

SESSION WEEKLY

LAST IN, FIRST OUT ... OUT OR IN?

BUESGENS, CHAMPION, MAZOROL, WESTROM LEAVE THE HOUSE

HHS: IT'S COMPLICATED

ANOTHER VETO ON ANOTHER BILL

HF2962 - HF2982

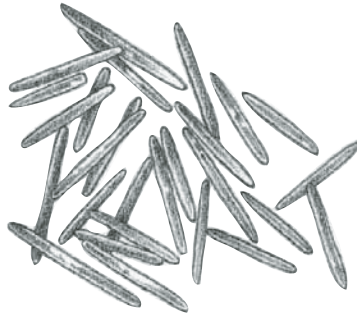
A NONPARTISAN PUBLICATION
MINNESOTA HOUSE OF REPRESENTATIVES • PUBLIC INFORMATION SERVICES
VOLUME 29, NUMBER 9 • MARCH 30, 2012

Flashback to 1992 and 2002

Distinguishing Minnesota's State Grain

People who buy wild rice in Minnesota would be able to tell where their rice is grown and how it was harvested, under the terms of HF2804.

Wild rice labels would indicate whether the rice is harvested by hand or mechanically — distinguishing rice harvested by American Indians in Minnesota from wild rice harvested with air boats in Canada.



The bill would strengthen a 1989 law, which distinguished "cultivated wild rice" and "paddy-grown wide rice" from wild rice that is hand-harvested. That law also prohibits the use of "Minnesota" on labels unless the rice is grown in the state, and the use of any pictures of Native Americans, unless the rice was hand-harvested by the people.

— Session Weekly March 27, 1992

Patients have the right to 'eye' prescriptions

Gov. Jesse Ventura signed a new law (HF2603/SF2627*/CH259) assuring that patients have a right to their contact lens prescription.

Under the law, any professional performing an eye exam, including an optometrist or physician, must provide patients a copy of their prescription after an exam and fitting. The patient, however, may be required to pay for the exam to receive the prescription.

Eye doctors are also required to promptly respond to requests from other professionals who seek to verify the patient's prescription.

Further, optometrists and physicians are barred from charging a fee for releasing the prescriptions and requiring patients to purchase a specific brand of lenses only available through the prescribing eye doctor.

— Session Weekly March 29, 2002

Contents

- FIRST READING:** Benefits of changing teacher layoff practices challenged • 3-4
- AT ISSUE:** Omnibus health and human services bill remains a moving target • 17-18
- PEOPLE:** A staunch conservative, Buesgens was more principled than partisan • 19
- PEOPLE:** Champion hopes to inform constituents over a cup of 'Joe' • 20
- PEOPLE:** After first and last term, Mazorol plans to rejoin the private sector • 21
- PEOPLE:** Westrom hopes to continue renewable energy advocacy in different chamber • 22
- BILL INTRODUCTIONS:** HF2962-HF2982 • 23
- INDEX:** Jobs, Jobs, Jobs • 24

SESSION WEEKLY

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

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

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

On the cover: Magnolias near the Department of Transportation building are in full bloom on a warm spring day March 23.

— Photo by Paul Battaglia

Last in, first out ... out or in?

Conference committee weighs benefits of changing teacher layoff practices

BY ERIN SCHMIDTKE

At the age of 10, Rep. Pam Myhra (R-Burnsville) had no reading skills. Her Bloomington fourth-grade teacher had instructed her, a native Spanish speaker, to get homework answers from other students.

In fifth grade, everything changed for Myhra. Her teacher, who was new to the district, helped her work her way up to grade-level reading. Myhra said that while this teacher was effective and had experience in other districts, this did not make her immune to layoffs.

"My teacher who changed my life, gave me a future, was no longer going to teach in our school. She moved back to New York. My fourth-grade teacher that abandoned me to illiteracy and frustration — quite honestly, hell — still taught," Myhra said.

This is why she voted in favor of the controversial "Last In, First Out" bill approved by the House March 16.

Currently, school districts use teacher seniority as the prime determinant for layoffs. HF1870 would authorize schools to base layoffs on performance evaluations, with emphasis on seniority drastically diminished. The bill is now being worked on by a conference committee.

Rep. Branden Petersen (R-Andover), the bill's sponsor, said it is a "logical next step" following Minnesota's receipt of a "No Child Left Behind" waiver earlier in the year. The federal waiver outlines certain steps Minnesota must take in its statewide education program, including implementation of quality standards for teachers. Petersen said that layoffs are no

exception to the needed reform in public schools.

He acknowledges the benefits that seniority can bring to the classroom, but argues that experience does not necessarily lead to better teaching skills.

"If I start working on my free throw and do that for five years, at the end, I'll be better at it. But that doesn't mean I should play in the NBA," he said. "In individuals, yes, experience makes you better, but not in aggregate. A teacher with five years (experience) could be the most effective. But someone with three years could be, too."

Critical reform or an attack?

Louise Sundin, president emeritus of the Minnesota Federation of Teachers, is one of the bill's critics. As a testifier against the bill in the House Education Reform Committee Jan. 31, she likened the bill to a familiar television program.

"When I was having a hip replaced not too long ago, I did not seek out Doogie Howser," she said.

As the bill progresses through the conference committee two months after that initial committee meeting, Sundin's opinion has not changed.

"We are trapped in an industrial model of a top-down power structure that is of a boss and line workers. That is not appropriate for this profession," Sundin said. She feels that this bill exacerbates a damaging dynamic.

Sundin is one of a group of educators who view this bill as one part of this session's continued assault on the teaching profession. Lawmakers have passed other bills to similar protests, including one which requires teachers-to-be to pass a basic skills exam to receive licensure.

"This sounds like one more case in which we aren't valued, believed or appreciated," said Sundin.

Perhaps the greatest worry of some educators is the nature of the evaluation that



PHOTO BY PAUL BATTAGLIA

Rep. Branden Petersen and Sen. Pam Wolf confer during the March 26 conference committee on the so called "Last-In, First-Out" education bill.

First Reading continued on page 4

would determine which teachers keep their jobs. Though most anticipate it will include measures involving student test scores and academic growth, as well as in-class monitoring of teachers, the specifics are still under development by a work group in the Department of Education.

That uncertainty has led the bill's critics calling it a premature step in education reform. During the March 26 conference committee, Education Commissioner Brenda Cassellius warned of unintended consequences that could be ultimately damaging for Minnesota schools.

Cassellius agreed that change is needed in education, but asked lawmakers to take a measured approach to possible solutions. She believes that

local decision-making is the best answer to what legislators are calling a growing problem.

"We have an urgency in schools to do better ... (But), I think fundamentally, principals know their teachers better than we do. They should make that decision," she said.

Cassellius' viewpoint is in stark contrast to that of many proponents, including Myhra.

"Here was a teacher who helped me make the change. ... I think this has been a slow process — painfully slow for students who have never had that," she said.



"My teacher who changed my life, gave me a future, was no longer going to teach in our school."

— Rep. Pam Myhra
R-Burnsville

Some educators agree that this bill could actually help teachers who are changing students' lives.

During a March 23 meeting of the conference committee, members heard testimony from George Parker, a former union leader and math teacher from Washington, D.C. He explained that he supported the reform of layoff practices in the schools that he represented.

"As a union president, I saw some of my best teachers have to leave because they had not taught one year or two years as long as someone else," Parker said.

As someone who initially opposed the removal of "Last In, First Out," he said, "Maybe I was part of the problem."

Parker now believes that "Last In, First Out" disproportionately affects students in inner-city schools,

who are often minorities or economically vulnerable. He said that those schools often hire newer teachers, who are let go first. That creates an instability that hurts the districts that need the most help.

Myhra echoes the need to repeal "Last In, First Out" as a step toward closing Minnesota's achievement gap. She believes that leaving it in place counteracts recent efforts to draw in minority teachers to the field.

"Minority teachers are often the last ones in. We need to have a mechanism to keep them in place to help effectively teach

minority students," she said. Myhra says that the bill could help students "beat the odds" as she did.

Alternatives for LIFO

While not all teachers believe an end to "Last In, First Out," or LIFO, as it has been termed, will hurt schools, several of Minnesota's education representatives urge lawmakers to consider alternative methods of addressing layoffs.

Jan Alswager, chief lobbyist for Education Minnesota, claims the teachers she represents do not oppose ensuring quality instruction, saying they "stand right by your side in wanting to do this." However, she added that designing an extensive teacher improvement program for those who struggle to succeed is a better method to improve teacher quality.

She said that this method could more effectively help remediate teachers in need of improvement. If such a program was not successful for some educators, she said that disciplinary action could be appropriate.

Sundin also supports alternate approaches to student achievement. She prefers an effort toward improvement that examines student achievement earlier in the education process, before teachers are let go.

"You can't fire your way to better teaching and learning," she said.

The value of teacher remediation is one, if the only, area where they and Petersen agree.

"Absolutely we want to use a remediation process in a normal school year. But I can't think of an argument about how this (bill) doesn't benefit the students," Petersen said.



Minnesota's U.S. Representatives in Washington, D.C.

First District

Tim Walz (DFL)

1722 Longworth House Office Building
Washington, D.C. 20515
202-225-2472
Fax: 202-225-3433

Second District

John Kline (R)

2439 Rayburn House Office Building
Washington, D.C. 20515
202-225-2271
Fax: 202-225-2595

Third District

Erik Paulsen (R)

127 Cannon House Office Building
Washington, D.C. 20515
202-225-2871
Fax: 202-225-6351

Fourth District

Betty McCollum (DFL)

1714 Longworth House Office Building
Washington, D.C. 20515
202-225-6631
Fax: 202-225-1968

Fifth District

Keith Ellison (DFL)

1027 Longworth House Office Building
Washington, D.C. 20515
202-225-4755
Fax: 202-225-4886

Sixth District

Michele Bachmann (R)

103 Cannon House Office Building
Washington, D.C. 20515
202-225-2331
Fax: 202-225-6475

Seventh District

Collin Peterson (DFL)

2211 Rayburn House Office Building
Washington, D.C. 20515
202-225-2165
Fax: 202-225-1593

Eighth District

Chip Cravaack (R)

508 Cannon House Office Building
Washington, D.C. 20515
202-225-6211
Fax: 202-225-0699

HIGHLIGHTS

MARCH 22 - 29, 2012

Editor's note: The following Highlights are coverage of select bills heard in House committees or divisions and other House activities held March 22-29. Designations used in Highlight summaries: HF-House File; SF-Senate File; Ch-Chapter; and *- the bill version considered by the House or the bill language acted on by the governor.

Business & Commerce

House passes banking bill

The House passed a bill 81-51 March 27 that would require Minnesota banks to follow the same guidelines as federal ones, permitting derivative transactions for state charter banks. It would also clarify holiday closures for financial institutions.

Sponsored by Rep. Diane Anderson (R-Eagan) and Sen. Dan Sparks (DFL-Austin), HF2227/SF1735* now goes to the governor's desk. It was passed 65-0 by the Senate March 19.

