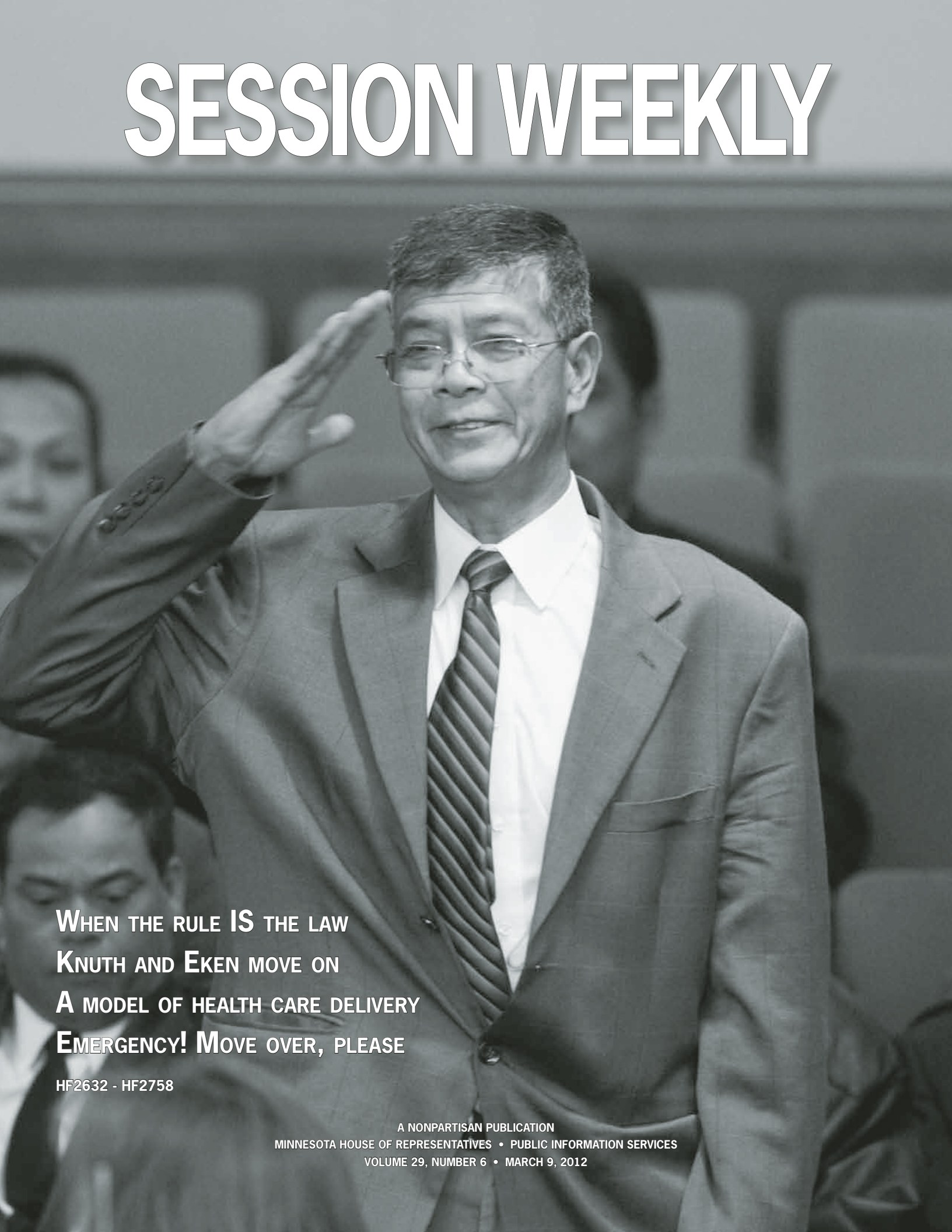


SESSION WEEKLY



**WHEN THE RULE IS THE LAW
KNUTH AND EKEN MOVE ON
A MODEL OF HEALTH CARE DELIVERY
EMERGENCY! MOVE OVER, PLEASE**

HF2632 - HF2758

A NONPARTISAN PUBLICATION
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES
VOLUME 29, NUMBER 6 • MARCH 9, 2012

Flashback to 1992 and 2002

Fighting terrorism a plate at a time

After the 9/11 terrorist attacks, Minnesota considered a \$22 million appropriation in fiscal year 2003 to fund various public safety functions related to prevention of and response to potential terroristic threats to the state.

The bill, HF2622, sponsored by Rep. Rich Stanek (R-Maple Grove), was amended to allow residents to purchase "United We Stand" license plates with revenue from the plate sales going directly to the federal government to fund the fight against terrorism worldwide.



A prototype of a license plate to help fund anti-terrorism measures.

A representative from the Rewards for Justice program explained to the House Judiciary Finance Committee that the license plate idea was adopted by 30 states. The program is a registered federal non-profit, operated by State Department personnel.

Some House members were concerned with the state sending money to the federal government. Rep. Debra Hilstrom (DFL-Brooklyn Center) wondered if language could be added that the program could be altered if the state determines the money isn't going where it is supposed to.

The committee approved the bill.

— Session Weekly March 8, 2002

Cutting the waste

Minnesotans discard some 4 million tons of solid waste annually — nearly a ton for every person living in the state. Rep. Jean Wagenius (DFL-Mpls) sponsors a bill, HF779, to set a statewide goal of reducing packaging waste by 25 percent by July 1, 2005. If the goal is not reached, manufacturers would pay a 1 cent per package advance disposal fee on all "non-exempt" packages.

The measure also targets toxins used in products which end up in landfills. Manufacturers would pay a fee when they use any of 20 specified toxins to make their products.

"In 1970, we all thought landfills were a good idea. We called them 'sanitary' landfills. Nobody understood that these landfills were leaking into the water," she said.

— Session Weekly
March 6, 1992

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SESSION WEEKLY

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On the cover: Noch Veng, a member of the Rochester International Khmer Assembly and former Khmer Freedom fighter in Cambodia, salutes members of the House Veterans Services Division March 5 as he is recognized by the division. A group of 37 Khmer veterans attended the meeting in support of a bill asking Congress and the U.S. President to recognize the role of the Khmer veterans during the Vietnam War.

— Photo by Paul Battaglia

The RULE of law

Lawmakers consider reigning in agencies' rulemaking powers

By Nick Busse

Jerry Zubay knows the cost of regulations. As a restaurant owner, he has a veritable army of government entities policing, inspecting and picking apart every aspect of his business.

"I don't have anybody there from the nuclear waste commission; other than that, pretty much everybody has their sights on me," Zubay said.

His experiences with regulators range from the annoying — having to pay a master electrician to install a lock box on a light switch located 12 feet off the ground — to the comical. One agency insisted that he install a sprinkler system inside of his new 6,500-pound wood-burning pizza oven, then changed their mind and told him to put a garden hose next to it in case of emergencies.

Zubay said the rules and regulations he has to follow, while well-intentioned, are costly, time-consuming and ultimately harmful to his business. And during his 40 years in the industry, he said the problem has worsened as new rules are piled on top of old ones.

"I'm not impugning these people or their departments; they're doing their job. But when they're doing their job, I can't do my job," Zubay told a Senate committee Feb. 22.

The over-reach of government is not a new complaint from the business community. But what many might not realize is that the rules that apply to businesses often come not from elected officials, but rather from professional regulators at state agencies. This happens through a process known as "administrative rulemaking."

Here's how rulemaking works: Let's say lawmakers want to protect the public from tainted food. Rather than spend time at the Legislature debating how to do this, they enact a law delegating that authority to experts at the Health Department.

Health officials study the issue, meet with stakeholders and take input from the public before finally adopting a set of administrative rules that describe how to safely cook, store and serve food.

For people like Zubay, those rules take on the full force of law. And oftentimes there's not just one code for them to follow, but many.

In Zubay's case, there are health codes, building codes, liquor regulations and many others.

An 'avalanche' of rules

Administrative rules have been around since the early 20th century, and are generally considered part and parcel to governing a complex society. But as they've accumulated over the course of many decades, some have argued these rules have become a barrier to economic growth as well as basic freedoms.

The problem isn't just the number of rules — which now rival statutes in terms of sheer volume. Rep. Mike Beard (R-Shakopee) said the problem is also that lawmakers and the public aren't kept in the loop about what he calls "an avalanche of rulemaking."

"We're beleaguering our poor citizens with

rules they don't even see coming until they see the flashing lights in the mirror or they get the nasty letter in the mail saying, 'you've been summoned and you're being fined,'" he said.

Beard said lawmakers often don't find out when agencies adopt rules that are handed down by the federal government, or that they promulgate on their own authority without any direction from the Legislature. He said legislators often find out what agencies are up to only after hearing a complaint from an angry constituent.

"You have a trucker, for instance, that gets pulled over on a logbook violation that six months ago didn't exist. ... Where'd that rule come from? These things — they keep happening" he said.

Beard is one of many Republican lawmakers who have come forward this year with bills that would reform administrative rulemaking. The proposals they've laid out range from strengthening legislative oversight of rulemaking (Beard's HF2169) to imposing a two-year moratorium on new rules

"We're beleaguering our poor citizens with rules they don't even see coming until they see the flashing lights in the mirror or they get the nasty letter in the mail saying, 'you've been summoned and you're being fined,'"

— Rep. Mike Beard
R-Shakopee

(HF2211), sponsored by Rep. Tom Hackbarth (R-Cedar).

But as lawmakers are finding out, curbing agencies' rulemaking power isn't as easy or simple as it might seem.

Technocrats or experts?

Critics of rulemaking contend that legislators have given up too much power to the executive branch. One lawmaker who hopes to correct this is Rep. Doug Wardlow (R-Eagan).

Wardlow sponsors HF1831 that would require legislative approval of rules that have a significant economic impact. The bill is meant to address what he calls "the soft tyranny of unelected technocrats."

"What happens when you have this

First Reading continued on page 4

multiplication of rules and delegation of legislative authority to unelected civil servants? It undermines the rule of law and undermines representative democracy,” he said at a Jan. 31 hearing.

Many struggling small business owners and frustrated legislators would probably agree. In practice, however, greater legislative oversight over administrative rulemaking comes at a price.

Delegating rulemaking authority to the executive branch allows legislators to farm out the technical aspects of lawmaking to people who are experts in their respective fields. Putting that responsibility back in lawmakers’ hands could mean forcing them to hash out issues like how many walleye anglers should be allowed to take from specific lakes, how thick protective liners underneath landfills should be, and how to update the diagnostic codes used by insurance companies and health care providers.

Even if lawmakers wanted to review every administrative rule handed down by agencies, critics argue it would be logistically impossible. Michelle Beeman, an assistant commissioner at the Pollution Control Agency, said legislators would quickly find themselves bogged down with highly technical issues.

“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,” Beeman told a House committee Jan. 31.

Moreover, agencies argue they’re being falsely maligned as power-hungry bureaucrats when in fact they’re only doing what the Legislature asked of them.

“These rules are put together for safety and health reasons, not just because we’re trying to hurt small businesses,” said John Rajkowski, director of governmental relations for the Department of Labor and Industry.

“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.”

— Michelle Beeman
Pollution Control Agency
Assistant Commissioner

Finding a compromise

Proposals to require legislative approval of rules or stop rulemaking altogether appear to be moving slowly through the House. But Beard’s bill, HF2169, appears to be gaining momentum.

Beard supports a less aggressive approach.

His bill would strengthen the Legislature’s ability to object to proposed rules and create a more thorough process for reviewing the ones already in place.

“I want the Legislature to be more engaged,” Beard said.

Technically, lawmakers already have the power to legislate away any

administrative rule they disagree with. They rarely use that power, however, and Beard

said many legislators aren’t even aware that it exists. If nothing else, he hopes his bill can rectify that situation.

Critics warn that even Beard’s bill is flawed, in that it asks lawmakers to take on a seemingly unreasonable task: reviewing hundreds of chapters of administrative rules. Beard isn’t fazed.

“We’re going to have homework to do, that’s right. But it’s time we stopped whining and stepped up and realized that we’re part of the solution,” he said.

