the books in Minnesota is one that most legislators are familiar with — whether they agree with it or not. It's at the core of the debate over the proper size and role of government.

But this year, it's the proliferation of a different type of government power that's in the crosshairs: the rules created by state agencies.

Sponsored by Rep. Doug Wardlow (R-Eagan), HF1831 is designed to undo what its sponsor calls "the soft tyranny of unelected technocrats." It would require "major rules" from state agencies to come under legislative review before they take effect, and once every two years thereafter.

The House Government Operations and Elections Committee approved the bill Jan. 31.

Wardlow said the number of state rules has multiplied over the course of several decades, stifling private enterprise and expanding the reach of government without sufficient legislative oversight. He said bureaucrats routinely make regulatory decisions that serve to hinder private-sector growth.

"So what happens when you have this multiplication of rules and delegation of legislative authority to unelected civil servants? It undermines the rule of law and undermines representative democracy," Wardlow said.

Under the provisions, "major rules" would be defined as those with an economic impact of greater than \$2 million per year, or which significantly affect the state's private sector.

"This bill does not automatically delete or nullify any rule," Wardlow said. Instead, he explained that agencies will simply be required to classify their rules; those falling into the "major rule" category will have to be reviewed by lawmakers.

Supporters include Rep. Mike Beard (R-Shakopee), who said there is an "avalanche of rulemaking" that legislators often aren't even aware of until after the fact.

"Is it a good thing that somehow elected officials have some kind of a review and consent process? I think it is," Beard said.

Rep. Dean Urdahl (R-Grove City) said he's

frequently confronted by constituents who are angry about something they think is a new state law, but which is, in fact, a rule developed by a state agency.

"I think it's important to have a better understanding and review of the rulemaking process," Urdahl said. "Rules have the impact of law, and they are often made by unelected people."

Opponents say the bill amounts to a legislative power grab, and argue that asking lawmakers to review potentially hundreds of

chapters of rules every two years would be logistically impossible.

Rep. Bev Scalze (DFL-Little Canada) said the Legislature delegates rulemaking authority to agencies for a reason. She said state legislators lack the technical and scientific knowledge to make specific decision on how to execute policy.

Officials from various state agencies seem to agree.

"This is a wholesale upending of how our rulemaking and our execution of the statutes would be done," said Michele Beeman, an assistant commissioner at the Pollution Control Agency.


Beeman said the bill would "create chaos" by forcing legislators to decide issues like whether protective liners underneath landfills should be 4 or 5 millimeters thick, and whether 4 parts per billion is an appropriate limit on the level of dioxin in the environment.

"Those are the details that are in our rules that, really, the Legislature shouldn't be bothered with. You want those engineers and experts to be the ones wrestling with it," she said.

Rep. Steve Simon (DFL-St. Louis Park) points out that agencies only create rules because the Legislature directs them to do so in statute. If lawmakers don't like a rule or set of rules developed by an agency, they can repeal it legislatively at any time. He said Wardlow's presentation of the bill created a false impression of "rogue agencies" making rules arbitrarily.

"I think it's worth remembering that regulations and rules don't just spring up like weeds or flowers," Simon said.

The committee's vote to approve the

measure fell squarely along party lines, 8-6. It now moves to the House Commerce and Regulatory Reform Committee. There is no Senate companion. 

"I think it's important to have a better understanding and review of the rulemaking process. Rules have the impact of law, and they are often made by unelected people."

— Rep. Dean Urdahl
R-Grove City



"I think it's worth remembering that regulations and rules don't just spring up like weeds or flowers."

— Rep. Steve Simon
DFL-St. Louis Park



Education advocate is moving on

Rep. Mindy Greiling announces she won't seek re-election

By ERIN SCHMIDTKE

At age eight, Rep. Mindy Greiling (DFL-Roseville) knew she wanted to become a teacher. Years later, her accomplishments would include earning both a bachelor's and master's degrees in education, teaching in St. Paul public schools, and later being elected to the Roseville Area School Board and finally the Minnesota House of Representatives.

Now, after 10 terms in the Legislature, she's stepping down.

"I've spent a quarter of a century with elections every other year. I want to quit while I'm still enjoying it," Greiling said.

During her nearly 20 years of serving the people in the northern St. Paul area, Greiling has fought for school funding and reform.

"She's a good friend and her retirement is a loss for the entire state of Minnesota. She will be missed by members of both parties," said Rep. Pat Garofalo (R-Farmington), chairman of the House Education Finance Committee.

The first bill Greiling introduced would have provided financial incentives to districts to hire female superintendents. "So often there's a woman in the pool, but she doesn't get picked," she explained. The bill didn't pass, but it was the start of a career in the House and illustrated her concern for education.