DFLers unsuccessfully offered a series of amendments to assist homeowners facing foreclosure. Rep. Joe Mullery (DFL-Mpls) said that the changes would provide Minnesotans with increased opportunities to keep their homes.

"I wish you would come to North Minneapolis and see the devastation caused by indiscriminate foreclosures. ... They've happened because banks refuse to do what they're required to do," he said.

Rep. Jim Davnie (DFL-Mpls) was unsuccessful in offering an amendment that would increase communication between banks and underwater mortgage holders looking to sell their homes.

Rep. Joe Atkins (DFL-Inver Grove Heights) unsuccessfully introduced an amendment that would remove the allowance of derivative transactions outlined in the bill. He questioned Anderson's knowledge of the risks associated with these transactions, saying derivatives pose a potential danger to everyday consumers.

The claim was refuted by Republicans, who argued that permitting derivative transactions would allow state banks to remain competitive with national banks, which may already work with derivatives under federal law.

The House also defeated an amendment

posed by Rep. Karen Clark (DFL-Mpls), which would encourage financial institutions to help those wishing to send money to the Horn of Africa. Banks currently ban this over fears that these money transfers may fund terrorism.

— E. SCHMIDTKE

Consumers

Senior driving discount bill passes

Those at age 55 are currently eligible to take a defensive driving class managed by the Department of Public Safety. If a driver successfully completes the course, he or she receives a certificate from the department that authorizes the discount. Every third year, renewal is required. Rep. Jenifer Loon (R-Eden Prairie) hopes to make that renewal process simpler.

Her bill, HF2441/SF1542*, allows seniors to take a four-hour refresher course instead of retaking the full eight-hour course every three years. The House passed the bill 131-0 March 26. Sen. Paul Gazelka (R-Brainerd) sponsors the companion, which the Senate has already passed.

"As one who barely qualifies for this program and has taken the eight-hour course, I fully support the bill," said Rep. Paul Anderson (R-Starbuck). The bill awaits gubernatorial action.

— E. SCHMIDTKE

Purchasers' rights and ticket resales

Event operators can currently restrict reselling through methods such as requiring proof that the original buyer's identification matches the ticket user.

Rep. Joe Hoppe (R-Chaska) sponsors HF657, which would ban attempts to limit ticket resale. The House passed the bill 83-50 on March 27. Sen. Chris Gerlach (R-Apple Valley) sponsors its companion, SF425, which awaits action by the Senate Judiciary and Public Safety Committee.

Hoppe successfully amended the bill to allow exemptions for higher education institutions, which frequently sell event tickets that are intended only for students.

Rep. Pat Garofalo (R-Farmington) spoke in support of the bill, arguing that imposing resale restrictions is a violation of fans' rights as purchasers.

"Where else do you go and buy a product where the seller dictates what you do with it?" he asked.

Rep. Debra Hilstrom (DFL-Brooklyn Center) asserted that ticketholders should have the right to sell their tickets as they would any other property item.

"When I buy a ticket, I should have the right to use my ticket or give it to someone else," she said.

Some members wondered whether the bill would ease the resale process for everyday consumers or simply increase ticket prices by assisting large-scale scalpers.

"At first glance, it looks like it's going to protect the consumer who's holding the ticket. I would argue this will help the scalpers and the resellers," said Rep. Kurt Daudt (R-Crown).

Rep. Ryan Winkler (DFL-Golden Valley) also expressed concern, claiming that the bill would create unneeded requirements for venue operators and event promoters.

"I don't see your bill as a free market bill; I think your bill as an overreach from one group of people," he said.

— E. SCHMIDTKE

Education

School annexation modifications

Residents of a northeast Edina neighborhood live within the Hopkins school district, which means their children must ride the bus further than if they were able to attend school in Edina. Rep. Keith Downey (R-Edina) sponsors HF2939, which would ease the process for these residents to become part of their hometown school district.

The House Education Finance Committee approved the bill and sent it to the House floor March 22. Sen. Geoff Michel (R-Edina) sponsors the companion, SF2540, which awaits action by the Senate Education Committee.

Currently, for the neighborhood to be annexed into the Edina district, it would have to receive approval from both the Hopkins and Edina school boards. Under the bill, neighborhoods that want to change districts would only need approval from the annexing district.

Alan Koehler, a parent in this Edina

neighborhood, said that while many parents opt to open enroll their children in Edina, placement is not guaranteed from year to year. Koehler added that even though a minority of local students chooses to attend Hopkins, all property taxes from the neighborhood go to that district.

"This really is just about, you know, coming of age, having children and realizing that going to a local school is really important for your family. It's as simple as that," he said.

Rep. Kathy Brynaert (DFL-Mankato) acknowledged the importance of local schools, but wondered whether the bill sidesteps the jurisdiction of Hopkins and Edina school boards.

"I would feel that I have failed in my responsibility if I haven't seen that the appropriate elected authority is honored," she said. She suggested that districts and the families of the neighborhood work toward a compromise.

— E. SCHMIDTKE

Education omnibus bill unveiled

A bill that would expand high school students' opportunities to take college courses through the Postsecondary Enrollment Options program advanced in the House after receiving committee approval.

The House Education Finance Committee approved HF2949 March 27. It now awaits action by the full House. Sen. Gen Olson (R-Minnetrista) sponsors SF2482, the companion that awaits action by the Senate Rules and Administration Committee.

Sponsored by Committee Chairman Rep. Pat Garofalo (R-Farmington), the second education omnibus bill of the session, provides for a variety of changes to statewide education.

Besides expanding post secondary options, the bill would also ban public school employees from using school resources to engage in political activities. During a previous committee hearing, some parents praised the bill's emphasis on unbiased political education, while educators worried that it would overreach and stifle teachers' rights to free expression.

Rep. Carlos Mariani (DFL-St. Paul) unsuccessfully proposed two amendments. One would alter testing requirements for those attempting to obtain their high school diplomas, which Mariani said would especially affect immigrant students.

The second would implement a school integration program based on findings of a task force created by the Legislature

last session. The program would focus on increasing achievement, as well as promoting interaction between different racial, ethnic and socioeconomic groups.

Garofalo opposed the amendment, which he said needed to be more closely examined through hearings with the Senate.

Representatives of education groups objected to a portion of the bill that would redirect general education revenue paid to schools for students who graduate early. The money, instead, would go to early graduation achievement scholarships and military service awards, which eligible students could apply. Roger Aronson, legal counsel for both the Minnesota Association of Secondary School Principals and the Minnesota Elementary School Principals' Association, worried that the change could harm schools mid-year when they need the funding.

— E. SCHMIDTKE

Eye screening changes become law

Signed
by
the
governor

Gov. Mark Dayton signed into law on March 26 new requirements for early childhood development screenings in schools.

School districts are required to hold these screenings for children who are nearing school age. This helps the schools identify children who could benefit from district or community resources.

The new law, effective March 27, 2012, requires districts to share information about vision screenings with parents. It explains the benefits that stem from vision testing and states that the testing is not a substitute for a comprehensive eye exam.

Rep. Sondra Erickson (R-Princeton) and Sen. David Hann (R-Eden Prairie) sponsor the law.

HF300*/SF1160/CH136

— E. SCHMIDTKE

Prone restraints bill advances

School staff with specific training may physically restrain out-of-control students with special needs. The technique, called "prone restraints," involves holding a student face-down until the situation becomes manageable.

The House passed HF2293/SF1917* March 28, which would extend the authorization for use of the practice through the next school year. Sponsored by Rep. Jim Davnie (DFL-Mpls) and Sen. Pam Wolf (R-Spring Lake Park), it would also require that the Department of Education gather

Some to step down, some step aside, some hope to move on

Following this year's redistricting, all House and the Senate members are up for election. However, several House members have announced their intentions to run for a different office, while others have announced their retirement, and two lost the endorsement to a fellow party member after they were pitted against each other in newly drawn districts. Here is an unofficial listing of members, as of March 28, who won't be returning to the House.

House members who have announced they will not seek re-election:

Rep. Mark Buesgens (R-Savage)
Rep. Denise Dittrich (DFL-Champlin)
Rep. Mindy Greiling (DFL-Roseville)
Rep. Bill Hilty (DFL-Finlayson)
Rep. Larry Hosch (DFL-St. Joseph)
Rep. Kate Knuth (DFL-New Brighton)
Rep. John Kriesel (R-Cottage Grove)
Rep. Pat Mazorol (R-Bloomington)
Rep. Mark Murdock (R-Ottertail)
Rep. Nora Slawik (DFL-Maplewood)

Seeking Senate seats:

Rep. Bruce Anderson (R-Buffalo Township)
Rep. Bobby Joe Champion (DFL-Mpls)
Rep. Connie Doepke (R-Orono)
Rep. Kent Eken (DFL-Twin Valley)
Rep. Mary Kiffmeyer (R-Big Lake)
Rep. Lyle Koenen (DFL-Clara City)
Rep. Branden Petersen (R-Andover)
Rep. Bev Scalze (DFL-Little Canada)
Rep. Torrey Westrom (R-Elbow Lake)

U.S. Senate hopeful:

Rep. Kurt Bills (R-Rosemount)

Lost endorsement to fellow party member

Rep. Marion Greene (DFL-Mpls)
Rep. Ron Shimanski (R-Silver Lake)

data on prone restraints, with the intent of eventually replacing the practice with a safe alternative.

Following the 116-16 vote, the bill now awaits action by Gov. Mark Dayton. The Senate passed it 65-0 March 15.

In Minnesota, prone restraints may only be used for a minimum amount of time and the force it takes to ensure the student or another person will not be injured. Davnie said that intermediate schools in the Twin Cities metropolitan area brought the issue to his attention because they feel some students may pose a danger if the restraint authorization is allowed to expire.

Without prone restraints, Davnie cautioned that some special needs students could instead be confined to their homes,

costing them opportunities they have in school. Those who would be allowed to remain in class may require police involvement to subdue them.

"That's not a positive impact for students," he said.

Rep. Sarah Anderson (R-Plymouth) voiced concern that the bill allows restraint of children ages 5 and older. She said that brought to mind her 4-year-old son.

"I can't imagine him having the experience of being placed face down on the floor, for whatever reason that might be," Anderson said.

— E. SCHMIDTKE

Elections

Political ban for school staff

Public school employees may be banned from using district resources to promote any political candidate or cause.

The House passed HF329 March 28, which seeks to prohibit staff from using technology, time, equipment and materials owned by the school for political activity. Rep. Kurt Bills (R-Rosemount) sponsors the measure, which would still allow teachers to disseminate factual information to students.

Following the 73-60 vote, the bill next goes to the Senate, where Sen. Dave Thompson (R-Lakeville) is the sponsor.

Bills said teachers in some Minnesota districts have incorporated their personal opinions into the classroom, with the intent to influence students. He added that the bill would not completely prohibit teachers from expressing their political views, but it would not allow them to do so in an "official capacity."

House Republicans voiced approval for the bill, calling it an appropriate step in ensuring proper use of resources funded by taxpayers.