Perhaps not surprisingly, the executive branch tends to resist intrusions on its authority. Both Gov. Mark Dayton and former Gov. Tim Pawlenty have vetoed efforts to place even modest limitations on rulemaking. Beard said he’s hopeful his bill, which has bipartisan support, will be received differently. 🍷



PHOTO BY PAUL BATTAGLIA

Rep. Michael Beard, left, and lobbyist Lisa Frenette discuss HF2169 with members of the House State Government Finance Committee March 6. The bill would increase legislative scrutiny of administrative rules.

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HIGHLIGHTS

MARCH 1 - 8, 2012

Editor's note: The following Highlights are coverage of select bills heard in House committees or divisions and other House activities held March 1-8. 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 acted on by the governor.

Business & Commerce

Ombudsman for small businesses

Small-business owners who need help navigating the state's regulatory structure might soon be able to appeal to an ombudsman for help.

Rep. Bruce Vogel (R-Willmar) sponsors HF2575 that would establish a "small business advocate office" within the Department of Employment and Economic Development. It would provide "one-stop access" for assistance with obtaining licenses, meeting regulatory requirements and resolving disputes with state agencies.

The House Jobs and Economic Development Finance Committee laid the bill over for possible omnibus inclusion March 6. It has no Senate companion.

Vogel said the new office would help small-business owners get permit applications processed in a timely manner. The bill specifies that DEED would create the position using existing staff rather than hiring new employees.

"What we want to do is create a position or a person in the department that will focus on helping people through the process," Vogel said.

He said it would be similar to an ombudsman position that already exists in the Department of Transportation, as well as one with the City of Edina. He noted that Gov. Mark Dayton has proposed creating a similar office.

— N. BUSSE

Civil Law

Judge could decide relocation costs

Current law provides for relocation assistance funds for those whose property

is acquired by a local jurisdiction through eminent domain.

Most of the time the process "works pretty well," with an acceptable agreement able to be reached by the parties involved, said Kirk Schnitker, an attorney specializing in eminent domain issues. He told the House Civil Law Committee March 5 that HF1833, sponsored by Rep. Denise Dittrich (DFL-Champlin), would provide an opportunity for an administrative judge hearing, if an agreement can't be reached.

"Relocation appeals are scarce. It happens once or twice a year and the (court) costs are minimal. Most cases are done in a day," Schnitker said.

The bill would provide for a contested case hearing to determine whether a person is eligible to receive relocation assistance in the first place, if it is denied by the acquiring authority. The administrative law judge's determination of the amount of the assistance would be final.

The committee approved the bill and moved it to the House floor.

The companion, SF1620, sponsored by Sen. Benjamin Kruse (R-Brooklyn Park), awaits action on the Senate floor.

— L. SCHUTZ

Consumers

Contractor roles contested

Contractors could be banned from negotiating with insurance companies on behalf of homeowners who are filing a claim for weather damage.

This is outlined in a bill brought before the House Commerce and Regulatory Reform Committee March 6. HF2553, sponsored by Rep. Joe Hoppe (R-Chaska), would draw a clear line between the role of contractors and adjustors, who work with homeowners in assessing damage on their houses when they file a claim with an insurance company.

Bob Johnson, president of the Insurance Federation of Minnesota, said the bill was necessary for the insurance marketplace. He believes that contractors who act as representatives for homeowners present a problem. He accused these contractors of "sidestepping the law," saying it

"muddies the waters" of insurance claims.

Contractors testified in opposition to the bill. They argued it would create additional work for them and damage their consumer relationships, which they spend years building. They added that insurance adjustors don't have the construction background necessary to make knowledgeable assessments, which will result in consumers spending far more than is necessary.

Chris Parrington, an attorney with Skjold-Parrington who represents homeowners, supported the contractor's role in the insurance claim process.

"I think this bill is nothing more than a wolf in sheep's clothing, and it will be devastating to consumers," he said.

Rep. Joe Atkins (DFL-Inver Grove Heights) received applause from dozens of contractors in the audience when he said that he would enlist the help of his friend, who is a contractor, when making a homeowner's insurance claim.

Hoppe offered to negotiate between the Insurance Federation of Minnesota and stakeholders in the contracting industry.

"I think that the spirit of the bill is right, but ... if we can't find peace in the valley, then we'll have to go back to the drawing board," Hoppe said. The committee approved the bill and sent it the House floor, with Hoppe's insistence that it will receive modifications before seeing a vote.

Sen. Gary Dahms (R-Redwood Falls) sponsors SF2137, the companion bill that awaits action in the Senate Commerce and Consumer Protection Committee.

— E. SCHMIDTKE

Regulations for liquor industry

The House Commerce and Regulatory Reform Committee reviewed legislation March 7 that would regulate the alcohol industry in Minnesota. Both bills were laid over for possible inclusion in an omnibus liquor bill.

HF2459, sponsored by Rep. Andrea Kieffer (R-Woodbury), would create licensure guidelines for wine educators. These educators teach others about the different aspects of wine, as well as how to taste and order it.

Jennifer Chou, who worked with Kieffer

to develop the bill, is a wine educator at Angel Share Wine Partners. She hopes the licensure requirements outlined in the bill will “weed out anyone who’s not serious about wine.”

Rep. Linda Slocum (DFL-Richfield) questioned the need for a \$250 license fee for educators. She compared that fee to the \$60 she paid for a five-year license as a teacher. Kieffer argued that the bill was necessary to regulate the industry, despite her reluctance to create barriers in business.

Sen. Dan Hall (R-Burnsville) sponsors the companion, SF2337, which awaits action by the Senate Commerce and Consumer Protection Committee.

Sponsored by Rep. Joe Hoppe (R-Chaska), HF2432 would allow liquor stores to sell beer in growlers, if that beer is only otherwise available in a keg.

Joe Bagnoli, a lobbyist for the Minnesota Licensed Beverage Association and the Minnesota Municipal Beverage Association, said the bill would help small brewers sell a wider range of products. Bagnoli said that would boost the craft beer industry, which is rapidly growing.

“We’re the epicenter of that and we’re trying to keep it going in Minnesota,” he said.

Tom Agnes, liquor operations manager for the City of Brooklyn Center, added that this would increase both freshness of beer and use of environmentally-friendly packaging, which he says cans don’t provide.

Jason Alvey, owner of specialty beer store Four Firkins, expressed concern that the bill was too limiting for liquor store owners. He hopes the bill will allow for growler sale of beer that is available in other forms besides kegs.

“We want to open it up and have more options available,” Alvey said.

The bill’s companion is SF2087, sponsored by Sen. Chris Gerlach (R-Apple Valley). It awaits action by the Senate Commerce and Consumer Protection Committee.

— E. SCHMIDTKE

Education

Q-Comp might extend to principals

School districts in Minnesota have the choice to sign up for the alternative compensation pay program, commonly known as Q-Comp, that financially rewards teachers based on merit. That pay option may extend to principals, too.

Rep. Sondra Erickson (R-Princeton) sponsors HF1510 that would allow funds

to be available to principals if schools meet the same requirements they do to earn Q-Comp for teachers. To become part of the alternative pay program, districts must work with staff and the education commissioner to develop student improvement strategies and evaluation systems for educators.

Erickson argues principals are as important as teachers in student achievement and deserve to be rewarded if they make a positive impact on their schools. The House Education Reform Committee approved the bill and sent it to the House Education Finance Committee March 1. It has no Senate companion.

“I want principals to be rewarded for extraordinary work. ... If we don’t, we are saying they don’t count for student achievement,” Erickson said.

Roger Aronson is legal counsel for both the Minnesota Association for Secondary School Principals and the Minnesota Elementary School Principals’ Association. He said the bill brings fairness and inclusion to Q-Comp by sending a clear message to school administrators

that the state values their good work.

Jan Alswager, chief lobbyist for Education Minnesota, said principals have other opportunities for financial reward, and that Q-Comp is not the right incentive for them.

“Q-Comp was designed for teachers who are willing to step up and take leadership positions, which principals should be willing to do by virtue of their jobs,” Alswager said.

Rep. John Benson (DFL-Minnetonka), voiced concerns that Q-Comp money would be diverted from its intended use, when funds are already scarce.

Erickson argued that the core of Q-Comp remains in place with the bill, which she said keeps student achievement as a high priority.

“My bill is not about the money. The goal is to make sure (staff) is working as one,” she explained.

— E. SCHMIDTKE

PSEO expansion sought

Post-secondary enrollment options for high-school aged students could become available to a broader range of learners, starting this year.

MALL LUNCHERS



PHOTO BY PAUL BATTAGLIA

With snow on the ground, and mid-50 degree temperatures in the air, Katie Knutson, left, and Megan Kelly, both of St. Paul, enjoy lunch March 6 from one of the food trucks that made their first appearance to the Capitol mall.

PSEO is a program that allows juniors and seniors to take college courses as a substitute for their schools' classes. Current statute limits enrollment in the program to high-achieving students. Rep. Dean Urdahl (R-Grove City) believes that students who don't meet that requirement should have the chance to take one PSEO course, with the opportunity to continue in PSEO if they are successful.

His bill, HF2025, would also incorporate vocational and technical education into PSEO by encouraging secondary and post-secondary institutions to form educational partnerships with local entrepreneurs. The bill would establish a task force to advise the Legislature how to best include career and technical education into instruction.

The House Education Reform Committee approved the bill on March 6, sending it to the House Education Finance Committee.

Proponents explained that expanding PSEO would make it more inclusive for Minnesota students. Tony Simmons, program director at the High School for Recording Arts, hopes the bill would decrease the academic achievement gap, especially minority students and those whose parents did not attend college.

"I can say to you, from experience, that creating a college-going culture by use of PSEO makes a huge difference," Simmons said.

Rep. Carlos Mariani (DFL-St. Paul) also supports the bill, but stressed caution when moving forward in the legislative process. He noted that the Senate companion allows for further opening of PSEO, allowing for-profit schools to qualify as PSEO-approved colleges.

"I know a number of these institutions and greatly appreciate what they do and the quality of their work. But I also know a number of them who are the opposite," Mariani said.

Rep. Andrea Kieffer (R-Woodbury) also spoke in support of the bill, which continues to limit PSEO to high school juniors and seniors. She worried that increasing the program to those in younger grades would open college courses to students who are not prepared.

Sen. Gen Olson (R-Minnetrissa) sponsors the companion, SF1531. It awaits action by the Senate Higher Education Committee.

— E. SCHMIDTKE

Dayton signs adult ed bill

Signed
by
the
governor

Learners who have completed adult basic education programs will be monitored for reliance on certain state aid.

Gov. Mark Dayton signed this into law March 8. Rep.

Tim Kelly (R-Red Wing) and Sen. Carla Nelson (R-Rochester) sponsor the bill.

Pursuant to federal changes, the law will require organizations providing adult basic education to track student outcomes so the state can analyze program effectiveness. These education programs help adults become literate and obtain skills needed for employment. They also work with students so they may earn their high school diplomas or equivalency certificates.

The new law expands standing state and federal requirements, which mandate that adult basic education programs must measure student and graduate employment, literacy skills and secondary and postsecondary education completion. The new law adds an additional category: learners' participation in the diversionary work program, Minnesota Family Investment Program and food support education and training program. These programs help low-income individuals, especially families, find employment.

The law is effective March 9, 2012, and is in effect through the 2020-2021 school year. HF1484/SF1213*/CH130

— E. SCHMIDTKE

No pay for felony-charged teachers

School districts may suspend with pay teachers who are charged with felonies. That could soon change to an unpaid suspension.

On March 6, the House Education Finance Committee approved HF2651, which would authorize districts to withhold pay from teachers during any time they face an ongoing felony charge. If a teacher is found not guilty, districts must then reimburse the compensation the teacher would have received during that time.

Rep. Jenifer Loon (R-Eden Prairie) sponsors the bill. She is concerned that schools are paying salaries to potential felons, with no way of getting the money back if the suspended teacher is convicted.

Loon explained that in the cases she has reviewed, teachers who are charged with felonies are frequently the subject of investigations surrounding criminal sexual conduct with students. She urged the committee to support the bill as a reasonable protective measure for Minnesota schools.