Greiling cites the New Minnesota Miracle, an education finance bill she championed, as both her biggest accomplishment and greatest disappointment. The bill would have provided increased funding for schools around the state. At the same time, it required districts to put accountability measures into place, with the goal of helping struggling students. Despite Greiling's effort, the bill ultimately did not pass.

Regardless, Greiling is proud. "That was the great honor of my life, to fight for kids," she said.

Greiling's son was diagnosed with

schizophrenia at age 21, and that was when she resolved to make mental health her priority as well. She started a mental health caucus in the Legislature. That year, funding for programs to help those who suffer from mental illness in Minnesota increased the most it has ever been in a single session. Greiling is dismayed that funding is being "chipped away," but continues to work for this cause.

"That's one of the privileges of being here [in the House]. If something happens to you or anyone you know or constituents, you can bring it here and have the satisfaction of making it better," she said.

Greiling wasn't always the seasoned representative she is today. When she first entered office, she admits it took her some time to become comfortable. "I was very

naïve when I came here, so I didn't take to it," she said. Over time, those feelings changed.

"There are so many good-hearted, gregarious people here. ... Everyone here tends to be making less money than they would somewhere else. They choose to be here because they care about what we do here," she said.

Greiling has learned how important relationships with those colleagues are. That's advice she wants to pass to her successor: "Your word is gold here and your actions should affect how you'll be successful. Be a person of integrity and maintain relationships."

Before her successor steps in, Greiling still has nearly a year before her final term is complete. During that time, she hopes that the Legislature will not instate any controversial constitutional amendments or spend money on a new stadium, instead saving those funds for education and health care. From there, she hopes they will work on a bipartisan level to create positive change for Minnesota.

"First do no harm, but then let's try and do some good," she said.

The increase in partisanship is perhaps the biggest change Greiling has seen since she first joined the House. Over time, she said, "The caucuses have gotten into armed camps." She feels that this year could be different.

"Everyone says that, every party, every Legislature, but we could really do it this year," she said.

Greiling has not decided what she will do next, but she has options. She has already started receiving job offers since her announcement that she would not seek re-election. But she's not in any hurry to decide.

"Especially when you're in the last quarter of your life, you don't want to pick something unless you're passionate about it," she said. 🐼



FILE PHOTO BY ANDREW VONBANK

After 10 terms in the House, Rep. Mindy Greiling will not seek re-election.

BILL INTRODUCTIONS

JANUARY 30 - FEBRUARY 1, 2012

HOUSE FILES 1987 - 2084

Monday, Jan. 30

HF1987-Lanning (R)

Government Operations & Elections

Teachers Retirement Association; post-retirement adjustment initial eligibility procedure revised; Teachers Retirement Association aid provisions recodified; new Teachers Retirement Association contribution and aid payment deficiency recovery procedures created; federal code compliance provisions revised and administrative changes made.

HF1988-Gunther (R)

State Government Finance

Truman; storm water project grant funding provided; bonds issued and money appropriated.

HF1989-Hackbarth (R)

Environment, Energy & Natural Resources Policy & Finance

Incumbent electric transmission owner rights established and commission procedures established.

HF1990-Nornes (R)

Higher Education Policy & Finance

Minnesota State Colleges and Universities system authority clarified to continue operations during a budget impasse, and money appropriated.

HF1991-Koenen (DFL)

State Government Finance

Sacred Heart; wastewater infrastructure improvement funding provided; bonds issued and money appropriated.

HF1992-Kelly (R)

Commerce & Regulatory Reform

Motor carrier contract indemnity provisions prohibited.

HF1993-Barrett (R)

Health & Human Services Reform

Advisory council provisions modified.

HF1994-Gottwalt (R)

Health & Human Services Reform

Health and human services policy provisions changed; provisions modified relating to continuing care, telephone equipment program, chemical and mental health, and health care; and comprehensive assessment and case management services reformed.

HF1995-Mahoney (DFL)

Commerce & Regulatory Reform

Labor and industry commissioner directed to implement window cleaning safety measures.

HF1996-Dittrich (DFL)

Commerce & Regulatory Reform

Home solicitation sale definition clarified.

HF1997-Davids (R)

Education Finance

Independent School District No. 239, Rushford-Peterson; funding provided for two school facilities; bonds issued and money appropriated.

HF1998-Sanders (R)

Commerce & Regulatory Reform

Health plan company definition modified.

HF1999-Melin (DFL)

Transportation Policy & Finance

Range Regional Airport terminal funding provided; bonds issued and money appropriated.