"It doesn't throttle the ability of teachers to discuss issues in their classrooms. They just can't advocate for one position or another," said Rep. Mary Liz Holberg (R-Lakeville).

Rep. Joe Atkins (DFL-Inver Grove Heights) unsuccessfully offered an amendment that would extend the ban to corporations, who would be unable to make independent political expenditures. The speaker ruled his amendment out of order.

Rep. Tom Anzelc (DFL-Balsam Township) worried that the bill would create a chilling effect on schools. He added that open political conversations in schools

are beneficial to students.

"Our schools have lifted more people out of poverty than any other institution in this country. And it's a free flow of ideas and the discourse that allows everyone the opportunity of self-expression," Anzelc said.

The bill also received criticism from Rep. Ryan Winkler (DFL-Golden Valley), who accused Republicans of unfairly attacking public school employees, while leaving others who receive state funds untouched.

— E. SCHMIDTKE

Employment

Actuarial changes in pension bill

Some lawmakers think Minnesota's public employee pension funds are expecting too much from their investments and ought to set their sights a little lower.

Rep. Morrie Lanning (R-Moorhead) sponsors HF2199, the omnibus pension bill. It comprises the work of the bipartisan Legislative Commission on Pensions and Retirement, and proposes a variety of changes to various state and local pension funds.

Perhaps the most significant change would be to the actuarial assumptions used to calculate the funds' long-term fiscal health. The bill would lower the assumed rate of return from 8.5 percent to 8 percent for a

period of five years, when it would change back to 8.5 percent.

The bill would not impact the levels of contributions or benefits affecting current and former public employees. However, Lanning said that because dropping the assumed rate of return might increase the amount of unfunded liabilities, adjustments might be needed in the future.

The House Government Operations and Elections Committee approved the bill March 22 after adopting a delete-all amendment and sent it to the House Ways and Means Committee. Sen. Julie Rosen (R-Fairmont) sponsors the companion, SF1808, which awaits action by the Senate Finance Committee.

Supporters say Minnesota's current assumed rate of return is one of the highest in the country and doesn't reflect the realities of the new marketplace.

"If you leave it where it is, I think we run the risk of continuing to make some promises that we may not be able to keep. And I care very deeply about the state of Minnesota keeping its promises with our employees," Lanning said.

The bill's opponents argue the change is unnecessary, and that its proponents are focused too much on the recent economic turmoil and not enough on the long-term outlook.

"I think there's an innate human tendency to assume that whatever you're living with

PHOTO OPP



PHOTO BY PAUL BATTAGLIA

Two participants in the annual Social Work Day at the Capitol take photos with their phones as Gov. Mark Dayton addresses hundreds of social work students, teachers and practitioners at the March 26 rally.

now is what you're going to be living with in the future," said Rep. Ryan Winkler (DFL-Golden Valley).

Since 1980, the State Board of Investment has produced annualized returns of slightly less than 10 percent.

— N. BUSSE

Prevailing wage change proposed

The formula used to calculate the prevailing wage that contractors must pay their workers for state-funded construction projects could change for those in Greater Minnesota.

Rep. Peggy Scott (R-Andover) sponsors HF1476 that would alter the method of calculating the prevailing wage to use the "mean," or average wage, instead of the wage paid to the largest number of workers (i.e. "mode").

It would also change the prevailing hours of labor to allow for four 10-hour workdays instead of five eight-hour days. The latter change would apply to the entire state.

The House Ways and Means Committee voted to table the bill on a motion from Rep. Lyndon Carlson Sr. (DFL-Crystal). Chairwoman Rep. Mary Liz Holberg (R-Lakeville) had planned to lay the bill over, but Carlson said he preferred to table it

because it put the bill one step further away from passage. The vote was 14-13.

As originally drafted, the bill would have changed the way prevailing wages are calculated throughout the entire state; however, Rep. Denny McNamara (R-Hastings) successfully amended the bill to apply only to Greater Minnesota.

"The prevailing wage is not an issue in the metro area like it is in outstate Minnesota, where unfortunately we're really hurting small contractors and their ability to compete in their own hometown," McNamara said.

Harry Melander, president of the Minnesota Building and Construction Trades Council, said the bill would unfairly drive down wages for rural construction workers. He also said the proposed change from an eight to a 10-hour workday would result in lower wages statewide by cutting into some workers' overtime pay.

"We believe what's good for the metro area is also good for Greater Minnesota. ... We are all Minnesotans and we should be treated that way," Melander said.

Sen. John Pederson (R-St. Cloud) sponsors the companion, SF1199, which awaits action by the Senate Finance Committee.

— N. BUSSE

Env. & Natural Resources

Water conservation repeal passes

Cities providing water for more than 1,000 people would make water conservation efforts optional under a bill passed by the House March 26.

Sponsored by Rep. Tim O'Driscoll (R-Sartell) HF1923 would repeal so-called water demand rate structures for municipal water suppliers. Such rates typically penalize heavy water users and reward those who live in cities with tiered rate structures.

"What the bill does is make a practice optional that is now in state law," O'Driscoll said. The bill also delays state-mandated "demand reduction measures" to reduce water demand and nonessential water uses from Jan. 1, 2013, to Jan. 1, 2015.

Passed 71-60, the bill now goes to the Senate, where Sen. John Pederson (R-St. Cloud) is the sponsor. The proposal is also in an omnibus environmental permitting bill, HF2095/SF1567*, sponsored by Rep. Dan Fabian (R-Roseau) and Sen. Bill Ingebrigtsen (R-Alexandria), that passed off the House floor 92-36 March 29.



PHOTO BY PAUL BATTAGLIA

Members of the building trades unions fill the hearing room where the House Ways and Means Committee hears testimony March 28 on a bill that would make changes to the prevailing wage that contractors must pay their workers for state-funded construction in Greater Minnesota.

O'Driscoll's bill would also delete a requirement that public water suppliers create conservation rate price structures and a public education program that includes water-conserving toilet and showerhead retrofits.

Before the bill passed, it was successfully amended by Rep. Mary Liz Holberg (R-Lakeville) to remove the Metropolitan Council's authority to force any cities to adopt water demand reduction measures.

That drew criticism from some DFLers, including Rep. Jean Wagenius (DFL-Mpls). "The Holberg amendment makes this bill, which is problematic, not good at all," Wagenius said. She fears that demand from groundwater sources is too great and that underground pollution could be drawn into municipal water supplies if demand is strong.

O'Driscoll said the bill attempts to "return all authority back to local cities of more than 1,000 and still work with the Department of Natural Resources on a water conservation program. The city would still have the authority; it's not going away."

— B. GEIGER

Environment bill advances to House

The full House could vote on permit streamlining, environmental deregulation and aquatic invasive species measures all contained in the omnibus environment bill approved by the House Ways and Means Committee March 29.

Sponsored by Rep. Denny McNamara (R-Hastings), HF2164 would define aquatic invasive species control measures, including conservation officers' authority to order water-related equipment off a lake if the Department of Natural Resources commissioner determines that action is needed.

Other aquatic invasive species measures in the bill are decontamination equipment of boats and other watercraft, inspection stations and adequate enforcement capacity to minimize wait times at contamination stations.

Like other bills introduced this session, this one lays out contingency plans in case of a government shutdown. It would provide for state park and recreation areas and the Minnesota Zoo to remain open.

Among other provisions, the bill would require the Pollution Control Agency commissioner to approve or deny permit applications within 60 days. Failure to deny applications for a minor permit or permit amendment within that time frame would

mean the permit is approved.

Appropriations contained in the bill include \$32.2 million for environmental enforcement by state agencies; \$11.3 million for lands and minerals management; and \$3.4 million for renewable energy projects.

The House Ways and Means Committee amended the bill to require the Environmental Quality Board to analyze whether mandatory assessments should be modified, eliminated or unchanged and recommend improvements to the environmental review process by Nov. 15, 2012.

Other provisions in the bill include:

- transferring Minnesota's water management from a county-by-county basis to a watershed-based program;
- making water supply reduction programs voluntary for municipalities serving 1,000 people or more;
- adding recruitment and retention of anglers and hunters to the DNR's mission, and outlining a wolf-hunting season;

- prohibiting the DNR from buying land at more than 20 percent above assessed market value or 10 percent above its appraised market value;
- providing funding for electronic game and fish license sales; and
- expanding the use of general permits.

A companion, SF1830, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), awaits action by the full Senate.

— B. GEIGER

Game & Fish

Game and fish bill to full House

A potential Minnesota wolf hunting season could be debated by the full House after the House Ways and Means Committee approved the omnibus game and fish bill March 28 on a divided voice-vote.

Sponsored by Rep. Tom Hackbarth (R-Cedar), HF2171 includes a \$26 license

BILL DING

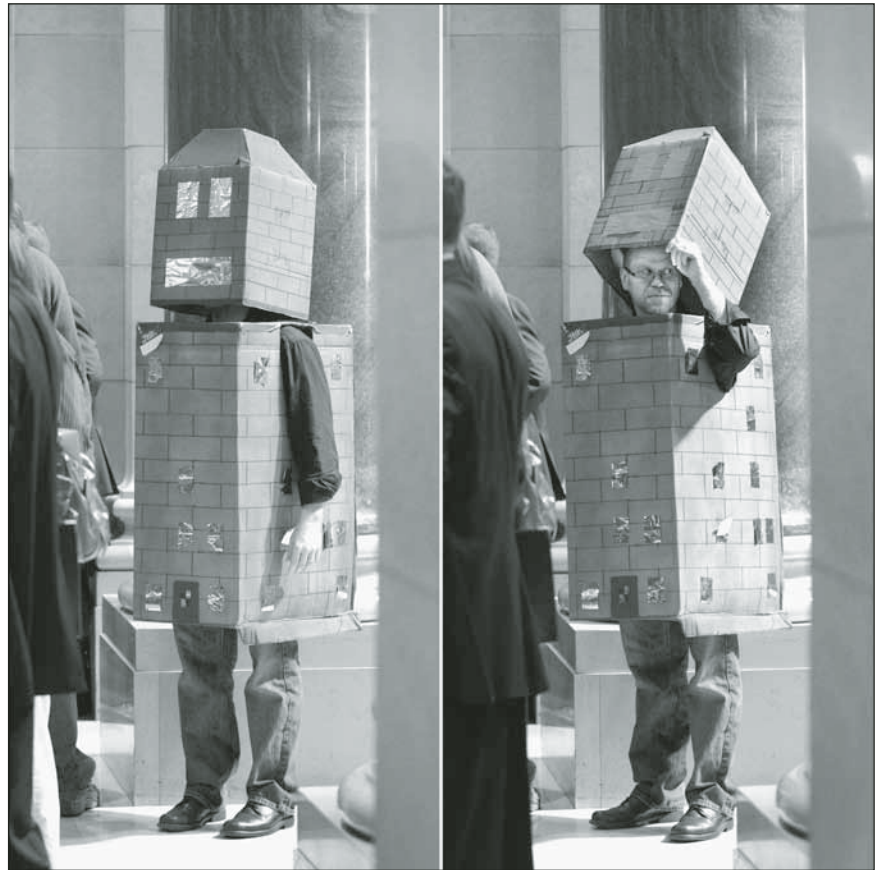


PHOTO BY ANDREW VONBANK

Peeking out from a homemade costume, Bill Ding, aka Michael Dahl, grassroots coordinator at the HousingJobs Campaign, lobbies in front of the House Chamber March 28 for support of affordable housing funding in the bonding bill.

for the opportunity to take one wolf — the same cost as a deer hunting license. Hunting seasons for both animals would be held simultaneously.