Grace Keliher, director of governmental relations for the Minnesota School Board Association, agreed.

"No school district would be forced to reward wrongdoing in the case that a teacher has been found to have committed a felony that would result in termination," she said.

Jan Alswager, chief lobbyist for Education Minnesota, claimed that the bill may have unintended consequences. Alswager described a case where a teacher faced a felony charge when a disgruntled student placed marijuana in her briefcase. She added that the bill could place undue stress on teachers who may be innocent.

Rep. Tom Anzelc (DFL-Balsam Township) also opposed the bill. He argued that felony charges take months to resolve, which is too long for a teacher's family to go without the money.

"We get to come here in a nice, warm building in January and walk around here like we're big shots, and that classroom teacher may not be able to survive (foregoing) a paycheck without serious financial harm to the family," Anzelc said.

The bill now awaits action by the House Education Finance Committee. It has no Senate companion.

— E. SCHMIDTKE

Elections

Voting under guardianship

Individuals under guardianship could face changes to their voter eligibility status.

Rep. Mary Kiffmeyer (R-Big Lake) sponsors HF2188 that would clarify voting rights with regard to those under guardianship. She said the goal is to ensure that individuals who are not competent to vote are denied eligibility, while competent individuals aren't denied.

The impetus for the bill stems from a 2010 incident in Crow Wing County in which a group of mentally disabled adults were allegedly manipulated into voting by their caregivers. The father of one of the affected individuals claims in an affidavit that his son is not mentally competent to vote and thus should have been denied.

Under a 2003 law, individuals under guardianship are presumed to be eligible to vote unless a court declares them otherwise. Kiffmeyer's bill would reverse this by delineating between individuals under "limited guardianship," who would

be presumed to be eligible, and those under regular guardianship, who would be presumed to be ineligible.

The House Government Operations and Elections Committee approved the bill March 1 and referred it to the House Judiciary Policy and Finance Committee. Sen. Paul Gazelka (R-Brainerd) sponsors the companion, SF1753, which awaits action by the Senate Local Government and Elections Committee.

Kiffmeyer said the bill is needed to clarify current law and to protect vulnerable adults from those who would use them to commit voter fraud. Opponents argue it's unfair to presume people under guardianship to be incompetent, and said the burden should be on the courts to determine when they're ineligible.

"Persons with disabilities, even when within the court process and under court supervision, should be presumptively thought to possess the right to vote," said Bob McLeod, an attorney who was involved in drafting the 2003 legislation.

— N. BUSSE

Voter ID amendment heard

A proposal to let Minnesotans vote on whether to require government-issued photo identification cards for voters had its first committee hearing March 8.

Rep. Mary Kiffmeyer (R-Big Lake) sponsors HF2738 that proposes amending the state's constitution to require photo ID for voting. The House Government Operations and Elections Committee approved the bill and moved it to the House Ways and Means Committee.

Kiffmeyer said a photo ID requirement would ensure the integrity of the state's elections as well as the opportunity for all eligible voters to cast their ballots. She said that while voting is sacred, a voter's identity is not.

"Who you are and where you live is a matter of the public right to know," Kiffmeyer said.

The Legislature passed a voter ID requirement in 2011, but Gov. Mark Dayton vetoed it. Kiffmeyer's bill would put the question directly to voters, bypassing the governor's approval. Under the delete-all amendment offered by Kiffmeyer, the following question would be posed to voters on this November's ballot:

"Shall the Minnesota Constitution be amended to require all voters to present valid photo identification on election day and that the state provide free identification to eligible voters?"

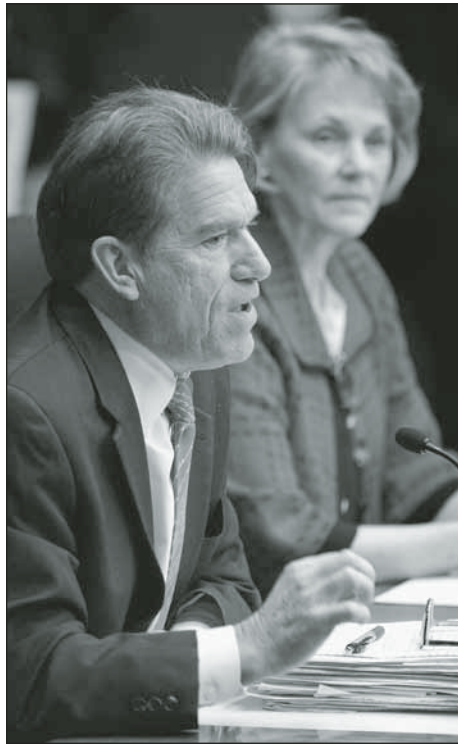


PHOTO BY ANDREW VONBANK

Secretary of State Mark Ritchie, left, answers questions from members of the House Government Operations and Elections Committee March 8 during discussion of a bill that proposes a constitutional amendment to require voters to show a photo ID. Rep. Mary Kiffmeyer, the bill's sponsor and a former secretary of state, listens to the testimony.

If approved by a majority of voters, it would fall on the next Legislature to pass enabling legislation spelling out exactly how the photo ID requirement would be implemented.

Secretary of State Mark Ritchie testified in opposition to the bill. He said approximately 84,000 Minnesotans currently vote who do not possess a current photo ID. He also said the 550,000 Minnesotans who currently register on Election Day would now be forced to cast a provisional ballot. Based on experiences in other states, he said one-third of those provisional ballots might not be counted.

"This procedure is a radical change to our election system and I think we need to think about it carefully," he said.

Kiffmeyer said the bill would allow those who vote by absentee ballot to continue doing so, with no additional identification requirements. Rep. Ryan Winkler (DFL-Golden Valley) said that would create two different ID verification standards. He said bill was "inviting legal challenges."

Meanwhile, Rep. Steve Simon (DFL-St. Louis Park) said he feared the bill

would spark an "arms race" of partisan constitutional amendments.

"If you do this, there will be very little restraint or no restraint the next time Democrats control the House and Senate," Simon said.

Sen. Scott Newman (R-Hutchinson) sponsors the companion, SF1577, which awaits action by the Senate Rules and Administration Committee.

— N. BUSSE

Employment

Bridges to Work bill gets hearing

A plan to let Minnesotans collecting unemployment benefits participate in a new on-the-job training program was laid over by a House committee.

Rep. Tim Mahoney (DFL-St. Paul) sponsors HF2184 that would establish a "Bridge to Work Minnesota" pilot program. It would allow up to 5,000 unemployed workers to receive up to eight weeks of paid training with an employer without losing their unemployment insurance benefits.

Under the provisions, employers would pay the participants a stipend equal to or greater than the state's hourly minimum wage. Up to 25 hours per week of paid training would be authorized, and the employers would have to agree to hire the individuals for at least 90 days after the training period ends.

Mahoney said the bill would benefit employers by letting them pay someone minimum wage while training them for a \$20-\$25 per hour job. For the workers, it represents a chance to re-enter the workforce.

"For the unemployed worker, they get a foot in the door for a possible job, as well as valuable on-the-job training. They also get a paycheck," Mahoney said, adding that similar programs have been implemented in Georgia and Texas.

The House Jobs and Economic Development Finance Committee laid the bill over for possible omnibus inclusion. Sen. Ken Kelash (DFL-Mpls) sponsors the companion, SF1940, which awaits action by the Senate Jobs and Economic Growth Committee.

Rep. Larry Howes (R-Walker) said he'd like to find a way for people who have exhausted their unemployment benefits to be eligible for the program too.

— N. BUSSE

Dayton, DFL jobs plan heard

Some key elements of Gov. Mark Dayton's jobs plan got their first hearing in a House committee March 1.

The House Jobs and Economic Development Finance Committee took up four DFL-sponsored bills representing portions of the job creation proposal outlined by Dayton and DFL lawmakers at a Jan. 11 press conference.

Rep. Tim Mahoney (DFL-St. Paul) sponsors HF2277 that would create a "Jobs Now" tax credit to incentivize employers to hire new workers. Qualified employers could apply for a credit of between \$1,500 and \$3,000 for each unemployed worker, veteran or recent graduate that they hire, up to a maximum of 16 employees. It would expire June 30, 2013, and the credits could only be claimed after the employees had worked for 12 consecutive months.

Ben Kyriagis, president of World Trade Network, Ltd., called the bill a "modest, reasonable jobs plan." He said bipartisan passage of the bill would send a message to businesses and consumers that the state's leaders are serious about creating jobs.

The bill also contains a proposal to tax online retail purchases — the so-called "Amazon" or "affiliate nexus" tax. That provision will be discussed by the House Taxes Committee, where the bill was sent without recommendation.

Meanwhile, three other bills were laid over for possible omnibus bill inclusion:

- HF2186, sponsored by Rep. Patti Fritz (DFL-Faribault), which would appropriate an additional \$10 million for the Minnesota Investment Fund, which provides grants for business development;
- HF2181, sponsored by Rep. Kathy Brynaert (DFL-Mankato), which would fund a \$4.5 million Fast Training, Resources and Credentialing (FastTRAC) program to provide worker training for careers in high demand; and
- HF2185, sponsored by Rep. Bev Scalze (DFL-Little Canada), which would authorize \$25.2 million in transportation economic development bonding.

— N. BUSSE

Env. & Natural Resources

BWCA land swap bill held over

The proposed condemnation of state-owned lands in the Boundary Waters Canoe Area Wilderness and exchanging the land for federal land outside the area sparked divergent ideas on how to boost revenues from Minnesota's school trust lands.

HF2207, sponsored by Rep. Carol McFarlane (R-White Bear Lake), was laid over March 6 by the House Environment, Energy and Natural Resources Policy and Finance Committee for possible inclusion in an omnibus bill.

McFarlane's bill would condemn about 36,000 acres of state-owned land in the BWCA and exchange it for federally-owned land outside the wilderness area. The sale or leasing of that land could bolster funding to the state's school trust fund. Some of the federal land lies in the Superior National Forest.

"This is a huge priority for the department and the State of Minnesota to sell the land," said Bob Meier, director of policy and government relations for the Department of Natural Resources.

Rep. Jean Wagenius (DFL-Mpls) said the state should use the estimated \$100 million the federal government could pay for the wilderness land to help fund K-12 education.

Rep. David Dill (DFL-Crane Lake), whose district includes the BWCA, said, "We should mine, log and lease the hell out of that land" to generate revenue rather than counting on lease revenue to fund education.

Rep. Bill Hilty (DFL-Finlayson) said, "If we're really concerned about children, let's adequately fund education."

A group of 41 environment and conservation groups submitted a letter opposing the plan. Justin Fay, legislative coordinator for the Sierra Club, said his group opposes the condemnation of BWCA land and subsequent exchange because the federal government provides better protection.

Sen. John Carlson (R-Bemidji) sponsors the companion bill, SF1857, which awaits action by the Senate Environment and Natural Resources Committee.

— B. GEIGER

Water conservation optional

Mandated conservation rate structures for public water suppliers could evaporate.

Sponsored by Rep. Tim O'Driscoll

(R-Sartell), HF1923 would eliminate a 2008 law that requires water suppliers to more than 1,000 people adopt conservation rate pricing to encourage conservation through block rates, seasonal rates and excess use rates.

The bill was approved March 6 by the House Environment, Energy and Natural Resources Policy and Finance Committee. The bill now advances to the full House.

Rather than mandating conservation rate structures, the bill would mandate public water suppliers to encourage voluntary water conservation measures. Water utilities would need to put "demand reduction measures" in place by Jan. 1, 2015.

"Conservation still exists, but you have another option," said Craig Johnson, intergovernmental relations representative for the League of Minnesota Cities.

The bill faced opposition from committee DFLers, who contend that it weakens water conservation efforts when drought conditions exist in much of the state.

Sen. John Pederson (R-St. Cloud) sponsors the companion bill, SF1560. It was laid over Jan. 31 for possible inclusion in an omnibus bill by the Senate Environment and Natural Resources Committee.