HF2000-Johnson (DFL)

Judiciary Policy & Finance

County boards authorized to set and impose court security fee in civil and criminal matters, and fee allotted for court security equipment and personnel.

HF2001-McFarlane (R)

Education Finance

Northeast Metro 916 Intermediate School District funding provided for a new facility; bonds issued and money appropriated.

HF2002-Downey (R)

Commerce & Regulatory Reform

Lawful occupation pursuit ensured to be free from unnecessary regulations, right stated to engage in an occupation to create a greater number of jobs, and conditions specified for government regulation of occupations to protect against misuse of occupational regulations to reduce competition and increase prices to consumers.

HF2003-Woodard (R)

Government Operations & Elections

Racing commission and state lottery operations allowed on an ongoing basis.

HF2004-Schomacker (R)

Transportation Policy & Finance

Luverne; Trunk Highway 75 bonds issued and money appropriated.

HF2005-Kahn (DFL)

Government Operations & Elections

Minneapolis Police Relief Association successor custodian provided for transferred health insurance account assets.

HF2006-Kahn (DFL)

Commerce & Regulatory Reform

Persons 21 years of age and younger allowed a special exemption to drink alcohol.

HF2007-Kahn (DFL)

Government Operations & Elections

Consolidating counties and rationalizing other internal boundaries feasibility study required, and money appropriated.

HF2008-Nornes (R)

Transportation Policy & Finance

Motorcycle road guard certificate established.

HF2009-Abeler (R)

Health & Human Services Reform

Human services legal provisions changed; human services licensing, licensing data and the Office of Inspector General related provisions modified; and Human Services Background Studies Act amended.

HF2010-McFarlane (R)

Higher Education Policy & Finance

Century College classroom addition and renovation funding provided; bonds issued and money appropriated.

HF2011-Winkler (DFL)

Education Finance

Perpich Center for the Arts funding provided; bonds issued and money appropriated.

HF2012-Swedzinski (R)

Government Operations & Elections

Regular sessions prohibited in even number years, and constitutional amendment proposed.

HF2013-Swedzinski (R)

Government Operations & Elections

State surplus property proceeds allocation modified.

HF2014-Swedzinski (R)

Environment, Energy & Natural Resources Policy & Finance

Redwood County Material Recovery Facility funding provided; bonds issued and money appropriated.

HF2015-Swedzinski (R)

Environment, Energy & Natural Resources Policy & Finance

Lake Redwood reclamation and enhancement project funding provided; bonds issued and money appropriated.

HF2016-Swedzinski (R)

Public Safety & Crime Prevention Policy & Finance

Marshall MERIT Center funding provided; bonds issued and money appropriated.

HF2017-Erickson (R)

Taxes

Income taxation rates for individuals, estates and trusts modified.

HF2018-Erickson (R)

Taxes

Individual income tax restructured, subtractions eliminated, single tax rate applied, working family credit modified and alternative minimum tax and various credits repealed.

HF2019-McNamara (R)

Environment, Energy & Natural Resources Policy & Finance

Watercraft license fees clarified for canoes, kayaks, sailboards, paddle boats and rowing shells.

HF2020-Lanning (R)

Environment, Energy & Natural Resources Policy & Finance

Moorhead; flood mitigation improvements and diversion project design work funding provided; bonds issued and money appropriated.

HF2021-Laine (DFL)

Health & Human Services Reform

Smoking prohibited in theatrical productions.

HF2022-Dill (DFL)**Environment, Energy &
Natural Resources Policy & Finance**

St. Louis County; real and personal property private sale authorized.

HF2023-Dill (DFL)**Environment, Energy &
Natural Resources Policy & Finance**

Gitchi Gami State Trail acquisition and development funding provided, bonds issued and money appropriated.

HF2024-Dill (DFL)**Environment, Energy &
Natural Resources Policy & Finance**

Lake Vermilion State Park and the Soudan Underground Mine State Park development funding provided, bonds issued and money appropriated.

HF2025-Urdahl (R)**Education Reform**

Postsecondary enrollment options program expanded.

HF2026-Greiling (DFL)**Education Finance**

School boards and teacher representatives collective bargaining agreement financial incentive offered.

HF2027-Davids (R)**Taxes**

Bloomington; tax increment financing district time limits extended.

HF2028-Gunther (R)**Government Operations & Elections**

Fairmont Police Relief Association consolidated with the Public Employees Police and Fire Retirement Plan and Fund.

HF2029-Anderson, P. (R)**State Government Finance**

Brooklyn; sewer line replacement allowing for expansion of existing industrial park businesses funding provided, bonds issued and money appropriated.

HF2030-Abeler (R)**Health & Human Services Reform**

Sex offender civil commitment stay as alternative to secure treatment facility review required.