Prospective wolf hunters would pay a \$4 fee to enter a lottery to receive a license. Up to 400 wolves, less than one-seventh of Minnesota's estimated wolf population, could be taken, under the bill.

By comparison, the Department of Natural Resources reported that 192,331 deer were harvested during the 2011 hunting season.

Other bill components include limiting minnows imported into Minnesota to "containment facilities" to minimize the threat of the small fish escaping into state waters.

That language was included because some minnows look just like small silver carp, an invasive species that has been found in the Missouri River and several South Dakota rivers and streams. Minnesota officials fear invasive carp could escape from containment facilities in that state and invade Minnesota waters.

The bill also contains language allowing for the electronic sale of hunting and fishing licenses if the state government shuts down. A fiscal note for the bill indicated that the DNR lost \$2.2 million in license sales during the three-week 2011 government shutdown.

Road authorities would be given authority, under the bill, to kill beaver that are causing damage without first notifying a DNR conservation officer, as is currently required, and would give the DNR authority to temporarily drain shallow lakes to help control invasive species.

A companion, SF1943, sponsored by Sen. Bill Ingebrigtsen (R-Alexandria), awaits action by the full Senate.

— B. GEIGER

Health & Human Services

Grant criteria for pregnancy consult

Newer facilities that offer "alternatives to abortion" programming would be eligible to apply for grants to counsel pregnant women, under a bill passed 104-28 by the House March 27.

Programs currently must have had an "alternatives to abortion" program in place by July 1, 2004.

HF2676 changes the grant eligibility date to programs in existence at least one

year prior to July 1, 2011. Rep. Larry Howes (R-Walker), the bill's sponsor, said several new counseling programs have been added since 2004 and that the bill simply changes the date to allow more recent providers to apply for the grants.

Other criteria require an applicant to be a private, nonprofit organization and to provide the services to pregnant women free of charge. Services may include medical care, parenting education, housing assistance, adoption services and child care assistance.

The bill now moves to the Senate, where Sen. John Carlson (R-Bemidji) is the sponsor.

— S. HEGARTY

Deaf treatment options may expand

Children who are deaf, deaf-blind or hard-of-hearing and who need mental health treatment would be allowed to reside in facilities outside of Minnesota borders, under HF2253 passed 131-0 by the House March 26.

To qualify for Medical Assistance funding, the facilities must be located in a state that is a member of the Interstate Compact on Mental Health. Clients would include children who use American Sign Language as their first language.

Children with these special needs currently don't have access to 24-hour residential care in Minnesota, resulting in more expensive inpatient placements, according to Rep. Kathy Lohmer (R-Lake Elmo), the bill's sponsor.

An estimated two to four Minnesota children annually require the specialized mental health services for people who are deaf, deaf-blind or hard-of-hearing.

The bill could save public assistance programs thousands of dollars a day by negotiating less expensive rates at facilities in other states, Lohmer said.

The bill now moves to the Senate, where Sen. Michelle Benson (R-Ham Lake) is the sponsor.

— S. HEGARTY

Military & Vet. Affairs

Spat over funding for veterans

A hearing on Gov. Mark Dayton's supplemental funding requests for veterans programs turned testy, with committee members accusing one another of political gamesmanship.

Rep. John Persell (DFL-Bemidji) sponsors HF2934 that contains the governor's \$1.5 million request to boost funding for a

number of veterans programs. It focuses mainly on programs that help veterans reintegrate into civilian life and find jobs following an overseas deployment.

The House State Government Finance Committee laid the bill over March 27 after heated debate. Committee Chairman Rep. Morrie Lanning (R-Moorhead) said the bill can't move forward until an acceptable funding source is found. Dayton's stated plan is to fund the bill by eliminating corporate tax breaks, which Lanning said Republican lawmakers would not approve.

That didn't sit well with some DFL committee members. Rep. Steve Simon (DFL-St. Louis Park) accused Republicans of holding a "fake hearing" on the bill with the intention of letting it die quietly in committee. DFLers said that because the bill contained no tax provisions, it should move forward while an alternative funding source is sought.

Simon made two unsuccessful motions to send the bill to other committees; both failed on party-line votes. Republican committee members said DFLers were playing political games to make them look bad.

"I appreciate there's a lot of grandstanding and politicking going on and trying to create the mailing pieces for the next campaign," said Rep. Keith Downey (R-Edina).

Meanwhile, others expressed regret that the bill had become a "political football."

"This simple little bill of mine has gotten more attention than I would have liked," Persell said.

Some of the bill's provisions are similar to ones that are currently moving forward in Republican-sponsored bills.

Sen. Chuck Wiger (DFL-Maplewood) sponsors the companion, SF2487, which awaits action by the Senate State Government Innovation and Veterans Committee.

— N. BUSSE

GI Bill expansion

Minnesota's unemployment rate for veterans returning from duty in Iraq and Afghanistan hangs at 23 percent — reportedly the third-highest rate in the country. A proposal headed for the House floor is intended to help put the state's veterans back to work.

Rep. Carolyn McElPatrick (R-Deer River) sponsors HF2909 that would expand the state's GI Bill program, which provides education benefits for post-9/11 veterans and certain family members. The bill would provide financial assistance for

apprenticeship and on-the-job training programs.

The House Ways and Means Committee approved the bill March 29. Its language has also been amended into HF2958, sponsored by Rep. Mary Liz Holberg (R-Lakeville). Both bills await action on the House floor.

Speaking at a March 28 hearing, McElfatrick said Minnesota already has a substantial number of veterans, and that with the draw-downs in Iraq and Afghanistan, more are expected soon. She said these young men and women are currently at a competitive disadvantage in the civilian job market.

"Many of these military folks joined up shortly after high school, without much work experience, and others have had multiple deployments, which seriously impacts their work history," she said.

Under the provisions, eligible individuals could receive up to \$2,000 for either an apprenticeship or on-the-job training. Employers would be eligible for a \$1,000 job placement credit for each hire, and another \$1,000 after they have employed the individual full-time for 12 consecutive months.

The proposal is similar to a plan offered by Gov. Mark Dayton in his supplemental budget request. Funding would come from the GI Bill's current appropriation, which officials say is underutilized.

Sen. Mike Parry (R-Waseca) sponsors the companion, SF2488. Sen. Claire Robling (R-Jordan) sponsors SF2469, the companion to Holberg's bill. Both await action by the Senate Finance Committee.

— N. BUSSE

Public Safety

Judicial election changes proposed

Since 1949, sitting judges have an incumbency designation on the election ballot.

Some people believe that creates an unfair advantage in a contested race.

Sponsored by Rep. Ron Shimanski (R-Silver Lake), HF1536 would eliminate the incumbency designation for judicial offices on a ballot and it would modify the mandatory retirement age for judges.

The bill was one of two heard March 28 at an information-only meeting of the House Civil Law and Judiciary Policy and Finance committees.



PHOTO BY ANDREW VONBANK

Judge Jeffrey Thompson, right, and Judge Teresa Warner, left, testify March 28 before a joint meeting of the House Judiciary Policy and Finance and Civil Law committees during an informational hearing on a pair of bills that would modify mandatory retirement age for judges and eliminate the incumbency designation on the ballot for judicial offices.

In addition to the non-incumbent designation for judges, HF1474, sponsored by Rep. Diane Anderson (R-Eagan), would, in part, create judicial election districts where judges could only be elected by residents of the county where the judge chambers. Judges in Hennepin and Ramsey counties would be assigned judicial precincts where the same rules would apply.

Among the arguments put forth by supporters of the incumbency change is that the current system makes it seem as though the incumbent is more entitled to an office than a challenger, and it would better hold judges accountable.

"If we have a system where legislators aren't recognized as incumbents, I don't see a good reason why the incumbency designation should be made for the judges," said Chris Kumpula, an Elk River resident.

Jeffrey Thompson, a district court judge in Winona and assistant chief judge of the 3rd Judicial District, said Minnesota is unique in its incumbency designation. "This current system has worked well, well enough for a human system, for the past 63 years and we don't think it should be changed."

Current law requires a judge to retire the last day of the month that he or she turns age 70. Under the proposals, the mandatory retirement time would become Dec. 31 of the next even-numbered calendar year after the judge turns 70.

Instead of having the governor appoint a replacement, supporters say voters would be able to decide who should best fill the forthcoming vacancy through an election.

Sen. Scott Newman (R-Hutchinson) sponsors both companion bills. A companion to Shimanski's bill, SF627, awaits action by the Senate Judiciary and Public Safety Committee. SF1508, the companion to Anderson's bill, awaits action by the Senate Local Government and Elections Committee.

— M. COOK

Going after gas drive-offs

As gas prices continue to trend upward, so does the number of people filling up at the pump and then fleeing.

House approval was given March 22 to a bill sponsored by Rep. Chris Swedzinski (R-Ghent) that would help small businesses streamline the process of collecting money from motor fuel drive-offs.

Following the 128-0 vote, HF2333 now awaits action on the Senate floor. Sen. Scott Newman (R-Hutchinson) is the Senate sponsor.

The bill would allow a trade association acting on behalf of member organizations and retailers to serve notice and collect payments within current collection statutes.

The Minnesota Petroleum Marketers Association, which represents many of the

mom-and-pop or smaller convenience stores across the state, brought forth the proposal.

Swedzinski said the bill would also help local law enforcement by allowing the trade association to do an inference as to whether the person driving off meant to steal the fuel.

Oftentimes before a station allows fuel to be dispensed, an employee will write down a vehicle description and license number.

"At the end of the transaction if that person happens to drive off, they either contact local police at that current time, or they go ahead and contact the trade association to indeed figure out the address, name, phone number of that individual that stole it," Swedzinski said.

Under the bill, the trade association, for a fee, would be able to contact the individual in certain circumstances and give them 30 days to reply and hopefully collect payment and give the money to the retailer.

— M. Cook

Enhanced penalty addition

Within the state's domestic-violence statutes is a list of offenses that qualify a person for an enhanced offense, potentially leading to a harsher sentence.

Sponsored by Rep. Steve Simon (DFL-St. Louis Park), HF2149 would add to that list the crime of female genital mutilation against a family or household member.

"Fortunately, it's rare, but it does occur," Simon said.

Passed 130-0 by the House March 28, it awaits action by the Senate Rules and Administration Committee. Sen. Ron Latz (DFL-St. Louis Park) is the Senate sponsor.