— B. GEIGER

Permitting process could speed up

The full House will decide whether to allow independent permit applicant professionals to draft environmental review applications.

Sponsored by Rep. Dan Fabian (R-Roseau), HF2095 would allow licensed professional engineers with at least 10 years of experience on projects they are helping draft permit applications for to speed up the Pollution Control Agency's permitting process.

The bill was approved March 5 by the House Ways and Means Committee. A companion, SF1567, sponsored by Sen. Bill Ingebrigsten (R-Alexandria), passed the Senate 47-16 on March 8.

Several DFLers objected to the bill because it would require PCA officials to approve or deny permit applications within 30 days. Agency officials have argued that a quick turnaround would force swift decisions on complex applications that sometimes take years to develop.

Rep. Jean Wagenius (DFL-Mpls) said that the proposed legislation is "not a bill that's ready to go to the floor." She claimed the bill should be returned to the House Environment, Energy and Natural Resources

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

Policy and Finance Committee to clarify language.

Among language she claimed to be vague is that applications and draft permits submitted by permit application professionals “shall be deemed complete and approved unless the terms and conditions in the permit application and draft permit ... fail to comply with applicable statutes and rules.”

Rep. Tom Rukavina (DFL-Virginia) disagreed. Rukavina said permits for developments in northeastern Minnesota often take up to five years to complete.

“You and I will be great-grandparents or dead before there’ll be a copper or nickel mine,” said Rukavina, referring to PolyMet Mining Corp.’s proposed copper, nickel and precious metals development on the Mesabi Iron Range.

— B. GEIGER

Wolf hunting gets committee OK

Wolves in Minnesota should beware because a plan to hunt them has begun to make its way through the committee process.

Creation of wolf hunting season and Department of Natural Resources’ efforts to recruit anglers and hunters were approved the House Environment, Energy and Natural Resources Policy and Finance Committee March 1. Containing these provisions, HF2171, awaits action by the House Government Operations and Elections Committee.

Sponsored by Rep. Tom Hackbarth (R-Cedar), the bill would create a wolf hunting season starting later this year. It provides for taking up to 400 of the estimated 3,000 wolves in the state. Up to 6,000 licenses to hunt wolves would be sold for \$26 each, plus a \$4 fee to enter a lottery to win a wolf hunting license.

To encourage increased participation in state fishing and hunting, the DNR would be authorized to spend up to 5 percent of Heritage Enhancement Fund money generated by the Minnesota State Lottery. That totals \$408,500 a year.

Falling participation rates among Minnesota anglers and hunters has caused the DNR to propose so-called retention and recruitment of outdoor sports participants.

A Senate companion, SF1943, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), is awaiting action by the Senate Environment and Natural Resources Committee.

— B. GEIGER

Game & Fish

Youth gun training at police ranges

Police shooting ranges and other publicly owned facilities could be made to open their doors to youth receiving firearms safety training.

Rep. Tom Hackbarth (R-Cedar) sponsors HF2353 that would require any publicly owned shooting range to be made available to youth pursuing their firearm safety certification. The House Government Operations and Elections Committee approved the bill March 7 and sent it to the House floor.

The shooting range must be made available during “hours reasonable for youth participants,” and ranges could charge a fee for any costs directly incurred, under the provisions.

Hackbarth said many youth in the Twin Cities metropolitan area have trouble finding access to a gun range so that they can finish their firearms safety certification.

Rob Boe, public safety project coordinator for the League of Minnesota Cities, said it might be difficult for some law enforcement ranges to accommodate youth activities. He said some police ranges are located in secure areas, and that police training schedules could be disrupted.

Supporters argued it’s only fair for facilities built with public money to open their doors to help education youth.

“We need to encourage young people to know how to shoot properly and safely,” said Rep. Dean Urdahl (R-Grove City).

Hackbarth said he planned to bring forward an amendment on the House floor that would address any concerns from law enforcement.

There is no Senate companion.

— N. BUSSE

Health & Human Services

DHS policy bill amended

Several health policy provisions that stalled on the House floor last year are back in a bill that’s considered the Department of Human Services’ policy bill.

DHS policies regarding continuing care, the Telephone Access Minnesota fund, comprehensive assessment and case management plans, chemical and mental health care and changes to the Medical

Assistance and MinnesotaCare programs are included.

HF1994 was approved, as amended, by the House Health and Human Services Reform Committee March 6 and referred to the House Civil Law Committee. Rep. Steve Gottwalt (R-St. Cloud) sponsors the bill.

Rep. Kim Norton (DFL-Rochester) successfully amended the bill that would require the Health Services Advisory Council to review treatments for autism spectrum disorder. The council would make recommendations to the DHS commissioner by the end of the year about authorization criteria for services based on existing evidence. Although similar language was in last year’s bill, it was removed in conference committee at the urging of the Senate, Norton said.

Sen. David Hann (R-Eden Prairie) sponsors SF1804, a companion that awaits action by the Senate Judiciary and Public Safety Committee.

— S. HEGARTY

Dual track policy bill debated

A House committee approved a health care policy bill that contains two conflicting continuing care proposals.

HF2456 is the Department of Human Services’ continuing care policy bill. However, the Association of Residential Resources in Minnesota, a consortium of 150 providers supporting people with disabilities, had proposed its own bill based on a set of working group recommendations and industry experience.

Rep. Jim Abeler (R-Anoka) merged the ARRM proposals into HF2456, which he sponsors, with hope that a mutually-agreed upon piece of legislation will raise to the surface. The bill was approved as amended by the House Health and Services Reform Committee March 6 and sent to the House Civil Law Committee.

Sen. Sean Nienow (R-Cambridge) sponsors SF2234, a companion which awaits action by the full Senate.

New statewide standards and payment methods would be created under the bill to comply with new federal health care laws. A sample framework for calculating new payment rates was created by the department, but ARRM members said the proposed data used to create the framework doesn’t adequately reflect the work done by a working group and that estimated “shadow rates” would cause drastic cuts in fees for some provider services.

For example, Homeward Bound serves 60 people with severe disabilities through department waivers.

"We have run some initial shadow rates on a website that the department has created. The numbers are catastrophic for Homeward Bound," said CEO Don Priebe, who estimated a 7.5 percent cut in revenue under the proposal.

"People with the most severe disabilities are going to suffer the most because they're the ones who are the most dependent on service," Priebe said.

The other challenge to compromise is that, in light of the state budget constraints, proposals must be revenue neutral. "It has to do no harm," Abeler said.

Rep. Tina Liebling (DFL-Rochester) said staying budget neutral is difficult.

"We can't afford to waste a single dollar, but we have real needs for real people that we gotta pay for and I think that has been kind of dumped in your lap Rep. Abeler. I'd be glad to help if I could. This is a tough problem and I hope we can figure out a good way to solve it without really hurting some folks," Liebling said.

— S. HEGARTY

Website transparency for licensees

More public transparency regarding the licensing and malpractice of licensed health professionals is the goal of a bill that resulted from a list of recommendations by the Sunset Advisory Commission.

HF2555 would require each health-related licensing board to post on its website the name and business address of each licensed individual who:

- was convicted of a felony or gross misdemeanor during the previous 10 years;
- had a malpractice judgment in any state within the past 10 years; and
- received disciplinary or corrective action or restricted privileges in any state.

Rep. Mary Kiffmeyer (R-Big Lake) sponsors the bill, which the House Health and Human Services Reform Committee approved as amended March 6 and referred to the House Civil Law Committee. A companion, SF2304 sponsored by Sen. Terri Bonoff (DFL-Minnetonka), referred to the Senate Government Innovation and Veterans Committee.

In addition, the bill would add a civil penalty to a person, health care facility, business or organization that fails to report misconduct to the Board of Medical Practice. Also, fees collected by licensing boards could

PAPER TRAIL



PHOTO BY ANDREW VONBANK

A plethora of bills and bill supplements line the wall outside the hearing room March 6 prior to a meeting of the House Health and Human Services Reform Committee.

only be used to pay the costs associated with board duties and any surplus would be prohibited from being transferred to the General Fund. In the event that more money is collected than is necessary to recover expenses, the respective board would need to propose a fee reduction.

— S. HEGARTY

Higher Education

Student health coverage options

Students attending the University of Minnesota are required to have health coverage; however, the plans need to meet criteria similar to the university

plan that was crafted with student input and has no deductible and caps out-of-pocket expenses at \$2,000 annually.

The mandate to make sure students are adequately covered is well-intentioned, but can create a hardship, according to Brett Rabe, a nontraditional student in the School of Veterinary Medicine.

As a parent of three children and no longer on an employer's health plan, he got medical coverage through the American Veterinary Medical Association at a \$3,500 annual cost difference from the university's plan. He sought a waiver from the university, however it was denied because the plan did not meet the university's criteria.

Rabe wrote his concern to Rep. Sarah Anderson (R-Plymouth).

"It seems frivolous to me that the university is absolutely insisting that I spend \$14,000 more over the next four years for coverage that isn't even as good as what the AVMA is offering," he stated.

Anderson sponsors HF2322, which states that if the university requires students to have health coverage, they must also allow a waiver and allow students to select from a broader range of options, including plans offered by associations.

The Minnesota State Colleges and Universities system has no similar requirement.

The bill was held over by the House Higher Education Policy and Finance Committee March 6 for possible omnibus bill inclusion. A companion, SF2329 sponsored by Sen. Terri Bonoff (DFL-Minnetonka), awaits action by the Senate Higher Education Committee.

Sue Jackson, director of student health benefits at the university, said Rabe's plan was denied a waiver because there was a significant issue with the mental health and prescription coverage, and deductible levels.

Anderson said the Legislature's hands are statutorily tied when dealing with the university, and is frustrated that the issue could not be worked out in any other way.

"They should be allowed to have the coverage that works for their family," she said.

Rep. Tom Rukavina (DFL-Virginia) agreed. "It is a shame that this bill should have come here. You'd think with all the great minds at the U, common sense would have prevailed."

— L. SCHUTZ

MnSCU budget-impasse bill

If most state government operations shut down like they did in 2011, the Minnesota State Colleges and Universities system might be able to keep operating.

Sponsored by Rep. Bud Nornes (R-Fergus Falls), HF1990 was held over March 1 by the House Higher Education Policy and Finance Committee for possible inclusion in its omnibus bill. A Senate companion, SF1780, sponsored by Sen. John Carlson (R-Bemidji), awaits action on the Senate Floor.

"I'm not crazy about auto-pilot bills, but I think this is an exception," said Rep. Terry Morrow (DFL-St. Peter). He told committee members about speaking with MnSCU students a week before the shutdown, when he was repeatedly told such a shutdown would delay students' education plans by a year.

The bill was amended to require MnSCU to repay Minnesota Management & Budget for budgetary services provided during a budget impasse.

— B. GEIGER

Housing

Changes for motor home statutes

Motor home owners can affix their vehicles to land and change the property designation from "vehicle" to "real estate." Owners can even get a mortgage on the home. But if they want to change back to "vehicle" status and sell the home, that part isn't so easy.

Rep. Mark Murdock (R-Ottertail) hopes to create a legal process that will assist owners who are returning their homes to being vehicles. His bill would especially help those who are hoping to sell their motor homes. Under HF1595, the title of the property would be tied to the home, not the land, which is necessary for a sale.

The House Ways and Means Committee approved the bill March 5 and sent it to the House floor. The companion is SF1416, which Sen. Michelle Fischbach (R-Paynesville) sponsors. It awaits action in the Senate Judiciary and Public Safety Committee.

"I think this is a pretty good bill, because I see some of the inequities that developed because of the problem you're trying to address," said Rep. Tom Rukavina (DFL-Virginia). However, he questioned the need for the Department of Public Safety to address motor homes' legal status, as the bill provides. Rukavina worried the department is already too occupied with other issues.

Mark Brunner, president of the Manufactured & Modular Home Association of Minnesota, responded that he did not foresee a problem, as the state reviews 15-20 cases like this per year.