HF2031-Downey (R)**Taxes**

Sales tax exemption for non-business Internet purchases.

HF2032-Myhra (R)**Taxes**

Retail sale definition modified.

HF2033-Downey (R)**Government Operations & Elections**

Equal Pay and Benefits Act proposed and new method for public employee compensation determination provided.

Wednesday, Feb. 1**HF2034-Howes (R)****Environment, Energy &
Natural Resources Policy & Finance**

Bear stand requirements modified.

HF2035-Hamilton (R)**Government Operations & Elections**

Jackson County; county auditor-treasurer office appointive process provided.

HF2036-Garofalo (R)**Education Finance**

Permanent school fund district allocation increases required to be reserved for school technology purposes.

HF2037-Garofalo (R)**Education Finance**

Community education, school readiness and Early Childhood Family Education fund balance penalties eliminated.

HF2038-Kahn (DFL)**Public Safety &
Crime Prevention Policy & Finance**

Regional 911 emergency communications center funding provided, bonds issued and money appropriated.

HF2039-Fabian (R)**Higher Education Policy & Finance**

Northland Community and Technical College; Thief River Falls airport site aviation maintenance and training center funding provided, bonds issued and money appropriated.

HF2040-Fabian (R)**Higher Education Policy & Finance**

Northland Community and Technical College aviation maintenance expansion project funding provided, bonds issued and money appropriated.

HF2041-Abeler (R)**Health & Human Services Reform**

Dental licensing provision changes made.

HF2042-Abeler (R)**Transportation Policy & Finance**

Ramsey; Highway 10 and Armstrong Boulevard interchange funding provided, bonds issued and money appropriated.

HF2043-Kieffer (R)**Taxes**

Youth ice facility municipal financing law modified.

HF2044-Petersen, B. (R)**Environment, Energy &
Natural Resources Policy & Finance**

Natural Resources Department electronic licensing classifications repealed.

HF2045-Mariani (DFL)**Higher Education Policy & Finance**

Saint Paul College design and renovation funding provided, bonds issued and money appropriated.

HF2046-Woodard (R)**Public Safety &
Crime Prevention Policy & Finance**

Department of Human Services electronic civil commitment data access permitted to law enforcement for background checks on explosives possession permit applications.

HF2047-O'Driscoll (R)**Transportation Policy & Finance**

Local road improvement funding provided, bonds issued and money appropriated.

HF2048-Mullery (DFL)**Government Operations & Elections**

Council on Affairs of Chicano/Latino People, Council on Black Minnesotans, Council on Asian-Pacific Minnesotans, Indian Affairs Council and Council on Disabilities continued existence provided.

HF2049-Barrett (R)**Education Reform**

Vision therapy pilot project created.

HF2050-Barrett (R)**Jobs & Economic Development Finance**

Taylor Falls; border city development powers establishment and exercise authorized, and money appropriated.

HF2051-Paymar (DFL)**Transportation Policy & Finance**

Electric-assisted bicycle regulations amended.

HF2052-Slawik (DFL)**Environment, Energy &
Natural Resources Policy & Finance**

Perfluorochemical level study money appropriated.

HF2053-Slawik (DFL)**Health & Human Services Reform**

Music therapist licensure created, and fees and civil penalties imposed.

HF2054-Kahn (DFL)**Education Reform**

Second world language proficiency required for high school graduation.

HF2055-Kahn (DFL)**Government Operations & Elections**

State employee health insurance benefits required to be made available to domestic partners if they are also made available to spouses.

HF2056-Kahn (DFL)**Commerce & Regulatory Reform**

Wagering on the results of professional or collegiate sports or athletic events permitted.

HF2057-Kiel (R)**Transportation Policy & Finance**

Local bridge replacement and rehabilitation funding provided, bonds issued and money appropriated.

HF2058-Kiel (R)**Transportation Policy & Finance**

Motor vehicle weight limits amended; exemptions, search warrants and citation warnings provided.

HF2059-Woodard (R)**Judiciary Policy & Finance**

Public defender representation, appointment and reimbursement obligation provisions modified; public defender, counsel in CHIPS cases, pretrial appeals and standby counsel costs financial responsibility outlined; appellate process working group established.

HF2060-Mack (R)**Health & Human Services Reform**

Medical Assistance coverage provided for community paramedic services.

HF2061-Downey (R)**Health & Human Services Reform**

Group residential housing modified.

HF2062-Banaian (R)**Health & Human Services Finance**

Family assets for independence program modified and money appropriated.

HF2063-Greiling (DFL)**Environment, Energy & Natural Resources Policy & Finance**

Solid waste organized collection process amended for cities.