The bill is based on a July 2011 case in Hopkins where a man held his wife against a wall by her chest and neck during an argument and then threw her to the floor.

Following the man's arrest, the city's prosecuting attorney reviewed the man's criminal history to see if he had been previously convicted of a qualified domestic violence-related offense that would have allowed the case to start as a gross misdemeanor, rather than a misdemeanor.

Current qualified domestic violence-related offenses include: murder; violating an order for protection, harassment restraining order or no-contact order; stalking; domestic assault; or criminal sexual conduct. None of these was in the man's past, but he had been convicted of female genital mutilation in 2000, for which he was on probation until 2001.

— M. Cook

Synthetic drug deterrence approved

It isn't easy for law enforcement to keep up with the changing compounds of synthetic drugs, but legislators are again trying to help.

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

"This bill will help keep synthetic drugs — also called designer drugs — out of Minnesota storefronts and off of Minnesota streets by making it more difficult to sell them," Barrett said. "The goal of this legislation is to help stop this emerging problem before it becomes a larger health crisis like so many other illegal drugs already are, including methamphetamines."

Approved 120-11 March 28 by the House, it now awaits action by the Senate Rules and Administration Committee. Sen. Scott Newman (R-Hutchinson) is the Senate sponsor.

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; made it a gross misdemeanor to sell synthetic marijuana; and make possession a misdemeanor.

While the law had a positive effect in the war on drugs, not all shops are in compliance, instead willing to pay the small fine for a misdemeanor in order to keep doing business. 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.

"Maybe this will get the message across the state that we don't want one more death in Minnesota as a result of these dangerous drugs," Barrett said.

Rep. Joe Mullery (DFL-Mpls) noted that synthetic drugs can be far more dangerous than the actual product.

"While synthetic cannabinoids may seem similar to marijuana, they are nothing like marijuana," Barrett said. "They are 10 to 100 times more powerful. ... These are harsh drugs."

— M. Cook

Tougher vulnerable adult penalties

People who willingly neglect a vulnerable adult could face a more serious criminal

charge. So could those who mistreat a child.

Sponsored by Rep. Steve Gottwalt (R-St. Cloud) and Sen. Warren Limmer (R-Maple Grove), HF1945/SF1586* would create a new felony crime for intentional deprivation of a vulnerable adult, such as with food, clothing, shelter or health care, when the caregiver "is reasonably able to make the necessary provisions."

"Many cases have come to our attention ... detailing some of the instances where people have been literally left to rot in their own filth, horrible stories of abuse of vulnerable adults, and up until now we've only been able to charge these people with gross misdemeanors," Gottwalt said.

The bill was successfully amended on the House floor March 27 by Rep. Jeanne Poppe (DFL-Austin) to add HF2220, which would reduce the level of harm required for a felony offense for child mistreatment by replacing "substantial bodily harm" in statute with "demonstrable bodily harm."

As amended, the bill was passed 128-4. The Senate, which passed the initial bill 64-0 March 19, did not concur with the amended bill. A conference committee is expected to work out the differences.

Gottwalt said the bill is a bipartisan collaboration of many interested parties, including the provider community, law enforcement and prosecutors.

The bill provides for three affirmative defenses:

- the person employed by a facility is unable to "reasonably make the necessary provisions due to inadequate staffing levels, inadequate supervision, or institutional policies";
- the defendant operates or manages a facility and did not knowingly or intentionally permit an employee to permit the criminal act; and
- where the caregiver "was acting reasonably and necessarily to provide care to another identified vulnerable adult."

The Poppe-sponsored bill, which stalled in the House Public Safety and Crime Prevention Policy and Finance Committee, is based on a 2011 Mower County case where a 5-year-old child was chained to the slats of his crib every evening. The parents could only be charged with a gross misdemeanor.

Because there wasn't substantial bodily harm, only demonstrable bodily harm — any harm that can be observed by another person — could be used in the charging.

"This young boy had bruising, swelling and even a rust stain on his leg," Poppe said.

“What he didn’t have was a broken bone. He did have demonstrable bodily harm; he did not have substantial harm.”

— M. COOK

Recreation & Tourism

Tourism council may expand

Twelve new members could be added to a state council charged with improving the state’s tourism and travel industries.

Rep. Larry Howes (R-Walker) sponsors HF1629 that would expand the Explore Minnesota Tourism Council from 28 members to 40. Council members are not compensated and there would be no cost to the state.

The House passed the bill 112-19 March 27. It now goes to the Senate, where Sen. Chuck Wiger (DFL-Maplewood) is the sponsor.

Under the provisions, the 12 new members would be representatives of “natural resources, history, the arts, transportation, health, tourism, and related areas from public or private organizations and businesses.”

John Edman, director of Explore Minnesota Tourism, said at a March 7 committee hearing that the change would enable the council to provide more advice and consultation.

— N. BUSSE

State Government

Not a revisor’s bill, but a revisor’s bill

Sometimes bills are signed into law where it’s later determined that a substantial correction needs to be made, due to an inadvertent error in drafting.

The House Rules and Legislative Administration Committee approved a bill March 26 that could be termed a “just-in-case-it’s-needed” bill that would deal with that situation.

Sponsored by Rep. Tim Kelly (R-Red Wing) and Sen. Warren Limmer (R-Maple Grove), HF1702/SF1420* awaits action by the full House. The Senate passed the bill last session.

Deputy Revisor Paul Marinac gave the committee a quick tutorial about the process of making major corrections to laws enacted during the biennium.

This bill is only a placeholder and will wait on the House floor just in case corrections are

ON SO MANY LEVELS



PHOTO BY ANDREW VONBANK

A view of a busy cantilever stairway from above on March 26.

needed, Marinac said.

“There is a very detailed process that a correction needs to move through,” before the bill sponsors, Kelly and Limmer, would consider having corrections addressed, Marinac said. He’s not talking about simple grammatical errors or wrong statute references; this bill is in place to deal with such things as adding an effective date.

If errors are found in a bill that need to

be fixed, both House and Senate sponsors must sign off on the changes, as well as the chairs of both policy committees that the bill was reported out of and all the conference committee members, if the bill went through the conference committee process.

“Those signatures give the authors some assurance that the corrections are needed and reasonable,” Marinac said.

While commonly called the revisor’s bill,

Kelly's bill should not be confused with the revisor's bill, he said.

That bill, HF2770, sponsored by Rep. Doug Wardlow (R-Eagan) and approved by the House Civil Law Committee, would allow the revisor to make non-substantive changes to the statutes, if needed.

— L. SCHUTZ

'Flattening' state bureaucracy

As part of last year's government reform efforts, the Department of Administration has assembled a master list of contractors that state agencies can call on to help find efficiencies in things like building efficiency, tax collection and vehicle fleet management. One more category could soon be added.

Rep. Mike Benson (R-Rochester) sponsors HF1813 that would allow agencies to contract with private vendors to look for efficiencies in their management structure. It would require the department to provide a list of contractors who are eligible to perform those services.

The House passed the bill 81-50 on March 28. It now goes to the Senate, where Sen. Carla Nelson (R-Rochester) is the sponsor.

Benson said at a Feb. 24 committee hearing that the bill would give agencies a tool to "flatten" their internal management structure to eliminate layers of bureaucracy. The language of the bill is permissive, and would not require agencies to utilize the services. The department would be required to report back to the Legislature next year.

House Minority Leader Paul Thissen (DFL-Mpls) and Rep. Mark Buesgens (R-Savage) questioned whether the legislation was necessary. Thissen said the bill would merely be "telling the agency that it could do something that it could already do today."

— N. BUSSE

Contingency planning vetoed

**Vetoed
by
the
governor**

Gov. Mark Dayton vetoed a bill that would have required all state agencies that receive money from the federal government to plan for the possibility of "dramatically reduced or eliminated" federal payments.

Sponsored by Rep. Keith Downey (R-Edina) and Sen. Ted Daley (R-Eagan), the bill would have asked agencies to analyze the risks and recommend strategies to mitigate the impact of such a potential loss of federal funds. Downey and supporters said it was intended as a good government measure in light of the ballooning national debt.

EATING DISORDER'S TAX CREDIT



PHOTO BY PAUL BATTAGLIA

Kitty Westin, president of the Emily Program Foundation, holds a photo of her daughter, Emily, who died from an eating disorder, as she speaks March 27 to the House Taxes Committee in support of a bill that would give tax credits and exemptions to hospitals and health care providers for eating disorder treatment. The bill's sponsor, Rep. Tara Mack, right, listens to the testimony

In his veto letter, Dayton said the type of analysis the bill proposes would be of "dubious value." He also implied that the bill's supporters have ulterior motives.

"This bill perpetuates one of the majority party's current political stratagems: to raise doubts about the reliability of government," Dayton wrote. He also took time in his veto message to blame former President George W. Bush's tax cuts for creating the lion's share of the federal government's debt problem.

HF545*/SF1600/CH140

— N. BUSSE

Taxes

Missed deadlines mean LGA losses

Pat Lawson is the city clerk for the west central community of Hoffman, with a population of 672. As a penalty for missing the Office of the State Auditor's deadline for submitting financial paperwork, the town lost \$69,812 in 2011 local government aid.

There are 44 other towns in a similar

situation. And officials were before the House Property and Local Tax Division March 28, with explanations on why their paperwork wasn't in on time.

Beginning in 1983, the law has required cities to meet state auditor uniform financial accounting and reporting standard in order to receive their LGA payments, which are distributed twice a year. Due to missing the reporting deadlines, in 2011, a record 45 cities did not receive their payment in July and 19 in December. The record continues with 18 cities having multiple infractions and permanently losing all or part of their aid.

Rep. Chris Swedzinski (R-Ghent) sponsors HF2786 that would give certain communities one more chance to comply with the reporting requirement. The bill would provide LGA payments to any city that had its 2011 local government aid payment withheld due to noncompliance by May 31, 2012.

Lawson's explanation of a series of miscommunications, staff and council turnover, lack of understanding of state requirements and technology failure were

common among the officials offering testimony.

"The impact of not getting our LGA is more devastating than you know," she said. "We will have to cut from the fire department, ambulance, streets and economic development. We have cut maintenance, and my position is only part-time. They already depend on us to volunteer a lot of our time to make ends meet."

"This may be the tip of the iceberg," said Rep. Paul Marquart (DFL-Dilworth). Like Lawson, many cities have part-time staff, he said. "I do think the lack of knowledge on state requirements is a legitimate one."

Chairwoman Rep. Linda Runbeck (R-Circle Pines) suggested the division make decisions on each of the delinquent cities individually. Swedzinski, however, agreed with Marquart that all the cities be offered the opportunity to meet a new deadline. The bill was approved and moved to the House Taxes Committee.

A companion, SF2583 sponsored by Sen. Sen. Bill Ingebrigtsen (R-Alexandria), awaits action by the Senate Local Government and Elections Committee.

— L. SCHUTZ

Tax exemption for coin collectors

Collectors view coins and precious metal bullion as an investment, but the state categorizes these items as tangible personal property and their purchase is subject to sales tax.