— E. SCHMIDTKE

Military & Vet. Affairs

Termination hearing time limit

In cities or counties where there are civil service boards or merit system authorities, a military veteran employed in a public service job has certain rights before he or she can be terminated. The employer must first notify the employee, which starts the clock ticking

— within 60 days, the employee can request a hearing.

Where there is no board or authority, a three-person panel is appointed. The employee chooses one representative to serve on the panel; the employer chooses one representative; and, the third panelist is a mutually agreed upon person.

A bill approved by the House Veterans Services Division March 5 would change the process to ensure a timely hearing. HF2495 would require the employee being terminated to identify within the 60 days who they want to represent them before the three-person panel. In some instances, hearings have been delayed for months or years because the employee did not provide a name.

If the employee does not produce a panel representative within the 60 days, they waive the right to a hearing and all other remedies available for reinstatement of employment.

Rep. Bruce Anderson (R-Buffalo Township) sponsors the bill, which was referred to the House floor. Sen. Doug Magnus (R-Slayton) sponsors SF2316, a Senate companion.

Under current law, only the veteran can appeal a panel's decision. A second provision in the bill would also enable the employer to appeal.

— S. HEGARTY

Amending honor guard stipend law

Honor guards are entitled to be paid up to \$50 each time they provide services at the funeral of a deceased veteran. Current funding sources are the Support Our Troops account and charitable gambling operations at veteran service organizations. The Department of Veterans Affairs implemented a priority payment system after running short of funds one year. Honor guards where charitable gambling proceeds help pay the honor guard expenses were put on a wait list to be paid at the end of the year.

Rep. Dean Urdahl (R-Grove City) doesn't believe that's fair. He sponsors HF1903, which would no longer give the commissioner of veteran's affairs the right to give payment priority to honor guard units that do not have charitable gambling operations.

"We should not tie the burial with gambling," Urdahl said. Passed 128-0 by the House on March 1, it now moves to the Senate, where Sen. Mike Parry (R-Waseca) is the sponsor.

— S. HEGARTY

MARCH MUSHERS



PHOTO BY PAUL BATTAGLIA

Former Rep. Frank Moe completes an eight-day, 380-mile dog sled journey from Grand Marais to St. Paul March 8. Moe collected more than 12,500 petition signatures to bring awareness to potential mining pollution near the Boundary Waters Canoe Area Wilderness.

Resolution to affirm Khmer soldiers

The Khmer Freedom Fighters of Cambodia supported and defended U.S. military troops during the Vietnam War, yet the U.S. government has never officially recognized them as U.S. veterans, although many became naturalized citizens.

Rep. Bruce Anderson (R-Buffalo Township) sponsors HF2629, a resolution that would allow the state to officially recognize the Khmer Freedom Fighters and the Cambodian people for their support and defense of U.S. military forces. The resolution also urges the U.S. President, Congress and all other state legislatures to do the same.

The House Veterans Services Division approved the resolution March 5 and referred it to the House floor. The companion, SF2314, sponsored by Sen. Mike Parry (R-Waseca) awaits action by the Senate State Government Innovation and Veterans Committee. Thirty-seven Khmer Freedom Fighter representatives were on hand to witness the division's approval.

The soldiers fought alongside American soldiers to defend the rights of Cambodians and became American refugees after the war. Today, about 8,000 of these freedom fighters and their descendants live in Minnesota.

— S. HEGARTY

Public Safety

Selling forfeited firearms to dealers

Signed
by
the
governor

Federally licensed firearms dealers will be able to get weapons in another way.

Effective Aug. 1, 2012, law enforcement agencies will be permitted to sell forfeited firearms to these dealers.

Under current law, any contraband weapons that are subject to summary forfeiture must be destroyed, unless they are used by the appropriate law enforcement agency for training purposes.

As stated in statute, 70 percent of the sale proceeds would go to the law enforcement agency, 20 percent to the prosecuting agency and 10 percent to the state's General Fund.

Rep. Mike LeMieur (R-Little Falls) and Sen. Paul Gazelka (R-Brainerd) sponsor the law.

HF1468/SF1371*/CH127

— M. COOK

Forfeiture changes signed into law

Signed
by
the
governor

A number of changes to the state's forfeiture provisions that were proposed by a working group of key stakeholders has become law.

Rep. Tony Cornish (R-Vernon Center), who sponsors the law with Sen. Dave Thompson (R-Lakeville), said The Institute for Justice and associations representing law enforcement, public defenders and county attorneys all agreed to the changes.

Among its provisions, the law, effective Aug. 1, 2012, will:

- require a law enforcement officer to provide a forfeiture receipt when seizing an off-highway vehicle;
- make it mandatory, instead of permissive, for officers to secure seized property and prevent waste;
- prohibit employees of law enforcement agencies or the prosecuting authority and their relatives from purchasing forfeited items seized by the agency;
- amend the conciliation court jurisdiction law to increase the monetary limit to \$15,000 of certain claims the court may hear; and
- allow the owner of a seized vehicle — unless it's being held for investigatory purposes — to regain the item pending the forfeiture's outcome by posting a bond or giving security equal to the property value. Law enforcement can currently veto this.

The provision that created the most controversy in committee calls for the striking of Hmong, Somali and Spanish from the list of languages required in printing

the forfeiture notification. Instead, the notification must only be printed in English and printing in other languages could be done at an agency's discretion.

Opponents said the change might not ensure that people's rights are protected, it will put an extra burden on a non-English speaking property owner and it could potentially create lawsuits about due process.

In addition to mandate relief, proponents said it does not prohibit a local law enforcement agency from printing the notification in multiple languages, especially languages that reflect the diversity of a geographic area. They also note that agencies would likely do the right thing to protect themselves from potential litigation.

HF1535/SF1240*/CH128

— M. Cook

Adding drugs to DWI crime

When a woman behind the wheel was passed out after inhaling an air duster and crashed into another car before careening into a Duluth bakery, she could only be charged with careless driving.

She pleaded guilty to the crime in drug court and got some treatment.

"Through this, I discovered that if we were to actually proceed to trial in this case, we could not have charged her with a DWI because the chemical (she was using) is not a prohibited substance under the DWI statute," said Ryan Morris, an investigator with the Duluth Police Department.

Speaking to the House Public Safety Policy and Crime Prevention Policy and Finance Committee March 1, Morris also told of pulling over a driver weaving across the road. Because the man was under the influence of synthetic marijuana, he, too, could only be charged with careless driving because the substance does not fall under state DWI statute.

Sponsored by Rep. Kerry Gauthier (DFL-Duluth), HF1719 would allow authorities to charge such drivers with a more serious DWI. The bill would modify DWI laws to include being under the influence of a drug or knowingly under the influence of a substance that affects a person's ability to drive.

Approved March 1 by the committee, it was sent to the House Judiciary Policy and Finance Committee. Sen. John Harrington (DFL-St. Paul) sponsored companion bill SF2220. It is before the Senate Judiciary and Public Safety Committee.

"The spirit of this (bill) is to keep our roads safe and to keep impaired drivers off the road

no matter what they're impaired by," Morris said.

Assistant Wright County Attorney Shane Simonds said possibly getting a DWI is more of a deterrent, multiple DWI charges can lead to greater penalties for each subsequent infraction and they involve mandatory chemical assessments.

Rep. Bill Hilty (DFL-Finlayson) expressed concern about an unintended consequence of someone becoming too impaired to drive simply by taking prescribed or over-the-counter medication. "It seems too broad to me," he said.

"People are advised by their physician, by the pharmacist, by the label not to drive," Gauthier said.

— M. Cook

Synthetic drug deterrence approved

A plan to help keep synthetic or designer drugs off the streets and out of neighborhoods received the approval of a House committee.

In addition to enhancing the penalty for selling these substances to a felony, HF2508, sponsored by Rep. Bob Barrett (R-Shafer), would expand the list of synthetic substances and grant the Board of Pharmacy expedited rulemaking authority to handle new chemical formulas used by drug producers.

Hennepin County Sheriff Rich Stanek said the bill would "send a clear message that these substances are not safe or legal."

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

The bill piggybacks on a 2011 law that added substances known as 2C-E and 2C-I, "plant food," "bath salts" and synthetic cannabinoids to the Schedule I drugs in the controlled substances chapter of state law, and made a gross misdemeanor to sell synthetic marijuana and a person in possession of such a substance will be guilty of a misdemeanor.

Cody Wiberg, executive director of the Board of Pharmacy, said last year's law has had a positive effect in the war on drugs. "A lot of shops that were selling these drugs are no longer selling them. But there are few shop owners who do not seem to have gotten the message."

Barrett said two primary groups use these drugs. "There are young people who are experimenting and may not know what these drugs are and what the harmful effect

of these drugs are, and there are older drug users who see these synthetic drugs as the ultimate high because of the fact that they are much more powerful. Often these drugs have been called cocaine on steroids."

Stanek said a federal report released in December estimated that slightly more than one in 10 high school seniors have used synthetic marijuana.

Supporters said making it felonious to sell synthetic drugs will hopefully make some sellers decide what they're doing isn't worth the potential price of a \$10,000 fine and five years in prison.

With the money they're bringing in, it's currently worth it for these shops to pay the fine for a misdemeanor, said Duluth Police Chief Gordon Ramsay.

— M. Cook

Dayton vetoes 'Castle Doctrine' bill

**Vetoed
by
the
governor**

Siding with most of Minnesota's law enforcement and public safety organizations, Gov. Mark Dayton disengaged a bill that would have expanded

citizens' rights to use deadly force.

"The MN Police and Peace Officers Association, the MN Chiefs of Police and the MN Sheriffs Association represent the men and women who risk their lives every day and night to protect the rest of us. When they strongly oppose a measure, because they believe it will increase the dangers to them in the performance of their duties, I cannot support it," Dayton wrote in his March 5 veto letter.

Sponsored by Rep. Tony Cornish (R-Vernon Center) and Sen. Gretchen Hoffman (R-Vergas), the bill would have, in part, changed state law governing the use of force in self-defense, including that an individual using deadly force is presumed to possess a reasonable belief that there exists an imminent threat of substantial or great bodily harm or death. Gun owners would not have been entitled to the presumption if the person fired on was believed to be a law enforcement officer.

Proponents said the bill would better let law-abiding citizens defend their property and stand their ground. Opponents argued that the bill would essentially allow a person to shoot first and ask questions later.

The bill also would have defined and delimited the authority of peace officers to disarm law abiding individuals during a state of disaster declared by the governor, and would have required Minnesota to recognize

TRADES RALLY



PHOTO BY PAUL BATTAGLIA

Members of Minnesota's building trades rally at the Capitol March 6. Speakers urged legislators to pass a bonding bill and a Vikings' stadium bill to spur construction jobs.

a permit-to-carry issued by any other state, provided that the permit holder conforms to Minnesota's pistol carry laws while carrying a pistol within Minnesota.

The latter provision was also of concern to the governor.

"Making all permits issued by other states and governmental jurisdictions valid in Minnesota would allow people to carry guns here under the considerably lower standards for the issuance of permits of some other states," Dayton wrote.

Furthermore, the state's top elected official noted someone can already use deadly force to defend themselves, provided that use constitutes "reasonable force."

"That, I believe, is a reasonable standard," Dayton wrote.

Cornish said the bill won't be brought back this year for an override attempt, but he will try to get it passed next session.

HF1467*/SF1357/CH126

— M. Cook

State Government

Reform bills passed

The House passed a slew of mostly small state government reform bills March 1.

Rep. Keith Downey (R-Edina) sponsors

HF545*/SF1600 that would require state agencies to plan for possible federal insolvency and/or dramatically reduced federal payments in their budgets. The bill passed 74-57 and now moves to the Senate, where Sen. Ted Daley (R-Eagan) is the sponsor.

Federal funds comprise 28.6 percent of the state's total biennial budget, or \$17.8 billion. Downey said that with the federal debt at record-high levels and partisan gridlock in Washington, D.C., the bill is urgently needed. He called it a "common-sense risk management technique."

Critics included Rep. Ryan Winkler (DFL-Golden Valley), who accused the bill's supporters of "fear mongering."