HF2064-Slocum (DFL)**Commerce & Regulatory Reform**

Estate sale conductors required to post a bond to protect owners of the property to be sold.

HF2065-Nornes (R)**Higher Education Policy & Finance**

Board of Trustees of the Minnesota State Colleges and Universities systems revenue bond debt ceiling increased.

HF2066-Murphy, M. (DFL)**Higher Education Policy & Finance**

American Indian Learning Resource Center at the University of Minnesota, Duluth funding provided, bonds issued and money appropriated.

HF2067-Kiffmeyer (R)**Health & Human Services Reform**

Civil commitment law distinguished and clarified regarding the Minnesota sex offender program.

HF2068-Gunther (R)**Commerce & Regulatory Reform**

State lottery director authorized to establish gaming machines, fee on gaming machine revenue imposed, and powers and duties provided to the director.

HF2069-Drazkowski (R)**Government Operations & Elections**

State employee contributions required for health insurance premiums during the biennium ending June 30, 2013.

HF2070-Drazkowski (R)**Government Operations & Elections**

State funds prohibited from collecting union dues or fair share fees, and automatic deductions prohibited from employees' earnings for union dues or fair share fees.

HF2071-Davids (R)**Government Operations & Elections**

Lanesboro Dam exempted from historic review.

HF2072-Davids (R)**Taxes**

Taxation, spending and incurring debt based on market value limits clarified, terms defined, technical and clarifying changes made, and obsolete provisions repealed.

HF2073-Kelly (R)**Public Safety & Crime Prevention Policy & Finance**

Medical director for the Department of Corrections authorized to act for juveniles without a parent or guardian for medical and mental health care.

HF2074-Fabian (R)**Transportation Policy & Finance**

Speed limits modified.

HF2075-Dittrich (DFL)**Education Finance**

Permanent School Fund revenue required to be set aside for school technology purposes.

HF2076-Dittrich (DFL)**Environment, Energy & Natural Resources Policy & Finance**

Permanent School Trust land costs limited to not more than 30 percent of the lands' gross revenue for that year, and money appropriated.

HF2077-Dittrich (DFL)**Environment, Energy & Natural Resources Policy & Finance**

Fire suppression cost portion limited, which may be assessed against permanent school trust lands.

HF2078-Dittrich (DFL)**Education Finance**

Nonpublic pupil textbook aid expanded.

HF2079-Norton (DFL)**Judiciary Policy & Finance**

Trial court judgeships increased in the 3rd District and money appropriated.

HF2080-Daudt (R)**Health & Human Services Reform**

MFIP ineligibility modified, MFIP sanctions modified, MFIP time limit modified and MFIP exit level modified.

HF2081-Daudt (R)**Health & Human Services Reform**

Electronic benefit transfer cards modified.

HF2082-Crawford (R)**Government Operations & Elections**

Sandstone and its economic development authority authorized to sell a housing development.

HF2083-Garofalo (R)**Education Finance**

School district aid payment shift modified.

HF2084-Stensrud (R)**Government Operations & Elections**

Inverse condemnation authorized by a mixed municipal solid waste services business when a governmental entity occupies the market.

Constitutional Officers

Governor**Mark Dayton (DFL)**

130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155
651-201-3400/800-657-3717
Fax: 651-797-1850
Website: <http://mn.gov/governor>
E-mail: mark.dayton@state.mn.us

Lieutenant Governor**Yvonne Prettner Solon (DFL)**

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

Secretary of State**Mark Ritchie (DFL)**

Election Center
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
651-215-1440/877-600-8683 (VOTE)
Business Services
60 Empire Drive, Suite 100
St. Paul, MN 55103
651-296-2803/877-551-6767
Website: www.sos.state.mn.us
E-mail: secretary.state@state.mn.us

Attorney General**Lori Swanson (DFL)**

Executive Offices
102 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155
651-296-6196/800-657-3787
Website: www.ag.state.mn.us
E-mail: attorneygeneral@state.mn.us

Consumer Division

1400 Bremer Tower
445 Minnesota St.
St. Paul, MN 55101
651-296-3353/800-657-3787
(TTY) 651-297-7206
(TTY) 800-366-4812

State Auditor**Rebecca Otto (DFL)**

525 Park St.
Suite 500
St. Paul, MN 55103
651-296-2551
(TTY) 800-627-3529
Fax: 651-296-4755
Website: www.osa.state.mn.us
E-mail: state.auditor@state.mn.us

Come to the Capitol

Directions, Parking, Visiting the Legislature, Tours, Dining

Directions

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

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

Parking

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

Capitol Security personnel will issue tickets for expired meters.