Commonly known as the "bullion bill," HF1107, sponsored by Rep. Mary Kiffmeyer (R-Big Lake), would provide a partial sales tax exemption on any single transaction by an individual in excess of \$1,000 on these commodities. The House Taxes Committee laid the bill over for possible inclusion in an omnibus bill. Its companion, SF1944, sponsored by Sen. Chris Gerlach (R-Apple Valley), awaits action by the Senate Taxes Committee.

"This bill will create businesses and jobs for Minnesota," said Gary Adkins, from Burnsville, who buys and sells coins. He said the bill could bring coin conventions to Minnesota, and create new coin-related businesses. This, in turn, would create new revenue sources from income taxes and sales taxes.

He referenced a southern Minnesota coin club that held its convention in Iowa because coin transactions are tax exempt. "That is a sad, sad note that we have to go to the state of Iowa to do business," he said.

An analysis by the Revenue Department shows the bill would reduce revenue to the General Fund by \$870,000 in fiscal year 2013 and \$1.1 million in fiscal year 2014.

Rep. Jim Davnie (DFL-Mpls) said the bill singles out an exemption only for these collectors, while other collectors are subject to sales tax.

According to the revenue analysis, the averaged 2009 and 2010 total sales tax remitted by Minnesota coin, bullion and collectibles dealers was \$682,000. It was noted that these items are subject to price changes as determined by the markets.

— L. SCHUTZ

Transportation

Omnibus policy bill to floor

Speed limit violations, online driver's education training and dollars for organ donation are part of a proposed omnibus transportation policy bill.

Sponsored by Rep. Mike Beard (R-Shakopee), HF1284 is mostly what was proposed in last session's omnibus bill that was awaiting floor action when session concluded.

Approved March 29 by the House Ways and Means Committee, the bill awaits action on the House floor.

Potentially the most controversial part would prohibit speed limit violations of up to 10 mph over the limit in 55 mph and 60 mph zones from going on a driver's record. Currently, a ticket does not appear on someone's driving record if the person was driving up to 10 mph over the speed limit in a 55 mph zone, or 5 mph over the limit in a 60 mph zone.

Sponsored by Rep. Dean Urdahl (R-Grove City), a standalone bill for this (HF537) was passed 111-20 by the House last session, but tabled in the Senate.

Other provisions in the bill include:

- allowing a person under age 18 to complete the classroom/theory portion of driver's education online through a program approved by the Department of Public Safety;
- preventing prohibition of electronic-assisted bicycles on any state trail where bikes are allowed, unless there is a safety issue;
- allowing payment of driver's license and identification card fees by credit or debit card, and authorizing driver's license

agents to impose a convenience fee;

- designating part of Interstate 35 in Rice County as the "Deputy John W. Liebenstein Memorial Highway," and designating a pedestrian bridge over Highway 14 in Rochester as the "Arianna Celeste Macnamara Memorial Bridge";
- expanding the authority for buses to operate on freeway or expressway shoulders so that counties and towns having jurisdiction over the road can authorize the buses; and
- requiring the Driver and Vehicle Services Division of the Department of Public Safety to include a mechanism for vehicle owners to donate \$2 for organ donation educational programs as part of an in-person payment of vehicle registration taxes.

A companion, SF1072, sponsored by Sen. Joe Gimse (R-Willmar), awaits action on the Senate floor.

— M. COOK

Transit governance could change

In recent years, there has been discussion about transit oversight in the Twin Cities metropolitan area when it comes representation and equality.

Rep. Mike Beard (R-Shakopee) has developed a plan to make some broad-based changes.

A bill he had drafted, but not introduced, was heard March 26 by the House Transportation Policy and Finance Committee. No action was taken, but Beard hopes the dialogue leads to greater discussion during the interim and into the 2013 session.

The bill, in part, would create a Regional Transportation Governance Board for transportation planning, policymaking and fiscal administration purposes, while a Metro Transit Commission would be created to oversee Metro Transit operations. The Metropolitan Council currently has powers in both areas.

Beard noted that a January 2011 report by the Office of the Legislative Auditor indicated transit would better be served in the Twin Cities metropolitan area if the regional planning and oversight were separate from the day-to-day transit operations.

"There had become almost an attitude of mistrust, or at least suspicion, to put a kinder word on it, between those who were actually trying to move people and paying for it, and those who were actually managing the day-to-day operations of the largest component, Metropolitan Transit."

Board members would be elected officials from the respective counties, along with a few citizens at-large to meet federal requirements for a metropolitan planning organization. Current council members are appointed by the governor.

“Local officials probably are a little more attune to what is going on in their communities when it comes to public transportation, particularly when it’s juxtaposed against the needs for roads and bridges,” Beard said. “One size does not fit all.”

“This moves us in the right direction because transit needs to be separate from other planning functions,” said Rhonda Sivarajah, chairwoman of the Anoka County Board of Commissioners.

Rep. Frank Hornstein (DFL-Mpls) expressed concern the plan could move away from more governance efficiencies.

“I hope we can move forward on doing something,” he said. “I’m not really sure this idea gets us there.”

— M. Cook

State fair transport concerns

Properties and equipment could become defined as commodities as it relates to extended vehicle combinations on state roads.

Sponsored by Rep. Ron Shimanski (R-Silver Lake), and Sen. Al DeKruif (R-Madison Lake), HF2793*/SF2426 was passed 131-0 by the House March 26 and

64-0 by the Senate March 29. It awaits action by the governor.

Shimanski said the bill is needed because many Minnesota State Fair vendors transport their equipment and property using twin trailers. These trailers are commonly used by shipping companies like Federal Express or UPS.

“The State Fair Board was informed by the State Patrol that the twin trailers do not fall under the definition of commodities, which are authorized to operate in Minnesota,” Shimanski said. “In an effort to preserve the sanctity of the Great Minnesota Get-Together, the State Patrol and the Department of Transportation have drafted this language.”

— M. Cook

HIGHER CALLING



PHOTO BY ANDREW VONBANK

Visitors to the State Capitol ascend the Grand Staircase March 23.

Caring for those who care for others

Omnibus health and human services bill remains a moving target

By SUE HEGARTY

State health care spending hinges on a couple of state and federal rulings, making the omnibus health and human services finance bill, HF2294, a moving target even as it was being discussed on the House floor with a stack of amendments awaiting their fate.

Last week was pivotal for bill sponsors, especially after a Ramsey County District Court judge upheld the state's decision to help balance the state budget last year by paying Minnesotans who are employed as personal care assistants for family members 20 percent less than their non-related counterparts.

The cut was temporarily blocked by the court and the Department of Human Services put off spending the savings, pending the civil lawsuit. Now the bill's sponsor, Rep. Jim Abeler (R-Anoka), says he would like to negotiate less of a reduction.

"I'd like to save that money and make it only a 10 percent reduction, but I don't know that I can because of the threat of an appeal," he said.

Another ruling, this one at the federal level, will decide whether the state receives a federal waiver to pay lower rates for continuing care services, such as group homes and assisted living facilities. A previous Legislature tried to lower rates in 2009, but the cuts were not permitted under the American Recovery and Reinvestment Act of 2009. The state then applied for a waiver, expecting to save \$35 million; but the cuts were delayed one year. Human Services Commissioner Lucinda Jesson went to Washington, D.C. this week seeking to expedite the waiver. If the waiver is not granted by the end of the fiscal year 2012, HF2294 would authorize a 1.67 percent rate cut.

Rulings aside, Abeler called the bill's

"marquee accomplishment of the session" a provision that would relax the corporate adult foster care law regarding Community Alternatives for Disabled Individuals.

Currently, individuals on CADI waivers are limited to living in four-bed housing facilities. The bill would allow them to comprise up to 25 percent of a multi-family complex.

The goal is to encourage more people under age 65 who could live more independently to do so, and at a daily savings up to

\$100 per individual, according to Abeler.

Overall, the omnibus bill assumes a \$301,000 cost in fiscal year 2012, but those costs would be paid for through savings in 2013 by closing more corporate foster care beds.

"What we're doing here ... is pushing dates out to make the fiscal note go away," said Rep. Tina Liebbling (DFL-Rochester) on the House floor March 29. She called it an "accounting trick."

Other 2013 cost provisions would be paid for from nearly \$4 million in federal funds available for programs for families with children.

At press time, the bill was being discussed on the House floor. If passed, it would go to the Senate, where Sen. David Hann (R-Eden Prairie) is the sponsor.

Other housing issues

Another section of the bill aims to protect families living in poor conditions.

HHS continued on page 18



PHOTO BY ANDREW VONBANK

Rep. Jim Abeler presents the omnibus health and human services finance bill March 29 on the House floor.

Landlords of tenants who are Minnesota Family Investment Program recipients with drug offenses are paid directly as vendors, but these payments would stop if the rental property is deemed uninhabitable. The landlord also would be prohibited from evicting the tenant.

In response to more people moving out of corporate foster care and into smaller care facilities, providers have been instructed to close a bed permanently when a person leaves the home. The bill would grant more flexibility in deciding where in the state a bed should close, so that providers can be geographically responsive to where there is the most need.

Rep. Diane Loeffler (DFL-Mpls) successfully amended the bill in the House Health and Human Services Finance Committee so that when the commissioners of health and human services prepare a biennial report to the Legislature regarding long-term care services for the elderly, they must consider a policy to give a person leaving a facility up to 60 days to go back if the more independent living arrangement does not work out.

Children's issues

The Minnesota Visible Child work group would be created to identify and recommend issues that should be addressed in a statewide plan to improve the well-being of children who are or have been homeless. Members would include two state representatives, two senators, and about 12 other community child advocates. A report would be due to the Legislature by Dec. 15, 2012. A list of recommendations would also be submitted to the Children's Cabinet, a new state committee with members from three state agencies.

At the request of Rep. Diane Anderson (R-Eagan), the committee also approved appropriating a one-time \$500,000 for long-term homeless support service grants for low-income families. The funds would

come from the Temporary Assistance for Needy Families fund in 2013.

Teen parents trying to finish high school and who have licensed child care would be granted more absentee days before losing their day care assistance payments. Current law limits absentees from child care to 10 days per child, per year. That would increase to

25 days per child, but no more than 10 consecutive days, unless there is a medical reason for the child's absence. Rep. Nora Slawik (DFL-Maplewood) said easing the law may help teen parents

avoid unintended consequences, such as bringing a sick child to day care to avoid going over the limit or leaving the child in an unsafe place.

A controversial provision stems from HF2080, sponsored by Rep. Kurt Daudt (R-Crown), which would change where Electronic Benefit Transfer cards are used and add stiffer penalties for their misuse.

Card recipients would be restricted to purchases in Minnesota and contiguous states. Those found guilty of purchasing tobacco or alcoholic beverages with the card would be taken off the benefits one year for a first offense, two years for the second offense and permanently after the third offense.

Opponents said the proposed penalties would hurt children of the offenders. They also said not being able to use the card in other states while attending family events, seeking employment and similar types of uses is unfair and criminalizes the poor.