Rep. Doug Wardlow (R-Eagan) sponsors HF1560*/SF993 that would give administrative law judges the final say in contested cases involving rules prescribed by state agencies. The current practice is to refer the judge's report to the relevant agency, which issues a final decision that can then be brought to an appellate court.

Wardlow said state agencies have been granted too much authority in regard to administrative procedures. He said powers that should belong only to the legislative and judicial branches of government now belong to "technocrats" in the executive branch.

"All this bill does is take the authority of the agencies to rewrite decisions of administrative law judges away," Wardlow said.

Critics called the measure a "radical step" and argued it would not solve any practical problems.

The bill, passed 70-62, now goes to the Senate where Sen. Scott Newman (R-Hutchinson) is the Senate sponsor.

Other bills passed include:

- HF1812*/SF1846, sponsored by Rep. Kirk Stensrud (R-Eden Prairie) and Sen. Paul Gazelka (R-Brainerd), which would permit the Department of Administration to outsource waste management duties in the State Capitol complex. It passed 69-63 and now goes to the Senate.
- HF212/SF134*, sponsored by Rep. Mike Beard (R-Shakopee) and Sen. Claire Rolbing (R-Jordan), which would remove a statutory age limit for public employee interns. It passed 77-55 and now awaits gubernatorial action.
- HF1850*/SF2253, sponsored by Downey and Sen. Julianne Ortman (R-Chanhassen), which would increase the maximum award for a gain-sharing program designed

to incentivize state employees to find cost savings. It passed 91-39 and awaits Senate action.

— N. BUSSE

Taxes

Small-businesses exemption

The idea for allowing small-business owners to get an upfront exemption on the sales tax they would otherwise pay on capital equipment purchases is not a new one. The problem legislators have run into over the years is how to pay for it.

Businesses currently have three-and-a-half years from the date of purchase or lease to file a claim to be reimbursed for the sales tax they paid.

“A lot don’t apply for the refund, because they don’t know about it, or they are just busy keeping their doors open,” Rep. Dan Fabian (R-Roseau) told the House Taxes Committee March 1.

He sponsors HF1842, which would provide the upfront exemption beginning July 1, 2012. The bill was held over for possible inclusion in a committee omnibus bill.

Rep. Ann Lenczewski (DFL-Bloomington) said the concept has had bipartisan support over the years, but it has never made it to law, largely because of the upfront cost to the state.

Since this is an allowed exemption already, this could be considered a “shift of revenue,” said Rep. Pat Garofalo (R-Farmington). “It’s a matter of timing.”

According to a Department of Revenue analysis, the bill would have an \$8.6 million impact on the General Fund in 2013 and slowly decrease for the three years needed to accommodate reimbursements on business equipment purchases made in 2012.

The companion, SF1670, sponsored by Sen. Amy Koch (R-Buffalo), awaits action by the Senate Taxes Committee.

— L. SCHUTZ

Transportation

Move-over law change proposed

Moving over, when practical, for an emergency vehicle parked alongside a road with its lights activated may no longer be a requirement in Minnesota.

However, it would still be encouraged.

Rep. Mike Beard (R-Shakopee) sponsors HF1955 that would clarify the state’s move-over law so that a driver must slow down to a safe speed for conditions, and, if possible, move the vehicle to the lane furthest away from the parked emergency vehicle on a roadway having two lanes in the same direction.

Approved March 5 by the House Transportation Policy and Finance Committee, which Beard chairs, the bill was sent to the House Public Safety and Crime Prevention Policy and Finance Committee. There is no Senate companion.

“Our primary interest is that you move over where practical and safe, but in lieu of that, you can slow down to comply with the spirit of the law and keep the folks on the shoulder safe in the process,” Beard said.

Beard said anecdotal research has indicated since the move-over law was enacted, the number of incidents has increased. He hopes to have firm numbers for the bill’s next committee stop. Additionally, driving in different parts of the country last summer, Beard said he noticed that signs in other states were similar to what Minnesota now uses except that they read “move over” or simply “slow down.”

“They don’t seem to have the same panicky, knee-jerky reaction that we have in Minnesota where it says ‘move over or else’ is what the implication is. I thought in order to come into conformance, especially on our interstate system, with all the other states around else that we should add the words ‘or slow down’ to the law as it exists.”

The Department of Public Safety said there would be no cost to implement the law, and the Department of Transportation, to keep costs at zero, has indicated they would leave current signs as is.

— M. COOK

Providing contingent appropriations

Last year’s state government shutdown nearly forced a scheduled one-year, \$18 million road reconstruction project in Forest Lake to extend into a second year.

“On that project we had a freeway interchange removed, and we were only partially done building a new one when everything stopped,” said Washington County Engineer Wayne Sandberg. “Had the shutdown gone even one more week, we would have jeopardized our completion date, and it would have become a two-year bridge closure. As it was, we still spent nearly \$200,000 in additional construction costs and county

staff time managing the additional project complexities during the shutdown.”

Sponsored by Rep. Ron Shimanski (R-Silver Lake), HF2631 would provide contingent state-aid related statutory appropriations if another shutdown were to occur.

Approved March 5 by the House Transportation Policy and Finance Committee, the bill awaits action by the House Ways and Means Committee. The companion, SF2172, sponsored by Sen. John Sterling Howe (R-Red Wing), awaits action by the Senate Transportation Committee.

“Because of constitutional requirements that local highway systems shall be maintained, there’s an obligation for cities and counties to continue their operation during a government shutdown,” Shimanski said. “There are certain roles that MnDOT trunk highway and state-aid staff performs in order for the project to continue operation, such as material certification, plan review and testing.”

Sandberg noted that the money comes from user taxes that are constitutionally dedicated, not the state’s General Fund.

“Keeping these monies flowing from the highway user tax distribution fund back to locals so they can carry out their mission is the goal,” Sandberg said. He added that keeping local resources available may also be necessary to ensure a local match is on hand to receive federal funds for a project.

Rep. Mike Nelson (DFL-Brooklyn Park) commented that this is another of the “plethora” of continuing appropriations bill he’s heard this session. “It’s almost like we’re planning for Shutdown 2.0,” he said. “This takes the pressure off us having to do our job.”

— M. COOK

Frequently called numbers

Area code 651

House Public Information Services	296-2146
Toll-free	800-657-3550
Chief Clerk of the House	296-2314
House Index	296-6646
Senate Information	296-0504
Toll-free	888-234-1112
Secretary of the Senate	296-2344
Voice mail/order bills	296-2343
Senate Index	296-5560

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

Reforming Mahnomen County

White Earth Nation prepares to deliver health care to tribal members

By SUE HEGARTY

Counties have been the state's vehicle for delivering health and human services for years, but the White Earth Nation in northern Minnesota is on track to become the first sovereign nation to take over those responsibilities for its own community.

"It's just a really cool moment in time when we turn back something that (the White Earth Nation will) do well at. Seldom do we get to celebrate a moment like this. We mostly face challenges. We don't get to celebrate successful moments," said Rep. Jim Abeler (R-Anoka), chairman of the House Health and Human Services Finance Committee.

The White Earth Nation received legislative authority last year to provide human services to Mahnomen County residents. The county is entirely located within reservation boundaries, although about 55 percent of county residents are non-tribal.

Transferring authority for service delivery, such as child welfare, chemical dependency and employment, could save the state millions of dollars in Medical Assistance health care costs, say proponents because the federal government reimburses sovereign nations 100 percent for Medical Assistance costs, according to Monte Fox, White Earth health director.

"That's where our savings is going to be for the state," Fox said.

About 70 percent of Mahnomen County's current case load is American Indian. The Department of Human Services estimates it may save up to \$4 million by shifting MA services from the county to the White Earth Nation.

Rep. Kent Eken (DFL-Twin Valley) represents the county. He said counties, in general, are being asked to provide services with less funding and the potential savings to the state was the driving force.

"Whenever something this precedent-setting is attempted, we have to be careful," he said.

Others would argue that the cost to taxpayers is the same, regardless of whether it is state or federal funding.

"I guess when I think of savings, I think of costs going down, not changing where the money comes from.

I would think you'd also be looking at some overall cost savings from how you would structure this as well," said Rep. Mary Kiffmeyer (R-Big Lake).

Any financial gain to the state may be overshadowed by operating dual delivery systems.

"Mahnomen County is not going away," said Karen Ahmann, county board chairwoman.

Abeler said he hopes that the White Earth Nation can deliver a more culturally sensitive approach to social services, resulting in stronger client recoveries and less need for ongoing care, which would result in total cost savings.

The White Earth Nation needed the administrative expertise to administer healthcare programs, such as determining

eligibility. They currently have 42 nurses and 21 mental health professionals among the community. In addition, 29 members have experience working with some of the state information systems.

"The tribe got to the point where they can assume responsibility," said Vern LaPlante, Department of Human Services' tribal relations coordinator.

The complete transfer of services is projected by this fall or early next year.

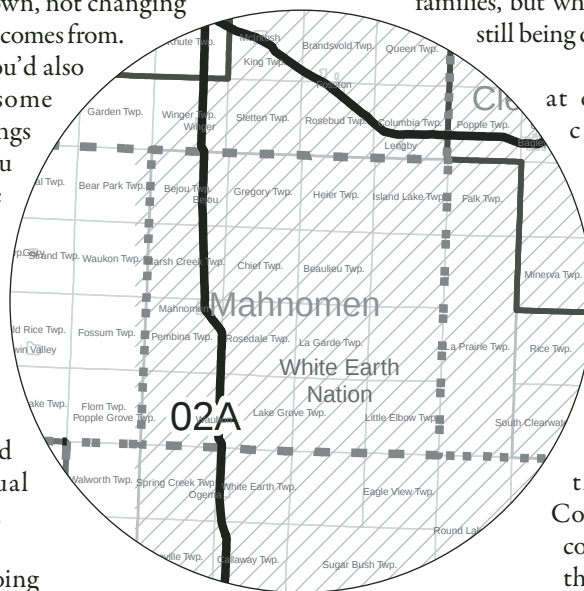
There are still several details to work out, such as determining which residents would be served by the White Earth Nation and who would continue to receive county services. The White Earth Nation proposes to deliver health and human services to tribal members and their families, but who would qualify is still being determined.

"We don't look at color. We don't categorize our services by race," Ahmann said. Also, the White Earth Nation health and human service location would be located in Becker County, rather than Mahnomen County. Ahmann is concerned that after the transfer, county staff may have to screen clients "at the door and that's

a very uncomfortable place to be."

Despite the hurdles, Ahmann said, "We really do want to work with the tribe to make the quality of life better in the county."

After the transfer of services is complete, the White Earth Nation may assume similar responsibilities in Becker and Clearwater counties, which also have high concentration of American Indian communities.



Mahnomen County is located in the northwest corner of the state.

Continuing his public service

Eken running for open Senate seat to avoid race with close friend

By ERIN SCHMIDTKE

Rep. Kent Eken (DFL-Twin Valley) was looking ahead to November's election when he got a surprise. Redistricting pitted him against his close friend, Rep. Paul Marquart (DFL-Dilworth).

"We never expected we'd actually be in the same district. But what excites me about running for the Senate is that I'm not going to be serving with Paul in the House, but he's going to be my teammate in the same district," said Eken. He hopes to replace retiring Sen. Keith Langseth (DFL-Glyndon).

Eken and Marquart are already planning to campaign together. Eken has even offered Marquart the shared use of his donkeys, which live on the Eken family farm when they are not participating in campaign parades. One of them, Floyd B. Olson, is named after Minnesota's first Farmer-Labor governor.

Marquart shares Eken's enthusiasm for the upcoming months.

"I have an excellent senator in Keith

Langseth, and it would be real special to have Kent as my senator, also," Marquart said.

As a Senate candidate, Eken's goals as a legislator will remain the same. During his decade as a state representative, he has been a staunch advocate for Greater Minnesota. He cites education funding, flood mitigation and property tax reform as issues that heavily impact rural areas.

"It shouldn't matter where you live. Everybody, every child deserves to have a good, quality education. Every citizen deserves to have access to affordable health care. Every community deserves to have good roads, bridges and infrastructure for economic prosperity," Eken said.