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

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

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

Visiting the Legislature

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

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

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

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

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

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

Tours

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

Tour guides lead the 45-minute tours on the hour Monday through Friday between 10 a.m. and 2 p.m.; Saturday between 10 a.m. and 3 p.m. (last tour leaves at 2 p.m.); and Sunday between 1 p.m. and 4 p.m. (last tour leaves at 3 p.m.). The tours begin at the Capitol information desk. Brochures in about 20 foreign languages also are available there.

Tour rates vary. Generally, tours of the Capitol are free of charge with a suggested donation of \$5 per person.

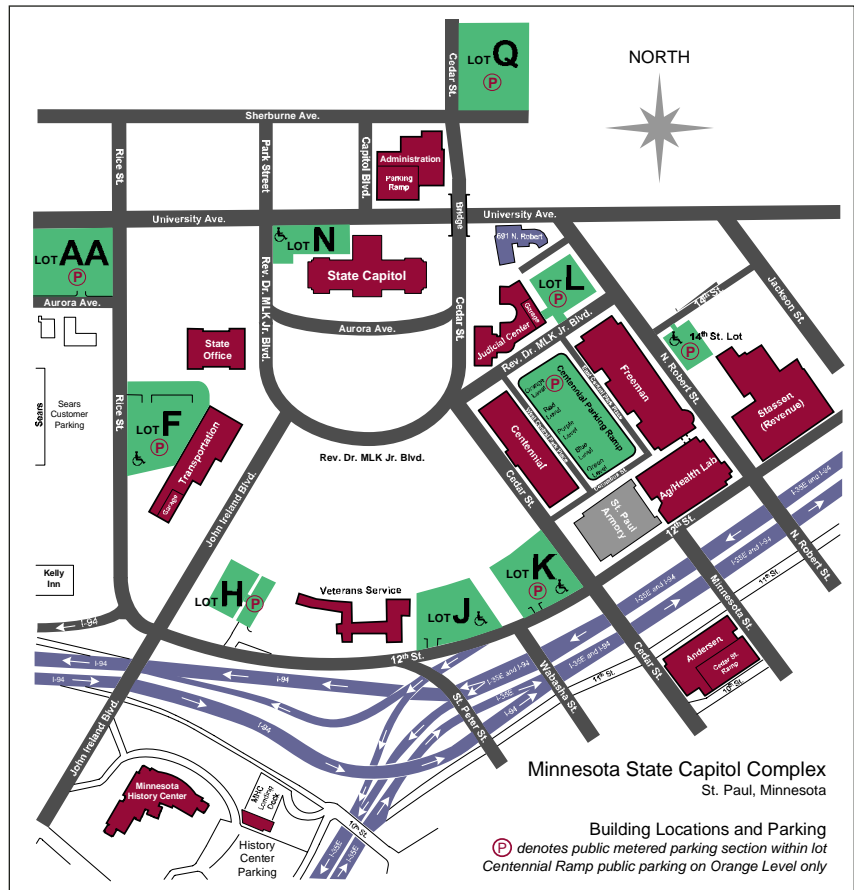
The society offers a number of specialized tours for educational groups ranging from pre-school students to high school seniors. Also, special tour events are scheduled throughout the year. A special events guide is available upon request.

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

Dining

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

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



Edited map courtesy Minnesota Department of Administration, Plant Management Division

Marriage definition draws strong reaction

Record number participate in annual State Fair poll

Of the record 12,549 people participating in the 2011 House of Representatives State Fair Poll, 66.5 percent said the state constitution should not be amended to define marriage as “only a union of one man and one woman,” while 29.8 percent believe the constitution should be changed. The question will be asked on the November 2012 ballot.

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

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



PHOTO BY ANDREW VONBANK

A record 12,549 people participated in the 2011 House of Representatives State Fair Poll.

1. If the governor and legislators cannot agree on a state budget for an upcoming biennium, should the current level of funding remain in effect to prevent a state government shutdown?

Yes69.2%..... (8,627)
No25.2%..... (3,137)
Undecided/No Opinion.....5.6%..... (703)

2. Should the state constitution be amended to define marriage as “only a union of one man and one woman?” This question will be on the November 2012 ballot.

Yes29.8%..... (3,743)
No66.5%..... (8,345)
Undecided/No Opinion.....3.7%..... (461)

3. Should the state’s sales tax be expanded to include clothing purchases?

Yes30.8%..... (3,856)
No62.3%..... (7,794)
Undecided/No Opinion.....6.9%..... (862)

4. Anglers can now ice fish with two lines. Should they also be allowed to use two lines on open water during warmer months?