Medical services

When a person is appealing denial of Social Security disability benefits, they may need to obtain copies of their medical records. Medical providers would no longer be allowed to charge a per page fee. Rather,

a flat \$10 fee could be charged. Individuals represented by a volunteer legal aid service would not be charged.

The bill also includes HF2276, sponsored by Rep. Mary Kiffmeyer (R-Big Lake), to require some providers of advanced diagnostic imaging services to be accredited by Aug. 1, 2013, from one of three national accreditation organizations: American College of Radiology, Intersocietal Accreditation Commission or the joint commission. Providers would need to prove annually to the commissioner of health that they are properly accredited.

Hospitals would no longer be required to submit information to the Leapfrog Group, which rates hospitals on patient safety measures. Rep. Joe Schomacker (R-Luverne) successfully offered the amendment. In committee testimony, hospital representatives said the reporting procedures have grown exponentially, resulting in higher administrative costs, and the public has other choices for receiving similar information.

Rep. Tom Huntley (DFL-Duluth) successfully offered an amendment so that

the Department of Health would receive \$563,000 in 2013 to add five licensed home care inspectors to help deplete a backlog of inspections. Funding would

be drawn from the State Government Special Revenue Fund.

Studies

The Department of Health and the University of Minnesota would receive \$200,000 to study the cultural aspects of autism spectrum disorders that are unique to the Somali community in Minnesota. Huntley said research has shown that Somali children in the U.S. and Norway are disproportionately afflicted with unexplained autism.

Another \$79,000 would be used by the Health Department to study whether to allow for-profit health maintenance organizations to operate in Minnesota. 🐼



"I'd like to save that money and make it only a 10 percent reduction, but I don't know that I can because of the threat of an appeal."

— Rep. Jim Abeler
R-Anoka



"What we're doing here ... is pushing dates out to make the fiscal note go away."

— Rep. Tina Liebling
DFL-Rochester

A distinctive voice departs

A staunch conservative, Buesgens was more principled than partisan

By Nick Busse

Rep. Mark Buesgens (R-Savage) says he wouldn't change a thing about his 14 years of service in the House of Representatives. All the same, he plans to step down after finishing out his current term. His reasons are personal.

"It's time, that's all. Nothing more deep or philosophical," Buesgens said.

His exit will mark the departure of one of the Legislature's most conspicuous and unique conservative voices. His floor speeches are frequent and prodigious, and his eagerness to express his opinions is matched by a devotion to principle that occasionally

puts him at odds even with his own party.

"More often than not, the Republican party agrees with the way I see the world. But when we disagree, I believe I owe it to my constituents to behave in the way I said I was going to," he said.

A teacher and school administrator, Buesgens arrived at the House in 1999 seeking to provide a conservative voice in K-12 education policy debates. He got his wish, eventually chairing the House Education Policy and Reform Committee, but his work in the House reached far beyond education.

Buesgens spent his seven terms in the House working to protect, in his words, his constituents' "liberty" and their "ability to live their life as they choose." Every vote he's taken as a legislator has been to those ends. But his personal brand of conservatism is rooted in deeply held personal beliefs more than partisanship. He said he has always tried to show respect for his colleagues on both sides of the aisle.

"I hope I've treated people with kindness and respect, and for the most part kept the differences of opinion to policy and not personality," he said. "That's been very important to me."

The first bill he sponsored that became law allowed parents to civilly commit their 16-to-18-year-old children to chemical dependency treatment programs. Prior to that law, Buesgens said the

teenagers essentially had "veto power" over their parents.

"I had a constituent who was living that, and couldn't get their son help because their son didn't want help," he said.

Buesgens said the legislation he's most proud of expanded the ability for K-12 students to access online learning options. The law was sponsored in the House by Buesgens, in the Senate by a DFLer and signed by Gov. Jesse Ventura, resulting in what Buesgens calls a "tripartisan" success.

Buesgens dismisses the notion, often repeated by lawmakers, that the Legislature has grown more partisan over the years.

"It was partisan when I came here 14 years ago, it's as partisan now," Buesgens said. "I don't think I've seen a lot of changes, and that's the system I think the founders developed is one where change happens very, very slowly, and that's a good thing. It really is," he said.

Asked what advice he would give to those lawmakers who come after him, Buesgens said to study history and learn from the past. He recounts a quote widely attributed to Isaac Newton: "If I have seen further, it is by standing on the shoulders of giants."

"In other words, if you've got some idea of advancing the state, don't believe you've been endowed by God with some new gift or insight. It's your job to learn from what's happened before to take us to the next step. ... Put your ego aside and learn from others," he said.

Buesgens, a husband and father of four, said he isn't sure what comes next for him and his family. He knows only that he's happy to have had the opportunity to serve as a small piece in the great puzzle of the Minnesota Legislature.

"It's still incredibly awe-inspiring to have been one of nine children of a very blue-collar family from small town Jordan, to have served in this honored institution. It's incredible, and yet I'm still a small speck in the grand scheme of things, and I realize that now more than ever," he said. 🐼



PHOTO BY PAUL BATTAGLIA

Rep. Mark Buesgens has spent 14 years in the House of Representatives, but his is not seeking re-election. He's a staunch supporter of letting people "live their life as they choose."

Breakfasts with Bobby to continue

Champion hopes to inform constituents over a cup of 'Joe'

By SUE HEGARTY

While other candidates hold rallies and black-tie fundraisers, Rep. Bobby Joe Champion's (DFL-Mpls) secret to getting elected to his North Minneapolis House seat four years ago was through his constituents' stomachs.

Eggs, sausage, bacon and grits were the secret ingredients to gaining delegates for his first run for public office.

"I called them 'Breakfast with Bobby.' I would easily get 100 people to show up," he said.

He explained the election process for those who came, helping them to understand why and how they should get involved.

"I would say a caucus is just you and your neighbors getting together and deciding who is going to represent you. People call it caucus, but that's all it is," he said.

It worked so well, he's planning on doing it again as a candidate for the Senate seat currently held by Sen. Linda Higgins (DFL-Mpls), who is not seeking re-election.

He hopes the process is a little easier this time.

When he ran for the House in 2008, Champion received the party's endorsement, but he had a major issue to overcome: the DFL incumbent continued to run against him.

"The caucus did not like me because I was running against an incumbent," Champion said.

However, his wife, Angela, supported his decision to run, as did U.S. Rep. Keith Ellison, whose campaign Champion had helped.

While many gave him the cold shoulder at the state convention, one House member embraced his desire to serve the North Side.

"There was only one person, which is why I respect her to this very day, who opened her arms and gave me a hug on that day — (Rep.) Mindy Greiling. She saw my humanity, not as a person running for office, but as a human being who was being rejected."

Throughout his legislative career, Champion has fought to ensure that everyone gets a chance to succeed.

He's proud of

sponsoring the Disadvantaged Business Enterprise law, which certifies a business and enables it to bid for federal-aid highway, mass transit and transportation research and technology projects.

"If we don't want people on safety net programs, then we have to give them an opportunity by which to contract and be employed," he said.

That led to the Targeted Group Business Program legislation that would provide incentives to buyers who purchase from a business owned by women, minority groups or persons with disabilities. The bill awaits House action.

He also sponsors a bill awaiting floor action that would require convicted felons to be notified when their right to vote is restored, a problem he noticed firsthand. While door knocking in his district, there were constituents who did not know that their right to vote had been restored. An attorney, Champion said people are told in court that their voting rights are temporarily stopped, but when their probation ends they do not receive a notice that their right to vote has been restored.

"Some people have been off probation 10 or 20 years and don't know," he said.

As a candidate for Senate, he seeks to represent North Minneapolis, portions of the downtown district and a sliver of the Bryn Mawr neighborhood to the west. He finds the diversity of the district rewarding.

"I think it's important for us to engage communities in a way so that we expand their intellectual capacity around the issues, so that we can better represent them," he said.

For example, after he was elected to the House, he brought House Chief Fiscal Analyst Bill Marx to a community meeting to explain the Legislature's responsibilities.

"They light up. They become so much more engaged — and now you can all critically analyze issues that affect their quality of life," said Champion.



PHOTO BY ANDREW VONBANK

Rep. Bobby Joe Champion to seek Senate seat in a newly defined district.

First and last term

After two years in St. Paul, Mazorol plans to rejoin the private sector

By ERIN SCHMIDTKE

Rep. Pat Mazorol (R-Bloomington) is seeing his responsibilities pile up, and not just in the House. That's why he's stepping down after one term as a state representative.

After spending his working years in the private sector, Mazorol will be returning to business as senior vice president of university relations at Bethel University. Following a six-year stint as a trustee for the school, he started the job at the same time he began his first year as a legislator. Mazorol has juggled the duties of both ever since.

"Over the last couple of years since I've come here, those responsibilities have increased significantly and I just feel I need to give more attention to those," Mazorol said.

As a member of Wooddale Church in Eden Prairie for over 25 years, Mazorol is seeing yet another of his roles continue to grow. The senior pastor of the church recently retired, and as chairman of the board,

Mazorol must ensure that a replacement smoothly transitions into the job at the 11,000-member church.

"If I were to stay in the Legislature, I would want to make sure I was giving my full service here. I just don't feel that I can do all three," he said.

During his time in the House, Mazorol has kept busy with the subjects he knows best: business and law. As a financial executive for over 20 years and an attorney for 12, Mazorol sits as vice chairman for the House Judiciary Policy and Finance Committee, alongside the committee's chairman, Rep. Ron Shimanski (R-Silver Lake).

"I do appreciate the knowledge and maturity he has brought to the Legislature, being willing to participate and share his concerns with us in the House of Representatives. We will miss Pat," said Shimanski.

Mazorol has sponsored several bills

he hopes will bring economic growth to Minnesota. A bill he brought forth last session creates tax exemptions for data centers, which typically process information for larger companies. Mazorol says the bill becoming law earlier this session was one of his greatest accomplishments.

"That, I think, particularly made Minnesota far more attractive in terms of job growth. And there were some businesses that were waiting to come to Minnesota," Mazorol said.

Though Mazorol experienced success with that bill, he has also experienced disappointment as a lawmaker. He sponsored two bills this session that would have reformed interest payments and attorneys' fees in lawsuits. Both were vetoed by the governor.

Before he completes his term, Mazorol wants to see success of the omnibus tax bill, which the House passed earlier in March. He contributed a piece to that bill, which would allow growing biotechnology companies to sell net operating loss credits. Mazorol says that by selling those credits, those companies can continue to expand and create jobs in Minnesota. The companion bill awaits action by the Senate.

This biennium is Mazorol's first and last in the Legislature, but he is not new to the difficulties of politics. He ran in his first election in 1982, opposing Mike Freeman, who is now the Hennepin County attorney. The two differed on viewpoints but became friends during the election.

"It might be a little unusual, but I think it was a matter of mutual respect," Mazorol said.

Forming relationships with other lawmakers is the most important lesson Mazorol has learned as a representative. That's a piece of advice he wants to pass along to his successor.