One of the first bills he sponsored was the fixed cost revenue bill, which would financially weigh the first 500 students in a school district more heavily than any additional students.

Eken, a former high school social studies and economics teacher, explained that every

district has fixed costs it can't avoid. Those costs become easier to bear when spread across a high number of pupils, which Eken believes is a disadvantage for small, rural schools. Though the bill hasn't passed, Eken hopes to pursue efforts like this in the Senate.

To Eken's disappointment, the Legislature's focus on Greater Minnesota is the part of politics that he has seen change the most since he first entered office. He hopes to mend what he calls a "systematic dismantling" of local aid for less wealthy areas of the state.

Along with his rural roots, another driving force for Eken is his family. His brother, who was diagnosed as mentally disabled during childhood, had two options for care: move to a faraway institution, or stay at home and receive little education.

"I remember dad saying that neither one of those two options was acceptable," Eken said.

His brother's diagnosis led Eken's parents to become activists for those with mental disabilities. This effort eventually led his father into politics as a state representative in the 1970s and 80s, where he worked on behalf of those needing long-term medical care.

"Even if you're mentally gifted or mentally disabled, everybody deserves a chance. And that was kind of my dad's principal and he never even dreamed of going into politics. He never went to college and was a farmer. But that led him into politics and that was what led me into it as well," Eken said.

Eken incorporated his father's energy into his own political life, making long-term care a key political issue for himself. When his father developed Alzheimer's disease and needed to live in a nursing home, the issue became even more personal.

Now, Eken says his biggest accomplishment as a legislator is his work to ensure that type of care is readily accessible in all parts of the state. That's one issue he hopes to continue as a senator.

"A lot needs to be done between now and November. But it's going to be a lot of fun," Eken said. 🐼



PHOTO BY ANDREW VONBANK

Rep. Kent Eken said he will remain a "staunch advocate" for Greater Minnesota, if he is elected to the Senate.

Renewable energy advocate

Knuth proud of her accomplishments in the House

By Bob Geiger

Redistricting mapped the decision by Rep. Kate Knuth (DFL-New Brighton) to step down from the House after three terms.

"When the maps came out, it made me reassess my direction. I never planned on being a legislator for my career," said Knuth, whose District 50B was changed dramatically, and paired her with Rep. Tom Tillberry (DFL-Fridley).

A conservation biologist, Knuth recently finished her doctoral coursework and is starting work on her thesis while coordinating the Boreas Environmental Leadership Program at the University of Minnesota's Institute on the Environment.

An environmental advocate, Knuth said, "I came in wanting to get good work done, and within a few months of getting elected, we passed the renewable energy standard," which requires state electric utilities to generate 25 percent of power from renewable resources by 2025.

Other significant renewable energy laws passed in 2007 included the Next Generation Energy Act and the Midwestern Greenhouse Gas Reduction Accord. "We were really making great progress," Knuth said.

However, since the 2010 election that gave Republicans control of the House and Senate, she said, "It's been very frustrating to see a shift from an, 'OK, we're going to create opportunity for this state by solving this problem'" attitude to climate and energy becoming political "wedge" issues.

Part of that legislative change is a focus on issues that divide rather than bring Minnesotans together, said Knuth, citing the proposed constitutional amendment defining marriage. "I don't really think it's good for the civic fabric of Minnesota for people to have to choose sides on issues that really don't impact the basic day-to-

day governance and future of the state."

The legislation Knuth is most proud of is the Toxic Free Kids Act, which requires the Department of Health to create lists of "chemicals of high concern" and "priority chemicals" that can harm children. Passed in 2009, that law also requires the Pollution Control Agency to recommend safer alternatives to priority chemicals.

"I'm really proud of a number of energy bills that I either authored or worked on that I think put Minnesota on a renewable

energy path," said Knuth. She advised the legislators who end up serving the New Brighton, Arden Hills and Shoreview after this fall's election to work hard to represent the communities.

"Being an advocate for my community has been something I'm proud of. I think it's a good legislator who works hard to open up the office for their constituents, and I worked really hard to be out in the community; door-to-door, surveys and meetings. I helped people who have not really been part of this process to access it in different ways," Knuth said.

She will miss people, colleagues and staff the most after her term ends.

"I love that I can walk around in my community and every two blocks point to a house and tell you about the person who lives there. There's not another job where you get to know the people in your community that well. The retired men who sit in the coffee shop next to my house; the manager of the Cub Foods in New Brighton; or the director of the high school marching band who was director when I was drum major," she said.

When Knuth leaves the House, the 134-member body also will lose the color orange.

"It's my favorite color and I've worn orange every day since I was in high school. I had two orange prom dresses made specially when I was in high school, because you couldn't buy them at the time," Knuth said.

"People know it. It's my brand. My constituents know it; my colleagues know it; people link to me when they see orange." 🍊



PHOTO BY ANDREW VONBANK

After three terms, Rep. Kate Knuth announced she will not seek re-election.

BILL INTRODUCTIONS

MARCH 5 - 8, 2012
HOUSE FILES 2632 - 2758

Monday, March 5

HF2632-Winkler (DFL)

Transportation Policy & Finance

Golden Valley deputy registrar office reinstatement directed.

HF2633-Atkins (DFL)

Commerce & Regulatory Reform

Bulk wine purchase and use by farm wineries permitted.

HF2634-Torkelson (R)

Environment, Energy & Natural Resources Policy & Finance

Subsurface sewage treatment systems alternative local standards provided.

HF2635-Abeler (R)

Higher Education Policy & Finance

Minnesota State Colleges and Universities institutions timely presidential appointments required.

HF2636-Woodard (R)

Taxes

Monthly sales tax liability accelerated payments eliminated.

HF2637-Buesgens (R)

Legacy Funding Division

State Capitol building renovation, restoration and repair money appropriated.

HF2638-Anderson, D. (R)

Commerce & Regulatory Reform

Portable electronics insurance sale regulated.

HF2639-Kiffmeyer (R)

Government Operations & Elections

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

HF2640-Dettmer (R)

Veterans Services Division

Pay differential law amended as it applies to school district employees who are members of the National Guard or any other reserve unit.

HF2641-Kieffer (R)

Taxes

Corporate franchise tax eliminated.

HF2642-Hausman (DFL)

Environment, Energy & Natural Resources Policy & Finance

Nonferrous metallic mineral mining financial assurance provided.

HF2643-McDonald (R)

Taxes

Tax increment financing definitions modified.

HF2644-Kiffmeyer (R)

Government Operations & Elections

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

HF2645-Erickson (R)

Education Finance

School district cooperative facilities grants limited.

HF2646-Murphy, E. (DFL)

Health & Human Services Reform

Public health improvement account created, statewide health improvement program provisions modified, funding provision program for health impact assessments established and money appropriated.

HF2647-Myhra (R)

Education Finance

Public data definition relating to agreements involving payment of public money clarified.

HF2648-Kelly (R)

Environment, Energy & Natural Resources Policy & Finance

Goodhue Pioneer Trail funding provided, bonds issued and money appropriated.

HF2649-Kelly (R)

Environment, Energy & Natural Resources Policy & Finance

Land acquisition for Mill Towns State Trail and expansion of Goodhue County Lake Byllesby Park funding provided, bonds issued and money appropriated.

HF2650-Beard (R)

Environment, Energy & Natural Resources Policy & Finance

Renewable development account regulated.

HF2651-Loon (R)

Education Reform

Teachers charged with felonies suspensions without pay authorized.

HF2652-Murray (R)

Taxes

Internal Revenue Code changes conformed.

HF2653-Urdahl (R)

Legacy Funding Division

American Civil War and the Dakota Conflict sesquicentennial commemoration activities money appropriated.

HF2654-Mahoney (DFL)

Jobs & Economic Development Finance

Small business investment tax credit for 2012 increased.

HF2655-Davids (R)

State Government Finance

Film investment tax income credit provided.

HF2656-Howes (R)

Commerce & Regulatory Reform

Building and construction contracts regulated, and certain agreements to insure prohibited.

HF2657-Winkler (DFL)

Government Operations & Elections

Lobbyists or principals related to model legislation, and principals and public officials related to scholarship funds requirements added.

HF2658-Doepke (R)

Education Reform

Individualized learning schools creation provided; site-governed school, postsecondary enrollment options, and charter school provisions modified.

HF2659-Morrow (DFL)

Government Operations & Elections

Executive branch officers, legislators and legislative staff insider trading based on nonpublic information prohibited.

HF2660-Morrow (DFL)

Higher Education Policy & Finance

Open-access textbook task force established, and plan for improved use of open-access textbooks required.

HF2661-Erickson (R)

Transportation Policy & Finance

City of Isle; Malone Island Bridge funding provided, bonds issued and money appropriated.

HF2662-Davnie (DFL)

Education Finance

Special education tuition bill-back procedure phased out and serving school made responsible for all special education costs.

HF2663-Dill (DFL)

Environment, Energy & Natural Resources Policy & Finance

Lake County private sale of tax-forfeited land authorized.

HF2664-Kriesel (R)

Environment, Energy & Natural Resources Policy & Finance

Persons age 55 and older allowed to hunt with a crossbow.

HF2665-Fritz (DFL)

Health & Human Services Reform

Nursing personnel staffing reports required.

HF2666-Fritz (DFL)

Health & Human Services Reform

Nursing personnel staffing reports required in medical clinics.

HF2667-Fritz (DFL)

Higher Education Policy & Finance

Minnesota State Academy for the Deaf; free tuition provided for graduates.

HF2668-Holberg (R)

Civil Law

Fiscal note unofficial data classified.

HF2669-Hornstein (DFL)**Taxes**

Income and corporate franchise tax structure modified.

HF2670-Gruenhagen (R)**Commerce & Regulatory Reform**

Minnesota Comprehensive Health Association; individual health insurance market guaranteed issue provided and related changes made.

HF2671-Davids (R)**Transportation Policy & Finance**

Motor fuel excise tax rate reduced during periods of high prices.

HF2672-Gruenhagen (R)**Judiciary Policy & Finance**

Death penalty for capital offenses authorized; statutory framework provided, including procedures and criteria for imposition of death penalty; Board of Pardons authorized to hear petitions for commutations of death penalty sentences; automatic appellate review provided for death penalty cases; appointment of attorneys provided in death penalty cases; and administrative framework provided for implementing death penalty.

HF2673-Hornstein (DFL)**Government Operations & Elections**

Metropolitan governance task force study established and recommendations made.

HF2674-Lohmer (R)**Health & Human Services Reform**

Abortion; licensure required for certain facilities.

HF2675-Peppin (R)**Health & Human Services Reform**

Prescribing physician required to be physically present when abortion-inducing drugs are administered.

HF2676-Howes (R)**Health & Human Services Finance**

Abortion; grant eligibility modified for abortion alternative programs.

HF2677-Kiel (R)**Education Reform**

Principal evaluation provisions modified.

HF2678-Winkler (DFL)**Health & Human Services Finance**

Early childhood, kindergarten through grade 12, and higher education provisions modified; early learning and higher education gap scholarship programs established; fiber optic infrastructure grant program established; money appropriated for a public school's fiber optic infrastructure grant program; schedule implemented to repay the school aid payment shift; accessibility increased to career and technical education; bonds issued and money appropriated.

HF2679-Abeler (R)**Health & Human Services Reform**

Payment rate-setting methodologies established for home and community-based waiver services.

HF2680-Shimanski (R)**Judiciary Policy & Finance**

Jury selection limitation removed on voter list data received by courts.

HF2681-Shimanski (R)**Environment, Energy &****Natural Resources Policy & Finance**

Brownston; flood hazard mitigation funding provided, bonds issued and money appropriated.

HF2682-Koenen (DFL)**Environment, Energy &****Natural Resources Policy & Finance**

Granite Falls; flood hazard mitigation funding provided, bonds issued and money appropriated.

HF2683-Gottwalt (R)**Commerce & Regulatory Reform**

Unified personal health premium account administration permitted and task force created.

HF2684-Peppin (R)**Government Operations & Elections**

Lobbying principal reports modified.