Yes29.6%..... (3,696)
No45.8%..... (5,720)
Undecided/No Opinion.....24.7%..... (3,083)

5. Should students be required to stay in school through age 18 or graduation, whichever comes first?

Yes65.1%..... (8,131)
No26.8%..... (3,352)
Undecided/No Opinion.....8.1%..... (1,012)

6. Local governments currently must get special legislation to impose a sales tax. Should they be permitted to impose the tax without legislative authorization?

Yes25.5%..... (3,186)
No67.6%..... (8,435)
Undecided/No Opinion.....6.9%..... (864)

7. Only the governor can call the Legislature into special session, but he or she cannot limit the agenda. Should the state constitution be changed so the Legislature can call itself into special session?

Yes25.4%..... (3,173)
No64.2%..... (8,003)
Undecided/No Opinion.....10.4%..... (1,295)

8. Should voters be required to show a current, government-issued picture ID before casting their ballot?

Yes50.8%..... (6,361)
No46.4%..... (5,805)
Undecided/No Opinion.....2.8%..... (352)

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

Yes51.6%..... (6,455)
No40.1%..... (5,008)
Undecided/No Opinion.....8.3%..... (1,035)

10. Do you support publicly funded preschool for all children?

Yes62.5%..... (7,813)
No31.3%..... (3,910)
Undecided/No Opinion.....6.2%..... (769)

11. It is currently illegal to text message while driving. Should it also be illegal to use a cellular phone, except in emergency situations?

Yes62.3%..... (7,790)
No32.5%..... (4,068)
Undecided/No Opinion.....5.2%..... (652)

12. Would you support a right-to-work law, meaning workers are not required to join a union or pay union dues as a condition of employment?

Yes54.2%..... (6,770)
No36.8%..... (4,597)
Undecided/No Opinion.....9.0%..... (1,121)

13. Do you know who your state representative is?

Yes88.2%..... (11,026)
No10.8%..... (1,354)
Undecided/No Opinion.....0.9%..... (116)

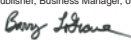
SECOND CHANCE



PHOTO BY ANDREW VONBANK

Annie Hudson of Minneapolis applauds legislators speaking in the Capitol Rotunda during the Second Chance Day on the Hill Rally Jan. 31. The rally is organized by the Minnesota Second Chance Coalition, which advocates for fair and responsible laws that allow people who have committed crimes to redeem themselves.

Statement of Ownership, Management and Circulation

Publication Title Session Weekly		Publication Number 1 0 4 9 - 8 1 7 6	Date of Filing 8/31/2011
Issue Frequency Weekly during legislative session		No. of Issues Published Annually 22 odd yr.; 12 even	Annual Subscription/Price No charge
Complete Mailing Address of Known Office of Publication 100 Rev. Dr. Martin Luther King Jr. Blvd., Room 175 St. Paul, Ramsey Co., MN, 55155-1298			Contact person Nick Busse
Complete Mailing Address of the Headquarters or General Business Office of the Publisher Same as above			Telephone 651-296-7592
Full Names and Complete Mailing Address of Publisher, Editor, and Managing Editor			
Publisher Barry LaGrave, 100 Rev. Dr. Martin Luther King Jr. Blvd., Rm. 175, St. Paul, MN, 55155-1298			
Editor Lee Ann Schutz, 100 Rev. Dr. Martin Luther King Jr. Blvd., Rm. 175, St. Paul, MN, 55155-1298			
Managing Editor Mike Cook, 100 Rev. Dr. Martin Luther King Jr. Blvd., Rm. 175, St. Paul, MN, 55155-1298			
(Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)			
Full Name		Complete mailing Address	
Minnesota House of Representatives Public Information Services		175 State Office Building 100 Rev. Dr. Martin Luther King Jr. Blvd St. Paul, MN 55155-1298	
Known Bondholders, Mortgagees, and Other Security Holders Owning or holding 1 Percent or More of Total Amount of Bonds, Mortgages or Other Securities. If none, check box. <input checked="" type="checkbox"/> None			
For completion by nonprofit organizations authorized to mail at special rates. The purpose, function and nonprofit status of this organization and the exempt status for federal income tax purposes: (Check one) <input checked="" type="checkbox"/> Has Not Changed During Preceding 12 Months <input type="checkbox"/> Has Changed During Preceding 12 Months (If changed, publisher must submit explanation of change with this statement)			
Publication Title Session Weekly		Issue Date for Circulation Data 7/15/2011	
15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published nearest to Filing date
a. Total No. Copies (Net press run)		4,146	5,025
b. Legitimate Paid and/or Requested Distribution (By mail and Outside the Mail)	1 Outside-County Paid/Requested Mail Subscriptions stated on PS Form 3541.	2,822	3,491
	2 In-County Paid/Requested Mail Subscriptions Stated on PS Form 3541.		
	3 Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS		
	4 Requested Copies Distributed by Other Classes of Mail Through the USPS (e.g. First Class Mail)		
c. Total paid Distribution (Sum of 15b (1), (2), (3), and (4))		2,822	3,491
d. Nonre- quested Distribution (By mail and Outside the Mail)	1 Outside-County Paid/Nonrequested Mail Subscriptions stated on PS Form 3541.		
	2 In-County Paid/Nonrequested Mail Subscriptions stated on PS Form 3541.		
	3 Nonrequested Copies Mailed at Other Classes Through the USPS (e.g. First Class Mail)	1,324	1,534
	4 Nonrequested Copies Distributed Outside the Mail.		
e. Total Nonrequested Distribution		1,324	1,534
f. Total Distribution (Sum of 15c and 15e)		4,146	5,025
g. Copies Not Distributed		0	0
h. Total (Sum of 15f and g)		4,146	5,025
i. Percent paid and/or Requested Circulation.		68%	69%
<input checked="" type="checkbox"/> Publication required. Will be printed in the February 3, 2012 issue of this publication.			
Signature and Title of Editor, Publisher, Business Manager, or Owner  Director			Date September 1, 2011
I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including multiple damages and civil penalties).			