"This isn't done lightly by anyone here. I have great respect for anyone who has gone through the process and spent some time here," he said. 🍷



PHOTO BY ANDREW VONBANK

During his term in the House, Rep. Pat Mazorol sponsored several bills targeted toward economic growth.

'Stepping up' to Senate race

Westrom hopes to continue renewable energy advocacy in different chamber

By Bob Geiger

After eight terms in the House, Rep. Torrey Westrom (R-Elbow Lake) is stepping down to run for a Senate seat in a much larger, newly redrawn Senate district. In fact, "stepping down" might not be the right way to put it.

"I've been saying I'm stepping up to the Senate," Westrom said.

Westrom's current House district covers 1,585 square miles in less than three counties. The Senate district he's running for contains more than three times that area — 4,834 square miles in west-central Minnesota.

Redistricting created a new Senate district that includes all or parts of eight counties currently represented by Rep. Paul Anderson (R-Starbuck), Sen. Joe Gimse (R-Willmar), Sen. Bill Ingebretsen (R-Alexandria) and Sen. Keith Langseth (DFL-Glyndon).

The sprawling Senate district poses a challenge for Westrom's wife, friends and volunteers who drive him to campaign meetings or to the Capitol. That's because Westrom is the state's first blind legislator.

Westrom said he owes a debt of gratitude to former House Speaker Steve Sviggum, who

was minority leader in the DFL-dominated House when he started his first term in 1997. He also thanked House Speaker Kurt Zellers (R-Maple Grove) for naming Westrom speaker pro tempore, making him the first blind person in state history to serve in that capacity.

Much has changed for Westrom since he was elected as a single 23-year-old. Since then, he married his wife, Anna, and the couple now has three children — twin 6-year-old daughters Madelyn and Whitney, and 2-year-old son Carter.

A graduate of William Mitchell College of Law in St. Paul, Westrom said the House has "become more citizen-friendly and family-friendly" during his time in office.

Westrom was first elected in 1996, when Republicans were in the minority and lawmakers were more collegial than today. However, there is now "less getting together as colleagues," he said, because of the increasingly partisan nature of politics. He believes not discussing each others' concepts is unfortunate because it limits trading ideas with other lawmakers.

"Once you get to know somebody during a (House) floor fight, you know where they're coming from," Westrom said. Ultimately, that understanding is beneficial because areas of common interest emerge.

"There's always a similar issue that you can help with," he said, adding that burning political bridges can harm future efforts.

A wind turbine in Westrom's office hints at what he deems his most

significant House accomplishment. That was a 2003 law that increased the number of fuel casks containing spent nuclear fuel adjacent to Xcel Energy's Prairie Island plant, and provided a road map for renewable energy investment.

Westrom encouraged executives of Xcel Energy to meet with members of the neighboring Prairie Island Indian community to consider increasing the number of fuel casks and boosting Xcel's commitment to renewable energy at the same time. The resulting law was enacted four years before former Gov. Tim Pawlenty signed a 2007 law requiring Minnesota utilities to generate 25 percent of their electricity from renewable sources by 2025. Westrom's bill also required Xcel to contribute \$16 million annually to a Renewable Development Account.

The largest city in Westrom's House district, located along Minnesota's wind-rich border with North Dakota and South Dakota, is Morris, a city of 5,286 people that is home of the University of Minnesota-Morris. There, renewable energy provides at least 70 percent of the campus's electric needs. On-campus projects include two wind turbines capable of generating up to 3.3 megawatts, a biomass gasification research facility and a solar array.

Westrom characterized the wind turbines as "freedom towers." While support of renewable energy among Republicans has decreased since the 2010 GOP landslide, Westrom remains a centrist on energy policy; believing that a diversified portfolio of conventional and renewable energy creates jobs. He characterized himself as a "huge supporter" of renewable energy, including 2001 legislation he sponsored to mandate a 5 percent biodiesel fuel blend for vehicles used by the state.

Westrom's advice to his successor? "Ninety percent of what we do isn't as controversial as what you read about in the newspapers," he said. 🗽



PHOTO BY ANDREW VONBANK

Many things have changed in Rep. Torrey Westrom's life since he was first elected in 1996. He is hoping for more change as he seeks a Senate seat.

BILL INTRODUCTIONS

MARCH 26 - 29, 2012

HOUSE FILES 2962 - 2982

Monday, March 26

HF2962-Scott (R)

Civil Law

Marriage dissolution grounds modified and two-year waiting period required in instances of contested dissolutions involving minor children.

HF2963-Franson (R)

Commerce & Regulatory Reform

Employers prohibited from requiring social network passwords as a condition of employment.

HF2964-Franson (R)

Education Finance

Union dues and fair share fee deductions from early childhood scholarships prohibited.

HF2965-Lesch (DFL)

Government Operations & Elections

Publicly owned stadiums and sports facilities serving a professional sports franchise market rate rent required.

HF2966-Anderson, S. (R)

Environment, Energy & Natural Resources Policy & Finance

Disabled veterans' free deer license made permanent.

HF2967-Holberg (R)

Ways & Means

Equalizing factors and threshold rates updated to reflect the changed adjusted net tax capacity tax base, and education and human services appropriations updated for changes reflected in the February forecast.

Tuesday, March 27

HF2968-Hackbarth (R)

Environment, Energy & Natural Resources Policy & Finance

Electric fish barriers to address Asian carp threat funding provided; bonds issued and money appropriated.

HF2969-Lesch (DFL)

State Government Finance

Among veterans commemorative statue funding provided; bonds issued and money appropriated.

HF2970-Hamilton (R)

Agriculture & Rural Development Policy & Finance

4-H and Future Farmers of America foundations established and money appropriated.

HF2971-Davids (R)

Taxes

Bond allocation carryforward rules modified.

HF2972-Kahn (DFL)

Government Operations & Elections

Legislative meetings required to be open to the public; model legislation lobbyists and principals, and scholarship fund principals and public officials requirements added; public campaign fund established; political contribution refund amount increased; and money appropriated.

Wednesday, March 28

HF2973-Beard (R)

Transportation Policy & Finance

Trunk highway better public land and buildings acquisition spending authorized; funding provided; bonds issued and money appropriated.

HF2974-Dean (R)

Health & Human Services Reform

Health care and health care coverage freedom to choose preserved and constitutional amendment proposed.

HF2975-Carlson (DFL)

Transportation Policy & Finance

Motor vehicle title transfer-on-death provided.

HF2976-Swedzinski (R)

State Government Finance

Tracy; wastewater treatment improvements funding provided; bonds issued and money appropriated.

HF2977-Hansen (DFL)

Environment, Energy & Natural Resources Policy & Finance

Aquaculture license violations administrative authority established; civil penalties, fees and surcharges increased and established; aquatic invasive species prevention program established; portable boat lifts and docks licensing required; criminal penalties provided and money appropriated.

HF2978-Paymar (DFL)

Health & Human Services Reform

Health care interpreter spoken language roster modified.

HF2979-Erickson (R)

Public Safety & Crime Prevention Policy & Finance

Tribal-state compact compliance required.

Thursday, March 29

HF2980-Mack (R)

Health & Human Services Reform

Maternal depression public education and prevalence reduction plan development required, and commissioners of human services and health required to provide technical assistance related to maternal depression screening and referrals.

HF2981-Quam (R)

Higher Education Policy & Finance

Unemployment compensation; non-covered employment definition modified.

HF2982-Lesch (DFL)

Commerce & Regulatory Reform

Employers prohibited from requesting or requiring social network user names.

Frequently called numbers

Area code 651

House Public Information Services

175 State Office Building 296-2146
Toll-free..... 800-657-3550

Chief Clerk of the House

211 Capitol 296-2314

House Index

211 Capitol 296-6646
Meeting Call Line, House..... 296-9283

House Sergeant-at-Arms

190 State Office Building 296-4860

House Research

600 State Office Building 296-6753

Senate Information

231 Capitol 296-0504
Toll-free..... 888-234-1112

Secretary of the Senate

231 Capitol 296-2344
Voice mail/order bills..... 296-2343

Senate Index

110 Capitol 296-2887

Senate Sergeant-at-Arms

G-1 Capitol/Chamber 296-1119/296-7159

Senate Counsel, Research and Fiscal Analysis

G-17 Capitol..... 296-4791

Legislative Reference Library

645 State Office Building 296-8338

Governor's Office

130 Capitol 201-3400

Attorney General's Office

102 Capitol 296-6196

Secretary of State's Office

Election Center

180 State Office Building 215-1440

Toll-free..... 877-600-8683

Business Services

60 Empire Dr., Suite 100

St. Paul 55103..... 296-2803

Toll-free..... 877-551-6767

State Auditor

525 Park St., Suite 500

St. Paul 55103..... 296-2551

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

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

Session Weekly

Director

Barry LaGrave

Editor/Assistant Director

Lee Ann Schutz

Assistant Editor

Mike Cook

Art & Production Coordinator

Paul Battaglia

Writers

Nick Busse, Bob Geiger, Susan Hegarty,
Erin Schmidtke

Chief Photographer

Paul Battaglia

Photographer

Andrew VonBank

Staff Assistants

Christy Novak, Samantha Langenbach

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

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

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

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

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

MINNESOTA INDEX

Jobs, Jobs, Jobs

Minnesota's seasonally adjusted unemployment rate, as percent, in February 2012	5.7
Percent in January 2012	5.6
Percent in February 2011	6.7
Adjusted unemployment rate nationally, as percent, in January and February 2012	8.3
Percent in February 2011	9
State, national unemployment rates in 2010	7.3, 9.7
In 2008	5.4, 5.8
Jobs gained in Minnesota between February 2011 and February 2012	27,900
Percent increase	1.1
Percent increase nationally	1.6
Estimated number of new jobs between February 2011 and February 2012	
in professional and business services	14,220
Jobs in environment and health services	10,980
Jobs in manufacturing	6,430
Jobs in construction	3,730
Estimated number of job losses between February 2011 and February 2012	
in leisure and hospitality	10,180
Job losses in government	5,510
Estimated number of jobs added by private firms in the state between February 2011 and February 2012	33,420
Growth rate, as a percent	1.5
National growth rate, as percent	2.1
Number of statewide job vacancies in the fourth quarter of 2011	49,890
Of the job vacancies, percent that were in the Twin Cities metropolitan area	59
Number of unemployed workers for each job vacancy statewide	3.2
State's labor force participation rate in 2010, as percent	71.4
Percent in 2007, 2002	72, 75.7
Initial claims for unemployment insurance in Minnesota in 2010	365,626
In 2009	460,333
In 2007	274,311
Number of state WorkForce Centers	49
Number to call to locate a center	1-888-GET-JOBS
Position openings at noon March 27 on www.minnesotaworks.net	46,035
State rank by Business Facilities in 2009 among states with the most educated workers	1

— M. COOK

Sources: Department of Employment and Economic Development, including Local Area Unemployment Statistics, Minnesota Unemployment Benefits Program and www.minnesotaworks.net.