HF2685-Beard (R)**Transportation Policy & Finance**

Metro Transit service fare increases required.

HF2686-Holberg (R)**Taxes**

Metropolitan area transit and paratransit capital expenditure provided and obligations authorized.

HF2687-Holberg (R)**Transportation Policy & Finance**

Bridge inspection regulated.

HF2688-McFarlane (R)**Taxes**

Capital equipment exemption allowed at time of purchase.

HF2689-McFarlane (R)**Taxes**

Sales tax eliminated on purchases by political subdivisions.

HF2690-Davids (R)**Taxes**

Individual income, corporate franchise, estate, property, sales and use, special, mineral, and various taxes and tax-related provision changes made.

HF2691-Davids (R)**Taxes**

Taxation; policy, technical, administrative and other changes made to estate, property, sales and use, special and various taxes and tax-related provisions.

HF2692-Hornstein (DFL)**Government Operations & Elections**

State banking service increased use of community financial institutions provided.

HF2693-Runbeck (R)**Government Operations & Elections**

Legislative reporting requirements modified for political subdivisions.

HF2694-Runbeck (R)**Government Operations & Elections**

Arbitration factors specified.

HF2695-Runbeck (R)**Commerce & Regulatory Reform**

Publicly owned broadband systems prohibited.

HF2696-Beard (R)**Transportation Policy & Finance**

Metropolitan Council; formula changed for assistance to cities and towns with replacement transit service.

HF2697-Holberg (R)**Health & Human Services Reform**

Newborn screening program provisions changed.

HF2698-Abeler (R)**Jobs & Economic Development Finance**

Visible Child Act created, Interagency Council on Homelessness and the State Interagency Coordinating Council duties modified and visible child plan developed.

HF2699-Loeffler (DFL)**Taxes**

State general levy; first \$150,000 excluded in value of each commercial-industrial property.

Wednesday, March 7

HF2700-Greiling (DFL)**Government Operations & Elections**

Associated business modified relating to campaign finance and public disclosure.

HF2701-Holberg (R)**Civil Law**

Expedited data requests provided, subcontract filing with government entity required and other miscellaneous changes made.

HF2702-Slocum (DFL)**Commerce & Regulatory Reform**

Low-profit limited liability company creation and operation provided.

HF2703-Daudt (R)**Judiciary Policy & Finance**

Civilly committed sex offender name changes regulated.

HF2704-Daudt (R)**Government Operations & Elections**

State primary date changed from August to June, and primary elections conducted by a political subdivision date changed in some circumstances.

HF2705-Mazorol (R)**Commerce & Regulatory Reform**

Closing agents regulated and licensed attorneys and direct employees of licensed attorneys exempted from the licensing requirements for closing agents.

HF2706-Kriesel (R)**Public Safety & Crime Prevention Policy & Finance**

Automobile theft and financial crime prevention grant awards expanded and funds transferred.

HF2707-Lenczewski (DFL)**Taxes**

Marriage penalty in the standard deduction and foreign operating corporations eliminated; foreign royalties deduction repealed.

HF2708-Holberg (R)**Transportation Policy & Finance**

Priced highway lanes requirements modified.

HF2709-Morrow (DFL)
Higher Education Policy & Finance
Postsecondary course materials information requirements modified.

HF2710-McElfatrick (R)
Health & Human Services Reform
Wellregulation modified to include bored geothermal heat exchangers.

HF2711-Quam (R)
Government Operations & Elections
Open meeting law exceptions expanded to include social media participation in a forum generally open to public participation.

HF2712-Runbeck (R)
Health & Human Services Reform
Primary services areas designation and ambulance service assignment by local units of government permitted.

HF2713-Liebling (DFL)
Health & Human Services Reform
Smoking prohibited in residences that provide foster care to children.

HF2714-Woodard (R)
Education Finance
Charter school accountability and success fostered, and money appropriated.

HF2715-Schomacker (R)
Health & Human Services Reform
Critical access nursing facility designation created and money appropriated.

HF2716-Schomacker (R)
Health & Human Services Finance
Nursing facility moratorium exceptions modified.

HF2717-Schomacker (R)
Health & Human Services Finance
Nursing facility Medicare certification modified.

HF2718-Peppin (R)
Environment, Energy & Natural Resources Policy & Finance
Mississippi River management plan modified, minimum standards for future critical area ordinance approval provided and classifications within the Mississippi River corridor critical area provided.

HF2719-Gunther (R)
Commerce & Regulatory Reform
Minnesota alcohol license requirement exemption provided for out-of-state small craft brewers in limited circumstances.

HF2720-Banaian (R)
Government Operations & Elections
State government budget preparation requirements changes made.

HF2721-Abeler (R)
Health & Human Services Finance
Medical Assistance spend-down requirements modified.

HF2722-Mazorol (R)
Government Operations & Elections
Municipal employee liability regulated.

HF2723-Woodard (R)
Public Safety & Crime Prevention Policy & Finance
Criminal records expungement for individuals who have received stays of adjudication or diversion authorized, expungements without petitions authorized in cases where charges were dismissed against a person upon prosecutorial approval and with victim notification, persons petitioning for expungement required to provide a copy of the criminal complaint or police report, and opening of expunged records without a court hearing authorized in limited circumstances.

HF2724-Eken (DFL)
Environment, Energy & Natural Resources Policy & Finance
Utilities joint venture authority expanded to include Indian tribes.

HF2725-Sanders (R)
Commerce & Regulatory Reform
Industrial loan and thrift companies regulations modifications.

HF2726-Runbeck (R)
Health & Human Services Finance
County fees modified for licensing inspections.

HF2727-Mariani (DFL)
Rules & Legislative Administration
Prekindergarten through grade 12 education policy provided, including general education, education excellence and special programs.

HF2728-Abeler (R)
Rules & Legislative Administration
Human services legal provisions changed; human services licensing, licensing data and the Office of Inspector General provisions modified; and Human Services Background Studies Act amended.

HF2729-Loon (R)
Education Finance
Parent-child home program funding provided and money appropriated.

HF2730-Lanning (R)
Commerce & Regulatory Reform
Ladder Out of Poverty Task Force renamed and extended, and its duties modified.

HF2731-Torkelson (R)
Environment, Energy & Natural Resources Policy & Finance
Community energy technical assistance and outreach assessment and grant required.

HF2732-Sanders (R)
Commerce & Regulatory Reform
Electrical licenses modified.

HF2733-Anderson, B. (R)
Government Operations & Elections
Research and development facilities and uses established as conditional uses.

HF2734-Anderson, B. (R)
Environment, Energy & Natural Resources Policy & Finance
Resolution; President and Congress memorialized to enact legislation and take other federal government action related to interim storage of used nuclear fuel.

HF2735-Franson (R)
Taxes
City aid base increased for cities.

HF2736-Murdock (R)
Transportation Policy & Finance
Junked vehicle eligible buyer class expanded.

HF2737-Murphy, E. (DFL)
Commerce & Regulatory Reform
Health plans required to cover contraceptive methods, sterilization, and related medical services, patient education, and counseling without enrollee cost-sharing, and exceptions provided.

HF2738-Kiffmeyer (R)
Government Operations & Elections
Voters required to present photographic identification, photographic identification provided to voters at no charge, equal verification standards required for all voters and constitutional amendment proposed.

HF2739-Murphy, E. (DFL)
Commerce & Regulatory Reform
Minnesota Health Benefits Exchange created and its functions and duties specified.

HF2740-Torkelson (R)
Transportation Policy & Finance
Redwood County; Ramsey Park Swayback Bridge restoration funding provided, bonds issued and money appropriated.

HF2741-Anderson, P. (R)
Agriculture & Rural Development Policy & Finance
Ethanol minimum content dates extended.

HF2742-Morrow (DFL)
Taxes
Real property definition modified.

Thursday, March 8

HF2743-Mariani (DFL)
Education Reform
Improved academic achievement of all students provided.

HF2744-Cornish (R)
Public Safety & Crime Prevention Policy & Finance
Predatory offender community notification law clarified by adding cross-references.

HF2745-Loon (R)
Health & Human Services Reform
Adoption records and original birth certificates access provisions modified.

HF2746-Abeler (R)
Health & Human Services Finance
Medical Assistance payment procedures modified for multiple services provided on the same day, and federally qualified health center health care home certification process modified.

HF2747-Murray (R)
Environment, Energy & Natural Resources Policy & Finance
Cooperative utilities under the integrated resource planning process reporting obligations modified.

HF2748-Atkins (DFL)
Taxes
Sale and purchase definition relating to amusement devices modified.

HF2749-Abeler (R)
Commerce & Regulatory Reform
Auto insurance claims practices regulated.

HF2750-Abeler (R)
Health & Human Services Reform
Criminal history records check authorized for nursing licensure applicants.

HF2751-Dettmer (R)
Environment, Energy & Natural Resources Policy & Finance
Gifts of land repayments provided when lands are sold.

HF2752-Daudt (R)
Taxes
Department of Revenue's role eliminated in setting property valuations for green acres and rural preserves.

HF2753-Hornstein (DFL)
Transportation Policy & Finance
Electric-assisted bicycle regulated as bicycle rather than motorized bicycle.

HF2754-Howes (R)
Capital Investment
State Capitol repair and restoration improvement funding provided, bonds issued and money appropriated.

HF2755-Loeffler (DFL)
Commerce & Regulatory Reform
Motorcycle owners required to bear the economic costs of their injuries not caused by others, motorcycle owners required to comply with the motor vehicle insurance requirements that apply to other motor vehicles and motorcycle riders required to wear helmets subject to an exception.

HF2756-Hamilton (R)
Agriculture & Rural Development Policy & Finance
4-H and Future Farmers of America grant funding provided and money appropriated.

HF2757-Abeler (R)
Jobs & Economic Development Finance
Hard-to-employ Minnesotans grant program established for jobs innovation and money appropriated.

HF2758-Downey (R)
Ways & Means
General Fund spending limits established for fiscal years 2014 and 2015 that freezes state spending at fiscal years 2012 and 2013 spending levels.

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MULTI-TASKING



PHOTO BY ANDREW VONBANK

Rep. Chris Swedzinski holds his 5-month-old daughter, Adeline, while working in the House Chamber March 1.

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MINNESOTA INDEX

Chug-a-chug, chug-a-chug, choo-choo

Number of railroads in Minnesota.....	19
Total mileage of track.....	4,393
State rank.....	8
Railroad employees in state, as estimate.....	4,222
State rank.....	13
Wages paid to those employees, in millions.....	\$305.4
Estimated number of railroad retirees in Minnesota.....	15,149
Year the first train operated between St. Paul and St. Anthony (now Minneapolis)	1862
State rank in the movement of iron ore by train	1
State rank for farm product movement by train	3
State rank for food product movement by train	4
Times more freight that a railroad car typically handles compared to a large truck.....	3
Tons of product carried by a 100-car unit train	10,000
Times, as approximate, more fuel efficient railroads are than trucks	3
Percent emissions from locomotives, as approximate compared to trucks.....	33
Millions in local property taxes paid by railroads to local units of government in 2010.....	\$28.9
Year the Hiawatha Line, the state's first light-rail line, opened between the Mall of America and downtown Minneapolis.....	2004
Length of the line, in miles	12
Top speed for the line.....	55 mph
Length, in miles, of the Northstar Commuter Rail Line, that provides service between Big Lake and downtown Minneapolis	40
Stops in Minnesota for Amtrak's Empire Builder, which runs daily between Chicago and Seattle	6
Miles it takes a fully loaded freight train traveling at 50 mph to come to a full stop.....	1.5
Approximate number of signalized railroad-highway grade crossings in Minnesota	1,300
Times higher the chance of death or serious injury from a motor vehicle/train crash vs. other highway collisions.....	11
Grade crossing train/vehicle crashes, deaths in Minnesota in 2009	35, 4
Respective numbers in 1974.....	289, 28

— M. COOK

Sources: Minnesota Regional Railroads Association; Department of Transportation Freight, Rail and Waterways Division; Testimony Feb. 29 before the House Transportation Policy and Finance Committee; Northstar Corridor Development Authority.