Minnesota State Agencies

Administration 651-201-2555
Agriculture 651-201-6000
800-967-2474
Commerce 651-296-4026
Corrections 651-361-7200
Education 651-582-8200
Employment and
Economic Development 651-259-7114
800-657-3858
Enterprise Technology 651-296-4466
Explore Minnesota Tourism 651-757-1845
800-657-3535
Travel Info 651-296-5029/888-868-7476
Health 651-201-5000
888-345-0823
Higher Education Services 651-642-0567
800-657-3866

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

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

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

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

Session Weekly

Director

Barry LaGrave

Editor/Assistant Director

Lee Ann Schutz

Assistant Editor

Mike Cook

Art & Production Coordinator

Paul Battaglia

Writers

Nick Busse, Bob Geiger, Susan Hegarty,
Erin Schmidtke

Chief Photographer

Paul Battaglia

Photographer

Andrew VonBank

Staff Assistants

Christy Novak, Angella Hanson

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

- Session Weekly Online is available at www.house.mn/sessionweekly.

- If you enjoy Session Weekly, please consider helping to defray production and mailing costs with a voluntary donation for the 2012 session.

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

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

MINNESOTA INDEX

Minnesota Transit

Total passenger trips on Minnesota public transit in 2010, in millions.....	102.1
Millions of passenger trips in the Twin Cities metropolitan area	91.1
Millions of passenger trips in Greater Minnesota.....	11.1
Of the 80 counties outside the Twin Cities metropolitan area, number that	
have a public transportation system	76
Number of counties with this service in 2000	64
Number of counties with this service in 1990	40
Hours of service provided by Greater Minnesota transit providers in 2010	1,068,102
Hours provided in 2000	872,679
Approximate percent of need currently provided by Greater Minnesota transit systems.....	60
Millions of hours of service estimated to be needed to meet the transit needs of	
Greater Minnesota	1.7
Estimated number of hours in 2030, in millions.....	2.2
Percent of Greater Minnesota public transit riders who have household incomes	
of less than \$20,000	62
Percent who do not have a driver's license	51
Percent who ride at least twice per week.....	86
Percent who ride at least five days per week.....	50
Number of Metro Transit bus riders in 2010	66,040,533
Riders in 2008	70,852,419
Riders in 2006	63,517,259
Rides provided by Metro Mobility in the Twin Cities metropolitan area in 2010	1,410,369
Rides provided in 2006	1,110,542
Percent of transit system operating costs in Minnesota covered by state funding	
in 2010, as approximate	56
Millions appropriated for fiscal years 2012 and 2013 by the Legislature from the	
General Fund for public transit in both Greater Minnesota and the Twin Cities	
metropolitan area	\$108.1
Millions in Motor Vehicle Sales Tax Revenue to be used for public transit during	
the biennium	\$447.22
Approximate ridership in 2010 on the Northstar Link Commuter Bus, which provides	
bus service between St. Cloud and Big Lake, the terminus of the	
Northstar Commuter Rail	26,000
Approximate percent of Target Field attendees in 2010 who used transit to get to	
a Minnesota Twins game.....	20

— M. Cook

Sources: 2011 Transit Report: A Guide to Minnesota's Public Transit Systems, Dec. 2011; The Greater Minnesota Transit Investment Plan, Jan. 2011, both from the Department of Transportation.